

**2011-2012**

**HOUSE  
GOVERNMENT**

**MINUTES**

**HOUSE COMMITTEE ON GOVERNMENT****2011-2012**

<b><u>MEMBER</u></b>	<b><u>ASSISTANT</u></b>	<b><u>PHONE</u></b>	<b><u>OFFICE</u></b>	<b><u>SEAT</u></b>
BROWN, Larry Co-Chair	Delores Ledford	733-5607	303	26
INGLE, Dan W. Co-Chair	Deborah Holder	733-5905	530	62
BOLES, James L. Vice-Chair	Becky Butler	733-5903	503	49
LANGDON, James H. Vice-Chair	Jackson Stancil	733-5849	417B	29
WARREN, Harry Vice-Chair	Shara Graham	733-5784	74	74
ADAMS, Alma	Sandra Brown	733-5902	604	45
ALEXANDER, Martha	Ann Faust	733-5807	1213	33
BARNHART, Jeff	Joanna Hogg	715-2009	304	18
BORDSEN, Alice	Sylvia Nygard	733-5820	602	81
BRADLEY, Glen	Rosalie Schendel	733-5860	536	88
BRANDON, Marcus	Cecil Brockman	733-5825	1209	116
BROWN, Rayne	Lynn Taylor	715-0873	638	73
BURR, Justin P.	Dina Long	733-5908	538	40
CLEVELAND, George	Pamela Ahlin	715-6707	417A	32
COLLINS, Jeff	Marissa Farrell	733-5802	1006	65
COTHAM, Tricia Ann	Rosa Kelley	715-0706	403	105
EARLE, Beverly M.	Ann Raeford	715-2530	610	83
FISHER, Susan C.	Cindy Garrison	715-2013	504	82
FAIRCLOTH, John	Becky Baeurband	733-5877	306A3	75
FLOYD, Elmer	Latasha McPhaul	733-5959	1311	114
FOLWELL, Dale	Paige Fitzgerald	733-5787	301F	99
FRYE, Phillip	Mary Hayes	733-5661	639	28
GILL, Rosa U.	Valerie Rustin	733-5880	1305	113
GOODMAN, Ken	Judy Veorse	733-5823	1111	120
GUICE, W. David	Kerry Guice	715-4466	528	41
HAGER, Mike	Christine Brenco	733-5749	306C	66
HURLEY, Pat B.	Susan Whitehead	733-5865	532	44
JONES, Bert	Brenda Olls	733-5779	306A1	100
JUSTICE, Carolyn H.	Vivian Sherrell	715-9664	420	16
KEEVER, Patsy	Beth LeGrande	733-5746	1317	112
LUEBKE, Paul	Joyce Harris	733-7669	513	513
McGEE, William C "Bill"	Jayne Nelson	733-5747	634	53
MILLS, Grey	Wanda Benson	733-5741	2221	50
MOBLEY, Annie W.	Veronica Green	733-5780	501	108
MOFFITT, Tim D.	Melissa Carter	715-3012	1025	85
MOORE, Rodney W.	Charmey Morgan	733-5606	1211	110
PARFITT, Diane	Katie Landi	733-9892	1017	111
PARMON, Earline W.	Pat Christmas	733-5829	509	95
SETZER, Mitchell S.	Margaret Herring	733-4948	1206	13

**STAFF**

CHURCHILL, Erika  
MATULA, Theresa  
MOORE, Harrison  
PERRY, Giles  
QUICK, Kelly  
ROSE, Steve

733-2578 545



**NORTH CAROLINA GENERAL ASSEMBLY**

**COMMITTEE ON GOVERNMENT  
2011-2012 SESSION**



**Rep. Larry R. Brown**  
Co-Chair



**Rep. Dan W. Ingle**  
Co-Chair



**Rep. James L. Boles, Jr.**  
Vice-Chair



**Rep. James H. Langdon, Jr.**  
Vice-Chair



**Rep. Harry Warren**  
Vice-Chair



**Rep. Alma Adams**



**Rep. Martha B. Alexander**



**Rep. Jeff Barnhart**



**Rep. Alice Borden**

Photo  
Not  
Available

**Rep. Glen Bradley**



**Rep. Marcus Brandon**



**Rep. Rayne Brown**



**Rep. Justin P. Burr**



**Rep. George G. Cleveland**



**Rep. Jeff Collins**



**Rep. Tricia Ann Cotham**



**Rep. Beverly M. Earle**



**Rep. John Faircloth**



**Susan C. Fisher**



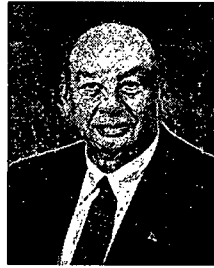
**Rep. Elmer Floyd**

**NORTH CAROLINA GENERAL ASSEMBLY**

**COMMITTEE ON GOVERNMENT  
2011-2012 SESSION**



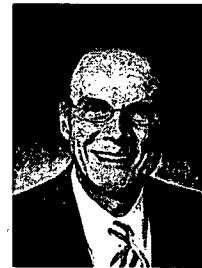
**Rep. Dale Folwell**



**Rep. Phillip Frye**



**Rep. Rosa U. Gill**



**Rep. Ken Goodman**



**Rep. W. David Guice**



**Rep. Mike Hager**



**Rep. Pat B. Hurley**



**Rep. Bert Jones**



**Rep. Carolyn H. Justice**



**Rep. Patsy Keever**



**Rep. Paul Luebke**



**Rep. William C. "Bill"  
McGee**



**Rep. Grey Mills**



**Rep. Annie W. Mobley**



**Rep. Tim D. Moffitt**



**Rep. Rodney W. Moore**



**Rep. Diane Parfitt**



**Rep. Earline W. Parmon**



**Rep. Mitchell S. Setzer**

**House Committee on Government**

[illegible]

## ATTENDANCE

**House Committee on Government**

2011-2012 Session

[illegible]

**House Committee on Government**

[illegible]

**House Committee on Government**

[illegible]

**House Committee on Government**

[illegible]

## STAFF ATTENDANCE

**House Committee on Government**

2011-2012 SESSION

[illegible]



# **Government Committee Meeting**

**February 10, 2011**

**Attachment 1: Minutes**

**Attachment 2: Agenda**

**Attachment 3a: HB 5 - Committee Report, proposed committee substitute, original bill, bill summary, handouts**

**Attachment 3b: HB 37 – Committee Report, proposed committee substitute, original bill, bill summary, handouts**

**Attachment 4: Visitor Registration Sheet**

**Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, February 10, 2011**

The House Committee on Government met on Thursday, February 10, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles, Langdon and Warren, Vice-Chairs, Representatives Adams, Alexander, Barnhart, Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Fisher, Faircloth, Floyd, Folwell, Frye, Gill, Goodman, Guice, Hackney, Hager, Hurley, Jones, Justice, Luebke, McGee, Mills, Mobley, Moffitt, R. Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Harrison Moore, Giles Perry, Kelly Quick and Steve Rose.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was HB 5 Kinston Annexation Repealed. Representative LaRoque, the bill sponsor, was recognized to speak on the bill. Without objection, a proposed committee substitute was presented. After a brief explanation of the bill, Representative LaRoque welcomed questions from the committee. Following discussion from committee members, the floor was then opened by the Chair to visitors wishing to speak on the bill. Will Barker from the City of Kinston spoke in opposition of the bill followed by Stewart Smith from Lenoir County that spoke in support of the bill. Hearing no further discussion, Representative Hager was recognized for a motion of a favorable report to the proposed committee substitute, unfavorable to the original bill. Unable to determine the outcome of the vote via a voice vote, Chairman Brown called for a show of hands for the vote. With 19 members voting in the affirmative and 14 in the negative, the motion carried.

The next order of business was HB 37 Lexington Annexations Repealed. Rep. Rayne Brown, the bill sponsor, was recognized to speak on the bill. Without objection, a proposed committee substitute was presented. After a brief explanation of the bill, Representative Brown welcomed questions from the committee. Following discussion from committee members, the floor was then opened by the Chair to visitors wishing to speak on the bill. Mayor Walser from Lexington spoke in opposition of the bill. John Frank spoke on behalf of the unincorporated areas of Lexington in support of the bill presented in Committee. Rep. Hager was recognized to make a motion for a favorable report to the committee substitute, unfavorable to the original. Following further discussion and debate, the Chair stated to the committee there was not enough time to complete debate and vote on the motion. The Chair notified the Committee members

that an announcement would be made during Session regarding reconvening the meeting later in the day.

The Committee adjourned at 10:49 AM.

The Committee was called back to order at 1:00 PM in room 543 LOB. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, R. Brown, Cleveland, Faircloth, Folwell, Frye, Gill, Goodman, Guice, Hurley, Jones, Justice, Mills, Moffitt, Parfitt, and Setzer. The following staff member was present: Giles Perry.

Representative Larry Brown, Chair, put forth Representative Hager's motion on HB 37 Lexington Annexations Repealed for a favorable report to the committee substitute, unfavorable to the original bill, and be re-referred to the committee on Finance. The majority being in favor, the motion carried.

With no further business before the Committee, the Chair adjourned at 1:10 PM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Larry R. Brown", written over a horizontal line.

Representative Larry Brown, Co-Chair

A handwritten signature in cursive script, reading "Debbie Holder", written over a horizontal line.

Debbie Holder, Committee Clerk

## AGENDA

### HOUSE COMMITTEE ON GOVERNMENT

Thursday, February 10, 2011  
Room 643  
10:00 AM

#### OPENING REMARKS

Representative Larry Brown, Co-Chair  
Government Committee

#### AGENDA ITEMS

*passed PCS*  
HB 5

Kinston Annexation  
Repealed. *PCS*

Representative LaRoque

*passed PCS*  
HB 17

~~Wayne Board of Education  
Vacancies.~~

Representative Sager  
Representative LaRoque

*passed PCS*  
HB 37

Lexington Annexations  
Repealed. *PCS*

Representative Brown

HB 38

Tax Certification - Alamance  
County.

Representative Bordsen  
Representative Ingle

*pull*  
HB 43

Increase Property Tax  
Appeals Efficiency.

Representative Carney  
Representative Samuelson  
Representative Moore

#### ADJOURNMENT

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 5** A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 2 OF ARTICLE VI OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF KINSTON TO MAKE A CERTAIN ANNEXATION.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

D

HOUSE BILL 5

PROPOSED COMMITTEE SUBSTITUTE H5-PCS11033-RW-2

Short Title: Kinston Annexation Repealed..

(Local)

Sponsors:

Referred to:

January 27, 2011

A BILL TO BE ENTITLED

AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF KINSTON TO MAKE A CERTAIN ANNEXATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The ordinance adopted by the City Council of the City of Kinston on June 1, 2009, entitled "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF KINSTON UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA," described therein as containing approximately 501.45 acres, is repealed.

**SECTION 2.** This act is effective from and after June 1, 2009.



\* H 5 - P C S 1 1 0 3 3 - R W - 2 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 5**

Short Title:   Kinston Annexation Repealed. (Local)

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Sponsors:   Representative LaRoque (Primary Sponsor).  
                  For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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

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January 27, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
3 SECTION 2 OF ARTICLE VI OF THE NORTH CAROLINA CONSTITUTION TO FIX  
4 THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
5 DEEMS ADVISABLE, BY WITHDRAWING THE DELEGATION OF AUTHORITY  
6 TO THE CITY OF KINSTON TO MAKE A CERTAIN ANNEXATION.

7 The General Assembly of North Carolina enacts:

8               **SECTION 1.** The ordinance adopted by the City Council of the City of Kinston on  
9 June 1, 2009, entitled "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
10 CITY OF KINSTON UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A,  
11 CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA," described  
12 therein as containing approximately 501.45 acres, is repealed.

13               **SECTION 2.** This act is effective from and after June 1, 2009.





## HOUSE PCS 5: Kinston Annexation Repealed

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	February 9, 2011
<b>Introduced by:</b>	Rep. LaRoque	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	PCS to First Edition H5-CSRW-2		Committee Counsel

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**SUMMARY:** *House Bill 5 (proposed committee substitute) repeals an involuntary annexation ordinance adopted by the City of Kinston on June 1, 2009, affecting approximately 501.45 acres.*

*The proposed committee substitute corrects a reference in the title of the bill.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

**BILL ANALYSIS:** House Bill 5 (proposed committee substitute) repeals an involuntary annexation ordinance enacted by the City of Kinston on June 1, 2009 affecting approximately 501.45 acres.

**EFFECTIVE DATE:** Effective from and after June 1, 2009.

*H5-SMRW-7(CSRW-2) v1*



HB 5

# City of Kinston

Office of the Mayor



February 8, 2011

To Whom It May Concern,

Last night the Kinston City Council voted unanimously to oppose House Bill 5 entitled "Kinston Annexation Repealed". The current City Council makes a compelling argument that "House Bill 5 restricts the ability of locally elected officials to make the best decisions, based on current law, for the area they represent." However, as Mayor of the City of Kinston I disagree that House Bill 5 is intended to usurp the power of locally elected officials, but rather the bill is a means to end of an undemocratic, but legal process used by the City of Kinston.

Although the current City Council is unanimous in its opposition to House Bill 5, the previous City Council, which approved the forced annexation, was not. Needless to say the intent of this letter is to inform you that our community does not unanimously support forced annexation as a tool for Kinston to grow.

According to the North Carolina Supreme Court, in a 2006 case called *Nolan v. Village of Marvin*, "The primary purpose of involuntary annexation, as regulated by these statutes, is to promote "sound urban development" through the organized extension of municipal services to fringe geographical areas. These services must provide a meaningful benefit to newly annexed property owners and residents, who are now municipal taxpayers, and must also be extended in a nondiscriminatory fashion."

The current annexation by the City of Kinston does not promote "sound urban development" because the proposed annexation areas are primarily homes that were built 50 years ago.

I do agree with our City Council that annexation reforms are needed. Forced annexation for too long has been used as a bullying tool for municipalities to gobble up parcels without the consent of the taxpayers of those parcels. The State of North Carolina needs a process that is fair to the municipalities and to the taxpayers targeted by those annexations.

Respectfully,

BJ Murphy, Mayor  
City of Kinston

Rep. LaRogue

# THE FREE PRESS

## OUR OPINION

### End justifies means with annexation bill

**R**EPUBLICAN MAJORITIES in both chambers of the General Assembly have shifted Raleigh's priorities in a number of areas, but perhaps none so dramatically as the area of municipal annexation. In the session's first month, legislators have introduced five bills that would curb the ability of cities and towns to expand through involuntary annexation. Anyone remotely familiar with local issues would not be surprised to learn that two of the bills affect Kinston.

One does so directly — a local bill (HB 5) filed by Rep. Stephen LaRoque, R-Lenoir, within hours of the session's opening, to block the city of Kinston's long-running effort to annex several neighborhoods along U.S. 258, on the city's western fringe. Companion bills (HB 9 and SB 27) filed in both chambers — and backed by all five Republican legislators from our area — would impose a statewide moratorium on involuntary, or forced, annexation until July 1, 2012. It would also delay annexation approved by municipalities but not yet in place.

How that bill affects Kinston's ongoing annexation isn't exactly clear. The annexation is still pending, but had an informal effective date of Nov. 30, 2009. It's been tied up in court since then and the city is no closer to taking those 500 acres and 1,200 people inside its limits than it was nearly two years ago. Still, anything can happen in the Legislature and Kinston — along with numerous other municipalities that have approved but not yet completed an annexation — could be give special consideration in any moratorium bill that wins approval.

There's no such confu-

*Legislation that seems unfair and authoritarian is the best way to rectify an act by the city that is itself unfair and authoritarian.*

Rep. LaRoque

sion with LaRoque's local bill. If it passes the House, then the Senate, Kinston's annexation plan is dead. It would be up to the city to take up the fight in court, not a likely prospect given the expense and the message emanating from Raleigh that the days are numbered for North Carolina's liberal involuntary annexation rules.

Still, HB 5, like similar bills that would block ongoing annexations in Lexington and Rocky Mount, can create heartburn even for foes of forced annexation. It's a matter of authority. The state set the rules for annexation, the city followed them and now the state, through this legislation, seeks to void that action. It seems unfair and perhaps even authoritarian.

But in the end, it yields the right result. Involuntary annexation is an affront to anyone's idea of personal freedom and it should be stopped. The moratorium legislation has enormous merit and should be passed, but its murky relationship to Kinston's pending annexation makes it the less desirable option.

Beside, the people of Crestview, Hickory Hills and Briarwood Terrace should not have to wait for statewide legislation to rescue them from an act of the city that is itself unfair and authoritarian. The problem is local and HB 5 is the fix.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 37** A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 2 OF ARTICLE VI OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF LEXINGTON TO MAKE CERTAIN ANNEXATIONS.

☒ 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 2011**

**H**

**D**

**HOUSE BILL 37  
PROPOSED COMMITTEE SUBSTITUTE H37-PCS30074-RW-3**

**Short Title:** Lexington Annexations Repealed.

**(Local)**

**Sponsors:**

**Referred to:**

February 7, 2011

**A BILL TO BE ENTITLED**

**AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX  
THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO  
THE CITY OF LEXINGTON TO MAKE CERTAIN ANNEXATIONS.**

The General Assembly of North Carolina enacts:

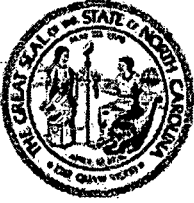
**SECTION 1.** Ordinances No. 09-02 (Biesecker Road Area), 09-03 (East Center Street Area), and 09-04 (Old Salisbury Road Area) adopted by the City Council of the City of Lexington on July 21, 2008, each entitled "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF LEXINGTON, NORTH CAROLINA, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA," are repealed.

**SECTION 2.** This act is effective from and after July 21, 2008.



\* H 3 7 - P C S 3 0 0 7 4 - R W - 3 \*





## HOUSE PCS 37: Lexington Annexations Repealed

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. R. Brown  
**Analysis of:** PCS to First Edition  
H37-CSRW-3

**Date:** February 9, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 37 (proposed committee substitute) repeals three involuntary annexation ordinances adopted by the City of Lexington on July 21, 2008.*

*The proposed committee substitute corrects a reference in the title, and the effective date of the bill.*

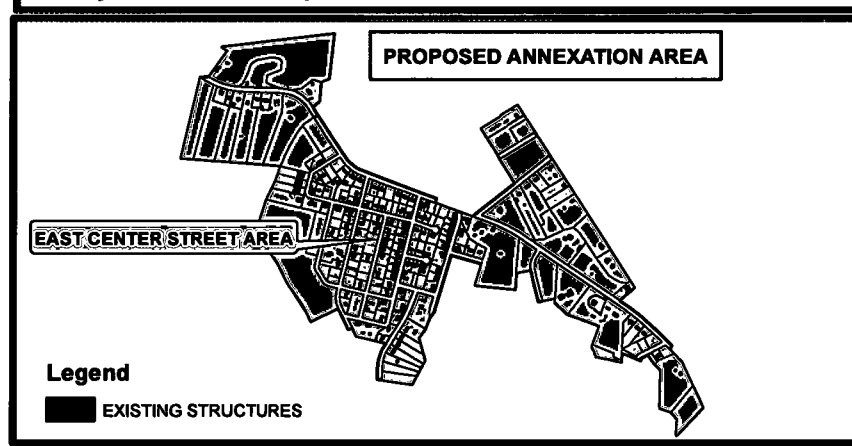
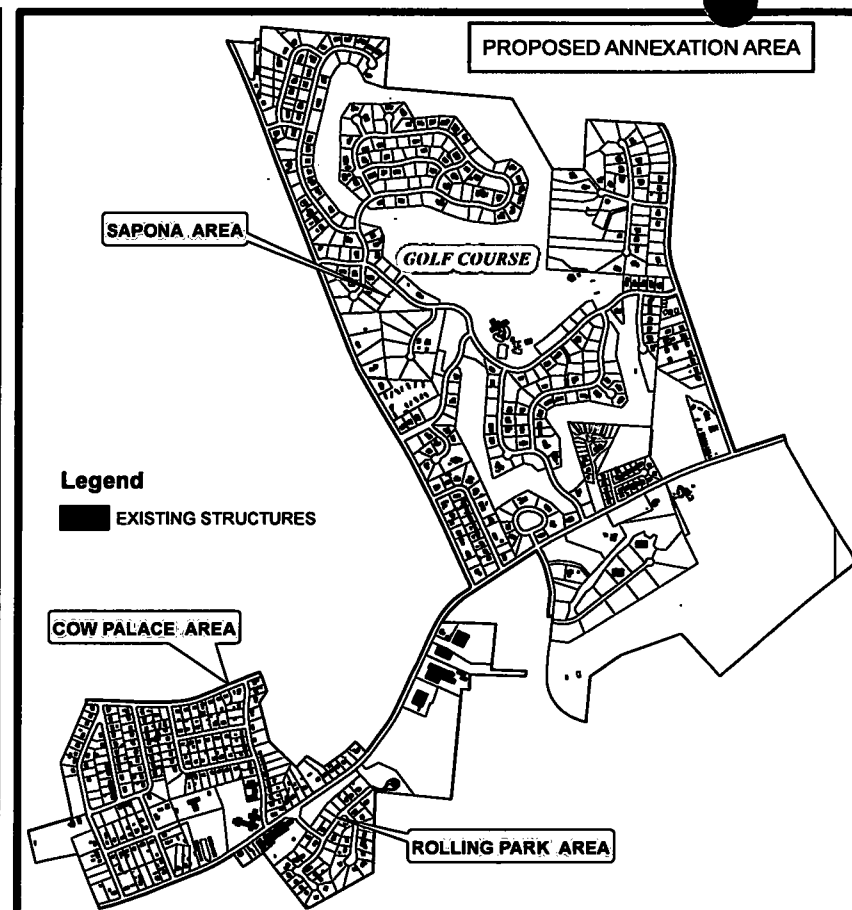
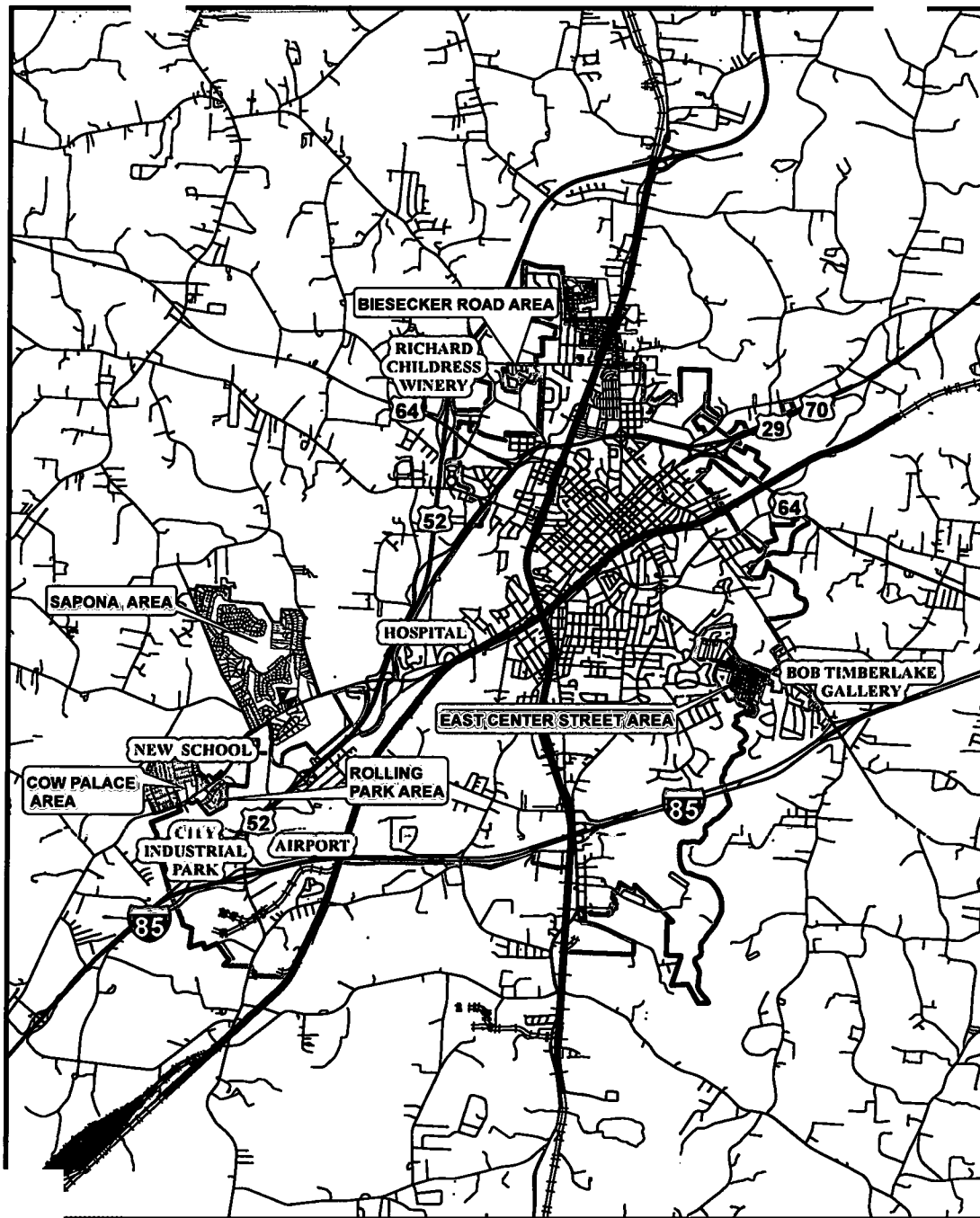
**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

**BILL ANALYSIS:** House Bill 37 (proposed committee substitute) repeals the following three involuntary annexation ordinances adopted by the City of Lexington on July 21, 2008:

- Ordinance No. 09-02 (Biesecker Road Area)
- Ordinance 09-03 (East Center Street Area)
- Ordinance 09-04 (Old Salisbury Road Area)

**EFFECTIVE DATE:** Effective from and after July 21, 2008.

H37-SMRW-8(CSRW-3) v2



May 12, 2009

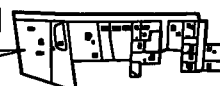
# **CITY OF LEXINGTON ANNEXATION MAP**

Prepared  
by Lexington  
Public Works Dept.



**PROPOSED ANNEXATION AREA**

**BIESECKER ROAD AREA**



**Legend**

■ EXISTING STRUCTURES

**Facts on Lexington's Annexation**  
Prepared by Lexington City Manager's Office  
May 12, 2009

All three annexation areas are:

- Immediately adjacent to city limits
- Essential to address growth and economic development
- Heavily urbanized
- In need of public sewer due to documented septic tank and soil problems (see letter from Davidson County Health Department)

- Less than 10% of City's existing area and current population of 20,927
- To be served by City with public sewer at a cost of \$7.6 million
- To receive all City services – police, fire, streets, sanitation, street lights on effective date
- Only the 3<sup>rd</sup> involuntary annexation in past 20 years



Davidson County  
Health Department



L. Layton Long, R.S., M.S.A.  
Health Director

Michael Garrison, MD  
Medical Director

Mark Davis, DDS  
Chair, Board of Health

Town of Denton • City of Thomasville • City of Lexington

May 1, 2009

Representative Hugh Holliman  
2301 Legislative Office Building  
Raleigh, NC 27601

Dear Hugh:

Our three cities, since our establishment going on 200 years ago, have played a central role in the growth and development of Davidson County.

Our three cities, through the utilities and services we provide, have supported business and industry job creation and expansion; decent, clean and affordable housing; hospitals and health care providers; public and private schools; and social and cultural amenities like churches, YMCA's, libraries, parks, and tourist attractions.

Our cities' ability to grow through the current annexation laws have been a key to our ability to be active in economic development recruitment, support a clean environment through the provision of public sewer, and in managing the density or impact of more intensive land use in urban areas.

We believe the basic annexation statutes to be sound but understand the need to update the law from time to time. As such, we support the twenty changes to the current annexation law proposed in *Senate Bill 472/House Bill 727—Annexation Changes*. The proposed changes will address the legitimate concerns of annexed residents, fairness for in-town residents, and still allow annexation to be used as a tool for managing growth.

Please preserve the current annexation authority by supporting *Senate Bill 472/House Bill 727—Annexation Changes* so that cities can support the State in economic development recruitment, work for a clean environment, and manage growth.

Sincerely,

Scott Morris, Mayor  
Town of Denton

Joe Bennett, Mayor  
City of Thomasville

John T. Walser, Jr., Mayor  
City of Lexington

March 24, 2009

Attn: Mr. Richard Comer, Public Works Director  
City of Lexington  
28 West Center Street  
Lexington, NC 27292

Subject: Comments in reference to on-site wastewater systems in the proposed annexation areas

Dear Mr. Comer:

I have reviewed our information regarding septic tank systems and the suitability of soils in each of the areas attached. The following observations are provided:

1. Since 1992, there have been repairs made to on-site wastewater systems in each of the designated areas. (East Center Street area 22), (Biesecker Road area 7), and (Old Salisbury Road area 41)
2. In most areas of Davidson County, there are soils that are unsuitable or marginally suitable for on-site wastewater system installations. The most limited soils of the attached areas are in the East Center Street and Old Salisbury Road areas, specifically the Cow Palace/Rolling Acres area.

If I can be of further assistance, please contact me at 336-242-2310.

Sincerely,

Darren N. Cecil R.S., L.S.S.  
Environmental Health Supervisor II

cc: Representative Joe Hackney, Speaker  
Senator Marc Basnight, President Pro Tem  
Senator Stan Bingham



**Should the proposed annexation go through, these are the fees that the city will charge these individuals for sewer within two years.**

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

## 1. NOTICE TO APPLICANT

1. Applicant agrees to use materials and methods of construction any connection made to public water or sewer supply. Per City of Lexington's Community Development Department.
2. Applicant agrees to accept and abide by all provisions of all and all other ordinances or regulations that may be adopted.
3. Applicant is required to go to Customer Service in City Hall to be installed by the City of Lexington.
4. Billing for water and/or sewer service begins when the City arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions.

*I have signed this  
Affidavit -  
According to  
Circuit, this is  
about the future  
of her house.  
Respectfully,  
[Signature]*

I to the

I W



**Applicant Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Property Owner** Carolyn Auman

**Phone** 956-3522

**Mailing Address** 363 Siquan Dr  
Lexington, N.C.

**zip** 27295

**Contractor or Authorized Agent** \_\_\_\_\_

**Phone** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Service Address** 363 Siquan Dr

## Water Tap Size WATER SERVICE

(5" = \$743; other sizes are actual cost)

5" per 350 gal/day) GPD

Cap. Ret.

\$0.00

Extension

size

feet

Total Water Tap Fee

\$0.00

## Sewer Tap Size 4" SEWER SERVICE

(4" = \$150; other sizes are actual cost)

\$6

(\$922 per 350 gal/day) GPD

350.00

Cap. Ret.

\$9

Extension

size

8"

feet 3350

\$134.00

More or other charges

Total Sewer Tap Fee

\$135.572

**Total Fees** \$135,572.00

**REMARKS:** For Annex. Area. Will refund portion of extension charges relative to the number of participants, Tap to be installed within two years annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 6/20/2008

## NOTE TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Property Owner Carl Gamson

Phone 958-6435

Billing Address \_\_\_\_\_

zip \_\_\_\_\_

Director or Authorized Agent \_\_\_\_\_

Phone \_\_\_\_\_

Billing Address \_\_\_\_\_

zip \_\_\_\_\_

Service Address 101 Choctaw Drive

Tap Size **WATER SERVICE**

(5/8" = \$143, other sizes are actual cost)

per 350 gal./day) GPD

Cap Rec

\$0.00

Extension size feet

Total Water Tap Fee

\$0.00

Sewer Tap Size **4" SEWER SERVICE**

(4" = \$550, other sizes are actual cost)

\$550.00

(\$922 per 350 gal./day) GPD

\$50.00

Cap Rec

\$922.00

Extension size 8" feet 1710

\$68,400.00

Rate or other charges

Total Sewer Tap Fee

\$69,972.00

**Total Fees \$69,972.00**

REMARKS: Will bill from Davidson Water, for Annex Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of installation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 6/20/2008

## T. TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

**Applicant Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Property Owner** G. Edwin Dawson & Elizabeth S. Dawson

**Phone** 955-2607

**Billing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Director or Authorized Agent** \_\_\_\_\_

**Phone** \_\_\_\_\_

**Billing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Service Address** 112 Chastlaw Drive

Tap Size <b>WATER SERVICE</b>				Sewer Tap Size <b>4"      SEWER SERVICE</b>			
(5"=1742; other sizes are actual cost)				(4"=2552; 6"=4040 sizes are actual cost)			
per 350 gal./day) GPD	Cap.Rec.	\$0.00		(1922 per 350 gal./day) GPD	350.00	Cap.Rec.	\$022.
Extension	size	feet		Extension	size	feet	
					4"      6"	feet 2070	\$52,600.0
Total Water Tap Fee			\$0.00	Done or other charges			
				Total Sewer Tap Fee			\$54,372.00
<b>Total Fees</b>				<b>\$84,372.00</b>			

**NOTES:** Will bill from Lexington Water. For Annex Area. Will refund portion of extension charges relative to the number of participants. Fee is to be installed within two years of installation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

## LETTER TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Property Owner John & Trudy Frank \_\_\_\_\_

Phone 336-556-8814 \_\_\_\_\_

Mailing Address 515 Indian Wells Circle \_\_\_\_\_

Lexington, N.C. \_\_\_\_\_

zip \_\_\_\_\_

Contractor or Authorized Agent \_\_\_\_\_

Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

zip \_\_\_\_\_

Service Address 515 Indian Wells Circle \_\_\_\_\_

Water Tap Size WATER SERVICE

Sewer Tap Size 4" SEWER SERVICE

(5/8"-1 1/4", other sizes are actual cost)

(4"-5 1/2"; other sizes are actual cost)

\$650.

7 per 350 gal./day) GPD

Cap. Rec.

\$0.00

(1922 per 350 gal./day) GPD

350.00

Cap. Rec.

\$922.

Extension size feet

Extension size 8" feet 1110

\$44,400.0

Total Water Tap Fee

\$0.00

Bore or other charges

Total Sewer Tap Fee

\$45,972.00

Total Fees \$45,972.00

REMARKS: For Annex Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/10/2005

## 0 TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

**Applicant Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Property Owner** Joel F. Byrd

**Phone** 555-3377

**Billing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Contractor or Authorized Agent** \_\_\_\_\_

**Phone** \_\_\_\_\_

**Billing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Service Address** 107 Cherokee Drive

**Tap Size** WATER SERVICE

(5/8"-\$174); other sizes are actual cost

**Tap** 360 gal/day **GPD**

**Cap Fee** \$0.00

**Extension** size feet

**Total Water Tap Fee** \$0.00

**Sewer Tap Size** 4" **SEWER SERVICE**

(4"=\$650; other sizes are actual cost)

\$650.00

**Tap** 360 gal/day **GPD**

360.00

**Cap Fee**

\$922.00

**Extension** size 8" feet 1350

\$55,200.00

**Other or other charges**

**Total Sewer Tap Fee**

\$56,772.00

**Total Fees** \$56,772.00

**REMARKS:** Bill bill from Davidson Water. For Annex Area, Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

## TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Party Owner Willie & Vonnell Vawter

Phone 336-956-3344

Billing Address 233 Rolling Park Drive

Lexington, N.C.

zip 27295

Director or Authorized Agent \_\_\_\_\_

Phone \_\_\_\_\_

Billing Address \_\_\_\_\_

zip \_\_\_\_\_

Service Address 233 Rolling Park Drive

## Tap Size WATER SERVICE

(5/8"=\$743; other sizes are actual cost)

per 350 gal/day) GPD

Cap. Rec. \$0.00

Extension size feet

Total Water Tap Fee \$0.00

## Sewer Tap Size 4" SEWER SERVICE

(4"=\$650; other sizes are actual cost)

\$650.00

(\$922 per 350 gal/day) GPD 350.00 Cap. Rec. \$922.00

Extension size 8" feet 350 \$14,000.00

None or other charges \_\_\_\_\_

Total Sewer Tap Fee \$15,572.00

Total Fees \$15,572.00

NOTES: For Annex Area, Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension prices @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

**TO APPLICANT**

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Doris Flynt Family Trust Phone \_\_\_\_\_

Billing Address Paylette Morgan Trustee

519 Indian Wells Cir, Lex zip \_\_\_\_\_

Contractor or Authorized Agent \_\_\_\_\_ Phone \_\_\_\_\_

Billing Address \_\_\_\_\_ zip \_\_\_\_\_

Service Address 701 Tussey Road

WATER SERVICE				SEWER SERVICE			
Tap Size				Sewer Tap Size	4"		
(5/8" = \$743; other sizes are actual cost)				(4" = \$650; other sizes are actual cost)			
per 360 gal/day) GPD	Cap. Rec.	50.00		(\$522 per 360 gal/day) GPD	360.00	Cap. Rec.	\$922.00
Extension	Size	feet		Extension	Size	feet	
					6"	1010	\$40,400.00
Total Water Tap Fee			50.00	Some or other charges			
				Total Sewer Tap Fee			\$41,972.00

**Total Fees** \$41,972.00

**NOTES:** For Annex. Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. ( Extension priced @ \$40.00 per foot)



# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

## NOTICE TO APPLICANT

1. Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.
2. Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.
3. Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.
4. Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

**Applicant Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Property Owner** Johnny N. McCam & Carolyn S. McCam

**Phone** 248-6954

**Mailing Address** 1309 E. Center St Ext

Lexington, N.C.

**zip** \_\_\_\_\_

**Contractor or Authorized Agent** \_\_\_\_\_

**Phone** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Service Address** 1210 5018 ADD EQ006 1309 E. Center St Ex

### Water Tap Size **WATER SERVICE**

(6"=\$743; other sizes are actual cost)

(\$157 per 300 gal/day) GPD

Cap.Rec. \$0.00

Extension size feet

Total Water Tap Fee \$0.00

### Sewer Tap Size **4" SEWER SERVICE**

(4"=\$650; other sizes are actual cost)

\$650.00

(\$922 per 300 gal/day) GPD 350.00 Cap.Rec. \$922.00

Extension size 8" feet 610 \$24,400.00

Core or other charges

Total Sewer Tap Fee \$25,972.00

**Total Fees** \$25,972.00

**COMMENTS:** For Annex Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

## NOTICE TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

**Applicant Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Property Owner** Michael & Patricia Higgins

**Phone** 335-250-9325

**Billing Address** 385 Rolling Park Drive

Lexington, N.C.

**zip** 27295

**Director or Authorized Agent** \_\_\_\_\_

**Phone** \_\_\_\_\_

**Billing Address** \_\_\_\_\_

**zip** \_\_\_\_\_

**Service Address** 386 Rolling Park Drive

**Water Tap Size** WATER SERVICE

(2 1/2"=\$543; other sizes are actual cost)

**Tap Fee** per 350 gal/day) GPD

**Cap. Rec.**

\$0.00

**Extension**

**Size**

**Feet**

**Total Water Tap Fee**

\$0.00

**Sewer Tap Size** 4" SEWER SERVICE

(4"=\$550; other sizes are actual cost)

**Tap Fee** per 350 gal/day) GPD

350.00

**Cap. Rec.**

\$822

**Extension**

**Size**

**Feet**

250

\$10,400.1

**Other or other charges**

**Total Sewer Tap Fee**

\$11,972.01

**Total Fees** \$11,972.00

**NOTES:** For Annex Area, Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2006

## NOTICE TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinances and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions.

### Applicant Signature

Date

Property Owner Johnny H. & Paulette F. Morgan

Phone 336-856-6164

Billing Address 619 Indian Wells Circle

Lexington, N.C.

zip 27293

Director or Authorized Agent

Phone

Billing Address

zip

Service Address 619 Indian Wells Circle

### Tap Size WATER SERVICE

(5/8"=\$743; other sizes are actual cost)

per 360 gal./day) GPD

Cap.Fee

\$0.00

Extension

size

feet

Total Water Tap Fee

\$0.00

### Sewer Tap Size 4" SEWER SERVICE

(4"=\$550; other sizes are actual cost)

\$650

(\$522 per 360 gal./day) GPD

360.00

Cap.Fee

\$522

Extension

size

8"

feet 230

\$9,200.00

None or other charges

Total Sewer Tap Fee

\$10,772.00

**Total Fees \$10,772.00**

NOTES: For Annex. Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 7/15/2008

## II. E TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (tap) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Property Owner Gary Bacon

Phone 336-955-1836

Mailing Address 190 Park Drive

Lexington, N.C.

zip \_\_\_\_\_

Factor or Authorized Agent \_\_\_\_\_

Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

zip \_\_\_\_\_

Service Address 190 Park Drive

Water Tap Size WATER SERVICE

(5/8"=\$743; other sizes are actual cost)

77 per 360 gal./day) GPD

Cap.Rec.

\$0.00

Extension

size

feet

Total Water Tap Fee

\$0.00

Sewer Tap Size 4" SEWER SERVICE

(4"=\$620; other sizes are actual cost)

\$65

(1022 per 360 gal./day) GPD

360.00

Cap.Rec.

\$92

Extension

size

8"

feet

300

\$12,000

None or other charges

Total Sewer Tap Fee

\$13,572.00

Total Fees \$13,572.00

COMMENTS: For Annex Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$40.00 per foot)

# CITY OF LEXINGTON WATER/SEWER APPLICATION

Date 5/24/2008

## NOTICE TO APPLICANT

Applicant agrees to use materials and methods of construction that meet State and Local codes with regard to any connection made to public water or sewer supply. Permits for such construction must be obtained from the City of Lexington's Community Development Department, Building/Zoning Division.

Applicant agrees to accept and abide by all provisions of the City of Lexington's Sewer Ordinance and all other ordinances or regulations that may be adopted in the future.

Applicant is required to go to Customer Service in City Hall to sign a contract for billing purposes before taps will be installed by the City of Lexington.

Billing for water and/or sewer service begins when the City completes service connections (taps) unless other arrangements are made in Customer Service.

I, the Applicant, have read and understand the above provisions:

### Applicant Signature

Property Owner Tony Hanley & Nancy Hanley

Mailing Address

Date

Phone 356-3888

zip

Factor or Authorized Agent

Phone

Mailing Address

zip

Service Address 123 Mantec Drive

Tap Size WATER SERVICE

Sewer Tap Size 4" SEWER SERVICE

(50" = \$743; other sizes are actual cost)

(4" = \$650; other sizes are actual cost)

\$650.00

Tap Fee 350 gal/day CPS

Cap Rec

\$0.00

(\$922 per 350 gal/day CPS)

\$922.00

Cap Rec

\$922.00

Extension

size

feet

Extension

size

0"

feet 1610

\$72,400.00

Total Water Tap Fee

\$0.00

Cost of other charges

Total Sewer Tap Fee

\$73,972.00

Total Fees \$73,972.00

REMARKS: Will bill from Davidson Water. For Annex. Area. Will refund portion of extension charges relative to the number of participants. Tap to be installed within two years of annexation. (Extension priced @ \$44.00 per foot)

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

2-10-11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Herbert M. ...</u>	<u>Nash Co. DLCAFA</u>
<u>Kent Dozier</u>	<u>Nash Co. DLCAFA</u>
<u>Monica Yelverton</u>	<u>Governor's Office</u>
<u>Chris Aguer</u>	<u>DOA</u>
<u>Carol Aitken</u>	<u>FAC</u>
<u>Tony Telleur</u>	<u>FAC</u>
<u>Bob Floyd</u>	<u>CAUFA</u>
<u>Jeff MATTHEWS</u>	<u>CUAFA</u>
<u>Frank Hunter</u>	<u>CUAFA</u>
<u>Tom Frank</u>	<u>CUAFA</u>
<u>Deborah Jefferys</u>	<u>Nash Cty OLC AFA</u>

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

2-10-11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Akron Jeffreys	Nash Cty OLCAFA
CATHY HEATH	WAKE STOP NC ANNEXATION
DAVID WINSTEND	OLCAFA NASH COUNTY
Laverne Winstead	OLCAFA NASH COUNTY
LENNY RUIZ	OLCAFA OAK LEVEL
Clint LeGette	Davidson County
MARY LOU LEGETTE	DAVIDSON COUNTY
Emmy Hand	Davidson County
Margaret Hunter	Davidson County
Nancy Hartley	DAVIDSON Co.
Ravis Flynn	Davidson Co.

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

2-10-11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mike Bralkowski	Citizens United Against Forced Annex Lexington NC
Betty Gunther	citizen against forced annex Nash County
Lylina Gardner	Citizen against forced annex Nash Co.
Christina Kessel	citizen against forced annex Nash County
Larry Bect	City of Lexington - w/ Amendments Continue Annexation
Roger Jones	CITY LEXINGTON - ENG. DEPT.
Wayne Alley	City of Lexington
Kevin Leonard	NCACC
Kathy Hartkopf	Freedom Works
Aug Aitken	FAIR ANNEXATION COALITION
Carl Dean	OSP



# VISITOR REGISTRATION SHEET

Government  
Name of Committee

2-10-11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Rbt & Jean Britt	Nash County OLCAFA
Shirley Whitaker	NASH County OLCAFA
Rene Chappell	Nash OLCAFA
Charles Chappell	Nash OLCAFA
Royce May	NASH OLCAFA
WILLIAM PRIDGEN	NASH OLCAFA
RONNIE WHEELER	NASH OLCAFA
LAWRENCE E. ALFORD	NASH OLCAFA
GEORGE BAKER	NASH OLCAFA
Terry Wiles	Rowan
Marie Howell	Rowan

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

2-10-61  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sohn M. Miller

Rowan

Carl Eagle

Rowan County

Will Yochim

Rowan County

JEFF MATTHEWS

Rowan County

Ken Motley

Davidson County

Nancy Motley

Davidson County

Keith Bost

Davidson County

Jerry Buckhart

Davidson County

Jessie D. Mc

Davidson County - CLAFF

John Williams

Nash County

WAYNE COOKE

NASH COUNTY

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

2-10-11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ethel Davis	Electric Cities of NC
JOHN WALSH	MAYOR LEXINGTON
Alice Tingle	City of Winston
Scott Stevens	City of Winston
Will Baker	City of Winston
Pete Meyer	NCLM
Cameron Houty	Electric Cities of NC
Patrick Baffkin	NAEE
Jay Peters	JP Assoc.
Lia Webb	NCA LTF
Phyllis Ch	R. Ch & Assoc.

Committee Sergeants at Arms

NAME OF COMMITTEE

~~App~~ Government

DATE:

2/10/0

Room:

643

Senate

House Sgt-At Arms:

1. Name: \_\_\_\_\_

2. Name: \_\_\_\_\_

3. Name: \_\_\_\_\_

4. Name: \_\_\_\_\_

5. Name: \_\_\_\_\_

House

House

Senate Sgt-At Arms:

1. Name: Todd Bachelor

2. Name: Ken Kirby

3. Name: William Bass

4. Name: Abigail Blackwell

5. Name: Martha Gadison

House Page

me 1. Name Doe-Mae Blount County Wake

2 Emma Fowler Columbus

3 Tiffany Davis Davie County

4 Daniel Sartin Caswell

Sponsor  
Hall

Dewey Hill

Julia Howard

Bill Faison

# **Government Committee Meeting**

**February 17, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 43 - Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3b: HB 26 – Committee Report, original bill, bill summary**
- Attachment 3c: HB 68 – Committee Report, original bill, bill summary**
- Attachment 3d: HB 17 – Committee Report, original bill, bill summary**
- Attachment 3e: HB 67 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

**Minutes****Committee on Government****Thursday, February 17, 2011**

The House Committee on Government met on Thursday, February 17, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles, Langdon and Warren, Vice-Chairs, Representatives Adams, Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Fisher, Faircloth, Floyd, Folwell, Frye, Goodman, Guice, Hager, Hurley, Jones, Luebke, McGee, Mills, Mobley, Moffitt, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Harrison Moore, Giles Perry, Kelly Quick and Steve Rose.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was HB 43 Increase Property Tax Appeals Efficiency. Representative Carney, the bill sponsor, was recognized to speak on the bill. Without objection, a proposed committee substitute was presented. After a brief explanation of the bill, Representative Carney welcomed questions from the committee. Following discussion from committee members, the floor was then opened by the Chair to visitors wishing to speak on the bill. Hearing no further discussion, Representative Cotham was recognized for a motion of a favorable report to the proposed committee substitute, unfavorable to the original bill. The motion passed and the bill was referred to Finance.

The next order of business was HB 26 Henderson County Fire Districts. Rep. Chuck McGrady, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative McGrady welcomed questions from the committee. Following discussion from committee members, the floor was then opened by the Chair to visitors wishing to speak on the bill. With no further discussion, Rep. Burr was recognized to make a motion for a favorable report. The motion passed and the bill was referred to Finance.

The next order of business was HB 68 Tax Certification – Add Brunswick County. Representative Frank Iler, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Iler welcomed questions from the committee. There was no further discussion. Representative Cleveland was recognized to make a motion for a favorable report. The motion passed and the bill was referred to finance.

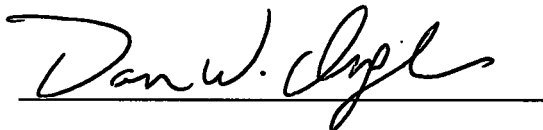
The next order of business was HB 17 Wayne Board of Education Vacancies. Representative Efton Sager, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Sager welcomed questions from the committee. Representative Bradley was recognized to make a motion for a favorable report. The motion passed.

The next order of business was HB 67 Wilson School Board. Representative Tolson, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Tolson welcomed questions from the committee. Representative Langdon was recognized to make a motion for a favorable report. The motion passed.

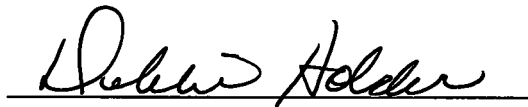
Representative Ingle asked each committee member and staff to introduce themselves.

With no further business before the Committee, the Chair adjourned at 10:20 AM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dan W. Ingle", written over a horizontal line.

Representative Dan Ingle, Co-Chair

A handwritten signature in cursive script, reading "Debbie Holder", written over a horizontal line.

Debbie Holder, Committee Clerk

## AGENDA

### HOUSE COMMITTEE ON GOVERNMENT

Thursday, February 17, 2011

Room 643

10:00 AM

#### OPENING REMARKS

Representative Dan Ingle, Co-Chair  
Government Committee

#### AGENDA ITEMS

HB 17	Wayne Board of Education Vacancies.	Representative Sager Representative LaRoque
HB 26	Henderson County Fire Districts.	Representative McGrady Representative Guice
HB 38	Tax Certification - Alamance County.	Representative Bordsen Representative Ingle
HB 43	Increase Property Tax Appeals Efficiency.	Representative Carney Representative Samuelson Representative Moore
HB 67	Wilson School Board.	Representative Tolson Representative Farmer-Butterfield
HB 68	Tax Certification - Add Brunswick County.	Representative Iler Representative Hill

#### ADJOURNMENT



attached 3a

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 43** A BILL TO BE ENTITLED AN ACT TO INCREASE THE EFFICIENCY OF  
PROPERTY TAX APPEALS IN MECKLENBURG 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  
(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 2011

H

D

HOUSE BILL 43  
PROPOSED COMMITTEE SUBSTITUTE H43-CSTD-3 [v.2]

2/16/2011 3:33:39 PM

Short Title: Increase Property Tax Appeals Efficiency.

(Local)

Sponsors:

Referred to:

February 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN  
3 MECKLENBURG COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Chapter 509 of the 1981 Session Laws is repealed.  
6 SECTION 2. Section 3 of this act applies only to Mecklenburg County.  
7 SECTION 3. G.S. 105-322 reads as rewritten:  
8 "§ 105-322. County board of equalization and review.  
9 (a) Personnel. – Except as otherwise provided herein, the board of equalization and  
10 review of each county shall be composed of the members of the board of county  
11 commissioners.  
12 Upon the adoption of a resolution so providing, the ~~board of commissioners~~Mecklenburg  
13 County Board of Commissioners is authorized to appoint a special board of equalization and  
14 review to carry out the duties imposed under this section. The resolution shall provide for the  
15 membership, qualifications, terms of office and the filling of vacancies on the board. The  
16 membership of the special board provided for in the resolution must be at least five members.  
17 The resolution may authorize the special board to establish rules and procedures, including a  
18 separation into panels of three or more for deliberations. The board of commissioners shall also  
19 designate the clerk and chairman of the special board. The resolution may authorize the  
20 assessor to appoint deputy clerks, as needed. The resolution may also authorize a taxpayer to  
21 appeal a decision of the special board with respect to the listing or appraisal of his property or  
22 the property of others to the board of county commissioners. The resolution shall be adopted  
23 not later than the first Monday in March of the year for which it is to be effective and shall  
24 continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of  
25 the board of commissioners and a copy thereof shall be forwarded to the Department of  
26 Revenue within 15 days after its adoption.  
27 ~~Nothing in this subsection (a) shall be construed as repealing any law creating a special~~  
28 ~~board of equalization and review or creating any board charged with the duties of a board of~~  
29 ~~equalization and review in any county.~~  
30 (b) Compensation. – The board of county commissioners shall fix the compensation and  
31 allowances to be paid members of the board of equalization and review for their services and  
32 expenses.  
33 (c) Oath. – Each member of the board of equalization and review shall take the oath  
34 required by Article VI, § 7 of the North Carolina Constitution with the following phrase added



\* H 4 3 - C S T D - 3 - V - 2 \*

1 to it: "that I will not allow my actions as a member of the board of equalization and review to  
2 be influenced by personal or political friendships or obligations,". The oath must be filed with  
3 the clerk of the board of county commissioners.

4 (d) Clerk and Minutes. – ~~The assessor shall serve as clerk, or deputy clerk,~~ to the  
5 board of equalization and ~~review,~~ review shall be present at all meetings, shall maintain  
6 accurate minutes of the actions of the board, and shall give to the board such information as he  
7 may have or can obtain with respect to the listing and valuation of taxable property in the  
8 county.

9 (e) Time of Meeting. – Each year the board of equalization and review shall hold its  
10 first meeting not earlier than the first Monday in April and not later than the first Monday in  
11 May. In years in which a county does not conduct a real property revaluation, the board shall  
12 complete its duties on or before the third Monday following its first meeting unless, in its  
13 opinion, a longer period of time is necessary or expedient to a proper execution of its  
14 responsibilities. Except as provided in subdivision (g)(5) of this section, the board may not sit  
15 later than July 1 except to hear and determine requests made under the provisions of  
16 subdivision (g)(2), below, when such requests are made within the time prescribed by law. ~~In~~  
17 ~~the year in which a county conducts a real property revaluation, the board shall complete its~~  
18 ~~duties on or before December 1, except that it may sit after that date to hear and determine~~  
19 ~~requests made under the provisions of subdivision (g)(2), below, when such requests are made~~  
20 ~~within the time prescribed by law. The resolution adopted under subsection (a) of this section~~  
21 ~~may authorize the special board to sit beyond the end of the current calendar year until the first~~  
22 ~~meeting of the special board in the next calendar year to hear and determine requests made~~  
23 ~~under the provisions of G.S. 105-322(g)(2) for appeals filed in the current calendar year.~~ From  
24 the time of its first meeting until its adjournment, the board shall meet at such times as it deems  
25 reasonably necessary to perform its statutory duties and to receive requests and hear the appeals  
26 of taxpayers under the provisions of subdivision (g)(2), below.

27 (f) Notice of Meetings and Adjournment. – A notice of the date, hours, place, and  
28 purpose of the first meeting of the board of equalization and review shall be published at least  
29 three times in some newspaper having general circulation in the county, the first publication to  
30 be at least 10 days prior to the first meeting. The notice shall also state the dates and hours on  
31 which the board ~~will meet following its first meeting and the date on which it expects to~~  
32 ~~adjourn;~~ it shall also carry a statement that in the event of earlier or later adjournment, notice to  
33 that effect will be published in the same newspaper. Should a notice be required on account of  
34 earlier adjournment, it shall be published at least once in the newspaper in which the first notice  
35 was published, such publication to be at least five days prior to the date fixed for adjournment.  
36 Should a notice be required on account of later adjournment, it shall be published at least once  
37 in the newspaper in which the first notice was published, such publication to be prior to the date  
38 first announced for adjournment.

39 (g) Powers and Duties. – The board of equalization and review has the following  
40 powers and duties:

41 (1) Duty to Review Tax Lists. – The board shall examine and review the tax  
42 lists of the county for the current year to the end that all taxable property  
43 shall be listed on the abstracts and tax records of the county and appraised  
44 according to the standard required by G.S. 105-283, and the board shall  
45 correct the abstracts and tax records to conform to the provisions of this  
46 Subchapter. In carrying out its responsibilities under this subdivision (g)(1),  
47 the board, on its own motion or on sufficient cause shown by any person,  
48 shall:

49 a. List, appraise, and assess any taxable real or personal property that  
50 has been omitted from the tax lists.

- 1 b. Correct all errors in the names of persons and in the description of
- 2 properties subject to taxation.
- 3 c. Increase or reduce the appraised value of any property that, in the
- 4 board's opinion, has been listed and appraised at a figure that is
- 5 below or above the appraisal required by G.S. 105-283; however, the
- 6 board shall not change the appraised value of any real property from
- 7 that at which it was appraised for the preceding year except in
- 8 accordance with the terms of G.S. 105-286 and 105-287.
- 9 d. Cause to be done whatever else is necessary to make the lists and tax
- 10 records comply with the provisions of this Subchapter.
- 11 e. Embody actions taken under the provisions of subdivisions (g)(1)a
- 12 through (g)(1)d, above, in appropriate orders and have the orders
- 13 entered in the minutes of the board.
- 14 f. Give written notice to the taxpayer at the taxpayer's last known
- 15 address in the event the board, by appropriate order, increases the
- 16 appraisal of any property or lists for taxation any property omitted
- 17 from the tax lists under the provisions of this subdivision (g)(1).
- 18 (2) Duty to Hear Taxpayer Appeals. – On request, the board of equalization and
- 19 review shall hear any taxpayer who owns or controls property taxable in the
- 20 county with respect to the listing or appraisal of the taxpayer's property or
- 21 the property of others.
- 22 a. A request for a hearing under this subdivision (g)(2) shall be made in
- 23 writing to or by personal appearance before the board prior to its
- 24 adjournment. However, if the taxpayer requests review of a decision
- 25 made by the board under the provisions of subdivision (g)(1), above,
- 26 notice of which was mailed fewer than 15 days prior to the board's
- 27 adjournment, the request for a hearing thereon may be made within
- 28 15 days after the notice of the board's decision was mailed.
- 29 b. Taxpayers may file separate or joint requests for hearings under the
- 30 provisions of this subdivision (g)(2) at their election.
- 31 c. At a hearing under provisions of this subdivision (g)(2), the board, in
- 32 addition to the powers it may exercise under the provisions of
- 33 subdivision (g)(3), below, shall hear any evidence offered by the
- 34 appellant, the assessor, and other county officials that is pertinent to
- 35 the decision of the appeal. Upon the request of an appellant, the
- 36 board shall subpoena witnesses or documents if there is a reasonable
- 37 basis for believing that the witnesses have or the documents contain
- 38 information pertinent to the decision of the appeal.
- 39 d. On the basis of its decision after any hearing conducted under this
- 40 subdivision (g)(2), the board shall adopt and have entered in its
- 41 minutes an order reducing, increasing, or confirming the appraisal
- 42 appealed or listing or removing from the tax lists the property whose
- 43 omission or listing has been appealed. The board shall notify the
- 44 appellant by mail as to the action taken on the taxpayer's appeal not
- 45 later than 30 days after the board's adjournment.
- 46 (3) Powers in Carrying Out Duties. – In the performance of its duties under
- 47 subdivisions (g)(1) and (g)(2), above, the board of equalization and review
- 48 may exercise the following powers:
- 49 a. It may appoint committees composed of its own members or other
- 50 persons to assist it in making investigations necessary to its work. It
- 51 may also employ expert appraisers in its discretion. The expense of

the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

- b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the chair of the board, directed to the witness or to the person having custody of the document, and served by an officer authorized to serve subpoenas. Any person who willfully fails to appear or to produce documents in response to a subpoena or to testify when appearing in response to a subpoena shall be guilty of a Class 1 misdemeanor.

- (4) Power to Submit Reports. – Upon the completion of its other duties, the board may submit to the Department of Revenue a report outlining the quality of the reappraisal, any problems it encountered in the reappraisal process, the number of appeals submitted to the board and to the Property Tax Commission, the success rate of the appeals submitted, and the name of the firm that conducted the reappraisal. A copy of the report should be sent by the board to the firm that conducted the reappraisal.

- (5) ~~Duty to Change Abstracts and Records~~ After Adjournment. – 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:

- a. To hear and decide all appeals relating to discovered property under 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).
- c. To hear and decide all appeals relating to audits conducted under G.S. 105-296(j) and relating to audits conducted under G.S. 105-296(j) and (l) of property classified at present-use value and property exempted or excluded from taxation.
- d. To hear and decide all appeals relating to personal property under G.S. 105-317.1(c).
- e. To appraise and reappraise property under G.S. 105-325(a)(6)."

**SECTION 4.** Section 1 of this act becomes effective only upon the adoption of a resolution by the Mecklenburg Board of County Commissioners under Section 3 of this act. The remainder of this act becomes effective January 1, 2011.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 43**

**Short Title:** Increase Property Tax Appeals Efficiency. (Local)

**Sponsors:** Representatives Carney, Samuelson, and R. Moore (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

February 7, 2011

**A BILL TO BE ENTITLED  
AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN  
MECKLENBURG COUNTY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 509 of the 1981 Session Laws is repealed.

**SECTION 2.** This act applies only to Mecklenburg County.

**SECTION 3.** Upon the adoption of a resolution so providing, the Mecklenburg County Board of Commissioners is authorized to appoint and delegate to a special board of equalization and review to perform the duties imposed under G.S. 105-322. The resolution shall provide for the membership of the special board, which shall be at least five members, qualifications, terms of office, filling of vacancies, appointment of the clerk, compensation, time and notice of meetings, adjournment, and establishment of rules and procedures of the special board, including separation into panels of three or more for deliberations. The resolution may authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of property to the Board of Commissioners. The resolution shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. The resolution shall be entered in the minutes of the meeting of the Board of Commissioners, and a copy shall be forwarded to the Department of Revenue. The members of the special board shall take the oath required in G.S. 105-322(c).

**SECTION 4.** A resolution adopted pursuant to Section 3 of this act may authorize the tax assessor to appoint deputy clerks, as needed.

**SECTION 5.** The time of meeting of a special board appointed pursuant to Section 3 of this act shall be as provided in G.S. 105-322(e), except that the resolution appointing the special board may authorize the special board to sit beyond the end of the current calendar year until the first meeting of the special board in the next calendar year to hear and determine requests made under the provisions of G.S. 105-322(g)(2) for appeals filed in the current calendar year.

**SECTION 6.** The publication of notice of meetings and adjournment shall be the same as provided in G.S. 105-322(f), except that no publication will be required of meetings after the initial meeting.

**SECTION 7.** A special board appointed pursuant to Section 3 of this act shall have the powers and duties provided in G.S. 105-322(g), as amended from time to time.

**SECTION 8.** A resolution adopted pursuant to Section 3 of this act may provide for the special board appointed pursuant to Section 3 of this act to have the duties set forth in G.S. 105-325(a)(6), as amended from time to time.



1

**SECTION 9.** This act becomes effective January 1, 2011.



## HOUSE PCS 43: Increase Property Tax Appeals Efficiency

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	February 16, 2011
<b>Introduced by:</b>	Reps. Carney, Samuelson, R. Moore	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	H43-CSTD-3		

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**SUMMARY:** *The proposed committee substitute (PCS) to House Bill 43 would amend the property tax appeals process in Mecklenburg County. The PCS makes technical changes.*

[As introduced, this bill was identical to S55, as introduced by Sens. Clodfelter, Dannelly]

**CURRENT LAW:** Unless local legislation is enacted, a statutory process is provided for the appeal of property tax valuation.

**Statutory Process:** G.S. 105-322 provides the county commissioners review and decide property tax appeals, unless the commissioners adopt a resolution to appoint a county board of equalization. The board must hold its first meeting no earlier than the first Monday in April, and no later than the first Monday in May. The board may only meet past July 1 of each year to consider appeals filed before the statutory deadline of July 1. The Property Tax Commission hears appeals from the board.

**Mecklenburg Local Legislation:** Chapter 509 of the 1981 Session Laws provides the property tax appeals process for Mecklenburg County. The Mecklenburg Board of County Commissioners is authorized to appoint a special board of equalization of 5-9 members. The local legislation provides the powers and procedures for the special board including duties of the board, time of meetings, and notice of meetings. For years in which the County has conducted a revaluation of real property, the Chairman of the special board may divide the board into 3 panels of at least 3 members.

**BILL ANALYSIS:** The proposed committee substitute to House Bill 43 would provide a new property tax appeals process for Mecklenburg County. The new process differs from the statutory process in the following ways:

- The special board of equalization and review must consist of at least 5 members.
- The resolution adopted by the County Commissioners may authorize the special board to adopt rules and procedures, including separation into three or more panels for deliberations.
- The special board is authorized to meet beyond the calendar year in which it was appointed to reconsider appraisals for which new facts relating to the value of the property. Under the statutory process, these reconsiderations are heard by the Board of County Commissioners as the special board has adjourned.
- Publications of notice for meetings for the board must follow the statutory process, except publication is not required for meetings after the initial meeting.

**EFFECTIVE DATE:** The repeal of the prior local act is effective when the Mecklenburg County Commissioners adopt a resolution under this act. This remainder of this act is effective January 1, 2011.

H43-SMRW-13(CSTD-3) v2

*Heather Fennell of the Research Division substantially contributed to this summary.*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 26** A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO  
INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

☒ 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 2011

H

1

HOUSE BILL 26\*

Short Title: Henderson County Fire Districts. (Local)

Sponsors: Representatives McGrady and Guice (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

February 2, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED  
3 AREAS IN A FIRE PROTECTION DISTRICT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 1 of S.L. 2000-4 reads as rewritten:

6 "Section 1. (a) Notwithstanding G.S. 69-25.11, the boundaries of any fire protection  
7 district in Henderson County established under Article 3A of Chapter 69 of the General  
8 Statutes may be changed by resolution of the Board of Commissioners of Henderson County to  
9 follow the boundaries shown on the map in Attachment A to a resolution adopted by that board  
10 on March 17, 1999.

11 (b) Notwithstanding G.S. 69-25.11, the boundaries of any fire protection district in  
12 Henderson County established under Article 3A of Chapter 69 of the General Statutes may be  
13 changed by resolution of the Board of Commissioners of Henderson County to include any  
14 unincorporated area of the county not already in such a fire protection district if (i) in that  
15 resolution all of such unincorporated areas, other than those owned by the United States, are  
16 placed in some fire protection district and (ii) no fire district contains any new noncontiguous  
17 territory other than a noncontiguity caused by exclusion of property owned by the United  
18 States. Any resolution adopted under this subsection becomes effective the first day of the next  
19 fiscal year."

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





## HOUSE BILL 26: Henderson County Fire Districts

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. McGrady, Guice  
**Analysis of:** First Edition

**Date:** February 16, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 26 is a local act that would allow Henderson County to include all unincorporated areas in a fire protection district.*

[As introduced, this bill was identical to S44, as introduced by Sen. Apodaca, which is currently in Senate State and Local Government.]

**CURRENT LAW:** Article 3A of Chapter 69 of the General Statutes addresses the creation of rural fire protection districts. G.S. 69-25.11 governs changes in the area of a fire protection district.

**BILL ANALYSIS:** Senate Bill 44 provides that, notwithstanding the general State law requirements for changing fire protection districts, the boundaries of any fire protection district in Henderson County may be changed by the Board of Commissioners to include any unincorporated area of the county not already in a fire protection district if:

1. In that resolution, all unincorporated areas are placed in the same fire protection district, other than those areas owned by the United States.
2. No fire district contains any new noncontiguous territory other than a noncontiguity caused by exclusion of property owned by the United States.

The act also provides that any resolution adopted becomes effective the first day of the next fiscal year.

**BACKGROUND:** The General Assembly permitted the Henderson County Board of Commissioners to adjust the boundaries of its fire protection districts in 2000. S.L. 2000-4 was a local act that allowed the boundaries to follow a map attached to a resolution adopted by the Henderson County Board of Commissioners on March 17, 1999.

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

H26-SMRW-12(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 68** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

**(FOR JOURNAL USE ONLY)**

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 68

Short Title: Tax Certification - Add Brunswick County. (Local)

Sponsors: Representatives Iler and Hill (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

February 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO REQUIRE THE PAYMENT OF  
3 DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING  
4 PROPERTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 161-31(b) reads as rewritten:

7 "§ 161-31. Tax certification.

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

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

20 (b) Applicability. – This section applies only to Alexander, Anson, Beaufort, Bertie,  
21 Brunswick, Burke, Cabarrus, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay,  
22 Cleveland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Gaston,  
23 Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde,  
24 Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell,  
25 Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt,  
26 Polk, Robeson, Rockingham, Rowan, Rutherford, Stanly, Surry, Swain, Transylvania, Tyrrell,  
27 Vance, Warren, Washington, Wayne, Wilson, and Yadkin Counties."

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





## HOUSE BILL 68: Tax Certification - Add Brunswick County

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Iler, Hill  
**Analysis of:** First Edition

**Date:** February 16, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 68 authorizes Brunswick County to require payment of delinquent property taxes prior to recording deeds conveying property.*

### CURRENT LAW:

G.S. 161-31(a) permits tax certification by allowing a county board of commissioners, by resolution, to require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

G.S. 161-31(a1) provides an exception to the tax certification by requiring the register of deeds to accept, without certification, a deed containing the following statement: "This instrument prepared by: \_\_\_\_\_, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."

G.S. 161-31(b) lists the 69 counties to which this provision currently applies.<sup>1</sup>

The following four counties have a similar requirement but under different authorizing legislation:

Avery County	Chapter 305 of the 1963 Session Laws, as amended by S.L. 1997-410 and S.L. 1998-73 <sup>2</sup>
Ashe County	S.L. 1993-657, as amended by S.L. 1997-410 and S.L. 2005-433 <sup>3</sup>
Alleghany County	S.L. 1997-410
Mitchell County	S.L. 1987-537, as amended by S.L. 1997-410 and S.L. 1999-326 <sup>4</sup>

These local acts provide that the Register of Deeds shall not record any deed unless it is accompanied by a certification that all delinquent taxes have been paid. These local acts are in contrast to G.S. 161-31, which gives certain counties the discretion to pass a resolution to that effect.

**BILL ANALYSIS:** House Bill 68 amends G.S. 161-31(b) to add Brunswick County to the list of counties in which the board of commissioners is permitted to pass a resolution requiring the register of deeds not to accept any deed transferring real property unless the county tax collector certifies that the taxes listed in the statute are not delinquent and are not a lien on the property. (The taxes listed in G.S. 161-31(a) are ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged.)

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

*Trina Griffin, counsel to House Finance, substantially contributed to this summary.*  
H68-SMSH-2(e1) v2

<sup>1</sup> The Register of Deeds in Duplin County must also receive a certification that no municipal taxes or any other taxes the collector is charged with collecting are a lien on the property before a deed transferring the property may be recorded.

<sup>2</sup> The Town of Newland was added in 1997; the Town of Banner Elk was added in 1998.

<sup>3</sup> S.L. 2005-433 provides that in addition to receiving a certification from the county tax collector, the Register of Deeds must also receive a certification from any municipal tax collector, where applicable, verifying that all delinquent taxes on the property have been paid.

<sup>4</sup> This local act also provides that if the property is located in the Town of Spruce Pine or the Town of Bakersville, the deed must also be accompanied by a certification from the town tax collector that all municipal taxes have been paid with respect to the property.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 17** A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 17

Short Title: Wayne Board of Education Vacancies. (Local)

Sponsors: Representatives Sager and LaRoque (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

January 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS  
3 OWN VACANCIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 5 of A PLAN TO PROVIDE FOR THE MERGER AND  
6 CONSOLIDATION OF THE GOLDSBORO CITY BOARD OF EDUCATION AND THE  
7 WAYNE COUNTY BOARD OF EDUCATION AND TO ESTABLISH ONE  
8 ADMINISTRATIVE BOARD OF EDUCATION FOR ALL THE PUBLIC SCHOOLS OF  
9 WAYNE COUNTY, approved by the Board of Commissioners of Wayne County on  
10 September 17, 1991, under G.S. 115C-68.1 and as ratified by Chapter 767 of the 1991 Session  
11 Laws, reads as rewritten:

12 "SECTION V

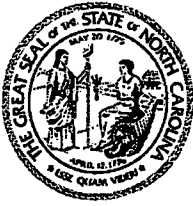
13 ~~Vacancies occurring on the interim Wayne County Board of Education, for any reason,~~  
14 ~~shall be filled by the Wayne County Board of Commissioners.~~ Vacancies occurring on the  
15 permanent board of education shall be filled by the Wayne County Board of ~~Commissioners~~  
16 Education. In the event that a seat becomes vacant that is filled by an individual who was  
17 elected from a district, the Wayne County ~~Commissioners~~ Board of Education shall fill that  
18 vacancy with an individual who resides in the district. Prior to filling any vacancy under this  
19 section, the Board of Education may seek recommendations from the Board of Commissioners.  
20 If so requested, the Board of Commissioners shall make recommendations within 30 days. The  
21 person appointed to fill a vacancy on the permanent board shall serve until the next general  
22 election at which the individual could file for the primary. If the vacancy is filled after the filing  
23 period for the next general election has passed, the member shall serve until a person can be  
24 elected at the next following general election. The person so elected in either case shall take  
25 office on the first Monday in December after the general election in which he was elected. If  
26 the filing period or the next general election has passed, the member shall serve until the  
27 second following general election when the vacancy shall be filled by election if applicable."

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



\* H 1 7 - V - 1 \*





## HOUSE BILL 17: Wayne Board of Education Vacancies

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Sager, LaRoque  
**Analysis of:** First Edition

**Date:** February 9, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 17 would allow the Wayne County Board of Education to fill a vacancy on the Wayne County Board of Education.*

### CURRENT LAW & BILL ANALYSIS:

Generally applicable statewide law provides that vacancies on a local board of education are filled by the local board of education. G.S. 115C-37(f).

The plan of merger between the Goldsboro City school system and the Wayne County school system, adopted by the Wayne County Board of Education and ratified as a local act by the General Assembly in 1991, specifically provides that vacancies on the merged Wayne County Board of Education are to be filled by the Wayne County Board of Commissioners. If the vacated seat was filled by an individual elected from a district, the individual filling the seat must also be from that district.

House Bill 17 would amend the merger agreement to provide that the Wayne County Board of Education is to fill any vacancy amongst its membership. The Board of Education could ask the Board of County Commissioners for recommendations in filling that vacancy. If the vacated seat was filled by an individual elected from a district, the individual filling the seat must also be from that district.

**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 Wayne County is one of the 40 counties in North Carolina subject to Section 5.

H17-SMST-1(e1) v3

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 67** A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987 LOCAL ACT RELATING TO THAT BOARD.

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

**(FOR JOURNAL USE ONLY)**

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

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/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 2011

H

D

HOUSE BILL 67  
PROPOSED COMMITTEE SUBSTITUTE H67-CSST-1 [v.1]

2/15/2011 12:43:52 PM

Short Title: Wilson School Board.

(Local)

Sponsors:

Referred to:

February 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY  
3 BOARD OF EDUCATION TAKE OFFICE.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Subsection(f) of Section 4 of Chapter 921, Session Laws of 1973, as  
6 rewritten by Section 1 of Chapter 236 of the 1987 Session Laws, is rewritten to read:  
7 "(f) Terms of office of the Wilson County Board of Education begin on the second  
8 Monday in ~~January~~ December following their election."  
9 SECTION 2. This act is effective when it becomes law.



\* H 6 7 - C S S T - 1 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 67**

Short Title:   Wilson School Board. (Local)

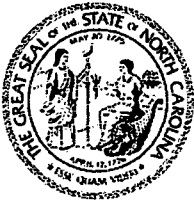
Sponsors:   Representatives Tolson and Farmer-Butterfield (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government.

February 10, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY  
3 BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987  
4 LOCAL ACT RELATING TO THAT BOARD.  
5 The General Assembly of North Carolina enacts:  
6       **SECTION 1.** Subsection(f) of Section 4 of Chapter 921, Session Laws of 1973, as  
7 rewritten by Section 1 of Chapter 236 of the 1987 Session Laws, is rewritten to read:  
8       "(f) Terms of office of the Wilson County Board of Education begin on the second  
9 Monday in ~~January~~ December following their election."  
10       **SECTION 2.** Section 1 of Chapter 236 of the 1987 Session Laws is amended by  
11 deleting "Section 4 of Chapter 921, Session Laws of 1983" and substituting "Section 4 of  
12 Chapter 921, Session Laws of 1973."  
13       **SECTION 3.** This act is effective when it becomes law.





## HOUSE PCS 67: Wilson School Board

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	February 15, 2011
<b>Introduced by:</b>	Reps. Tolson, Farmer-Butterfield	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H67-CSST-1		Committee Counsel

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**SUMMARY:** *The proposed committee substitute for House Bill 67 would change the day that members of the Wilson County Board of Education take office upon election.*

### CURRENT LAW & BILL ANALYSIS:

Under generally applicable statewide law, local boards of education qualify and take the oath of office at their meeting in December following the election. G.S. 115C-37(d)

Under a 1973 local act, members of the Wilson County Board of Education are to take office on the second Monday in January following the election.

The proposed committee substitute would change the local act for the Wilson County Board of Education to require members to take office on the second Monday in December following the election.

**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 Wilson County is one of the 40 counties in North Carolina subject to Section 5.

H67-SMST-2(CSST-1) v1

[illegible]

# VISITOR REGISTRATION SHEET

**Name of Committee****Däte**

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

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS:**

Wendy Kelly

# Policy Group

Daniel Baum.

## TS STRATEGIES

Committee Sergeants at Arms

NAME OF COMMITTEE

Government

DATE:

2/17/2011

Room:

643House Sgt-At Arms:

1. Name:

Todd Batchelor

2. Name:

Ken Kirby

3. Name:

EARL COKE

4. Name:

Abigail Blackwell

5. Name:

MARtha GadisonSenate Sgt-At Arms:

1. Name:

2. Name:

3. Name:

4. Name:

5. Name:



HOUSE PAGES

NAME OF COMMITTEE Government DATE 2/17/2011

1. Name: David Joyner

County: Wayne

Sponsor: Rep. Elton Sager

2. Name: Tanner Barnett

County: Mecklenburg

Sponsor: Bill Brawley

3. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

# **Government Committee Meeting**

**February 24, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 15 - Committee Report, original bill, bill summary**
- Attachment 3b: HB 21 – Committee Report, original bill, bill summary**
- Attachment 3c: HB 33 – Committee Report, proposed committee substitute, amendments, original bill, bill summary**
- Attachment 3d: HB 96 – Committee Report, original bill, bill summary**
- Attachment 3e: HB 118 – Committee Report, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

**Minutes****Committee on Government****Thursday, February 24, 2011**

The House Committee on Government met on Thursday, February 24, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles and Warren, Vice-Chairs, Representatives Adams, Alexander, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Earle, Fisher, Faircloth, Floyd, Folwell, Frye, Gill, Goodman, Hurley, Jones, Justice, Luebke, McGee, Mills, Mobley, Moffitt and Moore. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Harrison Moore, Giles Perry, Kelly Quick and Steve Rose.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was HB 15 Beaufort/Use of Parking Meter Proceeds. Representative McElraft, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative McElraft welcomed questions from the committee. Hearing no further discussion, Representative Cleveland was recognized for a motion of a favorable report. The motion passed.

The next order of business was HB 21 County Administration of Municipal Elections. Representative Crawford, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Crawford welcomed questions from the committee. Representative Mobley moved for a favorable report. The motion carried.

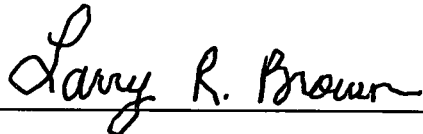
The next order of business was HB 33 State Law to Provide for Acceptable ID's. Rep. Cleveland, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Cleveland welcomed questions from the committee. The Chair recognized J. Michael Woodard of the Durham City Council to speak on the bill. Mr. Woodard spoke in opposition. Rep. Luebke was recognized for a second amendment. A vote was taken by a show of hands. Rep. Burr made a motion for a favorable report of the 1<sup>st</sup> amendment. The 2<sup>nd</sup> amendment did not pass however the original amendment did pass 16 to 10. A proposed committee substitute will be prepared for the 1<sup>st</sup> amendment and the bill was referred to Judiciary.

The next order of business was HB 96 Additional Alleghany Occupancy Tax. Representative Stevens, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Stevens welcomed questions from the committee. Representative McGee was recognized to make a motion for a favorable report. The motion passed and the bill was referred to Finance.

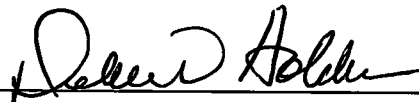
The next order of business was HB 118 Winston-Salem/Daily Currency/Coins Deposits. Representative Womble, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Womble welcomed questions from the committee. Representative Folwell was recognized to make a motion for a favorable report. The motion passed.

With no further business before the Committee, the Chair adjourned at 10:43 AM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Larry R. Brown", written over a horizontal line.

Representative Larry Brown, Co-Chair

A handwritten signature in cursive script, reading "Debbie Holder", written over a horizontal line.

Debbie Holder, Committee Clerk

## **AGENDA**

### **HOUSE COMMITTEE ON GOVERNMENT**

**Thursday, February 24, 2011**

**Room 643**

**10:00 AM**

#### **OPENING REMARKS**

**Representative Larry Brown, Co-Chair  
Government Committee**

#### **AGENDA ITEMS**

<b>HB 15</b>	<b>Beaufort/Use of Parking Meter Proceeds.</b>	<b>Representative McElraft</b>
<b>HB 21</b>	<b>County Administration of Municipal Elections.</b>	<b>Representative Crawford, Jr.</b>
<b>HB 33</b>	<b>State Law to Provide for Acceptable ID's.</b>	<b>Representative Hager Representative Cleveland</b>
<b>HB 96</b>	<b>Additional Alleghany Occupancy Tax.</b>	<b>Representative Stevens</b>
<b>HB 97</b>	<b>Union Fire Fee Sunset Repealed.</b>	<b>Representative Horn Representative Burr</b>
<b>HB 118</b>	<b>Winston-Salem/Daily Currency/Coins Deposits.</b>	<b>Representative Womble Representative Parmon Representative McGee Representative L. Brown</b>

#### **ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 15** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BEAUFORT TO USE PROCEEDS FROM PARKING METERS FOR THE ACQUISITION, DEVELOPMENT, AND OPERATION OF ON-STREET AND OFF-STREET PARKING FACILITIES.

☒ 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 2011

H

1

HOUSE BILL 15\*

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Short Title: Beaufort/Use of Parking Meter Proceeds. (Local)

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Sponsors: Representative McElraft (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Government.

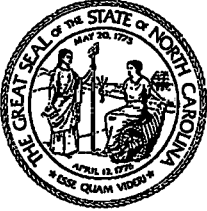
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January 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE TOWN OF BEAUFORT TO USE PROCEEDS FROM  
3 PARKING METERS FOR THE ACQUISITION, DEVELOPMENT, AND OPERATION  
4 OF ON-STREET AND OFF-STREET PARKING FACILITIES.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 160A-301(a) reads as rewritten:  
7 "(a) On-Street Parking. – A city may by ordinance regulate, restrict, and prohibit the  
8 parking of vehicles on the public streets, alleys, and bridges within the city. When parking is  
9 permitted for a specified period of time at a particular location, a city may install a parking  
10 meter at that location and require any person parking a vehicle therein to place the meter in  
11 operation for the entire time that the vehicle remains in that location, up to the maximum time  
12 allowed for parking there. Parking meters may be activated by coins or tokens. Proceeds from  
13 the use of parking meters on public streets ~~must~~ may be used only to defray the cost of  
14 enforcing and administering traffic and parking ordinances and ~~regulations~~ regulations, and the  
15 acquisition, development, and operation of on-street and off-street parking facilities."  
16 SECTION 2. This act applies to the Town of Beaufort only.  
17 SECTION 3. This act is effective when it becomes law.



\* H 1 5 - V - 1 \*



## HOUSE BILL 15: Beaufort/Use of Parking Meter Proceeds

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. McElraft  
**Analysis of:** First Edition

**Date:** February 23, 2011  
**Prepared by:** Steven Rose  
Committee Counsel

**SUMMARY:** *HB 15 is a local bill applicable to the Town of Beaufort and allows the proceeds from parking meters to be used for the acquisition, development, and operation of on-street and off-street parking facilities.*

**CURRENT LAW:** G.S. 160A-301(a) authorizes cities to regulate on-street parking within the city limits and authorizes the use of parking meters. Proceeds from parking meters must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

**BILL ANALYSIS:** HB 15 adds acquisition, development, and operation of on-street and off-street parking facilities to the uses that may be made of parking meter proceeds.

**EFFECTIVE DATE:** Effective when it becomes law.

*H15-SMRL-1(e1) v1*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 21** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS SINCE GENERAL ABOLITION OF MUNICIPAL BOARDS OF ELECTIONS IN 2001.

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

**(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 2011

H

1

HOUSE BILL 21

Short Title: County Administration of Municipal Elections. (Public)

Sponsors: Representative Crawford (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Elections.

February 2, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL  
3 ELECTIONS BY COUNTY BOARDS OF ELECTIONS SINCE GENERAL ABOLITION  
4 OF MUNICIPAL BOARDS OF ELECTIONS IN 2001.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 163-284 reads as rewritten:

7 "§ 163-284. Mandatory administration by county boards of elections.

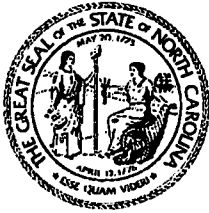
8 (a) ~~No later than 30 days after January 1, 1973, every municipality which conducts its~~  
9 ~~elections on a partisan basis, and every special district shall deliver its registration books to the~~  
10 ~~county board of elections which shall, forthwith, assume the responsibility for administration of~~  
11 ~~the registration and election process in such municipalities and special districts. The county~~  
12 ~~boards of elections shall have authority to compare the registration books of such~~  
13 ~~municipalities and special districts with the county registration books. Any person found to be~~  
14 ~~registered for municipal or special district elections but not registered on the county registration~~  
15 ~~records shall be required to register with the county board of elections in order to maintain his~~  
16 ~~municipal or special district registration. The county board of elections shall forthwith notify~~  
17 ~~any such person by mail to the address appearing on the municipal or special district~~  
18 ~~registration records that he must reregister. The county board of elections shall have authority~~  
19 ~~to require maps or definitive outlines of the boundaries constituting such municipality or~~  
20 ~~special district and shall be immediately advised of any change or relocation of such~~  
21 ~~boundaries.~~

22 (b) ~~The~~ Except as to the specific municipalities named in G.S. 163-285, registration of  
23 voters and the conduct of all elections in municipalities and special districts ~~covered under this~~  
24 ~~section~~ shall be under the authority of the county board of elections. Any contested election or  
25 allegations of irregularities shall be made to the county board of elections and appeals from  
26 such rulings may be made to the State Board of Elections under existing statutory provisions  
27 and rules or regulations adopted by the State Board of Elections.

28 Each municipality and special district shall reimburse the county board of elections for the  
29 actual cost involved in the administration required under (a) and (b) of this section."

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





## HOUSE BILL 21: County Administration of Municipal Elections

*2011-2012 General Assembly*

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<b>Committee:</b>	House Government, if favorable, Elections	<b>Date:</b>	February 23, 2011
<b>Introduced by:</b>	Rep. Crawford	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	First Edition		Committee Counsel

---

**SUMMARY:** *House Bill 21 would require the county board of elections to register voters and conduct all elections in municipalities and special districts, except for specific listed municipalities.*

**CURRENT LAW:** Partisan municipal boards of elections were generally abolished in the 1970's, transferring the responsibility for conducting the election to the county board of elections. Municipalities with non-partisan elections could conduct their own elections, or request the county board of elections to conduct the election. The statutes reflect that the county board of elections was to assume responsibility for administration of registration of voters and conduct of elections from municipalities with partisan elections.

In 2001, the municipal boards authorized to conduct elections was further restricted to 4 specifically named municipalities: Morganton, Old Fort, Granite Falls, and Rhodhiss. The statutes are silent as to requiring a county board to assume responsibility for administration of registration of voters and conduct of elections from municipalities with non-partisan elections in one statute, G.S. 163-284, but require it in another, G.S. 163-285(a).

At this time, no municipalities appoint municipal boards of election and conduct their election.

**BILL ANALYSIS:** House Bill 21 would clarify that county boards of election are required to assume responsibility for voter registration and conduct of elections in all municipal and special district elections, with the exception of the municipalities of Morganton, Old Fort, Granite Falls, and Rhodhiss.

**EFFECTIVE DATE:** Effective when it becomes law.

*H21-SMST-3(el) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 33** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY IDENTIFICATIONS APPROVED BY THE STATE MAY BE USED TO DETERMINE THE RELIABILITY OF A PERSON'S IDENTIFICATION FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.

☒ 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.

**(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 2011

H

D

HOUSE BILL 33  
PROPOSED COMMITTEE SUBSTITUTE H33-PCS30109-RW-5

Short Title: State Law to Provide for Acceptable ID's.

(Public)

Sponsors:

Referred to:

February 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT ONLY IDENTIFICATIONS APPROVED BY THE STATE  
3 MAY BE USED TO DETERMINE THE RELIABILITY OF A PERSON'S  
4 IDENTIFICATION FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 18 of Chapter 15A of the General Statutes is amended by  
7 adding a new section to read:

8 "Article 18.

9 "Identification Documents.

10 "§ 15A-306. Acceptable forms of identification.

11 (a) Acceptable Forms of Identification. – As used in this section, acceptable forms of  
12 identification for use in determining a person's actual identity by a justice, judge, clerk,  
13 magistrate, law enforcement officer, or other government official are as follows:

14 (1) A drivers license issued by any state, as the term "state" is defined in  
15 G.S. 20-4.01(45).

16 (2) A special identification card issued pursuant to G.S. 20-37.7.

17 (3) A military identification card issued by the United States Department of  
18 Defense.

19 (4) A passport issued by another government that is recognized as valid by the  
20 United States Department of State.

21 (5) An official document issued by the United States government showing the  
22 person to be legally present in the United States.

23 (b) Local Government Ordinances. – No local government may establish, by policy or  
24 ordinance, the acceptability of any form of identification, other than those listed in subsection  
25 (a) of this section, to be used to determine the identity of any person. Any local government  
26 policy or ordinance which contradicts this section is hereby repealed."

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



\* H 3 3 - P C S 3 0 1 0 9 - R W - 5 \*



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 33

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

Page 1 of 1

H33-ARW-3 [v.1]

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

Date \_\_\_\_\_, 2011

Representative \_\_\_\_\_

- 1 moves to amend the bill on page 1, line 19, by rewriting that line to read:  
2  
3 "(4) A passport issued by another government that is recognized as valid by the United States  
4 Department of State."  
5

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

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

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

*passed*



\* H 3 3 - A R W - 3 - V - 1 \*



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 33

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

Page 1 of 1

H33-AST-4 [v.1]

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

Date \_\_\_\_\_, 2011

Representative Luebke

1 moves to amend the bill on page 1, line 11 by deleting "(a)" on that line;  
2  
3 and on page 1, lines 22-25 by deleting those lines.  
4  
5

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

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

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

*failed*



\* H 3 3 - A S T - 4 - V - 1 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 33

Short Title: State Law to Provide for Acceptable ID's. (Public)

Sponsors: Representatives Hager and Cleveland (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Judiciary.

February 7, 2011

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE THAT ONLY IDENTIFICATIONS APPROVED BY THE STATE  
MAY BE USED TO DETERMINE THE RELIABILITY OF A PERSON'S  
IDENTIFICATION FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 18 of Chapter 15A of the General Statutes is amended by  
adding a new section to read:

"Article 18.

"Identification Documents.

**"§ 15A-306. Acceptable forms of identification.**

(a) Acceptable Forms of Identification. – As used in this section, acceptable forms of  
identification for use in determining a person's actual identity by a justice, judge, clerk,  
magistrate, law enforcement officer, or other government official are as follows:

(1) A drivers license issued by any state, as the term "state" is defined in  
G.S. 20-4.01(45).

(2) A special identification card issued pursuant to G.S. 20-37.7.

(3) A military identification card issued by the United States Department of  
Defense.

(4) A passport issued by a government with diplomatic ties to the United States.

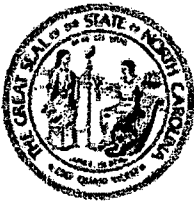
(5) An official document issued by the United States government showing the  
person to be legally present in the United States.

(b) Local Government Ordinances. – No local government may establish, by policy or  
ordinance, the acceptability of any form of identification, other than those listed in subsection  
(b) of this section, to be used to determine the identity of any person. Any local government  
policy or ordinance which contradicts this section is hereby repealed."

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







## HOUSE BILL 33: State Law to Provide for Acceptable ID's

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Judiciary	<b>Date:</b>	February 23, 2011
<b>Introduced by:</b>	Reps. Hager, Cleveland	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 33 sets out the authorized forms of identity that may be used for law enforcement and governmental purposes in the State.*

**CURRENT LAW:** Chapter 15A of the General Statutes, the Criminal Procedure Act, does not contain any general provisions concerning acceptable forms of identification to demonstrate a person's actual identity.

**BILL ANALYSIS:** House Bill 33 sets out five forms of identification that may be used by a justice, judge, clerk, magistrate, law enforcement officer, or other governmental official in determining a person's actual identity:

- A drivers license issued by any state (*defined as a drivers license issued by: one of the United States, the District of Columbia, a territory or possession of the United States, the Commonwealth of Puerto Rico, a Canadian Province, or the Sovereign Nation of the Eastern Band of the Cherokee*).
- A North Carolina special identification card.
- A military identification card issued by the United States Department of Defense.
- A passport issued by a government with diplomatic ties to the United States. (*According to the United States Department of State, the United States does not have diplomatic relations with the following: Bhutan, Cuba, Iran, North Korea, and Taiwan*).
- An official document issued by the United States government showing the person to be legally present in the United States.

In addition, the bill provides that no local government in the State may authorize the acceptance of any other forms of identification, others than those listed, to be used to determine the identity of a person, and any local government ordinance or policy that provides otherwise is repealed.

**EFFECTIVE DATE:** House Bill 33 becomes effective when it becomes law.

H33-SMRW-16(e1) v4

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 96** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY COUNTY TO LEVY AN ADDITIONAL 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 \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 96**

Short Title: Additional Alleghany Occupancy Tax. (Local)

Sponsors: Representative Stevens (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site:

Referred to: Government, if favorable, Finance.

February 16, 2011

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE ALLEGHANY COUNTY TO LEVY AN ADDITIONAL THREE  
PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 162 of the 1991 Session Laws, as amended by S.L. 2004-106, is amended by adding a new subsection to read:

"(a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Alleghany County Board of Commissioners may levy an additional room occupancy 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 the provisions of this section. Alleghany County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section."

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





## HOUSE BILL 96: Additional Alleghany Occupancy Tax

*2011-2012 General Assembly*

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Rep. Stevens  
**Analysis of:** First Edition

**Date:** February 23, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 96 authorizes Alleghany County to levy an additional occupancy tax of up to 3%.*

**CURRENT LAW:** Under current law (S.L. 1991-162, as amended by S.L. 2004-106), Alleghany County is authorized to levy an occupancy tax of 3%. Two-thirds of the proceeds are used to promote travel and tourism in Alleghany County, and remainder for tourism-related purposes.

**BILL ANALYSIS:** House Bill 96 authorizes the Alleghany County Board of Commissioners to levy an additional occupancy tax of up to 3%, to be administered in accordance with the procedures applicable to the original 3% occupancy tax.

**EFFECTIVE DATE:** House Bill 96 becomes effective when it becomes law.

*H96-SMRW-18(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 118** A BILL TO BE ENTITLED AN ACT RELATING TO THE DAILY DEPOSIT OF  
COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM.

☒ 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 2011

H

1

HOUSE BILL 118

Short Title: Winston-Salem/Daily Currency/Coins Deposits. (Local)

Sponsors: Representatives Womble, Parmon, McGee, and L. Brown (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

February 17, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY  
3 THE CITY OF WINSTON-SALEM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 79 of the 1995 Session Laws, as amended by Chapter 639 of  
6 the 1995 Session Laws, reads as rewritten:

7 "Section 1. G.S. 159-32 reads as rewritten:

8 "§ 159-32. Daily deposits.

9 Except as otherwise provided by law, all taxes and other moneys collected or received by  
10 an officer or employee of a local government or public authority shall be deposited in  
11 accordance with this section. Each officer and employee of a local government or public  
12 authority whose duty it is to collect or receive any taxes or other moneys shall deposit the  
13 collections and receipts daily. The deposit of currency and coins into a cash vault that  
14 physically secures the cash and electronically records the deposit daily in an official depository  
15 bank qualifies as a daily deposit even if the cash is not physically deposited at the bank until a  
16 later time. If the governing board gives its approval, deposits shall be required only when the  
17 moneys on hand amount to as much as five hundred dollars (\$500.00), but in any event a  
18 deposit shall be made on the last business day of the month. All deposits shall be made with the  
19 finance officer or in an official depository. Deposits in an official depository shall be  
20 immediately reported to the finance officer by means of a duplicate deposit ticket. The finance  
21 officer may at any time audit the accounts of any officer or employee collecting or receiving  
22 taxes or other moneys, and may prescribe the form and detail of these accounts. The accounts  
23 of such an officer or employee shall be audited at least annually.

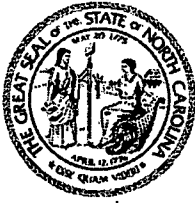
24 Sec. 2. This act applies to the Cities of Greensboro and Winston-Salem only.

25 Sec. 3. This act is effective upon ratification."

26 SECTION 2. This act applies to the City of Winston-Salem only.

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





## HOUSE BILL 118: Winston-Salem/Daily Currency/Coins Deposits

2011-2012 General Assembly

<b>Committee:</b>	House Government	<b>Date:</b>	February 23, 2011
<b>Introduced by:</b>	Reps. Womble, Parmon, McGee, L. Brown	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 118 is a local bill that applies only to the City of Winston-Salem and clarifies that collections and receipts deposited and recorded on a daily basis by an official depository bank, but not physically collected, qualify as a daily deposit.*

### CURRENT LAW:

G.S. 159-32 requires local government or public authority officers and employees to deposit taxes or other collections and receipts on a daily basis. Upon approval of the governing board, deposits may be required only when the moneys on hand amount to as much as \$250, but deposits must be made on the last business day of the month. All deposits must be made with the finance officer or in an official depository and immediately reported to the finance officer.

Chapter 79 of the 1995 Session Laws, as amended by Chapter 639 of the 1995 Session Laws, increased the threshold in G.S. 159-32 from \$250 to \$500 as it applies to the City of Winston-Salem.<sup>1</sup>

### BILL ANALYSIS:

House Bill 118 amends Chapter 79 of the 1995 Session Laws, as amended by Chapter 639 of the 1995 Session Laws, to clarify daily deposits by officers and employees of the City of Winston Salem. The bill specifies that money deposited into a cash vault that physically secures and electronically records the deposit in an official depository bank qualifies as a daily deposit even though the deposits may not be physically collected until a later date.

### EFFECTIVE DATE:

House Bill 118 would become effective when it becomes law and applies only to the City of Winston-Salem.

### BACKGROUND:

The City of Winston Salem has secured vaults that operate similar to automated teller machines (ATM). The vaults accept cash deposits and upload the deposit information for credit at the bank on the next day. Possession of the cash transfers to an armored car company immediately upon deposit and the armored car company picks up the cash on a periodic basis (currently on Friday afternoons). The City seeks to clarify that this process meets the daily deposit requirement.

H118-SM\$H-3(e1) v3

<sup>1</sup> Chapter 79 of the 1995 Session Laws amended G.S. 159-32 to increase the deposit amount from \$250 to \$500 for the City of Greensboro. Chapter 639 of the 1995 Session Laws amended Chapter 79 of the 1995 Session Laws to add the City of Winston-Salem.

# VISITOR REGISTRATION SHEET

Government.  
Name of Committee

7-24-10

**Date**

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

**NAME****FIRM OR AGENCY AND ADDRESS**

Tammy Smith

NC Asc

Caroline Denning -

NMSS

Penney Buffi

206

Monica Yelverton

Governor's Office

Zane Gilwell

NRGA

Sarah Preston

ACLU-NC



## VISITOR REGISTRATION SHEET

Government.  
Name of Committee

2-24-11

**Date**

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

**NAME****FIRM OR AGENCY AND ADDRESS**

konigsa. waren

NCJL

Bill Rane

NCJC

Tommy Thompson

RBH

Per me

NKLA

Committee Sergeants at Arms

NAME OF COMMITTEE

Government

DATE:

2/24/11

Room:

643House Sgt-At Arms:

1. Name:

Todd Bachelor

2. Name:

Abigail Blackwell

3. Name:

Earl Coker

4. Name:

Martha Godson

5. Name:

Senate Sgt-At Arms:

1. Name:

2. Name:

3. Name:

4. Name:

5. Name:

HOUSE PAGES

NAME OF COMMITTEE Government DATE 2/24/11

1. Name: Sam Shumate

County: Cumberland

Sponsor: Parfitt

2. Name: Anna Pell

County: Randolph

Sponsor: Dockham

3. Name: Jhamil King

County: Burke

Sponsor: Blackwell

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

# **Government Committee Meeting**

**March 3, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 134 - Committee Report, original bill, bill summary**
- Attachment 3b: HB 140 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3c: HB 152 – Committee Report, proposed committee substitute, amendments, original bill, bill summary**
- Attachment 3d: HB 167 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3e: HB 170 – Committee Report, original bill, bill summary**
- Attachment 3f: HB 171 – Committee Report, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, March 3, 2011**

The House Committee on Government met on Thursday, March 3, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representatives Ingle, Larry Brown, Co-Chairs, Representatives Boles, Langdon and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, R. Brown, Cleveland, Collins, Faircloth, Fisher, Floyd, Folwell, Frye, Guice, Hager, Hurley, Jones, Justice, McGee, Mills, Mobley, Moffitt, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Harrison Moore, and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was HB 134 Modify Carteret County Occupancy Tax. Representative Pat McElraft, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative McElraft welcomed questions from the committee. Hearing no further discussion, Representative Cleveland was recognized for a motion of a favorable report. The motion passed and the bill was referred to Finance.

The next order of business was HB 140 Oak Island/Recall Officials. Rep. Frank Iler, the bill sponsor, was recognized to speak on the bill. A proposed committee substitute was distributed to the members. After a brief explanation of the bill, Representative Iler welcomed questions from the committee. Following discussion from committee members, Representative Langdon made a motion for a favorable report to the proposed committee substitute. The motion passed.

The next order of business was HB 152 Modify NCCGIA @ GICC Enabling Law. Representative Joe Tolson, the bill sponsor, was recognized to speak on the bill. An amendment was distributed to the members. The amendment was approved. After a brief explanation of the bill, Representative Tolson welcomed questions from the committee. The chair recognized Dr. Lee Mandell from GICC to speak in favor of the bill. After further discussion, Representative Bradley asked for another amendment. After further discussion, Representative Cleveland made a motion the amendment be approved. There was no further discussion. The motion passed and both amendments were rolled into a proposed committee substitute and referred to appropriations. The amendments are attached.

The next order of business was HB 167 Extend Assessment Refund Period. Representative Frank Iler, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Iler welcomed questions from the committee. A proposed committee substitute was requested. Representative Collins was recognized to make a motion for a favorable report of the proposed committee substitute. The motion passed and the proposed committee substitute was referred to finance.

The next order of business was HB 170 Winston-Salem/Council Meetings. Representative Larry Brown, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Brown welcomed questions from the committee. Representative Floyd was recognized to make a motion for a favorable report. The motion passed.

The next order of business was HB 171 Municipal Self-Annexations. Representative Larry Brown, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Brown welcomed questions from the committee. Representative Cleveland was recognized to make a motion for a favorable report. The motion passed and the bill was referred to finance.

With no further business before the Committee, the Chair adjourned at 10:35 AM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dan W. Ingle", is written over a horizontal line.

Representative Dan Ingle, Co-Chair

A handwritten signature in cursive script, appearing to read "Debbie Holder", is written over a horizontal line.

Debbie Holder, Committee Clerk

# **AGENDA**

Attachment 2

## **HOUSE COMMITTEE ON GOVERNMENT**

**Thursday, March 3, 2011**

**Room 643**

**10:00 AM**

### **OPENING REMARKS**

**Representative Dan Ingle, Co-Chair  
Government Committee**

### **AGENDA ITEMS**

<b>HB 134</b>	<b>Modify Carteret County Occupancy Tax.</b>	<b>Representative McElraft</b>
<b>HB 140</b>	<b>Oak Island/Recall Officials.</b>	<b>Representative Iler</b>
<b>HB 152</b>	<b>Modify NCCGIA &amp; GICC Enabling Law.</b>	<b>Representative Tolson</b>
<b>HB 167</b>	<b>Extend Assessment Refund Period.</b>	<b>Representative Iler Representative Hill</b>
<b>HB 170</b>	<b>Winston-Salem/Council Meetings.</b>	<b>Representative L. Brown</b>
<b>HB 171</b>	<b>Municipal Self-Annexations.</b>	<b>Representative L. Brown</b>

### **ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 134** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CARTERET COUNTY  
OCCUPANCY 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 2011**

**H**

**1**

**HOUSE BILL 134**

Short Title:	Modify Carteret County Occupancy Tax.	(Local).
Sponsors:	Representative McElraft (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government, if favorable, Finance.	

February 21, 2011

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE CARTERET COUNTY OCCUPANCY TAX.  
The General Assembly of North Carolina enacts:

**SECTION 1.** Section 2 of S.L. 2007-112, as rewritten by Section 40 of S.L. 2007-484, reads as rewritten:

**"SECTION 2.** Occupancy Tax. – (a) Authorization and Scope. – The Carteret County Board of Commissioners may levy a room occupancy and tourism development tax of five percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, condominium, cottage, campground, rental agency, or other similar place within the county 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 the following:

- (1) Religious organizations.
- (2) Educational organizations.
- (3) Any business that offers to rent fewer than five units.
- (4) Summer camps.
- (5) Charitable, benevolent, and other nonprofit organizations.

**"SECTION 2.(g)** Use and Distribution of five percent (5%) Occupancy Tax Revenue. – If Carteret County levies only the room occupancy and tourism development tax authorized by subsection (a) of Section 2 of this act, the net proceeds of the tax must be distributed as follows:

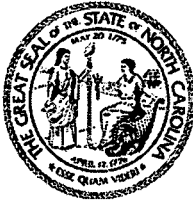
- ...
- (2) Beach nourishment. – Carteret County must retain the remainder to be used only for beach nourishment on Bogue Banks. Any idle funds that are not spent for beach nourishment must be remitted to the Carteret County Tourism Development Authority and must be used only to promote travel and tourism in Carteret County. ~~The county may not accumulate a balance of tax proceeds for beach nourishment in excess of fifteen million dollars (\$15,000,000).~~

**"SECTION 2.(h)** Use and Distribution of six percent (6%) Occupancy Tax Revenue. – If the conditions in subsection (b) of Section 2 of this act are met and Carteret County levies the room occupancy tax at a rate of six percent (6%) as authorized by subsections (a) and (b) of Section 2 of this act, the net proceeds must be distributed as follows:



- 1 (2) Beach nourishment. – Carteret County must use thirty-three percent (33%)  
2 only for beach nourishment on Bogue Banks. Any idle funds that are not  
3 spent for beach nourishment must be remitted to the Carteret County  
4 Tourism Development Authority and must be used only to promote travel  
5 and tourism in Carteret County. ~~The county may not accumulate a balance of~~  
6 ~~tax proceeds for beach nourishment in excess of fifteen million dollars~~  
7 ~~(\$15,000,000).~~  
8 (3) Convention center financing. – Any remaining proceeds, up to a maximum  
9 of ten million dollars (\$10,000,000), must be used for the financing of debt  
10 service, operating costs, or both associated with the construction of a new  
11 convention center in Carteret County."

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



## HOUSE BILL 134: Modify Carteret County Occupancy Tax

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 2, 2011
<b>Introduced by:</b>	Rep. McElraft	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 134 is a local bill that removes the cap on the net proceeds from Carteret County's occupancy tax that can be accumulated for beach nourishment on Bogue Banks.*

### CURRENT LAW:

S.L. 2007-112, rewritten by Section 40, S.L. 2007-484, authorizes the Carteret County Board of Commissioners to levy a room occupancy and tourism development tax of five percent (5%) of the gross receipts from rental accommodations. Alternately, Carteret County has authority for an additional room occupancy and tourism development tax of 1% of gross receipts from rental accommodations if certain conditions are met. Existing law also provides for a repeal of the additional 1% tax if either of two specified situations occur.

The net proceeds of the 5% occupancy tax must be used for travel and tourism promotion and beach nourishment. The net proceeds of the alternative 6% occupancy tax (5% occupancy tax and the 1% additional occupancy tax) must be used for travel and tourism promotion, beach nourishment and convention center financing. In both situations, the county is prohibited from accumulating a balance of tax proceeds for beach nourishment in excess of fifteen million dollars (\$15,000,000).

### BILL ANALYSIS:

Sections 2(g) and 2(h) of S.L. 2007-112, as rewritten by Section 40 of S.L. 2007-484, allow net proceeds from the occupancy tax to be used for beach nourishment on Bogue Banks but prohibit Carteret County from accumulating a balance in excess of fifteen million dollars (\$15,000,000). House Bill 134 deletes the language prohibiting the accumulation of no more than fifteen million dollars (\$15,000,000) in net proceeds from the occupancy tax for beach nourishment.

### EFFECTIVE DATE:

House Bill 134 would become effective when it becomes law.

### BACKGROUND:

The following definition is contained in the existing law:

**Beach nourishment.** – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the shorelines of the Atlantic Ocean of North Carolina and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property. The term includes expenditures for the following:

- a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
- b. The nonfederal share of the cost required to construct these projects;
- c. The costs associated with providing enhanced public beach access; and
- d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

H134-SMSH-4(e1) v3

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 140** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 140  
PROPOSED COMMITTEE SUBSTITUTE H140-PCS30124-ST-2

Short Title: Oak Island/Recall Officials.

(Local)

Sponsors:

Referred to:

February 21, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE  
3 A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A  
4 REFERENDUM.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. The Charter of the Town of Oak Island, being S.L. 1999-66, as  
7 amended by S.L. 2001-478 and S.L. 2003-84, is amended by adding a new section to read as  
8 follows:  
9 "Sec. 5.4. Recall of Elected Officials. (a) The Mayor or any member of the Town Council  
10 of the Town of Oak Island may be removed from office in the manner provided for in this  
11 section.  
12 (b) A recall petition committee may file an affidavit with the Brunswick County  
13 Director of Elections containing the name of the elected official whose removal is sought and a  
14 general statement of the grounds alleged for removal. The Director of Elections shall provide  
15 the recall petition committee filing the affidavit with petition forms for demanding the removal  
16 of a Town elected official. The petition forms shall (i) be signed by the Director of Elections;  
17 (ii) be dated on the date of issuance; (iii) be addressed to the Brunswick County Board of  
18 Elections; (iv) contain the name of the persons to whom the forms are issued; (v) contain the  
19 name of the elected official whose removal is sought; (vi) contain a general statement of the  
20 grounds on which the removal is sought; and (vii) provide a place for signatures. The Director  
21 of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to  
22 the Town Clerk, who shall enter the copy of the petition in a record book kept for that purpose.  
23 The record book shall be maintained at the Office of the Town Clerk.  
24 (c) A recall petition committee authorized under subsection (b) of this section shall be  
25 comprised of at least five members who are registered voters within the Town and who shall  
26 represent the signers of the petition. Each member of the recall petition committee shall sign  
27 the petition and shall be responsible for circulating the petition within the Town limits and for  
28 assembling and returning the petition to the Board of Elections as required by subsection (d) of  
29 this section.  
30 (d) A recall petition to be effective must be returned to the Board of Elections within 30  
31 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures  
32 of at least twenty-five percent (25%) of the registered voters of the Town as shown by the  
33 registration records of the last preceding general municipal election.



\* H 1 4 0 - P C S 3 0 1 2 4 - S T - 2 \*

1       (e)    The signatures to the petition need not all be appended to one paper. Each signer  
2 shall add his or her signature and place of residence, giving the complete street name, street  
3 number, and town.

4       (f)    The Board of Elections shall investigate the sufficiency of any petition and certify  
5 the results of the investigation to the Town Council. The Board of Elections may employ  
6 persons as it deems necessary to undertake that investigation. The Town Council shall  
7 reimburse the Board of Elections for the reasonable cost of the investigation. The Board of  
8 Elections may adopt rules concerning the validation of signatures appearing on the recall  
9 petition.

10       (g)   The Board of Elections shall complete its investigation and issue its certification of  
11 the results of the investigation within 10 days after the filing of any petition. However, the  
12 Board of Elections shall not be obligated to conduct an investigation in any 30-day period  
13 immediately preceding or in any 10-day period immediately following a countywide election.  
14 If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be  
15 amended within 10 days from the date of the certificate. The Board shall, within 10 days after  
16 any amendment, complete an investigation of the amended petition. If the certification of the  
17 results of the investigation shows the amended petition to be insufficient, a copy of the petition  
18 shall be returned to the recall petition committee filing the petition, without prejudice to the  
19 filing of a new petition.

20       (h)   Upon a determination that a sufficient recall petition has been submitted, the Board  
21 of Elections shall submit the petition to the Town Clerk, who shall submit it to the Town  
22 Council and shall notify the elected official whose removal is sought. If the elected official  
23 whose removal is sought does not resign within five days after receiving the notice, the Town  
24 Council shall order and fix a date for holding a recall election. Subject to the remaining  
25 provisions of this section, an election shall be held not less than 60 nor more than 90 days after  
26 the petition has been certified as being sufficient. If any other general or special election is  
27 scheduled within this period, the Town Council shall schedule the special election at the same  
28 time. If the provisions of general law prohibit the holding of a special election during this time  
29 period and no general or special election is otherwise scheduled during that period of time, then  
30 the Town Council shall schedule the special recall election for a date within 10 days after the  
31 last day of the period of time during which special elections are prohibited by general law.

32       (i)    The Board of Elections shall cause legal notice of the election to be published. That  
33 notice shall include the general statement of the grounds on which the recall is sought as  
34 alleged in the affidavit and shall make all arrangements for holding the election in accordance  
35 with general law. The recall election shall be conducted, returned, and the results declared as in  
36 other elections in the Town of Oak Island. The Town shall reimburse the reasonable costs of  
37 the recall election to the Board of Elections.

38       (j)    The question of recalling any number of elected officials may be submitted at the  
39 same election. However, as to each individual elected official, a separate petition shall be filed  
40 and there shall be an entirely separate ballot.

41       (k)    The ballots used in a recall election shall submit the following proposition:

42                               "☐ FOR       ☐ AGAINST

43       The recall of (name and title of elected official)."

44       (l)    If less than a majority of the votes cast on the question of recalling an elected  
45 official are for recall, the elected official shall continue in office for the remainder of the  
46 unexpired term and, except as provided by subsection (n) of this section, shall be subject to  
47 recall as before. If a majority of the votes are for the recall of the elected official designated on  
48 the ballot, the elected official shall, regardless of any defects in the recall petition, be deemed  
49 removed from office on the date the Board of Elections certifies the results of the recall  
50 election.

1       (m) If an elected official concerning whom a sufficient recall petition is submitted to the  
2 Town Council resigns before the recall election or is removed from office as a result of the  
3 recall election, the vacancy shall be filled in the manner provided by Section 4.3 or Section 4.4  
4 of this Charter for filling vacancies in that office, except as provided in subsection (o) of this  
5 section. An elected official who resigns after a sufficient petition for his or her recall has been  
6 submitted to the Town Council or who is removed from office by the voters as a result of a  
7 recall election shall not be appointed to fill the vacancy caused by that elected official's own  
8 resignation or removal.

9       (n) No recall petition shall be filed in accordance with subsection (d) of this section  
10 against an elected official who has been subjected to a recall election, and not removed thereby,  
11 until at least six months after that recall election. No recall petition shall be filed in accordance  
12 with subsection (d) of this section against an elected official during the first three months of the  
13 term of that office or during the six months before the expiration of the term of that office.

14       (o) If the recall of two or more members of the Town Council or the recall of the Mayor  
15 and one or more members of the Town Council are effected at a single recall election, the  
16 successors of the elected officials recalled shall be elected by the registered voters of the Town  
17 at a special municipal election, and the successors shall serve for the remainder of the terms of  
18 the elected officials recalled. The members of the Town Council who have not been recalled  
19 shall call that special election, which shall be conducted by the Brunswick County Board of  
20 Elections under the laws then governing elections in the State. If the recall of all or a majority  
21 of the members of the Town Council is effected at a single election, they shall continue in  
22 office for the purpose, and only for the purpose, of calling a special municipal election for the  
23 election of their successors as provided in this section. That election shall also be conducted by  
24 the Brunswick County Board of Elections under the laws then governing elections in the State.  
25 The Town shall reimburse the reasonable costs of the recall election to the Board of Elections."

26       **SECTION 2.** Section 1 of this act becomes effective only if approved by the  
27 registered voters of the Town of Oak Island in a referendum conducted by the Brunswick  
28 County Board of Elections on November 8, 2011. The referendum shall be conducted in  
29 accordance with the provisions of Chapter 163 of the General Statutes. The question on the  
30 ballot shall be:

31                                   "☐ FOR       ☐ AGAINST

32               Amending the Charter of the Town of Oak Island to allow for recall elections for the  
33 Mayor or any member of the Town Council."

34               If a majority of the votes cast in the referendum shall be in the affirmative, Section 1  
35 of this act shall become effective on the date that the Brunswick County Board of Elections  
36 certifies the results of the referendum. If a majority of the votes cast in the referendum shall be  
37 against the charter amendment, Section 1 of this act shall have no force and effect.

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 140

Short Title: Oak Island/Recall Officials. (Local)  
Sponsors: Representative Iler (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.  
Referred to: Government.

February 21, 2011

A BILL TO BE ENTITLED  
AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE  
A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A  
REFERENDUM.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Oak Island, being S.L. 1999-66, as amended by S.L. 2001-478 and S.L. 2003-84, is amended by adding a new section to read as follows:

"Sec. 5.4. Recall of Elected Officials. (a) The Mayor or any member of the Town Council of the Town of Oak Island may be removed from office in the manner provided for in this section.

(b) A recall petition committee may file an affidavit with the Brunswick County Director of Elections containing the name of the elected official whose removal is sought and a general statement of the grounds alleged for removal. The Director of Elections shall provide the recall petition committee filing the affidavit with petition forms for demanding the removal of a Town elected official. The petition forms shall (i) be signed by the Director of Elections; (ii) be dated on the date of issuance; (iii) be addressed to the Brunswick County Board of Elections; (iv) contain the name of the persons to whom the forms are issued; (v) contain the name of the official whose removal is sought; (vi) contain a general statement of the grounds on which the removal is sought; and (vii) provide a place for signatures. The Director of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to the Town Clerk, who shall enter the copy of the petition in a record book kept for that purpose. The record book shall be maintained at the Office of the Town Clerk.

(c) A recall petition committee authorized under subsection (b) of this section shall be comprised of at least five members who are registered voters within the Town and who shall represent the signers of the petition. Each member of the recall petition committee shall sign the petition and shall be responsible for circulating the petition within the Town limits and for assembling and returning the petition to the Board of Elections as required by subsection (d) of this section.

(d) A recall petition to be effective must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures of at least twenty-five percent (25%) of the registered voters of the Town as shown by the registration records of the last preceding general municipal election.





1       (e)    The signatures to the petition need not all be appended to one paper. Each signer  
2 shall add his or her signature and place of residence, giving the complete street name, street  
3 number, and town.

4       (f)    The Board of Elections shall investigate the sufficiency of any petition and certify  
5 the results of the investigation to the Town Council. The Board of Elections may employ  
6 persons as it deems necessary to undertake that investigation. The Town Council shall  
7 reimburse the Board of Elections for the reasonable cost of the investigation. The Board of  
8 Elections may adopt rules concerning the validation of signatures appearing on the recall  
9 petition.

10       (g)   The Board of Elections shall complete its investigation and issue its certification of  
11 the results of the investigation within 10 days after the filing of any petition. However, the  
12 Board of Elections shall not be obligated to conduct an investigation in any 30-day period  
13 immediately preceding or in any 10-day period immediately following a county-wide election.  
14 If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be  
15 amended within 10 days from the date of the certificate. The Board shall, within 10 days after  
16 any amendment, complete an investigation of the amended petition. If the certification of the  
17 results of the investigation shows the amended petition to be insufficient, a copy of the petition  
18 shall be returned to the recall petition committee filing the petition, without prejudice to the  
19 filing of a new petition.

20       (h)   Upon a determination that a sufficient recall petition has been submitted, the Board  
21 of Elections shall submit the petition to the Town Clerk, who shall submit it to the Town  
22 Council and shall notify the officer whose removal is sought. If the officer whose removal is  
23 sought does not resign within five days after receiving the notice, the Town Council shall order  
24 and fix a date for holding a recall election. Subject to the remaining provisions of this section,  
25 an election shall be held not less than 60 nor more than 90 days after the petition has been  
26 certified as being sufficient. If any other general or special election is scheduled within this  
27 period, the Town Council shall schedule the special election at the same time. If the provisions  
28 of general law prohibit the holding of a special election during this time period and no general  
29 or special election is otherwise scheduled during that period of time, then the Town Council  
30 shall schedule the special recall election for a date within 10 days after the last day of the  
31 period of time during which special elections are prohibited by general law.

32       (i)    The Board of Elections shall cause legal notice of the election to be published. That  
33 notice shall include the general statement of the grounds on which the recall is sought as  
34 alleged in the affidavit and shall make all arrangements for holding the election in accordance  
35 with general law. The recall election shall be conducted, returned, and the results declared as in  
36 other elections in the Town of Oak Island. The Town shall reimburse the reasonable costs of  
37 the recall election to the Board of Elections.

38       (j)    The question of recalling any number of officials may be submitted at the same  
39 election. However, as to each individual official, a separate petition shall be filed and there  
40 shall be an entirely separate ballot.

41       (k)    The ballots used in a recall election shall submit the following proposition:

42                               "☐ FOR       ☐ AGAINST

43       The recall of (name and title of official)."

44       (l)    If less than a majority of the votes cast on the question of recalling an official are for  
45 recall, the official shall continue in office for the remainder of the unexpired term and, except  
46 as provided by subsection (n) of this section, shall be subject to recall as before. If a majority of  
47 the votes are for the recall of the official designated on the ballot, the official shall, regardless  
48 of any defects in the recall petition, be deemed removed from office on the date the Board of  
49 Elections certifies the results of the recall election.

50       (m)   If an official concerning whom a sufficient recall petition is submitted to the Town  
51 Council resigns before the recall election or is removed from office as a result of the recall

1 election, the vacancy shall be filled in the manner provided by Section 4.3 or Section 4.4 of this  
2 Charter for filling vacancies in that office, except as provided in subsection (o) of this section.  
3 An official who resigns after a sufficient petition for his or her recall has been submitted to the  
4 Town Council or who is removed from office by the voters as a result of a recall election shall  
5 not be appointed to fill the vacancy caused by that official's own resignation or removal.

6 (n) No recall petition shall be filed against an official who has been subjected to a recall  
7 election, and not removed thereby, until at least six months after that recall election. No recall  
8 petition shall be filed against an official during the first three months of the term of that office  
9 or during the six months before the expiration of the term of that office.

10 (o) If the recall of two or more members of the Town Council or the recall of the Mayor  
11 and one or more members of the Town Council are effected at a single recall election, the  
12 successors of the officials recalled shall be elected by the registered voters of the Town at a  
13 special municipal election, and the successors shall serve for the remainder of the terms of the  
14 officials recalled. The members of the Town Council who have not been recalled shall call that  
15 special election, which shall be conducted by the Brunswick County Board of Elections under  
16 the laws then governing elections in the State. If the recall of all the members of the Town  
17 Council is effected at a single election, they shall continue in office for the purpose, and only  
18 for the purpose, of calling a special municipal election for the election of their successors as  
19 provided in this section. That election shall also be conducted by the Brunswick County Board  
20 of Elections under the laws then governing elections in the State. The Town shall reimburse the  
21 reasonable costs of the recall election to the Board of Elections."

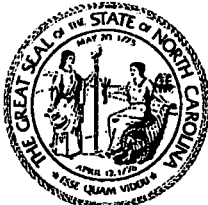
22 **SECTION 2.** Section 1 of this act becomes effective only if approved by the  
23 registered voters of the Town of Oak Island in a referendum conducted by the Brunswick  
24 County Board of Elections on November 8, 2011. The referendum shall be conducted in  
25 accordance with the provisions of Chapter 163 of the General Statutes. The question on the  
26 ballot shall be:

27 "[ ] FOR [ ] AGAINST

28 Amending the Charter of the Town of Oak Island to allow for Recall Elections for  
29 the Mayor or any member of the Town Council."

30 If a majority of the votes cast in the referendum shall be in the affirmative, Section 1  
31 of this act shall become effective on the date that the Brunswick County Board of Elections  
32 certifies the results of the referendum. If a majority of the votes cast in the referendum shall be  
33 against the charter amendment, Section 1 of this act shall have no force and effect.

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



## HOUSE PCS 140: Oak Island/Recall Officials

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Iler  
**Analysis of:** PCS to First Edition  
H140-CSST-2

**Date:** March 2, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *The proposed committee substitute for House Bill 140 would provide a process for recalling the mayor and member of the town council of Oak Island, upon approval of the voters of Oak Island.*

**CURRENT LAW:** Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, just a few municipalities and one school board have a procedure for a recall election.

**BILL ANALYSIS:** The pcs would amend the charter of the Town of Oak Island to provide a process under which the mayor or a member of town council of Oak Island may be removed from office via a recall election. The charter amendment is subject to a vote of the people of the town, and would not become effective unless a majority of the votes are cast for the referendum.

The process for recall would be as follows: A recall petition committee, consisting of at least 5 registered voters of the town, could initiate the recall election. The local board of elections would then provide forms for gathering signatures for a petition for the removal of that member of the board of education. The petition would have to be signed by 25% of the registered voters of the town. The signed petitions would have to be returned in 30 days, and verified within 15 days of that return. If the petition were insufficient, 10 days would be allowed for amendment.

Upon a determination that a sufficient recall petition has been submitted, the local board of elections must order a recall election and fix a date for such election. The date of the election cannot be less than 60 days, or more than 90 days after the petition is determined sufficient.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for in the charter, provided the member being removed may not be appointed to fill the vacancy. The charter of Oak Island provides that a vacancy in the office of council member is filled appointment by the remaining town council members. A vacancy in the office of mayor is filled by appointment by the town council.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 3 months of the date the elected person was elected.
- No petition could be filed within 6 months of the previously unsuccessful recall election.

**EFFECTIVE DATE:** Effective when it becomes law.

**BACKGROUND:** Other municipalities with recall procedures include Pleasant Garden (S.L. 2008-3), Greensboro (S.L. 2008-48), Cajah Mountain (S.L. 2006-99), River Bend (S.L. 1995-636) and Aberdeen (S.L. 1995-220).

H140-SMST-6(CSST-2) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 152** A BILL TO BE ENTITLED AN ACT RELATING TO THE ORGANIZATION, AUTHORITY, AND RESPONSIBILITIES OF THE NORTH CAROLINA CENTER FOR GEOGRAPHIC INFORMATION ANALYSIS AND THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY.

☒ 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 APPROPRIATIONS.

**(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 2011

H

D

HOUSE BILL 152  
PROPOSED COMMITTEE SUBSTITUTE H152-PCS60025-SH-1

Short Title:   Modify NCCGIA & GICC Enabling Law.

(Public)

Sponsors:

Referred to:

February 22, 2011

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE ORGANIZATION, AUTHORITY, AND  
RESPONSIBILITIES OF THE NORTH CAROLINA CENTER FOR GEOGRAPHIC  
INFORMATION ANALYSIS AND THE GEOGRAPHIC INFORMATION  
COORDINATING COUNCIL, AS RECOMMENDED BY THE JOINT LEGISLATIVE  
OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-725 reads as rewritten:

**"§ 143-725. Council established; role of the Center for Geographic Information and Analysis.**

(a) Council Established. – The North Carolina Geographic Information Coordinating Council ("Council") is established to develop policies regarding the utilization of geographic information, geographic information systems (GIS), ~~GIS systems~~, and other related technologies. The Council shall be responsible for the following:

- (1) Strategic planning.
- (2) Resolution of policy and technology issues.
- (3) Coordination, direction, and oversight of State, local, and private GIS efforts.
- (4) Advising the Governor, the General Assembly, and the State Chief Information Officer as to needed directions, responsibilities, and funding regarding geographic information.

The purpose of this statewide geographic information coordination effort shall be to further cooperation among State, federal, and local government agencies; academic institutions; and the private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's geographic information and to promote geographic information as a strategic resource in the State. The Council shall be located in the Office of the ~~Governor~~ State Chief Information Officer for organizational, budgetary, and administrative purposes.

(b) Role of CGIA. – The Center for Geographic Information and Analysis (CGIA) shall staff the Geographic Information and Coordinating Council and its committees. CGIA shall manage and distribute digital geographic information about North Carolina maintained by numerous State and local government agencies. It shall operate a statewide data clearinghouse and provide Internet access to State geographic information. CGIA shall be located in the Office of the State Chief Information Officer for organizational, budgetary, and administrative purposes. The State Chief Information Officer shall coordinate a professional services



\* H 1 5 2 - P C S 6 0 0 2 5 - S H - 1 \*

1 component for geographic information systems with the Center for Geographic Information  
2 and Analysis. CGIA shall monitor and approve all new GIS-related information technology  
3 projects and expansion budget requests. All State agencies shall coordinate any GIS initiatives  
4 through the CGIA to ensure that they are not duplicating an existing function."

5 **SECTION 2. G.S. 143-726 reads as rewritten:**

6 **"§ 143-726. Council membership; organization.**

7 (a) **Members.** – The Council shall consist of up to ~~35~~<sup>37</sup> members, or their designees, as  
8 set forth in this section. An appointing authority may reappoint a Council member for  
9 successive terms.

10 (b) **Governor's Appointments.** – The Governor shall appoint the following members:

- 11 (1) The head of an at-large State agency not represented in subsection (d) of this  
12 section.
- 13 (2) An employee of a county government, nominated by the North Carolina  
14 Association of County Commissioners.
- 15 (3) An employee of a municipal government, nominated by the North Carolina  
16 League of Municipalities.
- 17 (4) An employee of the federal government who is stationed in North Carolina.
- 18 (5) A representative from the Lead Regional Organizations.
- 19 (6) A member of the general public.
- 20 (7) Other individuals whom the Governor deems appropriate to enhance the  
21 efforts of geographic information coordination.

22 Members appointed by the Governor shall serve three-year terms. The Governor shall  
23 appoint an individual from the membership of the Council to serve as Chair of the Council. The  
24 member appointed shall serve as Chair for a term of one year.

25 (c) **General Assembly Appointments.** – The President Pro Tempore of the Senate and  
26 the Speaker of the House of Representatives shall each appoint three members to the Council.  
27 These members shall serve one-year terms.

28 (d) **Other Members.** – Other Council members shall include:

- 29 (1) The Secretary of State.
- 30 (2) The Commissioner of Agriculture.
- 31 (3) The Superintendent of Public Instruction.
- 32 (4) The Secretary of Environment and Natural Resources.
- 33 (5) The Secretary of the Department of Transportation.
- 34 (6) The Secretary of the Department of Administration.
- 35 (7) The Secretary of the Department of Commerce.
- 36 (8) The Secretary of the Department of Crime Control and Public Safety.
- 37 (9) The Secretary of the Department of Health and Human Services.
- 38 (10) The Secretary of the Department of Revenue.
- 39 (11) The President of the North Carolina Community Colleges System.
- 40 (12) The President of The University of North Carolina System.
- 41 (13) The Chair of the Public Utilities Commission.
- 42 (14) The State Budget Officer.
- 43 (15) The Executive Director of the North Carolina League of Municipalities.
- 44 (16) The Executive Director of the North Carolina Association of County  
45 Commissioners.
- 46 (17) One representative from the State Government GIS User Committee.
- 47 (17a) The Executive Director of the North Carolina 911 Board.
- 48 (18) One representative elected annually from the Local Government Committee  
49 established pursuant to subdivision (h)(2) of this section.
- 50 (19) The State Chief Information Officer who shall serve as a nonvoting member.
- 51 (20) The Executive Director of the State Board of Elections or his designee.

Council members serving ex officio pursuant to this subsection shall serve terms coinciding with their respective offices. Members serving by virtue of their appointment by a standing committee of the Council shall serve for the duration of their appointment by the standing committee.

(e) Meetings. – The Council shall meet at least quarterly on the call of the Chair. The Management and Operations Committee shall conduct the Council's business between quarterly meetings.

(f) Administration. – The Director of the CGIA shall be secretary of the Council and provide staff support as it requires.

(g) Reports. – The Council shall report at least annually to the Governor and to the Joint Legislative Commission on Governmental Operations.

(h) Committees. – The Council may establish work groups, as needed, and shall oversee the standing committees created in this subsection. Each standing committee shall adopt bylaws, subject to the Council's approval, to govern its proceedings. Except as otherwise provided, the Chair of the Council shall appoint the standing committee chairs from representatives listed in subsections (b), (c), or (d) of this section. The standing committees are as follows:

- (1) State Government GIS User Committee. – Membership shall consist of representatives from all interested State government departments. The Chair of the Council shall appoint the committee chair from one of the State agencies represented in subsection (d) of this section.
- (2) Local Government Committee. – Membership shall consist of representatives from organizations and professional associations that currently serve or represent local government GIS users, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and Lead Regional Organizations. The committee shall elect one of its members to the Council.
- (3) Federal Interagency Committee. – Membership shall consist of representatives from all interested federal agencies and Tribal governments with an office located in North Carolina. The appointed federal representative serving pursuant to subdivision (b)(4) of this section shall serve as the Chair of the Federal Interagency Committee.
- (4) Statewide Mapping Advisory Committee. – This committee shall consolidate statewide mapping requirements and attempt to gain statewide support for financing cooperative programs. The committee shall also advise the Council on issues, problems, and opportunities relating to federal, State, and local government geospatial data programs.
- (5) GIS Technical Advisory Committee. – This committee shall develop the statewide technical architecture for GIS and anticipate and respond to GIS technical opportunities and issues affecting State, county, and local governments in North Carolina.
- (6) Management and Operations Committee. – This committee shall consider management and operational matters related to GIS and other matters that are formally requested by the Council. The committee membership shall consist of the Chair of the Council, the State Budget Officer, the chair of each of the standing committees of the Council, and other members of the Council appointed by the Chair."

**SECTION 3. G.S. 147-33.72H reads as rewritten:**

**"§ 147-33.72H. Information Technology Fund.**

(a) There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General

1 Assembly. Money may be appropriated from the Information Technology Fund to meet  
2 statewide requirements, including planning, project management, security, electronic mail,  
3 State portal operations, and the administration of systemwide procurement procedures.  
4 Expenditures involving funds appropriated to the Office of Information Technology Services  
5 from the Information Technology Fund shall be made by the State CIO in consultation with the  
6 Information Technology Advisory Board. By October 1 of each year, the State CIO shall  
7 submit to the Joint Legislative Oversight Committee on Information Technology a report on all  
8 expenditures involving funds appropriated to the Office of Information Technology Services  
9 from the Information Technology Fund for the preceding fiscal year. Interest earnings on the  
10 Information Technology Fund balance shall be credited to the Information Technology Fund.

11 (b) In addition to the purposes listed in subsection (a) of this section, the Information  
12 Technology Fund shall be used (i) to fund the Center for Geographic Information and Analysis  
13 (CGIA) in its legislatively mandated duties under G.S. 143-725(b); (ii) to fund acquiring and  
14 managing, at the lowest cost, data layers useful to multiple State and local organizations,  
15 according to the priorities set by the North Carolina Geographic Information Coordinating  
16 Council; and (iii) to fund the development, operation, and maintenance of NC OneMap, the  
17 statewide GIS data clearinghouse and warehouse and provider of Internet access to State  
18 geographic information. The Information Technology Fund may receive private grants and gifts  
19 and may include State, federal, local, and matching funds for this purpose."

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





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 152

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

H152-ASH-3 [v.1]

Page 1 of 1

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

Date March 3, 2011

Representative Hurley

- 1 moves to amend the bill on page 1, line 35, by deleting the word "coordination".

SIGNED Pat Hurley  
Amendment Sponsor

SIGNED D. W. [Signature]  
Committee Chair if Senate Committee Amendment

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



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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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

H. B. No. 152

DATE \_\_\_\_\_

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

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

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

(to be filled in by  
Principal Clerk)

Rep. Bradley  
Sen. )

1 moves to amend the bill on page 2, line 6

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the phrase "35 36" and substituting  
4 "35 37";

5 \_\_\_\_\_

6 and on page 2, lines 49-50 by inserting  
7 the following ~~to~~ between those lines:

9 "(20) The Executive Director of the State Board  
10 of Elections, or his designee."

11 \_\_\_\_\_

12 \_\_\_\_\_

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18 \_\_\_\_\_

19 \_\_\_\_\_

SIGNED \_\_\_\_\_

Glen Bell

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

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 152

Short Title:   Modify NCCGIA & GICC Enabling Law. (Public)

Sponsors:   Representative Tolson (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Appropriations.

February 22, 2011

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE ORGANIZATION, AUTHORITY, AND  
RESPONSIBILITIES OF THE NORTH CAROLINA CENTER FOR GEOGRAPHIC  
INFORMATION ANALYSIS AND THE GEOGRAPHIC INFORMATION  
COORDINATING COUNCIL, AS RECOMMENDED BY THE JOINT LEGISLATIVE  
OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-725 reads as rewritten:

**"§ 143-725. Council established; role of the Center for Geographic Information and Analysis.**

(a) Council Established. – The North Carolina Geographic Information Coordinating Council ("Council") is established to develop policies regarding the utilization of geographic information, geographic information systems (GIS), ~~GIS systems~~, and other related technologies. The Council shall be responsible for the following:

- (1) Strategic planning.
- (2) Resolution of policy and technology issues.
- (3) Coordination, direction, and oversight of State, local, and private GIS efforts.
- (4) Advising the Governor, the General Assembly, and the State Chief Information Officer as to needed directions, responsibilities, and funding regarding geographic information.

The purpose of this statewide geographic information coordination effort shall be to further cooperation among State, federal, and local government agencies; academic institutions; and the private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's geographic information and to promote geographic information as a strategic resource in the State. The Council shall be located in the Office of the ~~Governor~~ State Chief Information Officer for organizational, budgetary, and administrative purposes.

(b) Role of CGIA. – The Center for Geographic Information and Analysis (CGIA) shall staff the Geographic Information and Coordinating Council and its committees. CGIA shall manage and distribute digital geographic information about North Carolina maintained by numerous State and local government agencies. It shall operate a statewide data clearinghouse and provide Internet access to State geographic information. CGIA shall be located in the Office of the State Chief Information Officer for organizational, budgetary, and administrative purposes. The State Chief Information Officer shall coordinate a professional services component for geographic information systems coordination with the Center for Geographic



\* H 1 5 2 - V - 1 \*

1 Information and Analysis. CGIA shall monitor and approve all new GIS-related information  
2 technology projects and expansion budget requests. All State agencies shall coordinate any GIS  
3 initiatives through the CGIA to ensure that they are not duplicating an existing function."

4 **SECTION 2. G.S. 143-726 reads as rewritten:**

5 **"§ 143-726. Council membership; organization.**

6 (a) **Members.** – The Council shall consist of up to ~~35~~36 members, or their designees, as  
7 set forth in this section. An appointing authority may reappoint a Council member for  
8 successive terms.

9 (b) **Governor's Appointments.** – The Governor shall appoint the following members:

- 10 (1) The head of an at-large State agency not represented in subsection (d) of this  
11 section.
- 12 (2) An employee of a county government, nominated by the North Carolina  
13 Association of County Commissioners.
- 14 (3) An employee of a municipal government, nominated by the North Carolina  
15 League of Municipalities.
- 16 (4) An employee of the federal government who is stationed in North Carolina.
- 17 (5) A representative from the Lead Regional Organizations.
- 18 (6) A member of the general public.
- 19 (7) Other individuals whom the Governor deems appropriate to enhance the  
20 efforts of geographic information coordination.

21 Members appointed by the Governor shall serve three-year terms. The Governor shall  
22 appoint an individual from the membership of the Council to serve as Chair of the Council. The  
23 member appointed shall serve as Chair for a term of one year.

24 (c) **General Assembly Appointments.** – The President Pro Tempore of the Senate and  
25 the Speaker of the House of Representatives shall each appoint three members to the Council.  
26 These members shall serve one-year terms.

27 (d) **Other Members.** – Other Council members shall include:

- 28 (1) The Secretary of State.
- 29 (2) The Commissioner of Agriculture.
- 30 (3) The Superintendent of Public Instruction.
- 31 (4) The Secretary of Environment and Natural Resources.
- 32 (5) The Secretary of the Department of Transportation.
- 33 (6) The Secretary of the Department of Administration.
- 34 (7) The Secretary of the Department of Commerce.
- 35 (8) The Secretary of the Department of Crime Control and Public Safety.
- 36 (9) The Secretary of the Department of Health and Human Services.
- 37 (10) The Secretary of the Department of Revenue.
- 38 (11) The President of the North Carolina Community Colleges System.
- 39 (12) The President of The University of North Carolina System.
- 40 (13) The Chair of the Public Utilities Commission.
- 41 (14) The State Budget Officer.
- 42 (15) The Executive Director of the North Carolina League of Municipalities.
- 43 (16) The Executive Director of the North Carolina Association of County  
44 Commissioners.
- 45 (17) One representative from the State Government GIS User Committee.
- 46 (17a) The Executive Director of the North Carolina 911 Board.
- 47 (18) One representative elected annually from the Local Government Committee  
48 established pursuant to subdivision (h)(2) of this section.
- 49 (19) The State Chief Information Officer who shall serve as a nonvoting member.

50 Council members serving ex officio pursuant to this subsection shall serve terms coinciding  
51 with their respective offices. Members serving by virtue of their appointment by a standing

committee of the Council shall serve for the duration of their appointment by the standing committee.

(e) Meetings. – The Council shall meet at least quarterly on the call of the Chair. The Management and Operations Committee shall conduct the Council's business between quarterly meetings.

(f) Administration. – The Director of the CGIA shall be secretary of the Council and provide staff support as it requires.

(g) Reports. – The Council shall report at least annually to the Governor and to the Joint Legislative Commission on Governmental Operations.

(h) Committees. – The Council may establish work groups, as needed, and shall oversee the standing committees created in this subsection. Each standing committee shall adopt bylaws, subject to the Council's approval, to govern its proceedings. Except as otherwise provided, the Chair of the Council shall appoint the standing committee chairs from representatives listed in subsections (b), (c), or (d) of this section. The standing committees are as follows:

- (1) State Government GIS User Committee. – Membership shall consist of representatives from all interested State government departments. The Chair of the Council shall appoint the committee chair from one of the State agencies represented in subsection (d) of this section.
- (2) Local Government Committee. – Membership shall consist of representatives from organizations and professional associations that currently serve or represent local government GIS users, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and Lead Regional Organizations. The committee shall elect one of its members to the Council.
- (3) Federal Interagency Committee. – Membership shall consist of representatives from all interested federal agencies and Tribal governments with an office located in North Carolina. The appointed federal representative serving pursuant to subdivision (b)(4) of this section shall serve as the Chair of the Federal Interagency Committee.
- (4) Statewide Mapping Advisory Committee. – This committee shall consolidate statewide mapping requirements and attempt to gain statewide support for financing cooperative programs. The committee shall also advise the Council on issues, problems, and opportunities relating to federal, State, and local government geospatial data programs.
- (5) GIS Technical Advisory Committee. – This committee shall develop the statewide technical architecture for GIS and anticipate and respond to GIS technical opportunities and issues affecting State, county, and local governments in North Carolina.
- (6) Management and Operations Committee. – This committee shall consider management and operational matters related to GIS and other matters that are formally requested by the Council. The committee membership shall consist of the Chair of the Council, the State Budget Officer, the chair of each of the standing committees of the Council, and other members of the Council appointed by the Chair."

**SECTION 3. G.S. 147-33.72H reads as rewritten:**

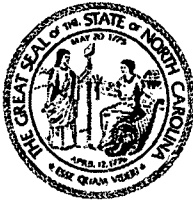
**"§ 147-33.72H. Information Technology Fund.**

(a) There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail,

1 State portal operations, and the administration of systemwide procurement procedures.  
2 Expenditures involving funds appropriated to the Office of Information Technology Services  
3 from the Information Technology Fund shall be made by the State CIO in consultation with the  
4 Information Technology Advisory Board. By October 1 of each year, the State CIO shall  
5 submit to the Joint Legislative Oversight Committee on Information Technology a report on all  
6 expenditures involving funds appropriated to the Office of Information Technology Services  
7 from the Information Technology Fund for the preceding fiscal year. Interest earnings on the  
8 Information Technology Fund balance shall be credited to the Information Technology Fund.

9 (b) In addition to the purposes listed in subsection (a) of this section, the Information  
10 Technology Fund shall be used (i) to fund the Center for Geographic Information and Analysis  
11 (CGIA) in its legislatively mandated duties under G.S. 143-725(b); (ii) to fund acquiring and  
12 managing, at the lowest cost, data layers useful to multiple State and local organizations,  
13 according to the priorities set by the North Carolina Geographic Information Coordinating  
14 Council; and (iii) to fund the development, operation, and maintenance of NC OneMap, the  
15 statewide GIS data clearinghouse and warehouse and provider of Internet access to State  
16 geographic information. The Information Technology Fund may receive private grants and gifts  
17 and may include State, federal, local, and matching funds for this purpose."

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



## HOUSE BILL 152: Modify NCCGIA & GICC Enabling Law

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Appropriations	<b>Date:</b>	March 2, 2011
<b>Introduced by:</b>	Rep. Tolson	<b>Prepared by:</b>	Theresa Matula Committee Staff
<b>Analysis of:</b>	First Edition		

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**SUMMARY:** *House Bill 152 moves the North Carolina Geographic Information Coordinating Council (Council) and the Center for Geographic Information and Analysis (CGIA) to the Office of State Chief Information Officer, adds a member to the Council, and expands the purposes for which the Information Technology Fund may be used, it was recommended by the Joint Legislative Oversight Committee on Information Technology.*

### CURRENT LAW:

The *North Carolina Geographic Information Coordinating Council (Council)* develops policies regarding the utilization of geographic information by providing strategic planning; resolution of policy and technology issues; and coordination, direction and oversight of State, local, and private geographic information systems (GIS) efforts. The Council currently has 35 members, advises the Governor, General Assembly, and State Chief Information Officer on GIS directions, responsibilities and funding, and is currently located under the Office of the Governor.<sup>1</sup>

The *Center for Geographic Information and Analysis (CGIA)* staffs the Council; manages and distributes digital geographic information maintained by State and local government agencies; operates a data clearinghouse; and provides Internet access to State geographic information.<sup>2</sup>

The *Information Technology Fund* is a special revenue fund to receive transfers or other credits as authorized by the General Assembly. Money in the Fund may be appropriated to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. On October 1 of each year the State Chief Information Officer submits a report on expenditures from the Fund for the preceding fiscal year to the Joint Legislative Oversight Committee on Information Technology.<sup>3</sup>

### BILL ANALYSIS:

HB 152 makes the following changes:

- Moves the NC Geographic Information Coordinating Council and the Center for Geographic Information and Analysis (CGIA) under the Office of the State Chief Information Officer for organizational, budgetary, and administrative purposes.
- Provides that the State Chief Information Officer will coordinate a professional services component for geographic information systems (GIS) with the CGIA.
- Provides that the CGIA will monitor and approve all new GIS-related information technology projects and expansion budget requests and requires all State agencies to coordinate GIS initiatives through CGIA in an effort to eliminate duplication.

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<sup>1</sup> G.S. 143-725 and G.S. 143-726

<sup>2</sup> G.S. 143-725

<sup>3</sup> G.S. 147-33.72H

# House Bill 152

Page 2

- Increases the NC Geographic Information Coordinating Council's membership from 35 to 36 by adding the Executive Director of the North Carolina 911 Board.
- Provides that the Information Technology Fund must also be used to: (i) fund the CGIA's duties under G.S. 143-725(b); (ii) fund acquiring and managing, at the lowest cost, data layers useful to multiple State and local organizations; and (iii) fund development, operation, and maintenance of NC OneMap, the statewide GIS data clearinghouse and warehouse. It also includes language to allow the Fund to receive private grants and gifts and to include State, federal, local, and matching funds.

## **EFFECTIVE DATE:**

House Bill 152 would become effective when it becomes law.

## **BACKGROUND:**

House Bill 152 is a recommendation by the Joint Legislative Oversight Committee on information Technology and the draft bill was included in the annual report to the General Assembly, dated December 13, 2010.

*H152-SMSH-5(e1) v2*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 167** A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS.

☒ 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 2011**

**H**

**D**

**HOUSE BILL 167  
PROPOSED COMMITTEE SUBSTITUTE H167-PCS11062-ST-3**

Short Title:   Extend Assessment Refund Period. (Public)

Sponsors:

Referred to:

February 24, 2011

- 1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND  
3 SPECIFIED UNUSED ASSESSMENTS.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** Section 7 of S.L. 2010-129 reads as rewritten:  
6       **"SECTION 7.** A local government that imposed an assessment ~~prior to 2007~~ to finance a  
7 capital project that has been assumed by another unit of local government may return unused  
8 assessments to the person that paid the assessment."  
9       **SECTION 2.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 167**

Short Title:   Extend Assessment Refund Period. (Public)

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Sponsors:   Representatives Iler and Hill (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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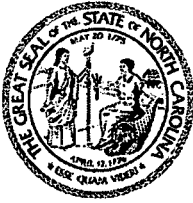
Referred to:   Government, if favorable, Finance.

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February 24, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND  
3 SPECIFIED UNUSED ASSESSMENTS.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** Section 7 of S.L. 2010-129 reads as rewritten:  
6       **"SECTION 7.** A local government that imposed an assessment prior to 20072012 to  
7 finance a capital project that has been assumed by another unit of local government may return  
8 unused assessments to the person that paid the assessment."  
9       **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 167: Extend Assessment-Refund Period

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 2, 2011
<b>Introduced by:</b>	Reps. Iler, Hill	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 167 would change the time period in which a local government could have imposed an assessment and return unused portions to the paying person, if the assessment was for a capital project that has subsequently been assumed by another local government.*

**CURRENT LAW:** Counties are authorized to impose assessments for certain capital improvements under Article 9 of Chapter 153A. Cities are authorized to impose assessments for certain capital improvements under Article 10 of Chapter 160A. The statutes do not provide a mechanism for refunds of unused assessments.

S.L. 2010-129 specifically authorized all local governments to refund assessments imposed prior to 2007 for financing capital projects, when that project has been assumed by another unit of local government.

**BILL ANALYSIS:** The bill would change the time period for imposing the assessment from prior to 2007 to prior to 2012.

**EFFECTIVE DATE:** Effective when it becomes law.

H167-SMST-4(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 170** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM REGARDING MEETINGS OF THE CITY COUNCIL.

☒ 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 2011

H

1

HOUSE BILL 170

Short Title: Winston-Salem/Council Meetings. (Local)  
Sponsors: Representative L. Brown (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.  
Referred to: Government.

February 24, 2011

A BILL TO BE ENTITLED  
AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM  
REGARDING MEETINGS OF THE CITY COUNCIL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 13 of the Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, as amended by Chapter 305 of the 1949 Session Laws, Chapter 149 of the 1955 Session Laws, and Chapter 888 of the 1963 Session Laws, reads as rewritten:

"Sec. 13. Council members to form council; quorum; meetings.  
~~That the aldermen~~The council members shall form a board, council, and a majority of them shall be competent to perform the duties prescribed for the aldermen-council members. Within ten days after their election they shall convene for the transaction of business, and~~The council shall fix stated days of meetings for the year, which shall be as often as at least as once every calendar month. Special meetings of the board of aldermen council may be held on the call of the mayor or of a majority of the aldermen. Members of the board shall be given notice of special meetings. Members of the board shall receive compensation for their services in an amount not to exceed one hundred fifty dollars (\$150.00) per month as may be determined by the board. The compensation herein provided for shall be paid out of the General Fund of the City of Winston-Salem. mayor, mayor pro tempore, or a majority of the members of the council in accordance with the provisions of G.S. 160A-71, except that notice may be provided to the mayor and members of the council by telephone or by electronic means at least 48 hours before the meeting in lieu of personal delivery. In addition to the procedures provided in this section, a person or persons calling a special meeting of the council shall comply with the notice requirements provided in Article 33C of Chapter 143 of the General Statutes.~~"

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



\* H 170 - V - 1 \*



## HOUSE BILL 170: Winston-Salem/Council Meetings

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. L. Brown  
**Analysis of:** First Edition

**Date:** March 1, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 170 amends Section 13 of the Charter of the City of Winston-Salem by changing the board of aldermen to the city council, removing the provisions requiring council members to convene 10 days after their election and compensation, and providing for notice of special meetings.*

**CURRENT LAW:** Section 13 of the Charter of the City of Winston-Salem currently provides for a board of aldermen. The board of aldermen is required to convene ten days after their election and to meet at least once every month, and special meetings of the board may be held on the call of the mayor or of a majority of the aldermen with proper notice of the meetings given. The current city charter allows for members of the board of aldermen to be paid not more than \$150.00 per month as determined by the board, which is paid out of the General Fund of the City of Winston-Salem.

**BILL ANALYSIS:** House Bill 170 makes the following changes to Section 13 of the Charter of the City of Winston-Salem:

- Changes the board of aldermen to the city council. Aldermen are now referred to as council members.
- Removes the requirement that council members convene ten days after their election.
- Provides that special meetings of the council may be held on the call of the mayor, mayor pro tempore, or a majority of the council members in accordance with G.S. 160A-71.
- Stipulates that notice may be provided to the mayor and council members by telephone or email at least 48 hours before the meeting in lieu of personal delivery of notice.
- Requires the person or persons calling a special meeting of the city council to also comply with the notice requirements provided in Article 33C of Chapter 143 of the General Statutes.

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

**BACKGROUND:** G.S. 160A-68 provides that the first organizational meeting date is the first regular meeting of the council in December after the results of the municipal election have been certified.

G.S. 160A-71 contains other conditions for the calling of special meetings, including the provision that a special council meeting may be called by signing a written notice stating the time and place of the meeting and the subjects to be considered. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. Special meetings may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice.

Article 33C of Chapter 143 of the General Statutes also stipulates certain conditions for meetings of public bodies, including the provision that if a public body recesses a special meeting, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 171** A BILL TO BE ENTITLED AN ACT TO RESTATE THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS.

☒ 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 2011

H

1

HOUSE BILL 171

Short Title: Municipal Self-Annexations. (Local)  
Sponsors: Representative L. Brown (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.  
Referred to: Government, if favorable, Finance.

February 24, 2011

A BILL TO BE ENTITLED  
AN ACT TO RESTATE THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION  
ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE  
ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-58.7 reads as rewritten:

**"§ 160A-58.7. Annexation of municipal property.**

(a) The city council may initiate annexation of property not contiguous to the primary corporate limits and owned by the city by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The property must satisfy the requirements of G.S. 160A-58.1. The resolution shall contain an adequate description of the property and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published once at least 10 days before the date of the hearing. At the hearing, any resident of the city may appear and be heard on the question of the desirability of the annexation. If the council finds that annexation is in the public interest, it may adopt an ordinance annexing the property. The ordinance may be made effective immediately or on any specified date within six months from the date of passage.

(b) A municipality has no authority to petition itself for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

**SECTION 2.** G.S. 160A-31 reads as rewritten:

**"§ 160A-31. Annexation by petition.**

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_

2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_ and the boundaries of such territory are as follows: \_\_\_\_\_



1 (c) Upon receipt of the petition, the municipal governing board shall cause the clerk of  
2 the municipality to investigate the sufficiency thereof and to certify the result of his  
3 investigation. Upon receipt of the certification, the municipal governing board shall fix a date  
4 for a public hearing on the question of annexation, and shall cause notice of the public hearing  
5 to be published once in a newspaper having general circulation in the municipality at least 10  
6 days prior to the date of the public hearing; provided, if there be no such paper, the governing  
7 board shall have notices posted in three or more public places within the area to be annexed and  
8 three or more public places within the municipality.

9 (d) At the public hearing all persons owning property in the area to be annexed who  
10 allege an error in the petition shall be given an opportunity to be heard, as well as residents of  
11 the municipality who question the necessity for annexation. The governing board shall then  
12 determine whether the petition meets the requirements of this section. Upon a finding that the  
13 petition meets the requirements of this section, the governing board shall have authority to pass  
14 an ordinance annexing the territory described in the petition. The governing board shall have  
15 authority to make the annexing ordinance effective immediately or on any specified date within  
16 six months from the date of passage of the ordinance.

17 (e) From and after the effective date of the annexation ordinance, the territory and its  
18 citizens and property shall be subject to all debts, laws, ordinances and regulations in force in  
19 such municipality and shall be entitled to the same privileges and benefits as other parts of such  
20 municipality. Real and personal property in the newly annexed territory on the January 1  
21 immediately preceding the beginning of the fiscal year in which the annexation becomes  
22 effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of  
23 annexation falls between June 1 and June 30, and the effective date of the privilege license tax  
24 ordinance of the annexing municipality is June 1, then businesses in the area to be annexed  
25 shall be liable for taxes imposed in such ordinance from and after the effective date of  
26 annexation.

27 (f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the  
28 petition is submitted, such area either abuts directly on the municipal boundary or is separated  
29 from the municipal boundary by a street or street right-of-way, a creek or river, or the  
30 right-of-way of a railroad or other public service corporation, lands owned by the municipality  
31 or some other political subdivision, or lands owned by the State of North Carolina. In  
32 describing the area to be annexed in the annexation ordinance, the municipal governing board  
33 may include within the description any territory described in this subsection which separates  
34 the municipal boundary from the area petitioning for annexation.

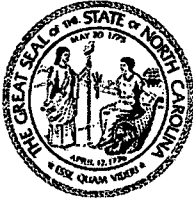
35 (g) The governing board may initiate annexation of contiguous property owned by the  
36 municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a  
37 petition. The resolution shall contain an adequate description of the property, state that the  
38 property is contiguous to the municipal boundaries and fix a date for a public hearing on the  
39 question of annexation. Notice of the public hearing shall be published as provided in  
40 subsection (c) of this section. The governing board may hold the public hearing and adopt the  
41 annexation ordinance as provided in subsection (d) of this section.

42 (h) A city council which receives a petition for annexation under this section may by  
43 ordinance require that the petitioners file a signed statement declaring whether or not vested  
44 rights with respect to the properties subject to the petition have been established under  
45 G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been  
46 established, the city may require petitioners to provide proof of such rights. A statement which  
47 declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1  
48 shall be binding on the landowner and any such vested right shall be terminated.

49 (i) A municipality has no authority to petition itself for annexation of property it does  
50 not own or have any legal interest in. For the purpose of this subsection, a municipality has no

1 legal interest in a State-maintained street unless it owns the underlying fee and not just an  
2 easement."

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



## HOUSE BILL 171: Municipal Self-Annexations

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 2, 2011
<b>Introduced by:</b>	Rep. L. Brown	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 171 would reiterate that a municipality has no authority to petition itself for annexation of property it does not own or have any legal interest in.*

### CURRENT LAW:

North Carolina law sets forth four (4) basic ways in which a town or city may annex an area:

- **Legislative Act.** The General Assembly has the authority to extend the boundaries of any town or city through local acts.
- **Voluntary Contiguous Annexation.** The owners of all real property in the area desiring to be annexed sign a petition requesting annexation. The municipality then determines whether or not to annex. If the the property is owned by the municipality itself, then, under the current general law, the municipality may initiate annexation of property owned by the municipality by adopting a resolution stating its intent to annex. A public hearing is required prior to the adoption of the ordinance to annex. G.S. 160A-31(g).
- **Voluntary Satellite Annexation.** This method allows a town or city to annex a non-contiguous area into the town or city limits, with the agreement of the property owner. If the property is owned by the municipality itself, then, under the current general law, the municipality may adopt a resolution stating its intent to annex, provided the property meets all other pre-requisites for satellite annexation. A public hearing is required prior to the adoption of the ordinance to annex. G.S. 160A-58.7.
- **Nonvoluntary Annexation.** The town or city brings into the corporate limits an area that has not voluntarily agreed to be annexed through a statutorily prescribed process.

**BILL ANALYSIS:** The bill would restate that, with respect to voluntary contiguous and satellite annexation, a municipality does not have the authority to petition itself for annexation of property it does not own or otherwise have a legal interest in. The bill would also clarify that a municipality has no legal interest in a State-maintained street unless it owns the underlying fee.

**EFFECTIVE DATE:** Effective when it becomes law.

H171-SMST-5(e1) v2

## VISITOR REGISTRATION SHEET

Governments  
Name of Committee

3-3-11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lee Mandell	GICC
Jim Caldwell	GICC
Penny Griffin	SOG
Jason Shefferson	DST
Anne Payne	Wake County
Tom Morgan	SOS
Jerry Fralick	SCIO / ITS
Tim Johnson	SCIO / CGIA
Charlene Moore	OLCAFA
David Moore	OLCAFA
Allan Sandoval	NC Commerce

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

3-3-11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Debi Swearingen Connor

Capitol

DL

DLA

Sam Hill

GA

Justin Beck

GA

Pam Meyer

NCUW

Fred Baggett

Smith Mauer Leatherware

Mia Bailey

Electri Cities of NC, Inc.

Committee Sergeants at ArmsNAME OF COMMITTEE GOVERNMENTDATE: March 3, 2011 Room: LOB 643House Sgt-At Arms:

1. Name: Billy Jones
2. Name: Todd Batchelor
3. Name: Ken Kirby
4. Name: R.L. Carter
5. Name: Abigail Blackwell

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

HOUSE PAGESNAME OF COMMITTEE Government DATE 3-3-111. Name: Madison BryantCounty: WayneSponsor: Bell2. Name: Sarah WoodliefCounty: NashSponsor: Fisher

3. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_



# **Government Committee Meeting**

**March 17, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 168 - Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3b: HB 56 – Committee Report, original bill, bill summary, handouts, roll call vote**
- Attachment 3c: HB 180 – Committee Report, original bill, bill summary**
- Attachment 3d: HB 192 – Committee Report, original bill, bill summary**
- Attachment 3e: HB 224 – Committee Report, original bill, bill summary**
- Attachment 3f: HB 231 – Committee Report, original bill, bill summary**
- Attachment 3g: HB 236 – Committee Report, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**

**Minutes****Committee on Government****Thursday, March 17, 2011**

The House Committee on Government met on Thursday, March 17, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Folwell, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Justice, Keever, Luebke, McGee, Mills, Mobley, Moffitt, Moore, Parfitt, Parmon and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Harrison Moore, Giles Perry, and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was HB 168 Zoning/Agricultural Annexation Exemption. Representative Cleveland was recognized to speak on the bill. Representative McCormick asked to be recognized to speak on a Proposed Committee Substitute that he and Representative Cleveland had agreed upon that would combine HB 195 and HB 168. A proposed committee substitute was presented combining these two bills under HB 168. The floor was opened for questions from the committee members and was then opened for comments from visitors. Glenn Jernigan of NC Grange spoke in favor of the bill. Representative Setzer moved for a favorable report of the Proposed Committee Substitute at the appropriate time. There were additional questions and comments from the committee members. Representative Luebke asked to have the bill pulled in order to try and meet compromises with everyone. He asked for comments from someone from the League of Municipalities. Paul Meyer with the League of Municipalities was welcomed to speak in opposition of the bill. Mr. Meyer asked that the bill not be passed at this time as there are still unanswered questions. Hearing no further discussion, Representative Setzer was recognized for a motion of a favorable report of the PCS. The motion passed and the bill was re-referred to the Committee on Finance.

The next order of business was HB 56 Rocky Mount Annexations Repealed.

Representative Collins, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Collins welcomed questions from the committee. The floor was then opened to visitors wishing to speak on the bill. The Chair recognized Peter Varney, the Assistant City Manager of Rocky Mount to speak in opposition of the bill. Wayne Outlaw, a Nash County Commissioner was called on to speak in support of the bill. There were additional comments from the committee members and Representative Burr made a motion for a favorable report. Representative Jones asked for a favorable report. A roll call vote was requested. With a 20 to 12 vote, the bill passed and was referred to the Committee on Finance.

The next order of business was HB 180 Wilmington Annexation Suspension.

Representative McComas, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative McComas welcomed questions from the committee. Representative Luebke was recognized to make a motion for a favorable report. The motion passed and the bill was referred to Finance. Laura Padgett, Council Member with the City of Wilmington had asked to speak on the bill. The bill was passed, prior to her speaking due to an oversight by the Chair.

The next order of business was HB 192 Greensboro Rental Property Utility Liens.

Representative Adams, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, Representative Setzer was recognized to make a motion for a favorable report. The motion carried.

The next agenda item was HB 224 Foxfire Village Assessment Validated. Representative Boles was recognized to speak on the bill. Representative Floyd moved for a favorable report. The motion carried and the bill was referred to Finance.

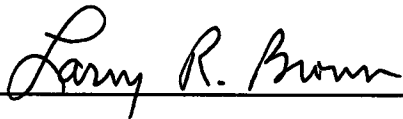
Representative Brisson was recognized to present HB 231 Fayetteville's Gates Four Annexation Repeal. Representative Floyd moved for a favorable report. The floor was opened for discussion by committee members followed by visitors. Doug Hewitt the Assistant City Manager from Fayetteville was recognized to speak in opposition of the bill, followed by Tony Tetterton with the Fair Annexation Coalition speaking in favor of the bill. Representative again moved for a favorable report and the motion carried. The bill was referred to Finance.

The next item was HB 236 Biltmore Lake Annexation Repealed. Representative Moffitt was called on to introduce the bill. The floor was opened for questions from the committee members. Representative Setzer made a motion for a favorable report. The motion carried and the bill was referred to Finance.

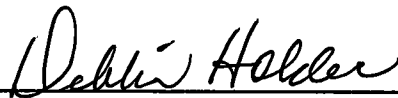
After approximately 1 hour all but 1 minority member asked to be excused to attend caucus. Representative Fisher remained to represent the minority membership.

With no further business before the Committee, the Chair adjourned at 11:28 AM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Larry R. Brown", positioned above a horizontal line.

Representative Larry Brown, Co-Chair

A handwritten signature in cursive script, reading "Debbie Holder", positioned above a horizontal line.

Debbie Holder, Committee Clerk

AGENDA

Attachment 2

HOUSE COMMITTEE ON GOVERNMENT

Thursday, March 17, 2011  
Room 643  
10:00 AM

OPENING REMARKS

Representative Larry Brown, Co-Chair  
Government Committee

AGENDA ITEMS

HB 56	Rocky Mount Annexations Repealed.	Representative Collins
<i>Passed</i> HB 97	Union Fire Fee Sunset Repealed.	Representative Horn Representative Burr
HB 168	Zoning/Agricultural Annexation Exemption.	Representative Sanderson Representative Cleveland Representative Hill
HB 180	Wilmington Annexation Suspension.	Representative McComas Representative Justice
HB 192	Greensboro Rental Property Utility Liens.	Representative Brandon, Jr. Representative Adams
HB 224	Foxfire Village Assessment Validated.	Representative Boles, Jr.
HB 231	Fayetteville's Gates Four Annexation Repeal.	Representative Brisson
HB 236	Biltmore Lake Annexation Repealed.	Representative Moffitt

ADJOURNMENT

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 168** A BILL TO BE ENTITLED AN ACT PROVIDING A ZONING EXEMPTION FOR ANY AGRICULTURAL INTEREST ANNEXED BY A MUNICIPALITY AND EXEMPTING COVERAGE OF ANY AGRICULTURAL INTEREST IN THE EXTRATERRITORIAL PLANNING JURISDICTION OF A MUNICIPALITY.

☒ 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.

\_\_\_\_\_ 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 2011

H

D

HOUSE BILL 168  
PROPOSED COMMITTEE SUBSTITUTE H168-CSRW-9 [v.1]

3/15/2011 8:20:54 PM

Short Title: Farms Exempt from City Annexation/ETJ/Zoning.

(Public)

Sponsors:

Referred to:

February 24, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES", TO  
3 PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED  
4 FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA  
5 FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND  
6 ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY  
7 USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 153A-340(b)(2) reads as rewritten:

10 "(b) (2) Except as provided in G.S. 106-743.4 for farms that are subject to a  
11 conservation agreement under G.S. 106-743.2, bona fide farm purposes  
12 include the production and activities relating or incidental to the production  
13 of crops, fruits, vegetables, ornamental and flowering plants, dairy,  
14 livestock, poultry, and all other forms of ~~agricultural products~~ agriculture as  
15 defined in ~~G.S. 106-581.1~~ G.S. 106-581.1 ~~having a domestic or foreign market.~~  
16 G.S. 106-581.1. For purposes of this subdivision, the production of a  
17 nonfarm product that the Department of Agriculture and Consumer Services  
18 recognizes as a 'Goodness Grows in North Carolina' product that is produced  
19 on a farm subject to a conservation agreement under G.S. 106-743.2 is a  
20 bona fide farm purpose."

21 SECTION 2. G.S. 160A-36 is amended by adding a new subsection to read:

22 "(f) No land being used for 'bona fide farm purposes', as defined in G.S. 153A-340, on  
23 the date of the resolution of intent to consider annexation, shall be annexed without the written  
24 consent of the owner or owners of the property."

25 SECTION 3. G.S. 160A-48 is amended by adding a new subsection to read:

26 "(g) No land being used for 'bona fide farm purposes', as defined in G.S. 153A-340, on the  
27 date of the resolution of intent to consider annexation, shall be annexed without the written  
28 consent of the owner or owners of the property."

29 SECTION 4. G.S. 160A-360 is amended by adding a new subsection to read:

30 "(k) Property used for 'bona fide farm purposes', as defined in G.S. 153A-34, is exempt  
31 from a municipality's extraterritorial jurisdiction under this Article."

32 SECTION 5. Article 19 of Chapter 160A of the General Statutes is amended by  
33 adding a new section to read:

34 "§ 160A-393.1. Part not applicable to property used for bona fide farm purposes."



\* H 1 6 8 - C S R W - 9 - V - 1 \*

1        (a) The provisions of this Part are not applicable to property used for 'bona fide farm  
2 purposes', as defined in G.S. 153A-340."

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 168

Short Title: Zoning/Agricultural Annexation Exemption. (Public)

Sponsors: Representatives Sanderson, Cleveland, and Hill (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

February 24, 2011

A BILL TO BE ENTITLED  
AN ACT PROVIDING A ZONING EXEMPTION FOR ANY AGRICULTURAL INTEREST  
ANNEXED BY A MUNICIPALITY AND EXEMPTING COVERAGE OF ANY  
AGRICULTURAL INTEREST IN THE EXTRATERRITORIAL PLANNING  
JURISDICTION OF A MUNICIPALITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 19 of Chapter 160A of the General Statutes is amended by  
adding a new section to read:

**"§ 160A-393.1. Part not applicable to annexed agricultural interest.**

(a) The provisions of this Part are not applicable to any agricultural interest included in  
an area to be annexed by a municipality pursuant to Article 4A of this Chapter.

(b) For the purposes of this section, the phrase "agricultural interest" means an area of  
land, including any structures, used primarily for, or as, any of the following:

- (1) The production of produce, grains, livestock, or fibers.
- (2) The production of horticultural products.
- (3) The production of aquaculture products.
- (4) The production of trees and timber.
- (5) A demonstration, research, or test farm.
- (6) A petting zoo.
- (7) Agritourism.
- (8) Equine activities."

**SECTION 2.** G.S. 160A-360 is amended by adding a new subsection to read:

"(a2) The provisions of this section are not applicable to any agricultural interest located  
within the extraterritorial jurisdiction of a municipality. For the purposes of this subsection, the  
phrase "agricultural interest" means an area of land, including any structures, used primarily  
for, or as, any of the following (i) the production of produce, grains, livestock, or fibers; (ii) the  
production of horticultural products; (iii) the production of aquaculture products; (iv) the  
production of trees and timber; (v) a demonstration, research, or test farm; (vi) a petting zoo;  
(vii) agritourism; or (viii) equine activities."

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





## HOUSE BILL 168: Farms Exempt from City Annexation/ETJ/Zoning

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Reps. Sanderson, Cleveland, Hill  
**Analysis of:** PCS to First Edition  
H168-CSRW-9

**Date:** March 16, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 168 (PCS) clarifies the definition of "bona fide farm purposes", prohibits the involuntary municipal annexation of property used for bona fide farm purposes, exempts property used for bona fide farm purposes from municipal ETJ regulations, and exempts property used for bona fide farming purposes from municipal zoning.*

*The proposed committee substitute combines the provisions of House Bill 168 and House Bill 195.*

**CURRENT LAW:** Under current law:

- Farm property can be annexed, but if subject to present use valuation, is considered part of the city only (i) for the purpose of establishing city boundaries for additional annexations pursuant to this Article and (ii) for the exercise of city planning and regulation of development regulation. (G.S. 160A-37, -49).
- Farm property located in a municipal extraterritorial planning and zoning jurisdiction is subject to the regulation of the jurisdiction. (G.S. 160A-360).
- Farm property located in a municipality is subject to municipal zoning. (Article 19 of Chapter 160A of the General Statutes).

### BILL ANALYSIS:

**Section 1** (from H 195) clarifies the definition of "bona fide farm purposes" by deleting the phrase "agricultural products" and substituting "agriculture, the term used in G.S. 106-581.1; and deletes the phrase "having a domestic or foreign market."

**Section 2 and 3** (from H 195) prohibits involuntary municipal annexation of property used for bona fide farm purposes by both large (5,000 or more) and small (less than 5,000) municipalities.

**Section 4** (in H 168 and H 195) exempts property used for bona fide farm purposes from municipal extraterritorial planning and zoning jurisdiction.

**Section 5** (from H 168) exempts property used for bona fide farm purposes from municipal zoning.

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

### BACKGROUND:

#### § 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.

# House PCS 168

Page 2

- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

## § 99E-30. Definitions.

As used in this Article, the following terms mean:

- (1) Agritourism activity. – Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. "Agritourism activity" includes an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.

*H168-SMRW-28(CSRW-9) v2*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 56** A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ROCKY MOUNT TO MAKE CERTAIN ANNEXATIONS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 56**

**Short Title:** Rocky Mount Annexations Repealed. (Local)

**Sponsors:** Representative Collins (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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

February 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
3 SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX  
4 THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
5 DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO  
6 THE CITY OF ROCKY MOUNT TO MAKE CERTAIN ANNEXATIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Ordinance No. O-2010-1 adopted by the City Council of the City of  
9 Rocky Mount on January 11, 2010, entitled "ORDINANCE AMENDING ORDINANCE  
10 ADOPTED DECEMBER 18, 2008 EXTENDING THE CORPORATE LIMITS OF THE  
11 CITY OF ROCKY MOUNT UNDER THE AUTHORITY GRANTED BY PART 3,  
12 ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA  
13 – ANNEXATION NO. 287-AREA 1," and Ordinance No. O-2008-136 adopted by the City  
14 Council of the City of Rocky Mount on December 18, 2008, entitled "AN ORDINANCE  
15 EXTENDING THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT UNDER  
16 THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE  
17 GENERAL STATUTES OF NORTH CAROLINA – ANNEXATION NO. 287 – AREA 1,"  
18 are repealed.

19 **SECTION 2.** This act is effective from and after June 30, 2009.





## HOUSE BILL 56: Rocky Mount Annexations Repealed

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Collins  
**Analysis of:** First Edition

**Date:** March 15, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 56 repeals involuntary annexation ordinances adopted by the City of Rocky Mount.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

**BILL ANALYSIS:** House Bill 56 repeals the following involuntary annexation ordinances enacted by the City of Rocky Mount:

- Ordinance No. O-2008-136 adopted by the City Council of the City of Rocky Mount on December 18, 2008, annexing approximately 1343.26 acres in the Oak Level area; and
- Ordinance No. O-2010-1 adopted by the City Council of the City of Rocky Mount on January 11, 2010, annexing approximately 1343.26 acres in the Oak Level area.

**EFFECTIVE DATE:** House Bill 56 is effective from and after June 30, 2009.

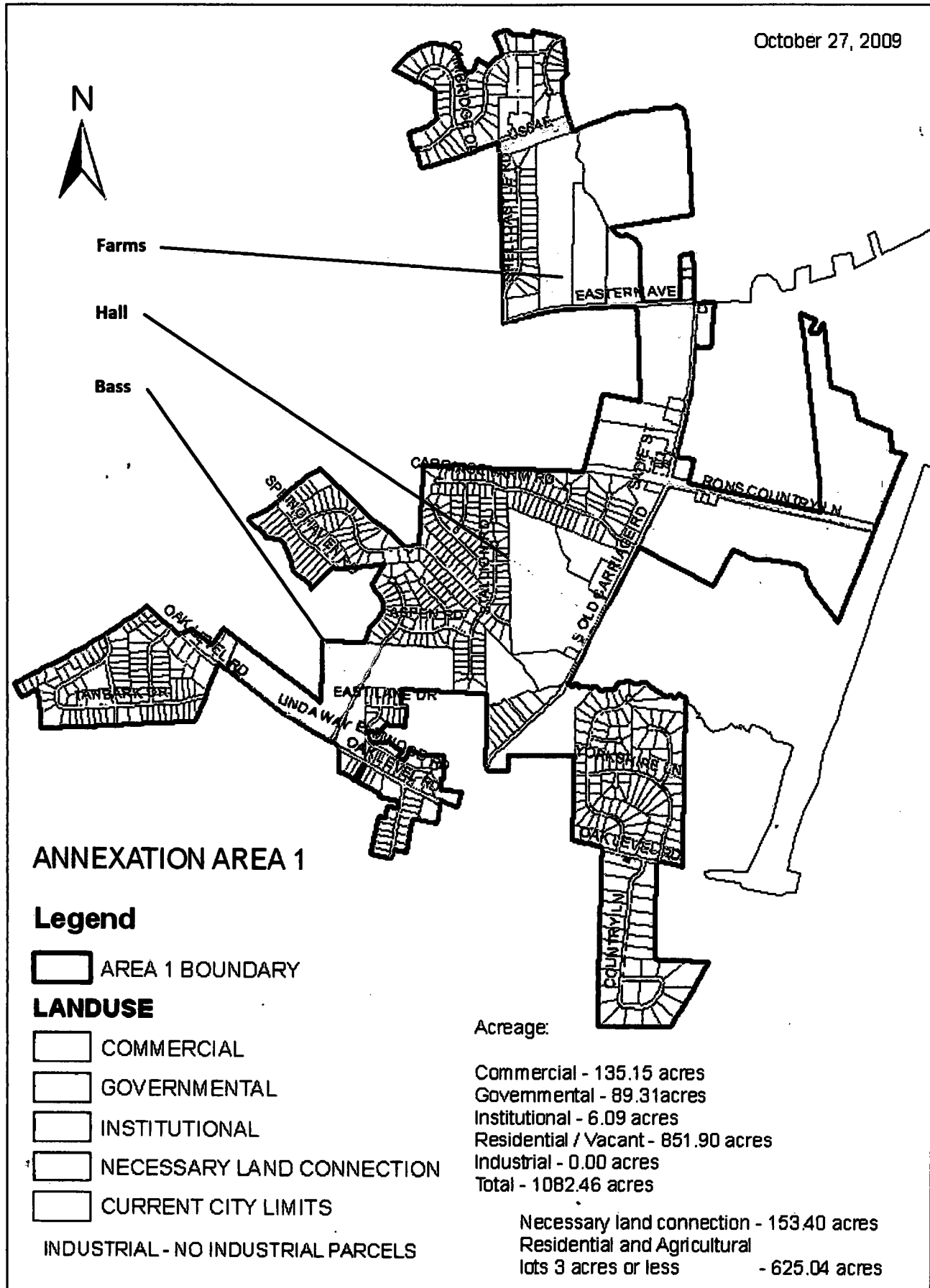
**BACKGROUND:** The bill repeals two ordinances affecting the same area. Ordinance O-2008-136 was adopted on Dec. 18, 2008, but was remanded by the Superior Court for changes and a public hearing. The City of Rocky Mount undertook to comply with the court order, and adopted Ordinance No. O-2010-1, affecting the same area, on January 11, 2010. The ordinance is subject to litigation, which has been appealed to, and heard by the Court of Appeals. A final decision has not yet been rendered.

H56-SMRW-25(e1) v3

# Remand Map

HB 56

October 27, 2009



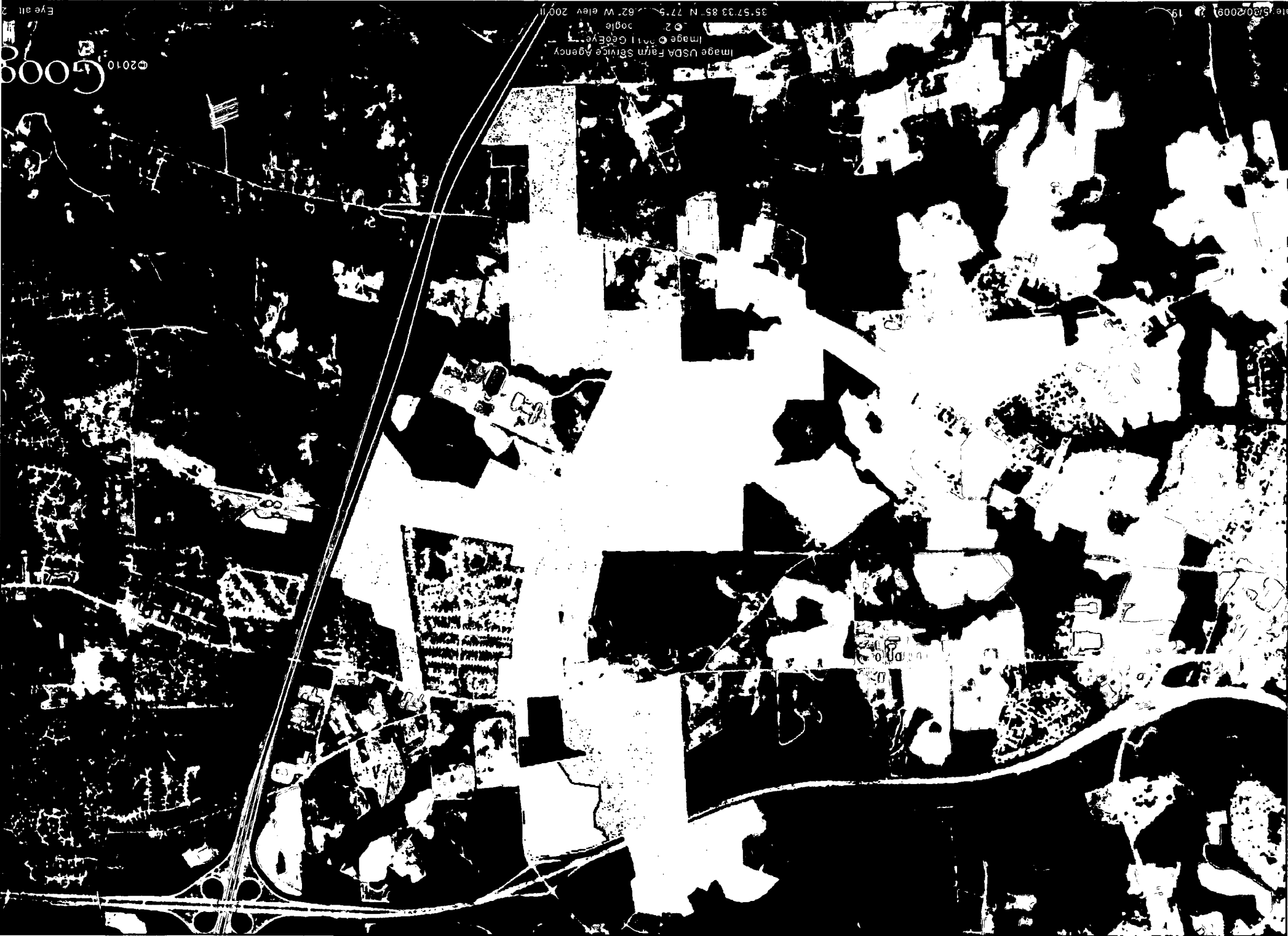


Image © 2011 Google  
Image USDA Farm Service Agency



# Farms

Nash County Community College

Nash County-Farm

Nash County-Farm

Annexed-farm

Annexed-Farm

Nash County-Farm

2010 Google

Image © 2011 GeoEye  
© 2011 Google

35°58'14.56" N 77°53'58.92" W elev 209 ft

Eye alt 1552 ft

Hall

Annexed-Farm

Nash-RM  
Maintenance Shed



# Bass



# ROLL CALL VOTE

20 YES      12 NO = 32 (TOTAL)

HB# 56  
SB# \_\_\_\_\_

## HOUSE STANDING COMMITTEE ON GOVERNMENT

House Subcommittee on \_\_\_\_\_

YES	NO	MEMBER	YES	NO	MEMBER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROWN, Larry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGER, Mike
<input checked="" type="checkbox"/>	<input type="checkbox"/>	INGLE, Dan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HURLEY, Pat B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BOLES, James L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JONES, Bert
<input type="checkbox"/>	<input checked="" type="checkbox"/>	LANGDON, James H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JUSTICE, Carolyn H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	WARREN, Harry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	KEEVER, Patsy
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ADAMS, Alma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LUEBKE, Paul
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ALEXANDER, Martha	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGEE, William C. "Bill"
<input type="checkbox"/>	<input type="checkbox"/>	BARNHART, Jeff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MILLS, Grey
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BORDSEN, Alice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOBLEY, Annie W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADLEY, Glen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOFFITT, Tim D.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BRANDON, Marcus	<input type="checkbox"/>	<input type="checkbox"/>	MOORE, Rodney W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROWN, Rayne	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PARFITT, Diane
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BURR, Justin P.	<input type="checkbox"/>	<input type="checkbox"/>	PARMON, Earline W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLEVELAND, George G.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SETZER, Mitchell S.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	COLLINS, Jeff	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	COTHAM, Tricia Ann	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	EARLE, Beverly M.	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FAIRCLOTH, John	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FISHER, Susan C.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FLOYD, Elmer	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FOLWELL, Dale	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FRYE, Phillip	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GILL, Rosa U.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	GOODMAN, Ken	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	GUICE, W. David	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<del>HACKNEY, Joe</del>	<input type="checkbox"/>	<input type="checkbox"/>	

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 180** A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY SUSPENDING THE DELEGATION OF AUTHORITY TO THE CITY OF WILMINGTON TO MAKE A CERTAIN ANNEXATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 180**

Short Title:   Wilmington Annexation Suspension. (Local)

Sponsors:   Representatives McComas and Justice (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

February 28, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
3 SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX  
4 THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
5 DEEMS ADVISABLE, BY SUSPENDING THE DELEGATION OF AUTHORITY TO  
6 THE CITY OF WILMINGTON TO MAKE A CERTAIN ANNEXATION.

7           Whereas, there is concern about the current annexation policy of North Carolina;  
8 and

9           Whereas, the 2011 General Assembly will be considering comprehensive  
10 annexation reform; and

11           Whereas, it is good policy to preserve the status quo in pending annexations under  
12 appeal until the General Assembly has the opportunity to address this issue and decide the  
13 extent to which reform should apply to current annexation ordinances; Now, therefore,  
14 The General Assembly of North Carolina enacts:

15           **SECTION 1.** The operation of Ordinance O-2009-29, adopted by the City Council  
16 of the City of Wilmington on May 5, 2009, entitled "ORDINANCE TO EXTEND THE  
17 CORPORATE LIMITS OF THE CITY OF WILMINGTON UNDER THE AUTHORITY  
18 GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES  
19 OF NORTH CAROLINA," is suspended until December 31, 2012. Nothing in this section  
20 validates any action of the City of Wilmington in adopting the ordinance.

21           **SECTION 2.** This act is effective from and after May 5, 2009.





## HOUSE BILL 180: Wilmington Annexation Suspension

*2011-2012 General Assembly*

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 15, 2011
<b>Introduced by:</b>	Reps. McComas, Justice	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 180 suspends as involuntary annexation ordinances adopted by the City of Wilmington.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

**BILL ANALYSIS:** House Bill 180 suspends until December 31, 2012 Ordinance O-2009-29, adopted by the City Council of the City of Wilmington on May 5, 2009, involuntarily annexing approximately 950 acres in the Monkey Junction area.

The bill also provides that nothing in this section validates any action of the City of Wilmington in adopting the ordinance.

**EFFECTIVE DATE:** House Bill 180 is effective from and after May 5, 2009.

**BACKGROUND:** This annexation ordinance has been challenged, and is pending before the Court of Appeals.

*H180-SMRW-26(e1) v3*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 192** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL PROPERTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 192\*

Short Title: Greensboro Rental Property Utility Liens. (Local)

Sponsors: Representatives Brandon and Adams (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 1, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE  
3 THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY  
4 SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE  
5 MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON  
6 THE RENTAL PROPERTY.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Section 6.83 of the Charter of the City of Greensboro, being Chapter  
9 1137 of the 1959 Session Laws, as amended, reads as rewritten:

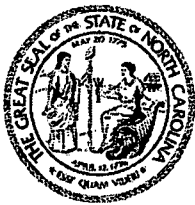
10 "Sec. 6.83. Liens for Utility Charges.

11 (a) ~~In case~~ Except as provided in subsection (b) of this section, when any charge for  
12 utility service or for the use of utility facilities is not paid within ten days after it becomes due,  
13 the same shall become a lien upon the property served or in connection with which the service  
14 or facility is used. The charge may at any time thereafter be collected, either by suit in the name  
15 of the city or by the city tax collector for the city, by the sale of the property upon which the  
16 lien attaches at the Guilford County courthouse door, after advertising the sale once a week for  
17 four successive weeks in some newspaper published in the city which is qualified to carry legal  
18 notices. The sale shall be made under the same rules and regulations, and subject to the same  
19 costs and penalties and to the same rights of redemption as are provided by law for the  
20 foreclosure of the lien on real estate for taxes.

21 (b) When any charge for utility service or for the use of utility facilities is for a rental  
22 property and the tenants of the rental property are individually liable for the charge, the city  
23 shall collect any charge that is incurred and becomes past-due after July 1, 2010, pursuant to  
24 the provisions of G.S. 160A-314 and any other applicable general or local law. The city shall  
25 not collect any charge from a tenant that is incurred and becomes past-due after July 1, 2010,  
26 under the provisions of subsection (a) of this section."

27 SECTION 2. This act is effective from and after July 1, 2010.





## HOUSE BILL 192: Greensboro Rental Property Utility Liens

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Brandon, Adams  
**Analysis of:** First Edition

**Date:** March 15, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 192 amends the City of Greensboro Charter to authorize collection as prescribed in the general law for utility charges on rental property that are incurred and become past-due after July 1, 2010.*

### BILL ANALYSIS:

Section 6.83 of the City of Greensboro Charter currently provides that when charges for utility service or the use of utility facilities is not paid within 10 days after the due date, it will become a lien on the property and the charge may be collected by suit or by the sale of the property.

House Bill 192 designates existing language as subsection (a) and adds a new subsection (b) which pertains to rental property. The new subsection provides that when a charge for utility service or the use of utility facilities is for rental property and the tenants of the rental property are individually liable, then any charge that is incurred and becomes past due after July 1, 2010 is collected pursuant to G.S. 160A-314 and any other applicable laws.

### EFFECTIVE DATE:

House Bill 192 is effective from and after July 1, 2010.

### CURRENT LAW:

G.S. 160A-314 authorizes cities to establish and revise schedules of rents, rates, fees, charges, and penalties for the use of services (electricity, water, wastewater, gas, solid waste collection, transportation, cable television, parking, airports, stormwater management).

G.S. 160A-314(b) authorizes a city to collect delinquent accounts by any remedy provided by law for collecting and enforcing private debts, and may specify by ordinance the order in which partial payments are to be applied. A city may discontinue service to any customer whose account remains delinquent for more than 10 days. If a delinquent customer is not the owner of the premises to which the services are delivered, the payment of the delinquent account may not be required before providing services at the request of a new and different tenant or occupant of the premises, but this restriction shall not apply when the premises are occupied by two or more tenants whose services are measured by the same meter.

G.S. 160A-314 (b1) prohibits a city from suspending or disconnecting service because of a past-due unpaid balance for service incurred by another unless certain situations apply. A city is also prohibited from requiring that in order to continue service, a customer must agree to be liable for the delinquent account of any other person who will reside in the customer's household, unless certain situations apply.

G.S. 160A-314(c) and (d) provide that rents, rates, fees, charges, and penalties are legal obligations of the person contracting for them, and shall not be a lien upon the property or premises served. However, if the property or premises is leased or rented to more than one tenant and services rendered to more than one tenant are measured by the same meter then the rents, rates, fees, charges and penalties shall be legal obligations of the owner of the premises served.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L.-Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 224** A BILL TO BE ENTITLED AN ACT TO VALIDATE A SPECIAL ASSESSMENT  
LEVIED BY FOXFIRE VILLAGE.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 224**

Short Title: Foxfire Village Assessment Validated. (Local)

Sponsors: Representative Boles (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

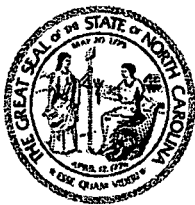
Referred to: Government, if favorable, Finance.

March 3, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE.  
3 The General Assembly of North Carolina enacts:  
4 SECTION 1. Any and all acts and proceedings heretofore done, and any and all  
5 procedures heretofore followed by Foxfire Village in assessing the cost of the Woodland Circle  
6 Extension project (involving the construction of a two-lane, paved road and the installation of  
7 electric power and water utility lines to serve properties that previously had no road access or  
8 utility service) pursuant to Article 10 of Chapter 160A of the General Statutes, are hereby in all  
9 respects validated, legalized, and confirmed. Any and all special assessments relating to this  
10 project levied by Foxfire Village at a rate of \$0.20782 per square foot of the area of the lots or  
11 tracts abutting the project are hereby in all respects validated, legalized, and confirmed.  
12 SECTION 2. This act is effective when it becomes law.



\* H 2 2 4 - V - 1 \*



## HOUSE BILL 224: Foxfire Village Assessment Validated

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 16, 2011
<b>Introduced by:</b>	Rep. Boles	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 224 is a local bill that would validate the assessment actions taken by Foxfire Village for the Woodland Circle Extension project.*

### BILL ANALYSIS:

House Bill 224 would validate all acts and procedures followed by Foxfire Village in assessing the cost of the Woodland Circle Extension project. The bill would also validate any and all special assessments relating to the project and levied by the Village. According to the bill, the project involved construction of a two-lane paved road and the installation of electric power and water utility lines to serve properties that previously had no road access or utility service.

### EFFECTIVE DATE:

This bill would become effective when it becomes law.

### CURRENT LAW:

Article 10, Chapter 160A includes provisions for the following with regard to special assessments:

- the authority for a city to make special assessments against benefited property within its corporate limits for constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets, among other listed activities (G.S. 160A-216);
- a petition process that must be followed prior to levying special assessments for street or sidewalk improvements (G.S. 160A-217);
- authorization for assessments to be made on four bases or a combination of two or more bases (G.S. 160A-218);
- preliminary resolution contents and a notice and hearing process for preliminary resolutions (G.S. 160A-223, G.S. 160A-224, G.S. 160A-225);
- determination of costs by the council (G.S. 160A-226);
- preparation and publication of a preliminary assessment roll (containing lot description, tract assessed, basis for assessment, amount assessed, terms of payment and schedule of discounts if applicable) (G.S. 160A-227);
- a hearing on the preliminary assessment roll (G.S. 160A-228);
- publication of the confirmed assessment roll (G.S. 160A-229);
- appeals (G.S. 160A-230);
- provisions for reassessment (G.S. 160A-231);
- methods of payment (G.S. 160A-232); and
- enforcement (G.S. 160A-233).

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 231** A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF FAYETTEVILLE TO MAKE A CERTAIN ANNEXATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 231**

**Short Title:** Fayetteville's Gates Four Annexation Repeal. (Local)

**Sponsors:** Representative Brisson (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

March 7, 2011

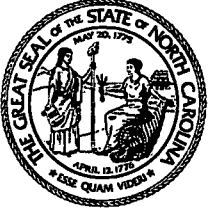
1 A BILL TO BE ENTITLED  
2 AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
3 SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX  
4 THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
5 DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO  
6 THE CITY OF FAYETTEVILLE TO MAKE A CERTAIN ANNEXATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Annexation Ordinance No. 2008-10-511, adopted by the City  
9 Council of the City of Fayetteville on October 20, 2008, entitled "AN ORDINANCE TO  
10 EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE OF NORTH  
11 CAROLINA, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A,  
12 PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA," described in the  
13 ordinances as "Gate Four" and "Gates Four," is repealed.

14 **SECTION 2.** This act is effective from and after October 20, 2008.





# HOUSE BILL 231: Fayetteville's Gates Four Annexation Repeal

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Rep. Brisson  
**Analysis of:** First Edition

**Date:** March 16, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 231 repeals an involuntary annexation ordinance adopted by the City of Fayetteville on October 20, 2008, affecting the area known as "Gates Four."*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "*provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.*" Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements. Generally speaking, a municipality may involuntarily annex property if:

1. It is adjacent or contiguous to the city.
2. 1/8 of the external boundary area coincides with the city boundary.
3. It is not part of another city.
4. It is developed for urban purposes.

**BILL ANALYSIS:** The bill repeals involuntary annexation Ordinance No. 2008-10-511, adopted by the City Council of the City of Fayetteville on October 20, 2008, with an effective date of November 22, 2009.

**EFFECTIVE DATE:** October 20, 2008.

H231-SMST-11(e1) v2



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 236** A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ASHEVILLE TO MAKE A CERTAIN ANNEXATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 236**

Short Title: Biltmore Lake Annexation Repealed. (Local)

Sponsors: Representative Moffitt (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
3 SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX  
4 THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
5 DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO  
6 THE CITY OF ASHEVILLE TO MAKE A CERTAIN ANNEXATION.  
7 The General Assembly of North Carolina enacts:  
8 **SECTION 1.** Ordinance No. 3524, adopted by the City Council of the City of  
9 Asheville on August 21, 2007, entitled "AN ORDINANCE TO EXTEND THE CORPORATE  
10 LIMITS OF THE CITY OF ASHEVILLE UNDER THE AUTHORITY GRANTED BY PART  
11 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH  
12 CAROLINA, BY ANNEXING A CONTIGUOUS AREA KNOWN AS THE BILTMORE  
13 LAKE AREA," is repealed.  
14 **SECTION 2.** This act is effective from and after August 21, 2007.





## HOUSE BILL 236: Biltmore Lake Annexation Repealed

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Rep. Moffitt  
**Analysis of:** First Edition

**Date:** March 15, 2011  
**Prepared by:** R. Erika Churchill and  
Giles S. Perry,  
Committee Counsel

**SUMMARY:** *House Bill 236 repeals an involuntary annexation ordinance adopted by the City of Asheville on August 21, 2007, affecting the area known as "Biltmore Lake."*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "*provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.*" Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements. Generally speaking, a municipality may involuntarily annex property if:

1. It is adjacent or contiguous to the city.
2. 1/8 of the external boundary area coincides with the city boundary.
3. It is not part of another city.
4. It is developed for urban purposes.

**BILL ANALYSIS:** The bill repeals involuntary annexation Ordinance No. 3524, adopted by the City Council of the City of Asheville on August 21, 2007, with an effective date of December 31, 2007, affecting approximately 440 acres in the Biltmore Lake area.

**BACKGROUND:** This annexation ordinance is subject to litigation pending before the North Carolina Court of Appeals. The Appellant's brief is due next week.

H236-SMST-10(e1) v3

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/17/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

<u>Joyalides</u>	<u>JP Assoc</u>
<u>Kathy Hartkigt</u>	<u>Freedom Works</u>
<u>Charlene Moore</u>	<u>OLCAFA Nash Co.</u>
<u>Bob &amp; Jean Britt</u>	<u>OLCAFA Nash Co</u>
<u>Gerrie Ramming</u>	<u>OLCAFA Nash Co.</u>
<u>Tony Tetterton</u>	<u>Fair Annexation Coalition</u>
<u>Rosa Chappell</u>	<u>OLCAFA Nash Co</u>
<u>Plummer Leonard</u>	<u>OLCAFA Nash Co.</u>
<u>Temple Leonard</u>	<u>OLCAFA Nash Co.</u>
<u>Bill Edmonds</u>	<u>OLCAFA Nash Co.</u>
<u>Betty Edmondson</u>	<u>OLCAFA Nash Co.</u>

Fred Bayette Smith Moore

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/17/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Jessie Madewine	OLCAFA NASH CO.
LOW DIXON	OLCAFA Nash Co
GENE BAKER	" " "
D. F. Pete Whitley	OLCAFA-Nash County
Louis J. Farmer	OLCAFA-Nash County
Eric Pittman	" " "
Franklin Pittman	" " "
Sharon Outlaw	" " "
Wayne Outlaw	" " "
Mia Bailey	Electrician
David E Parker	OLCAFA-Nash County

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/17/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Libby A Parker	OLCAFA Nash County
CECIL D. HALE	OLCAFA Nash County
Brandon Smith	Rep Denny McComas
Penny Levenson	Stop Forced Annexation Wake County
BERNARD S. LEVENSON	STOP FORCED ANNEXATION, WAKE COUNTY
LAWLESS BARN	CITY OF WILMINGTON
Laura Padgett	City of Wilmington
Lisa Martin	NC Home Builders
Jessie Hymas	
Bob Sherman	NCFB
Paul Sherman	NCFB
Irene Espinoza	Latin Am. Coalition

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/17/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Richard Privette	OLCAFA Nash County
Paul Uclanz	QRNC
Grant Cunningham	Edwards
Cody Thomas	NLAR
Martha Brooks	Examiner.com / Media up
CATHERINE HEATH	STOP NC ANNEXATION - WAKE CO.
Roger E. Harris	OLCAFA Nash County
Frank Woodruff	Fayetteville Observer
John Merrill	MWC DC
Sally Robertson	AP

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/17/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

<u>Sylvia Gardner</u>	<u>Olcafa Nash Co.</u>
<u>Elizabeth Dunther</u>	<u>Olcafa Nash Co</u>
<u>Michael Davis</u>	<u>" " "</u>
<u>GENE SCHMIDT</u>	<u>OLCAFA NASH Co.</u>
<u>TERRY HARDESTY</u>	<u>NCCA</u>
<u>BRYAN BEINSON</u>	<u>NCCA</u>
<u>Allison Fowler</u>	<u>NE Grange</u>
<u>Steven Gunnell</u>	<u>NCCA</u>
<u>Jimmy Gentry</u>	<u>NC GRANGE</u>
<u>Ann W. Beard</u>	<u>OLCAFA Nash County</u>
<u>John Beard</u>	<u>OLCAFA Nash County</u>
<u>Jack P. Pinnette</u>	<u>OLCAFA Nash County</u>



# VISITOR REGISTRATION SHEET

Government

Name of Committee

3/17/11

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Jefferson Moors

State Legislature, Research Division

DNE Simpson

CAAC

Barbara Conner

PRC

PS Poy

re FD

Peter Varney

City of Rocky Mount

Ann Wall

City of Rocky Mount, NC

Yonah (Jonathan) Nal

\_\_\_\_\_

Rick Zedini

Progress Energy

Chris Telesco

Self

Karmisha Wallace

City of Durham

**Committee Sergeants at Arms**

NAME OF COMMITTEE Government

DATE: 3/17/11 Room: 643

**House Sgt-At Arms:**

1. Name: Jonny Bae
2. Name: Garland Shepherd
3. Name: Regie Sills
4. Name: Martha Parish
5. Name: Bill MacRae

**Senate Sgt-At Arms:**

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

HOUSE PAGES

NAME OF COMMITTEE Government DATE 3/17/11

1. Name: Kristopher Fahlem

County: Wake

Sponsor: Rep. Rosa Gill

2. Name: Shanell Jones

County: Cumberland

Sponsor: Rep. Elmer Floyd

3. Name: Shonhni McNeill

County: Scotland

Sponsor: Rep. G.L. Pridgen

4. Name: Coby Styers

County: Montgomery

Sponsor: Justin Burr

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

# **Government Committee Meeting**

**March 24, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 97 - Committee Report, original bill, bill summary**
- Attachment 3b: HB 202 – Committee Report, original bill, bill summary**
- Attachment 3c: HB 193 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3d: HB 194 – Committee Report, original bill, bill summary**
- Attachment 3e: HB 415 – Committee Report, original bill, bill summary**
- Attachment 3f: HB 196 – Committee Report, original bill, bill summary, handout**
- Attachment 3g: SB 29 – Committee Report, original bill, bill summary**
- Attachment 3h: HB 358 – Committee Report, proposed committee substitute, amendment, original bill, bill summary**
- Attachment 3i: SB 81 – Committee Report, original bill, bill summary**
- Attachment 3j: HB 204 – Committee Report, original bill, bill summary**
- Attachment 3k: HB 212 – Committee Report, original bill, bill summary**
- Attachment 3l: SB 68 – Committee Report, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, March 24, 2011**

The House Committee on Government met on Thursday, March 24, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representative L. Brown, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Folwell, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Justice, Luebke, McGee, Mills, Mobley, Moffitt, Moore, and Parfitt. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Harrison Moore, Giles Perry, and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was HB 97 Union Fire Fee Sunset Repealed. Representative Horn was called on the present the bill. Representative Burr moved for a favorable report and be referred to finance. The bill passed.

Representative Horn presented HB 202 Parking Fine Increase for the City of Monroe. Representative Cotham moved for a favorable report. The bill passed and referred to finance.

Representative Justice was recognized to present HB 193 Topsail Beach Recall Elections. Representative Justice was recognized to speak on the bill. The floor was opened for questions from the committee members. Representatives Fisher and Alexander had questions and they were answered by Representative Justice and Staff. The floor was then opened for comments from visitors. Ed Broadhurst with the Town Council spoke in favor of the bill, while Julian Bone the former Mayor spoke in opposition. Representative Brown moved for a Proposed Committee Substitute be prepared. Representative Hager moved for a favorable report of the Proposed Committee Substitute. The motion passed.

The next order of business was HB 194 Topsail Beach Charter Amendment. Representative Justice, the bill sponsor, was recognized to speak on the bill. Representative Jones moved for a favorable report. The bill passed.

The next order of business was HB 415 Topsail Beach/Littoral Rights. Representative Justice, the bill sponsor, was recognized to speak on the bill. Representative Alexander was recognized to make a motion for a favorable report. The motion carried and the bill passed.

The next order of business was HB 196 Goldsboro Deannexation. Representative Sager, the bill sponsor, was recognized to speak on the bill. After a brief explanation of the bill, the floor was opened for questions from the committee members, followed by visitors. Tasha Logan, the Interim City Manager of Goldsboro spoke in opposition to the bill, followed by Bob Pleasants of Good Neighbors United of Wayne County speaking in support. Randy Guthrie the City of Goldsboro Planning Director answered questions from the committee members. Representative Hager was recognized to make a motion for a favorable report. The motion carried and the bill passed with a majority vote.

The next agenda item was SB 29 Tax Certification – Alamance County. Senator Gunn was recognized to speak on the bill. Representative Cleveland moved for a favorable report. The motion carried and the bill was referred to Finance.

Representative Hackney was recognized to present HB 385 Apex/Cary Annexation Into Chatham Restricted. Representative Brown moved for a favorable report of a technical amendment. Representative Alexander made a motion for an unfavorable report of the original bill and a favorable report of a Proposed Committee Substitute. The Proposed Committee Substitute passed and was referred to Finance.

The next item was SB 81 Orange County Local Disclosure. Representative Hackney was called on to introduce the bill. The floor was opened for questions from the committee members. Representative Alexander made a motion for a favorable report. The motion carried and the bill passed.

Representative Tolson was called on to introduce HB 204 Edgecombe Co. Tourism Development Authority. Representative Floyd moved for a favorable report. The motion carried and the bill was referred to Finance.

The chair called on Representative Torbett to introduce HB 212 Town of Cramerton/Regulate Utility Vehicles. Representative Justice moved for a favorable report. The motion carried and the bill was referred to finance.

The next item was SB 68 Robeson Hunting and Fishing. Representative Pridgen was called on to present the bill. Representative Boles moved for a favorable report. The bill passed.

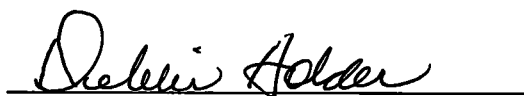
Representative Blackwell was called on to introduce HB 256. The floor was opened up to committee members to speak on the bill. A sub-committee was appointed by the Chair with Representative Burr serving as the chair and Representative Faircloth and Goodman sitting on the sub-committee. The committee will report back to the Government Committee in two (2) weeks. Ava Turn spoke in opposition to the bill and Steven Leon of the Village of Lake James spoke in favor.

The Chair adjourned at 11:50 AM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rep. Dan Ingle", written over a horizontal line.

**Representative Dan Ingle, Co-Chair**

A handwritten signature in cursive script, reading "Debbie Holder", written over a horizontal line.

**Debbie Holder, Committee Clerk**

# AGENDA

Attachment 2

## HOUSE COMMITTEE ON GOVERNMENT

Thursday, March 24, 2011

Room 643

10:00 AM

### OPENING REMARKS

Representative Dan Ingle, Co-Chair  
Government Committee

### AGENDA ITEMS

SB 68	Robeson Hunting and Fishing.	Senator Walters
HB 97	Union Fire Fee Sunset Repealed.	Representative Horn Representative Burr
HB 202	Parking Fine Increase for the City of Monroe.	Representative Horn
HB 193	Topsail Beach Recall Elections.	Representative Justice
HB 194	Topsail Beach Charter Amendment.	Representative Justice
HB 415	Topsail Beach/Littoral Rights.	Representative Justice
HB 196	Goldsboro Deannexation.	Representative Sager Representative LaRoque
HB 204	Edgecombe Co. Tourism Development Authority.	Representative Tolson
HB 212	Town of Cramerton/Regulate Utility Vehicles.	Representative Torbett
HB 256	Incorporate Lake James.	Representative Blackwell
HB 358	Apex/Cary Annexation Into Chatham Restricted.	Representative Hackney Representative Stam
HB 418	Winston-Salem Deannexation.	Representative Brown
SB 29	Tax Certification - Alamance County.	Senator Gunn
SB 81	Orange County Local Disclosure Act Repeal.	Senator Kinnaird
SB 155	Wake Local Stormwater Utility Fees.	Senator Stein

### ADJOURNMENT



**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 97**      A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 97\***

Short Title: Union Fire Fee Sunset Repealed. (Local)

Sponsors: Representatives Horn and Burr (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

February 16, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 SECTION 1. Section 2 of S.L. 2010-84 is repealed.  
5 SECTION 2. This act is effective when it becomes law.



\* H 9 7 - V - 1 \*



## HOUSE BILL 97: Union Fire Fee Sunset Repealed

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Reps. Horn, Burr  
**Analysis of:** First Edition

**Date:** February 23, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 97 repeals the sunset on Union County's authorization, enacted in 2010, to impose specified fees for fire protection services provided in fee-based fire protection districts.*

[As introduced, this bill was identical to S19, as introduced by Sen. Tucker, which is currently in Senate Finance.]

**CURRENT LAW:** S.L. 2010-84 permitted Union County to increase its fire protection fees in excess of the limits set by 1991 local act (see below), but the increase may not exceed twice the amount of the maximum fee amounts for each class of property. The board of county commissioners is authorized effectuate the increase by including the increased amounts in its budget ordinance adopted under Article 3 of Chapter 159 of the General Statutes. Under that Article, the board must hold a public hearing before adopting the budget ordinance. The act also provides that Union County's fee-based fire protection district authority, not just the fees established under the act, would expire on July 1, 2012.

**BILL ANALYSIS:** House Bill 97 repeals the sunset on S.L. 2010-84 (summarized above).

**EFFECTIVE DATE:** Effective when it becomes law.

**BACKGROUND:** S.L. 1991-883 authorized Union County to create fire protection districts funded by fees rather than by taxes. The act provides 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. The Union County fire protection fees originally established in 1991 were:

- \$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.

H97-SMRW-17(e1) v1

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 202** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY THAT MAY BE ASSESSED FOR A PARKING VIOLATION IN THE CITY OF MONROE.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 202**

Short Title:    Parking Fine Increase for the City of Monroe. (Local)

Sponsors:    Representative Horn (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

March 2, 2011

A BILL TO BE ENTITLED  
AN ACT TO INCREASE THE PENALTY THAT MAY BE ASSESSED FOR A PARKING  
VIOLATION IN THE CITY OF MONROE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-162.1(a) reads as rewritten:

"(a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found upon any street, alley or other public place contrary to and in violation of the provisions of any statute or of any municipal or Department of Transportation ordinance limiting the time during which any such vehicle may be parked or prohibiting or otherwise regulating the parking of any such vehicle, it shall be prima facie evidence in any court in the State of North Carolina that such vehicle was parked and left upon such street, alley or public way or place by the person, firm or corporation in whose name such vehicle is then registered and licensed according to the records of the department or agency of the State of North Carolina, by whatever name designated, which is empowered to register such vehicles and to issue licenses for their operation upon the streets and highways of this State; provided, that no evidence tendered or presented under the authorization contained in this section shall be admissible or competent in any respect in any court or tribunal, except in cases concerned solely with violation of statutes or ordinances limiting, prohibiting or otherwise regulating the parking of automobiles or other vehicles upon public streets, highways, or other public places.

Any person found responsible for an infraction pursuant to this section shall be subject to a penalty of not ~~more than five dollars (\$5.00)~~ less than five dollars (\$5.00) and not more than twenty-five dollars (\$25.00)."

**SECTION 2.** This act applies to the City of Monroe only.

**SECTION 3.** This act becomes effective December 1, 2011, and applies to offenses committed on or after that date.





## **HOUSE BILL 202: Parking Fine Increase for the City of Monroe**

*2011-2012 General Assembly*

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 23, 2011
<b>Introduced by:</b>	Rep. Horn	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

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**SUMMARY:** *House Bill 202 is a local bill increasing the cost of a parking violation in the City of Monroe to a penalty of not less than \$5.00 and not more than \$25.00.*

### **CURRENT LAW:**

G.S. 20-162.1(a) provides that person found responsible for parking an automobile on a street, alley or public place in violation of a law or ordinance shall be subject to a penalty of not more than five dollars (\$5.00).

S.L. 2006-28 allowed the City of Sanford to assess a fine not more than fifty dollars (\$50.00) for an illegally parked vehicle.

### **BILL ANALYSIS:**

House Bill 202 provides that a person found responsible for a parking violation in the City of Monroe will be subject to a penalty of not less than five dollars (\$5.00) and not more than twenty-five dollars (\$25.00).

### **EFFECTIVE DATE:**

This bill would become effective December 1, 2011, and would apply to offenses committed on or after that date.

*H202-SMSH-12(e1) v2*

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 193**      A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

D

HOUSE BILL 193  
PROPOSED COMMITTEE SUBSTITUTE H193-CSTC-3 [v.2]

3/23/2011 6:07:53 PM

Short Title: Topsail Beach Recall Elections.

(Local)

Sponsors:

Referred to:

March 1, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.  
3 The General Assembly of North Carolina enacts:  
4 SECTION 1. The Charter of the Town of Topsail Beach, being Chapter 67,  
5 Session Laws of 1963, is amended by adding a new section to read:  
6 "Sec. 23.1. Recall.  
7 (a) The Mayor and members of the Board of Commissioners are subject to removal  
8 pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and  
9 the affirmative vote of a majority of those voting on the question of removal at a recall election.  
10 A recall petition shall be filed with the Town Clerk, who shall immediately forward the  
11 petition to the board of elections that conducts elections for the Town of Topsail Beach. A  
12 petition to recall the Mayor or a member of the Board of Commissioners shall bear the  
13 signatures equal in number to at least thirty percent (30%) of the registered voters of the Town  
14 of Topsail Beach.  
15 The board of elections shall verify the petition signatures. If a sufficient recall petition is  
16 submitted, the board of elections shall certify its sufficiency to the governing body, and the  
17 governing body shall adopt a resolution calling for a recall election to be held at the same time  
18 as the next primary, general, or special election scheduled to be held more than 60 days after  
19 the petition has been certified to the governing body. The board of elections shall conduct the  
20 recall election, which shall be held as provided in G.S. 163-287. Each petition submitted shall  
21 contain the name of only one officer to be recalled. Multiple qualified petitions may be filed  
22 simultaneously with the Town Clerk in which case the name of the officer on each petition,  
23 once certified, shall be included in the recall election. The proposition submitted to the voters  
24 shall be substantially in the following form:  
25 '[ ] FOR [ ] AGAINST  
26 The recall of [name of officer]'  
27 The registered voters of the Town of Topsail Beach are eligible to vote in an election to recall  
28 the Mayor or a member of the Board of Commissioners.  
29 If less than a majority of the votes cast on the question are for the officer's recall, the officer  
30 continues in office. If a majority of the votes cast on the question are for the officer's recall, the  
31 officer is removed on the date the board of elections certifies the results of the election. A  
32 vacancy created by removal of a member of the Board of Commissioners or the Mayor shall be  
33 filled in accordance with the provisions of G.S. 160A-63. An officer who is removed may not



\* H 1 9 3 - C S T C - 3 - V - 2 \*



1 be appointed or reappointed to any elective office of the town during the remainder of the  
2 unexpired term.

3 No petition to recall an officer may be filed during the first three months of the officer's  
4 term or during the six months before the expiration of the officer's term. No more than one  
5 election may be held to recall an officer within a single term of office of that officer.

6 (b) As used in this section "Town Clerk" includes an officer of the town exercising the  
7 function of Town Clerk."

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 193

Short Title: Topsail Beach Recall Elections. (Local)

Sponsors: Representative Justice (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 1, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.  
3 The General Assembly of North Carolina enacts:  
4 SECTION 1. The Charter of the Town of Topsail Beach, being Chapter 67,  
5 Session Laws of 1963, is amended by adding a new section to read:

6 "Sec. 23.1. Recall.

7 (a) The Mayor and members of the Board of Commissioners are subject to removal  
8 pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and  
9 the affirmative vote of a majority of those voting on the question of removal at a recall election.

10 A recall petition shall be filed with the Town Clerk, who shall immediately forward the  
11 petition to the board of elections that conducts elections for the Town of Topsail Beach. A  
12 petition to recall the Mayor or a member of the Board of Commissioners shall bear the  
13 signatures equal in number to at least twenty percent (20%) of the registered voters of the Town  
14 of Topsail Beach.

15 The board of elections shall verify the petition signatures. If a sufficient recall petition is  
16 submitted, the board of elections shall certify its sufficiency to the governing body, and the  
17 governing body shall adopt a resolution calling for a recall election to be held not less than 60  
18 days nor more than 120 days after the petition has been certified to the governing body. The  
19 board of elections shall conduct the recall election, which shall be held as provided in  
20 G.S. 163-287. Each petition submitted shall contain the name of only one officer to be recalled.  
21 Multiple qualified petitions may be filed simultaneously with the Town Clerk in which case the  
22 name of the officer on each petition, once certified, shall be included in the recall election. The  
23 proposition submitted to the voters shall be substantially in the following form:

24 '[ ] FOR [ ] AGAINST

25 The recall of [name of officer]'

26 The registered voters of the Town of Topsail Beach are eligible to vote in an election to recall  
27 the Mayor or a member of the Board of Commissioners.

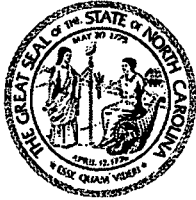
28 If less than a majority of the votes cast on the question are for the officer's recall, the officer  
29 continues in office. If a majority of the votes cast on the question are for the officer's recall, the  
30 officer is removed on the date the board of elections certifies the results of the election. A  
31 vacancy created by removal of a member of the Board of Commissioners or the Mayor shall be  
32 filled in accordance with the provisions of G.S. 160A-63. An officer who is removed may not  
33 be appointed or reappointed to any elective office of the town during the remainder of the  
34 unexpired term.



1       No petition to recall an officer may be filed within six months before the expiration of the  
2 officer's term. No more than one election may be held to recall an officer within a single term  
3 of office of that officer.

4       (b)     As used in this section "Town Clerk" includes an officer of the town exercising the  
5 function of Town Clerk."

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



## HOUSE BILL 193: Topsail Beach Recall Elections

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Justice  
**Analysis of:** PCS to First Edition  
H193-CSTC-3

**Date:** March 23, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *The proposed committee substitute for House Bill 193 would provide a process for recalling the mayor and member of the town council of Topsail Beach.*

**CURRENT LAW:** Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, just a few municipalities and one school board have a procedure for a recall election.

**BILL ANALYSIS:** The pcs would amend the charter of the Town of Topsail Beach to provide a process under which the mayor or a member of town council of Topsail Beach may be removed from office via a recall election.

The process for recall would be as follows: The petition would have to be signed by 30% of the registered voters of the town. The signed petitions would have to be verified by the county board of elections. Upon a determination that a sufficient recall petition has been submitted, the town board must order a recall election and fix a date for such election. The date of the election cannot be less than 60 days after the petition is determined sufficient, and the recall election must held in conjunction with a primary, general or other special election.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for in G.S. 160A-63. That statute provides that a vacancy in the office of council member is filled appointment by the remaining town council members. Likewise, a vacancy in the office of mayor is filled by appointment by the town council.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 3 months of the date the elected person was elected.
- No petition could be filed within 6 months of the previously unsuccessful recall election.

**EFFECTIVE DATE:** Effective when it becomes law.

**BACKGROUND:** Other municipalities with recall procedures include Pleasant Garden (S.L. 2008-3), Greensboro (S.L. 2008-48), Cajah Mountain (S.L. 2006-99), River Bend (S.L. 1995-636) and Aberdeen (S.L. 1995-220).

H193-SMST-12(CSTC-3) v1

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 194**        A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 194**

Short Title:	Topsail Beach Charter Amendment.	(Local)
<hr/>		
Sponsors:	Representative Justice (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	
<hr/>		

March 1, 2011

A BILL TO BE ENTITLED  
AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO  
CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD  
OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR  
SHALL VOTE ONLY IN THE CASE OF A TIE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of the Charter of the Town of Topsail Beach, being Chapter 67 of the 1963 Session Laws, as amended by Chapter 272 of the 1977 Session Laws, and Ordinance No. 03-001, §1, June 11, 2003, reads as rewritten:

"Sec. 4. ~~Creation, Salary~~Creation and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for four years effective the November 2003 election and until his successor is elected and qualified. Beginning with the election held in November 1977, the commissioners shall serve staggered terms. The three candidates receiving the most votes in the November 1977 election shall be elected to serve four-year terms. The two candidates placing fourth and fifth in the number of votes received in the November 1977 election shall be elected to serve two-year terms. Thereafter, all commissioners elected shall serve four-year terms. The terms of the commissioners and the mayor shall begin at noon on the next business day next following their election following the certification of the election results by the Pender County Board of Elections. If a vacancy occurs in the office of the mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. The mayor and members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners or the mayor ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office shall immediately forfeit his office.

Provided, however, that Louis Orr is hereby appointed and named as mayor, and Forrist McCullen, J. A. Godwin, Tom Humphrey, Herbert Williams, and Dewey Justice are hereby appointed and named as commissioners to serve as the first mayor and Board of Commissioners of the Town of Topsail Beach. Their terms of office shall begin upon ratification of this Act and shall terminate at the time their successors are elected and qualified as provided for in this Charter."

**SECTION 2.** Section 5 of the Charter of the Town of Topsail Beach, being Chapter 67 of the 1963 Session Laws, reads as rewritten:

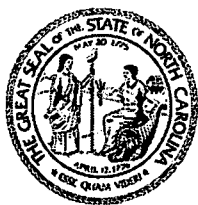


1 "Sec. 5. Meetings of the Board of Commissioners. At noon on the next business day  
2 following a ~~regular municipal election the board of commissioners shall assume the duties of~~  
3 ~~office the certification of election results for the mayor or board of commissioners by the~~  
4 Pender County Board of Elections, the newly elected mayor or newly elected members of the  
5 board of commissioners shall take the oath of office as provided in Section 23 of this Charter.  
6 The oath shall be administered by a person authorized by the laws of this State to administer  
7 oaths. Upon the taking of the oath, the mayor or members of the board of commissioners shall  
8 assume all the duties of their respective office. Thereafter the board of commissioners shall  
9 meet at such times as may be prescribed by ordinance or resolution. Special meetings may be  
10 called upon the written request of the mayor or two members of the board of commissioners.  
11 All meetings of the board of commissioners shall be open to the public, and the rules of the  
12 board of commissioners shall provide that citizens of the town shall have a reasonable  
13 opportunity to be heard at any such meetings in regard to any matter considered thereat."

14 **SECTION 3.** Section 8 of the Charter of the Town of Topsail Beach, being  
15 Chapter 67 of the 1963 Session Laws, reads as rewritten:

16 "Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall  
17 constitute a quorum to do business, but a less number may adjourn from time to time and  
18 compel the attendance of absent members in such manner and under such penalties as may be  
19 prescribed by ordinance. ~~The affirmative vote of a majority of the members elected to the board~~  
20 ~~of commissioners shall be necessary to adopt any ordinance, resolutions, order or vote; except~~  
21 ~~that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a~~  
22 ~~majority of the members present.~~ No member shall be excused from voting except on matters  
23 involving the consideration of his own official conduct or when his financial interests are  
24 involved. The mayor shall preside at all meetings of the board of commissioners, but shall have  
25 the right to vote only when there are equal numbers of votes in the affirmative and in the  
26 negative."

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



## HOUSE BILL 194: Topsail Beach Charter Amendment

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Justice  
**Analysis of:** First Edition

**Date:** March 23, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 194 would amend the charter of the Town of Topsail Beach to give a date and time certain newly elected officials take office and to provide the Mayor votes only in the case of a tie.*

### CURRENT LAW:

The board of commissioners of the Town of Topsail Beach consists of a mayor and five board members, who all serve 4 year staggered terms. The term of office begins on the day next following the election of the mayor and board members.

The affirmative vote of majority of the board is necessary to adopt an ordinance, resolutions, order or vote, except for a vote to adjourn or regarding attendance of members. The mayor does not specifically have the authority to vote in any instance under the town charter.

### BILL ANALYSIS:

Sections 1 and 2 of the bill would clarify that the mayor and board members take office at noon on the next business day following the certification of election from the Pender County Board of Elections.

Section 3 of the bill would permit the mayor to vote in the case of a tie.

**EFFECTIVE DATE:** Effective when it becomes law.

H194-SMST-13(e1) v1



**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 415**      A BILL TO BE ENTITLED AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWN OF TOPSAIL BEACH AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 415**

---

Short Title:   Topsail Beach/Littoral Rights. (Local)

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Sponsors:   Representative Justice (Primary Sponsor).  
                  For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to:   Government.

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March 22, 2011

A BILL TO BE ENTITLED  
AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWN OF TOPSAIL BEACH  
AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.

Whereas, the majority of properties in the Town of Topsail Beach abutting and fronting on the Atlantic Ocean have been developed; and

Whereas, during the course of many years, much of the land abutting and fronting on the Atlantic Ocean in the Town of Topsail Beach and belonging to various property owners has been and is now being washed away by successive storms, tides, and winds; and

Whereas, the Town of Topsail Beach with aid from the State of North Carolina, the United States Government, and the federal agencies thereunder, and with its own funds, has made available, is making available, and will make available, from time to time, funds with which to control the erosion caused by the storms, tides, winds, and other causes; and

Whereas, a means of erosion control employed has been beach nourishment projects whereby lands are raised or constructed on the ocean beach through hydraulic pumping, hauling of sand, or by other means from the waters or from other sources within the nearby or immediate area onto the seaward side of the Town of Topsail Beach; and

Whereas, to that end, the Town of Topsail Beach has entered into contracts and intends in the future to enter into contracts for the beach nourishment projects; and

Whereas, as a result of the beach nourishment projects, there have been made, and are now being made, constructed, or raised, new lands on the oceanfront of the Town of Topsail Beach which have, may, or will change the location of the mean high-water mark or the waters of the Atlantic Ocean along the seaward boundary of the Town of Topsail Beach; and

Whereas, before and after the beach nourishment projects, a question has arisen in the Town of Topsail Beach as to the effect of the projects on the littoral rights of the owners of property along the oceanfront where the new lands have been, are being, and will be raised, and the question will continue to arise unless the matter is clarified; and

Whereas, the willingness of the oceanfront property owners in the Town of Topsail Beach to support and fund the beach nourishment projects will be enhanced and uncertainty will be avoided if oceanfront property owners' littoral rights, including the right of direct access from oceanfront property to the waters of the Atlantic Ocean, are preserved and clarified; and

Whereas, the Town of Topsail Beach desires to resolve any ambiguity on the littoral rights and to define and provide for the littoral rights of the property owners abutting on the oceanfront as they existed prior to the beach nourishment projects; Now, therefore,  
The General Assembly of North Carolina enacts:





## HOUSE BILL 415: Topsail Beach/Littoral Rights

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Justice  
**Analysis of:** First Edition

**Date:** March 22, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 415, applicable to the Town of Topsail Beach, preserves the littoral rights of ocean front property owners after publically financed beach renourishment.*

**CURRENT LAW:** "Littoral Rights" generally refers to rights relating to the ownership of property that abuts an ocean, sea, or lake. These rights include the right to remain waterfront and enjoy the advantages of adjacency to the body of water, the right of access to the body of water, and the right to make reasonable use of the body of water.

G.S. 146-6(f) provides that "the title to land in or immediately along the Atlantic Ocean raised above the mean high water mark by publicly financed projects which involve hydraulic dredging or other deposition of spoil materials or sand vests in the State. Title to such lands raised through projects that received no public funding vests in the adjacent littoral proprietor. All such raised lands shall remain open to the free use and enjoyment of the people of the State, consistent with the public trust rights in ocean beaches, which rights are part of the common heritage of the people of this State."

G.S. 77-20 provides that the "seaward boundary of all property within the State of North Carolina, not owned by the State, which adjoins the ocean, is the mean high water mark.", and states the public trust right to the beach land from that line to the ocean.

**BILL ANALYSIS:** House Bill 415 provides that:

- Where land along the Atlantic Ocean in the Town of Topsail Beach has been raised above the mean high-water mark by publicly financed beach nourishment projects, the owners of the property abutting the newly raised land before the beach nourishment projects shall, in front of their property, keep the littoral rights they possessed prior to the raising of lands by the beach nourishment projects, including direct access to and in, as if littoral owners, the waters of the Atlantic Ocean bordering on the newly raised lands.
- The bill provides that it does not affect or restrict title to or public trust rights in lands raised by the beach nourishment projects.

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

**BACKGROUND:** The General Assembly has enacted local legislation governing littoral rights in other cases:

- S.L. 1939-246 -- Renourishment project in Wrightsville Beach.
- S.L. 1963-511 -- Renourishment project in Carolina Beach.
- S.L. 1967-664 Renourishment projects in Brunswick County and the municipalities located therein, New Hanover County and the Town of Kure Beach.

H415-SMRW-33(e1) v2

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 196** A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED  
PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 196**

Short Title:   Goldsboro Deannexation. (Local)

Sponsors:   Representatives Sager and LaRoque (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

March 1, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
3 LIMITS OF THE CITY OF GOLDSBORO.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** The following described property is removed from the corporate  
6 limits of the City of Goldsboro:  
7       BEGINNING at the southeastern intersectional corner of Salem Church Road  
8 (NCSR 1300) and Belfast Road (NCSR 1313) and being a corner of the existing city limits line  
9 and along the existing city limits line and the southern right-of-way line of Belfast Road (See  
10 Annexation of Lane Farms, Inc., and Howell Properties on Plat Cabinet L, Slide 88-F at Wayne  
11 County Registry; NC Grid North Bearings and Horizontal Distances) S 57-03-04 E, 257.78 ft.  
12 to a point. Thence leaving the southern right-of-way line of Belfast Road N 32-37-40 E, 480.25  
13 ft. to a point, said point being a common corner of Salem Methodist Church Trustees (DB  
14 1261, Page 213) and Lane Farms, Inc. (DB 965, Page 759). Then S 57-13-38 E, 42.36 ft. to a  
15 point, said point being the most southeastern corner of the John and Elizabeth Bridger's  
16 property (DB 1038, Page 210). Thence along the western property line of Lane Farms, Inc. (DB  
17 965, Page 759) N 33-09-42 E, 1,336.73 ft. to a point, said point being the most southeastern  
18 corner of the Thomas Lamb property (DB 1657, Page 652). Thence continuing along said  
19 property line N 08-59-46 E, 211.37 ft. to a point, said point being a common corner between  
20 the Thomas Lamb Property (DB 1657, Page 652) and William Smith Howell property (DB 356,  
21 Page 430). Thence along the northern property line of Thomas Lamb N 71-38-09 W, 731.63 ft.  
22 to a point, said point being the most southeastern corner of the Hugh Hinnant property (DB  
23 876, Page 679). Thence N 26-00-04 E, 283.99 ft. to a point, said point being the most  
24 northeastern corner of the Earl Aycock, Jr., property (DB 827, Page 646) and being a common  
25 corner with the William Smith Howell property (DB 356, Page 430). Thence along the northern  
26 property line of Earl Aycock N 72-43-07 W, 188.51 ft. to a point on the eastern right-of-way of  
27 Salem Church Road. Thence along said eastern right-of-way line N 22-37-35 E, 193.83 ft. to a  
28 point. Thence continuing along said right-of-way line N 22-30-31 E, 419.07 ft. to a point.  
29 Thence continuing along said right-of-way line N 21-39-27 E, 336.29 ft. to a point, said point  
30 being a common corner between the William Smith Howell property (DB 356, Page 430) and  
31 O. J. Howell, Jr., property (DB 516, Page 246). Thence continuing along the said eastern  
32 right-of-way line N 23-40-46 E, 482.01 ft. to a point, said point being the most southwestern  
33 corner of the O. J. and Frances Howell, Jr., property (DB 1600, Page 698). Thence leaving the  
34 existing city limits line and along the right-of-way line of Salem Church Road, N 23-56-44 E,  
35 142.71 ft. to a point, said point being the northwestern corner of said Howell property. Thence



1 along said right-of-way line and existing city limits line N 23-49-24 E, 149.23 ft. to a point,  
2 said point being the southeastern intersectional corner of Salem Church Road (NCSR 1300)  
3 and Stoney Hill Road (NCSR 1316). Thence leaving the existing city limits line and eastern  
4 right-of-way line of Salem Church Road in a westerly direction, 80 ft. +/- to a point, said point  
5 being the most northeastern corner of Lot No. 3 of Canterbury Village Subdivision, Section  
6 One (PC L, Slide 32-F). Thence along the said Lot No. 3 (Magnetic North Bearings and  
7 Horizontal Distances) and along the southern right-of-way line of Chancery Drive N 62-33-27  
8 W, 78.86 ft. to a point. Thence N 74-23-59 W, 109.63 ft. to a point on southern right-of-way  
9 line. Thence leaving said right-of-way line S 21-15-23 W, 166.96 ft. to a point, said point being  
10 the most southwestern corner of said Lot No. 3. Thence S 23-40-37 W, 345.82 ft. to a point,  
11 said point being the most southwestern corner of Lot No. 1 of said Subdivision and being a  
12 point in the northern property line of the O. J. Howell and wife, Frances R. Howell, property  
13 (DB 1614, Page 722). Thence along said northern property line in a westerly direction, 220 ft.  
14 +/- to a point, said point being the most northwestern corner of said Howell property. Thence  
15 along the western property line in a southwesterly direction 170 ft. +/- to a point, said point  
16 being the most northeastern point of Grace Howell Smith Heirs Subdivision property (P.C.M.,  
17 Slide 4-F). Thence along the most eastern property line of Grace Howell Smith Heirs  
18 Subdivision property in a southwesterly direction 655 ft. +/- to a point in the northern  
19 right-of-way line of Buck Swamp Road (NCSR 1317). Thence along said northern right-of-way  
20 line in a northwesterly direction 930 ft. +/- to a point, said point being the most southwestern  
21 property corner of said Grace Howell Smith Heirs Subdivision property. Thence continuing  
22 along the northern right-of-way line of Buck Swamp Road in a northwesterly direction 2610 ft.  
23 +/- to a point, said point intersecting with the eastern right-of-way line of Bay Dr. Thence  
24 leaving the intersection point in a northwesterly direction 60 ft. +/- to a point, said point being  
25 the corner of the western right-of-way line of Bay Dr. Thence leaving the western right-of-way  
26 line of Bay Dr. and along the northern right-of-way line of Buck Swamp Road in a  
27 northwesterly direction 695 ft. +/- to the most northeastern intersection point at Perkins Road  
28 (NCSR 1319). Thence leaving the northern right-of-way line of Buck Swamp Road and along  
29 the eastern right-of-way line of Perkins Road in a northeasterly direction 470 ft. +/- to a point,  
30 said point being the most southeastern corner of the intersection with the southern right-of-way  
31 line of Perkins Drive. Thence leaving the intersection point in a northeasterly direction 60 ft.  
32 +/- to a point, said point being the most northeastern corner of Perkins Drive and Perkins Road  
33 right-of-way intersection. Thence leaving the intersection point and along the Perkins Road  
34 eastern right-of-way line in a northeasterly direction 655 ft. +/- to a point, said point being the  
35 most southeastern corner of East April Lane intersection. Thence leaving said point in a  
36 northeasterly direction 80 ft. +/- to a point, said point being the most northeastern intersection  
37 corner of intersection at East April Lane. Thence leaving the intersection point and along a  
38 counterclockwise curve along the eastern right-of-way line of Perkins Road in a northwesterly  
39 direction 430 ft. +/- to a point, said point being the most southeastern right-of-way intersection  
40 point at East Tarklin Drive. Thence leaving said intersection point in a northwesterly direction  
41 60 ft. +/- to a point, said point being the most northeastern corner at the northern right-of-way  
42 line of East Tarklin Drive. Thence leaving said point and continuing along a counterclockwise  
43 curve along the eastern right-of-way line of Perkins Road in a northwesterly direction 900 ft.  
44 +/- to a point. Thence leaving said point in a southwesterly direction 592 ft. +/- to a point, said  
45 point being a southwestern point in the western property line of Lot 9 of Tarklin Acres  
46 Subdivision, Section No. 2 (PC A, Slide 53-AB). Thence from said point along the northern  
47 property line of Buck Run Subdivision, Section 3 (PC K, Slide 86-E), (Magnetic Meridian  
48 Bearings & Horizontal Distances) N 43-17-36 W, 1080 ft. to a point, said point being the most  
49 northern corner of Lot 34 of Buck Run Subdivision, Section 3. Thence from said point along  
50 the western property line of said Subdivision S 24-42-24 W, 890.55 ft. to a point, said point  
51 being the most southwestern corner of Lot 30 of said Subdivision. Thence from said point

1 along the northern property line of Morgan Trace Subdivision, Section 2 (PC L, Slide 4-J),  
2 (Magnetic Meridian Bearings & Horizontal Distances) N 16-52-41 E, 471.54 ft. to a point, said  
3 point being the most northern point of Lot 17 of said Subdivision. Thence N 63-29-36 W, 60.38  
4 ft. to a point, said point being the most northwestern point of Lot 17 of said Subdivision.  
5 Thence from said point along the property lines of Morgan Trace Subdivision, Section 3 (PC L,  
6 Slide 29-E), (Magnetic Meridian Bearings & Horizontal Distances) the following courses and  
7 distances: N 63-29-36 W, 165.88 ft.; N 57-48-06 W, 275.90 ft.; S 82-20-12 W, 201.24 ft.; S  
8 22-16-42 W, 677.03 ft. to a point, said point being the most southwestern corner of Lot No. 8  
9 of said Subdivision. Thence from said point along the western property line of Morgan Trace  
10 Subdivision, Section 1 (PC L, Slide 87-G), (Magnetic Meridian Bearings & Horizontal  
11 Distances) S 22-16-42 W, 478.36 ft. to a point in the northern right-of-way line of Buck  
12 Swamp Road, said point being the most southwestern corner of Lot 7A of said Subdivision.  
13 Thence leaving said northern right-of-way line in a southwesterly direction 60 ft. +/- to a point  
14 in the southern right-of-way line of Buck Swamp Road. Thence from said point along the  
15 southern right-of-way line in a southeasterly direction 540 ft. +/- to a point, said point being the  
16 most northwestern corner of Lot 169 of Fallingbrook Estates Subdivision, Section 9 (PC J,  
17 Slide 126). Thence from said point along the western property line of said Subdivision (NC  
18 Grid Bearings & Horizontal Distances) S 31-30-39 W, 1021.16 ft. to a point, said point being  
19 the most southwestern corner of Lot 176 of said Subdivision. Thence from said point along the  
20 western property line of Fallingbrook Estates Subdivision, Section 7 (PC J, Slide 55), (NC Grid  
21 Bearings & Horizontal Distances) S 31-30-39 W, 887.85 ft. to a point, said point being the  
22 most southwestern corner of Lot 151 of said Subdivision. Thence along the southern property  
23 line of said Subdivision S 58-29-21 E, 170.04 ft. to a point, said point being the most  
24 southwestern corner of Lot 150 of said Subdivision. Thence along the northern property line of  
25 Lot 149 of said Subdivision S 76-37-22 W, 41.42 ft. to a point, said point being the most  
26 northwestern corner of Addition to Lots 148 and 149 of Fallingbrook Estates Subdivision,  
27 Section 7 plat (Jerry A. Allen, Jr., and wife, Donna W. Allen, property). Thence continuing  
28 along said plat S 39-51-57 E, 268.16 ft. to a point, said point being the most southwestern  
29 corner of Lot 148-B of said plat. Thence N 76-37-22 E, 75.00 ft. to a point, said point being a  
30 common corner between Lots 148 and 147 of Fallingbrook Estates Subdivision, Section 7.  
31 Thence along the western property lines of Lot 147 of said Subdivision; S 04-12-28 E, 174.25  
32 ft.; S 38-00-47 E, 82.00 ft. to a point, said point is on northernmost right-of-way line of Windy  
33 Ridge Drive. Thence S 38-00-47 E, 60.00 ft. to the southernmost right-of-way line of Windy  
34 Ridge Drive. Thence along the southern property lines of said Subdivision the following  
35 courses and distances: S 16-39-57 E, 260.22 ft.; N 50-12-37 E, 130.00 ft. to a point, said point  
36 being on the southernmost property line of Lot 146 of said Subdivision. Thence along the  
37 southern property lines of a Subdivision of the Property of Robert E. Mooring, Sr., & wife,  
38 Jean Mooring, and Robert Edward Mooring, Jr., and wife, Robin R. Mooring, Kenan C.  
39 Mooring, and Mark G. Mooring (PC J, Slide 246), (NC Grid Bearings and Horizontal  
40 Distances) S 42-28-31 E, 338.13 ft. to a common corner between Lots 4 and 3 of said  
41 Subdivision. Thence S 51-48-43 E, 230.02 ft. to a point, said point being the most southeastern  
42 corner of Lot 3 of said Subdivision. Thence N 34-42-28 E, 300.00 ft. to a point, said point  
43 being in the southern right-of-way line of Plantation Road. Thence along said right-of-way line  
44 S 55-53-06 E, 30.00 ft. to a point, said point being the most northwestern corner of Lot 2 of  
45 said Subdivision. Thence along property line of Lot 2, S 34-42-28 W, 300.00 ft. to a point, said  
46 point being the most southwestern corner of said Lot 2. Thence along the southern property line  
47 of Lot 2, S 57-11-08 E, 230.00 ft. to a common corner between Lot 2 and 1 of said Subdivision.  
48 Thence along the southern property lines of Lot 1; S 64-12-07 E, 69.48 ft. to a point, and S  
49 49-40-06 E, 160.69 ft. to a point, said point being the most southeastern corner of Lot 1 of said  
50 Subdivision. Thence along the property line of Tract 73 of Fallingbrook Estates Subdivision,  
51 Section 8 (PC I, Slide 326), (NC Grid Bearings and Horizontal Distances) S 34-42-28 W,

804.18 ft. +/- to a point, said point being the most southwestern corner of said Tract 73 at the Little River. Thence along the Little River, S 38-41-14 E, 229.34 ft. to a common corner between Tracts 73 and 72 of said Subdivision. Thence along the Little River, S 14-16-22 W, 648.99 ft. to a point, said point being the most southern corner of Tract 72 of said Subdivision. Thence leaving said Little River and along eastern property line of Tract 72, N 35-23-46 E, 1408.06 ft. to a point, said point being the most southwestern corner of Lot 24 of Fallingbrook Estates Subdivision, Section 3 (PC I, Slide 211), (NC Grid Bearings and Horizontal Distances). Thence along the southern property line of said Lot 24, S 61-48-54 E, 411.73 ft. to a point, said point being the most southeastern corner of Lot 23 of said Subdivision. Thence along the southern property line of Lot 19 of Fallingbrook Estates Subdivision, Section 2 (PC I, Slide 14) (Magnetic Meridian Bearings & Horizontal Distances) S 56-49-40 E, 225.40 ft. to a point, said point being on the right-of-way line of Livingston Drive. Thence along the right-of-way with a counterclockwise arc to the left, having a 50-ft. radius to a point, said point being the most western corner of Lot 18 of Fallingbrook Estates Subdivision, Section 1 (PC H, Slide 176), (Magnetic Meridian Bearings & Horizontal Distances). Thence along said Lot 18, S 27-28-29 E, 154.19 ft. to a point, said point being in mid-run of Hooks Branch. Thence along the mid-run of Hooks Branch the following courses and distances: N 82-35-21 E, 36.48 ft.; S 46-04-43 E, 40.60 ft.; N 64-51-40 E, 61.46 ft.; N 53-15-26 E, 118.29 ft.; N 13-12-31 W, 57.50 ft.; N 56-36-44 W, 51.05 ft.; N 16-37-52 E, 37.14 ft.; N 44-56-10 E, 131.70 ft.; N 21-13-33 E, 1201.01 ft.; N 43-39-03 E, 130 ft. +/- to a point, said point being at the mid-intersection of Marl Branch and Hooks Branch. Thence along mid-run of Marl Branch and southernmost property lines of Ashby Hill Subdivision, Section 3 (PC I, Slide 101) in an easterly direction, 394.38 ft. +/- to a point, said point being the most southern point of Lot 15 of said Subdivision. Thence continuing along the mid-run of Marl Branch in an easterly direction, 887.76 ft. +/- to a point, said point being the most southeastern corner of Lot 21 of said Subdivision. Thence along the southern property lines of Ashby Hills Subdivision, Section 5 (PC J, Slide 19) and continuing along the mid-run of Marl Branch in an easterly direction, 632.67 ft. +/- to a point, said point being the most western corner of property of Admiral G. Howell and wife, Elizabeth C. Howell (DB 1606, Page 361). Thence leaving the mid-run of Marl Branch and along said Howell property in a southeasterly direction, 1088.5 ft. +/- to a point, said point being mid-run of Howard's Branch. Thence continuing along said branch in a northeasterly direction, 537 ft. +/- to a point, said point being the most southwestern corner of the property of Grace Howell Smith Heirs Subdivision. Thence along the mid-run of Howard's Branch and the southern property line of Grace Howell Smith Heirs Subdivision (PC M, Slide 4-G) (DB 1402, Page 347) in an easterly direction, 485.38 ft. +/- to a point, said point being a common corner with the property of Gene Allen Mozingo and wife, Sharon H. Mozingo (DB 1877, Page 442). Thence along said Mozingo property and along said branch in a southeasterly direction, 100 ft. +/- to a point, said point being on said Mozingo property line. Thence leaving Howard's Branch and along said Mozingo property line in a southeasterly direction, 445 ft. +/- to a point, said point being on the western right-of-way line of Salem Church Road (NCSR 1300). Thence along said right-of-way line in a southerly direction, 1285 ft. +/- to a point, said point being in the western right-of-way line of Salem Church Road. Thence leaving the western right-of-way line of said road in a southeasterly direction, 60 ft. +/- to the point of BEGINNING.

**SECTION 2.** This act shall not affect the duty to pay taxes for any prior year and shall not eliminate any liens for taxes for prior years.

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





## HOUSE BILL 196: Goldsboro Deannexation

*2011-2012 General Assembly*

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 22, 2011
<b>Introduced by:</b>	Reps. Sager, LaRoque	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 196 deannexes a described area from the City of Goldsboro.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to add territory to their municipal limits by annexation.

The General Assembly has not enacted any method for municipalities to *deannex* property -- that power remains with the General Assembly.

**BILL ANALYSIS:** House Bill 196 deannex a described area from the City of Goldsboro.

The act also provides that it does not affect the duty of property owners to pay taxes for any prior year, and does not eliminate any liens for taxes for prior years.

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

*H196-SMRW-34(e1) v3*

[illegible]

## **The Case for Substantive Annexation Law Reform and for De-annexation of "Phase 11" Outside of Goldsboro**

Following is an overview of what current forced annexation laws allow to happen to North Carolina citizens as evidenced by what actually happened to 1100+ Wayne Countians through a forced annexation by Goldsboro.

1. **Targeted area far removed from municipal area**—Phase 11's core area is five miles from city hall, one mile from any municipal residence or business, except a golf course, and one mile on the opposite side from Goldsboro of two interstate-level highways.
2. **"Municipal" area used for contiguity is totally undeveloped**—In this case the three-fourths-mile long, 359-acre corridor does not have one single residence or business, is primarily active farmland, and includes a huge DOT-owned highway interchange under construction.
3. **Public hearings are a farce**—Goldsboro City Council ignored a 996-citizen-signed opposition petition; opposition from 50% of city residents who spoke; and the reasoned opposition arguments from dozens of county residents who spoke.
4. **City does not have to provide any new, meaningful or needed service**—Phase 11 residents already had township water, permitted wastewater treatment, fire hydrants, garbage collection (if desired), law enforcement, fire protection, street maintenance, and county inspections, plus most had street lights.
5. **Cities use "shoestrings" of DOT right of way to expand**—In this case a <200 feet wide DOT right-of-way is the only connector between the municipal area of Goldsboro and Phase 11.
6. **Preferential treatment of influential individuals**—In this case, the property and homes of a developer who orchestrated the contiguity and was on the City Planning Commission were excluded from the annexation, even though his properties are closer to Goldsboro and now surrounded by annexed property.
7. **Annexations can be done for tax gain and racial quotas**—In this case, a court-submitted letter from a city councilman asserted that the forced annexation was appropriate to "...provide a good tax base..." and "...help to keep our racial makeup in check..."

The map on the back illustrates many of the points above, which are court-documented facts.

*R. H. Pleasants* (919) 922-3390  
Bob Pleasants, President  
Good Neighbors United of Wayne County

Support Reform –  
Support De-annexation – **HB 196**

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**SB 29** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

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\_\_\_\_\_ 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 2011**

**S**

**1**

**SENATE BILL 29\***

Short Title: Tax Certification - Alamance County. (Local)

Sponsors: Senator Gunn.

Referred to: Finance.

February 3, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF  
3 DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING  
4 PROPERTY.

5 The General Assembly of North Carolina enacts:

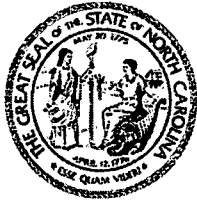
6 SECTION 1. G.S. 161-31(b) reads as rewritten:

7 "(b) Applicability. – This section applies only to Alamance, Alexander, Anson, Beaufort,  
8 Bertie, Burke, Cabarrus, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay,  
9 Cleveland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Gaston,  
10 Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde,  
11 Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell,  
12 Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt,  
13 Polk, Robeson, Rockingham, Rowan, Rutherford, Stanly, Surry, Swain, Transylvania, Tyrrell,  
14 Vance, Warren, Washington, Wayne, Wilson, and Yadkin Counties."

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



\* S 2 9 - V - 1 \*



## SENATE BILL 29: Tax Certification - Alamance County

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 23, 2011
<b>Introduced by:</b>	Sen. Gunn	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *Senate Bill 29 authorizes Alamance County to require payment of delinquent property taxes prior to recording deeds conveying property.*

[This bill was identical to H38, as introduced by Reps. Bordsen, Ingle. HB 38 is currently in House Government.]

### CURRENT LAW:

*G.S. 161-31(a)* permits tax certification by allowing a county board of commissioners, by resolution, to require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

*G.S. 161-31(a1)* provides an exception to the tax certification by requiring the register of deeds to accept, without certification, a deed containing the following statement: "This instrument prepared by: \_\_\_\_\_, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."

*G.S. 161-31(b)* lists the 69 counties to which this provision currently applies.<sup>1</sup>

The following four counties have a similar requirement but under different authorizing legislation:

Avery County	Chapter 305 of the 1963 Session Laws, as amended by S.L. 1997-410 and S.L. 1998-73 <sup>2</sup>
Ashe County	S.L. 1993-657, as amended by S.L. 1997-410 and S.L. 2005-433 <sup>3</sup>
Alleghany County	S.L. 1997-410
Mitchell County	S.L. 1987-537, as amended by S.L. 1997-410 and S.L. 1999-326 <sup>4</sup>

These local acts provide that the Register of Deeds shall not record any deed unless it is accompanied by a certification that all delinquent taxes have been paid. These local acts are in contrast to G.S. 161-31, which gives certain counties the discretion to pass a resolution to that effect.

**BILL ANALYSIS:** Senate Bill 29 amends G.S. 161-31(b) to add Alamance County to the list of counties in which the board of commissioners is permitted to pass a resolution requiring the register of deeds not to accept any deed transferring real property unless the county tax collector certifies that the taxes listed in the statute are not delinquent and are not a lien on the property. (The taxes listed in G.S. 161-31(a) are ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged.)

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

*Trina Griffin, Counsel to House Finance, and Cindy Averette, Counsel to Senate Finance, substantially contributed to this summary.*  
S29-SMSH-10(e1) v2

<sup>1</sup> The Register of Deeds in Duplin County must also receive a certification that no municipal taxes or any other taxes the collector is charged with collecting are a lien on the property before a deed transferring the property may be recorded.

<sup>2</sup> The Town of Newland was added in 1997; the Town of Banner Elk was added in 1998.

<sup>3</sup> S.L. 2005-433 provides that in addition to receiving a certification from the county tax collector, the Register of Deeds must also receive a certification from any municipal tax collector, where applicable, verifying that all delinquent taxes on the property have been paid.

<sup>4</sup> This local act also provides that if the property is located in the Town of Spruce Pine or the Town of Bakersville, the deed must also be accompanied by a certification from the town tax collector that all municipal taxes have been paid with respect to the property.

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 358**      A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY BEFORE THE TOWNS OF APEX OR CARY MAY MAKE AN INVOLUNTARY ANNEXATION INTO CHATHAM 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)**

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\_\_\_\_\_ 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 2011**

**H**

**D**

**HOUSE BILL 358  
PROPOSED COMMITTEE SUBSTITUTE H358-PCS30178-ST-7**

Short Title:   Apex/Cary Annexation Into Chatham Restricted.

(Local)

Sponsors:

Referred to:

March 16, 2011

**A BILL TO BE ENTITLED**

**AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF  
CHATHAM COUNTY BEFORE THE TOWNS OF APEX OR CARY MAY MAKE AN  
INVOLUNTARY ANNEXATION INTO CHATHAM COUNTY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Neither the Towns of Apex nor Cary may adopt an annexation ordinance under Part 3 of Article 4A of Chapter 160A of the General Statutes that applies to any territory located within Chatham County unless the Board of Commissioners of Chatham County has, prior to the adoption of the annexation ordinance, approved a resolution or ordinance consenting to that annexation.

**SECTION 2.** This act is effective when it becomes law and applies with respect to any annexation ordinance adopted after the date this act becomes law.







NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 358

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

Page 1 of 1

H358-ARW-9 [v.1]

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

Date \_\_\_\_\_, 2011

Representative

1 moves to amend the bill on page 1, line 11-12, by rewriting those lines to read:  
2

3 "SECTION 2. This act is effective when it becomes law, and applies with respect  
4 to any annexation ordinance adopted after the date this act becomes law."  
5  
6

SIGNED

*Larry R. Brown*

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



\* H 3 5 8 - A R W - 9 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 358**

<b>Short Title:</b>	Apex/Cary Annexation Into Chatham Restricted.	(Local)
<b>Sponsors:</b>	Representatives Hackney and Stam (Primary Sponsors).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<b>Referred to:</b>	Government, if favorable, Finance.	

March 16, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF  
3 CHATHAM COUNTY BEFORE THE TOWNS OF APEX OR CARY MAY MAKE AN  
4 INVOLUNTARY ANNEXATION INTO CHATHAM COUNTY.  
5 The General Assembly of North Carolina enacts:  
6       **SECTION 1.** Neither the Towns of Apex nor Cary may adopt an annexation  
7 ordinance under Part 3 of Article 4A of Chapter 160A of the General Statutes that applies to  
8 any territory located within Chatham County unless the Board of Commissioners of Chatham  
9 County has, prior to the adoption of the annexation ordinance, approved a resolution or  
10 ordinance consenting to that annexation.  
11       **SECTION 2.** This act applies with respect to any annexation ordinance adopted  
12 after the date this act becomes law.



1           **SECTION 1.** Where land in or immediately along the Atlantic Ocean in the Town  
2 of Topsail Beach has been raised above the mean high-water mark by publicly financed beach  
3 nourishment projects which involve hydraulic dredging or deposition of spoil materials or sand  
4 by other means, the owners of the property abutting the newly raised lands before the beach  
5 nourishment projects shall, in front of their property, possess and keep the littoral rights they  
6 possessed prior to the raising of lands by the beach nourishment projects, including direct  
7 access to and in, as if littoral owners, the waters of the Atlantic Ocean bordering on the newly  
8 raised lands.

9           **SECTION 2.** Nothing herein shall otherwise affect or restrict title to or public trust  
10 rights in lands raised by the beach nourishment projects.

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



## HOUSE BILL 358: Apex/Cary Annexation Into Chatham Restricted

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 23, 2011
<b>Introduced by:</b>	Reps. Hackney, Stam	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 358 requires the Towns of Apex and Cary to obtain approval from the Chatham County Board of Commissioners before any involuntary annexation into Chatham County.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to " provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation. Generally speaking, a municipality may involuntarily annex property if: (1) it is adjacent or contiguous to the city; (2) 1/8 of the external boundary area coincides with the city boundary; (3) it is not part of another city; and (4) it is developed for urban purposes.

**BILL ANALYSIS:** House Bill 358 requires the Towns of Apex and Cary to obtain approval from the Chatham County Board of Commissioners before adoption of any annexation ordinance under Part 3 of Article 4A of the Chapter 160A of the General Statutes, which governs involuntary annexation by Cities of 5,000 or more, that applies to any territory in Chatham County.

**EFFECTIVE DATE:** This act applies to any annexation ordinance adopted after the date this act become law.

H358-SMRW-38(e1) v1

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**SB 81** A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**1**

**SENATE BILL 81\***

**Short Title:** Orange County Local Disclosure Act Repeal. (Local)

**Sponsors:** Senator Kinnaird.

**Referred to:** State and Local Government.

February 21, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY  
3 MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A  
4 GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY.

5               Whereas, pursuant to the mandate of G.S. 160A-86 requiring local governing boards  
6 adopt a Code of Ethics by December 31, 2010, the Orange County Board of Commissioners  
7 adopted a Code of Ethics on June 1, 2010; and

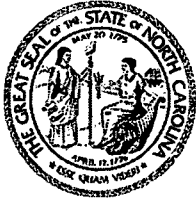
8               Whereas, included in the adopted Code of Ethics are disclosure requirements for the  
9 Orange County Commissioners substantially similar to those mandated by Chapter 460 of the  
10 1987 Session Laws; and

11              Whereas, it is unduly burdensome to Orange County to be the sole county subject to  
12 disclosure requirements both pursuant to a local act and general law; Now, therefore,  
13 The General Assembly of North Carolina enacts:

14              **SECTION 1.** Title VII of Chapter 460 of the 1987 Session Laws, being Sections  
15 19 through 26 of that act, is repealed.

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





## SENATE BILL 81: Orange County Local Disclosure Act Repeal

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Kinnaird  
**Analysis of:** First Edition

**Date:** March 23, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *Senate Bill 81 repeals Title VII (sections 19 through 26) of S.L. 1987-460. Title VII enacted disclosure requirements for the Orange County Board of Commissioners. In June, 2010, the Board adopted a Code of Ethics as required by G.S. 160A-86. The Code of Ethics adopted contain disclosure provisions substantially similar to the disclosure requirements provided in Title VII of S.L. 1987-460.*

[As introduced, this bill was identical to H163, as introduced by Rep. Insko, which is currently in House Government.]

**CURRENT LAW:** Title VII of S.L. 1987-460 requires the members of the Orange County Board of Commissioners to disclose any interest held by the member or his or her spouse (1) in real property in Orange County, (2) in or with any business, firm, or corporation doing business with Orange County pursuant to contracts awarded by the County, or (3) in any business which is attempting to secure an award of a bid from the County or the approval of any board of agency of the County. Such disclosures are to be filed with the Clerk of Superior Court for Orange County and the Clerk of the Board. Members of the Board must disqualify themselves from voting on any matter in which involves such an interest which comes before the Board for official action. Violation of the disclosure requirements are a misdemeanor and carry a fine of not more than \$1,000 and imprisonment of not more than 1 year, or both. A willful second violation of the provisions shall result in forfeiture of the member's seat on the Board.

G.S. 160A-86, enacted as S.L. 2009-403, requires local governing boards on or before December 31, 2010, to adopt a code of ethics to guide actions by members of the governing board. The policy must address the need to:

- Obey applicable laws.
- Uphold the integrity and independence of the board member's office.
- Avoid impropriety in the exercise of duties.
- Faithfully perform duties.
- Conduct the affairs of the board in an open and public manner.

**BILL ANALYSIS:** Senate Bill 81 repeals Title VII of S.L. 1987-460 providing disclosure requirements for the Orange County Board of County Commissioners. The disclosure requirements provided in Title VII are replaced by similar provisions in the Code of Ethics adopted by the Board on June 1, 2010 as required by G.S. 160A-86.

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

*Barbara Riley, counsel to Senate State and Local Government, substantially contributed to this summary.*

S81-SMTH-6(e1) v1

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 204** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EDGECOMBE COUNTY  
TOURISM DEVELOPMENT AUTHORITY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 204**

Short Title:	Edgecombe Co. Tourism Development Authority.	(Local)
<hr/>		
Sponsors:	Representative Tolson (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government, if favorable, Finance.	

March 2, 2011

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE EDGECOMBE COUNTY TOURISM DEVELOPMENT  
AUTHORITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Tourism Development Authority. – (a) The Board of Commissioners of Edgecombe County may by resolution create the Edgecombe County 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 in the county, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the county. The resolution shall provide that the Authority shall be composed of the following nine members:

- (1) An Edgecombe County Commissioner appointed by the board of commissioners.
- (2) A member of the Tarboro Town Council appointed by the town council.
- (3) Three owners or operators of motels, hotels, or other taxable accommodations in Edgecombe County, one of whom shall be appointed by the Tarboro Town Council, one by the Edgecombe County Board of Commissioners, and one by the Edgecombe County Chamber of Commerce.
- (4) Two individuals involved in the tourist business who have demonstrated an interest in tourist development and do not own or operate hotels, motels, or other taxable tourist accommodations, appointed as follows: one by the Tarboro Town Council and one by the Edgecombe County Board of Commissioners.
- (5) An individual who is interested in the tourism business, has demonstrated an interest in tourism development, and is appointed by the Edgecombe County Board of Commissioners.
- (6) An individual who is interested in the tourism business, has demonstrated an interest in tourism development, and is appointed by the Tarboro Town Council.

The Edgecombe County 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.

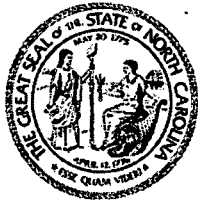


1           The Authority shall meet at the call of the chair and shall adopt rules of procedure to  
2 govern its meetings. The Finance Officer for Edgecombe County shall be the ex officio finance  
3 officer of the Authority.

4           **SECTION 1.(b) Duties.** – The Authority shall promote travel, tourism, and  
5 conventions in the county, sponsor tourist-related events and activities in the county, and  
6 finance tourist-related capital projects in the county.

7           **SECTION 1.(c) Reports.** – The Authority shall report quarterly and at the close of  
8 the fiscal year to the board of county commissioners on its receipts and expenditures for the  
9 preceding quarter and for the year in such detail as the board may require.

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



## HOUSE BILL 204: Edgecombe Co. Tourism Development Authority

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 23, 2011
<b>Introduced by:</b>	Rep. Tolson	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 204 authorizes the creation of the Edgecombe County Tourism Development Authority to promote travel, tourism, and conventions; sponsor tourist-related events and activities; and finance tourist-related capital projects within the county.*

**BILL ANALYSIS:** HB 204 authorizes the Edgecombe County Board of Commissioners to create the Edgecombe County Tourism Development Authority for the purposes outlined above. The resolution creating the Authority must designate one member as chair and determine the compensation, if any, to be paid to Authority members. The Authority will meet at the call of the chair, adopt rules to govern meetings, will be a public authority under the Local Government Budget and Fiscal Control Act (Article 3, Chapter 159), and the Edgecombe County Finance Officer will serve as the ex officio finance officer of the Authority. The resolution creating the Edgecombe County Tourism Development Authority must specify terms of office, filling of vacancies, and the following nine member composition:

- One member that is an Edgecombe County Commissioner (appointed by the board of commissioners).
- One member of the Tarboro Town Council (appointed by the town council).
- Three members that are owners or operators of motels, hotels, or other taxable accommodations in Edgecombe County (one appointed by the Tarboro Town Council, one by the Edgecombe County Board of Commissioners, and one by the Edgecombe County Chamber of Commerce).
- Two members that are involved in the tourist business, have demonstrated an interest in tourist development and do not own or operate hotels, motels, or other taxable tourist accommodations (one appointed by the Tarboro Town Council and one by the Edgecombe County Board of Commissioners).
- One member interested in the tourism business that has demonstrated an interest in tourism development (appointed by the Edgecombe County Board of Commissioners).
- One member interested in the tourism business that has demonstrated an interest in tourism development (appointed by the Tarboro Town Council).

The resolution must require that at least one-third of the members be individuals affiliated with businesses in the county; and require that one-half of the members be currently active in the promotion of travel and tourism in the county.

The Authority must report to the board of county commissioners on a quarterly basis and at the close of the fiscal year. The reports must include receipts and expenditures for the preceding quarter and the year in the detail prescribed by the board.

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

**BACKGROUND:** Approximately  $\frac{3}{4}$  of the counties in NC have Tourism Development Authorities or a tourism initiative run by a government entity or by some other entity. Approximately  $\frac{1}{4}$  of the counties, including Edgecombe, do not have an officially designated tourism development entity.

The Edgecombe County Sustainable Tourism Plan (2008) recommended creation of a Tourism Development Authority.

H204-SMSH-11(e1) v2

Research Division

O. Walker Reagan, Director

(919) 733-2578

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Inglè (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 212** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CRAMERTON TO REGULATE UTILITY VEHICLES.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 212

Short Title: Town of Cramerton/Regulate Utility Vehicles. (Local)

Sponsors: Representative Torbett (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 3, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF CRAMERTON TO REGULATE UTILITY  
3 VEHICLES.

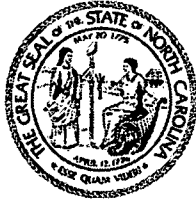
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L.  
6 2007-204, S.L. 2007-259, and S.L. 2009-459 reads as rewritten:

7 "SECTION 1. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Towns of  
8 Beech Mountain, Cramerton, North Topsail Beach, and Seven Devils, and the City of Conover  
9 may, by ordinance, regulate the operation of utility vehicles on any public street or road within  
10 the City or Town. By ordinance, the City or Town may require the registration of utility  
11 vehicles, specify the persons authorized to operate utility vehicles, and specify required  
12 equipment, load limits, and the hours and methods of operation of the utility vehicles."

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





## HOUSE BILL 212: Town of Cramerton/Regulate Utility Vehicles

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 23, 2011
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 212 authorizes the Town of Cramerton to regulate the operation of utility vehicles on public streets and roads.*

**CURRENT LAW:** Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50). Utility vehicles may not be registered (G.S. 20-54(8)) and therefore may not operate on the streets and highways.

A utility vehicle is defined in G.S. 20-4.01(48c) as a vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

S.L. 2003-124 authorized the Town of Beach Mountain to regulate the operation of golf carts and utility vehicles on any public street or road within the Town. S.L. 2004-58 granted this authority to the Town of Seven Devils, S.L. 2007-204 extended it to North Topsail Beach, and S.L. 2007-259 authorized operation in the City of Conover. S.L. 2009-459 added G.S. 153A-245 and G.S. 160A-300.6 which allowed all counties and cities to regulate the operation of golf carts (defined in G.S. 20-4.01(12a)). The regulation of utility vehicles has not been authorized statewide.

### BILL ANALYSIS:

House Bill 212 rewrites Section 1, of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, S.L. 2007-259, and S.L. 2009-459 to authorize the Town of Cramerton to enact an ordinance regulating the operation of utility vehicles on any public street or road within the Town.

With regard to utility vehicles, by ordinance, the Town may:

- require registration,
- specify the persons authorized to operate,
- specify required equipment,
- specify load limits, and
- specify hours and methods of operation.

**EFFECTIVE DATE:** House Bill 212 becomes effective when it becomes law.

### BACKGROUND

As outlined in the current law above, the following cities and towns have been authorized to regulate the operation of utility vehicles:

- Town of Beach Mountain
- Town of North Topsail Beach
- Town of Seven Devils
- City of Conover

H212-SMSH-13(e1) v2

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**SB 68** A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**1**

**SENATE BILL 68**

Short Title: Robeson Hunting and Fishing. (Local)

Sponsors: Senators Walters; Apodaca, Jackson, and Purcell.

Referred to: State and Local Government.

February 16, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER  
3 WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** Section 4 of Chapter 204 of the 1985 Session Laws, as amended by  
6 Chapter 483 of the 1991 Session Laws, reads as rewritten:  
7       "Sec. 4. This act applies only to Hoke, Cleveland, Robeson, and Scotland Counties."  
8       **SECTION 2.** This act applies only to Robeson County.  
9       **SECTION 3.** This act becomes effective October 1, 2011, and applies to offenses  
10 committed on or after that date.







## SENATE BILL 68: Robeson Hunting and Fishing

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Walters  
**Analysis of:** First Edition

**Date:** March 22, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *Senate Bill 68 is a local act that would prohibit hunting and fishing on the property of another without written permission in Robeson County only.*

**BILL ANALYSIS:** Senate Bill 68 would prohibit hunting and fishing on the property of another without written permission of the owner or lessee of the land in Robeson County. The written permission must be dated, is valid for up to one year after issuance, and must be displayed to law enforcement upon request. A violation of this act is a misdemeanor and is punishable as follows:

- First conviction- A fine of not less than \$10 nor more than \$50 or by imprisonment not to exceed 30 days.
- Second or subsequent conviction within 3 years- A fine of not less than \$50 nor more than \$200, imprisonment not to exceed 60 days, or both.

The act is enforceable by officers of the Wildlife Resources Commission, deputy sheriffs, and other peace officers with jurisdiction.

**EFFECTIVE DATE:** The act would become effective October 1, 2011, and would apply to offenses committed on or after that date.

**BACKGROUND:** The provisions of Senate Bill 68 currently apply in Hoke, Cleveland, and Scotland counties. Similar provisions apply to the following counties: Edgecombe (S.L. 2009-22), Caswell (S.L. 2008-96), Johnston and Stanly (S.L. 2007-264), and Orange and Wilson (S.L. 2005-264).

*Brad Krehely of the Research Division substantially contributed to this summary.*

S68-SMRW-36(e1) v1

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/24/11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Col Whitworth</u>	
<u>Barbara Turner</u>	<u>6330 Benfield Landing Rd. Nebo, N.C. 28761</u>
<u>Cassandra Howell</u>	<u>P.O. Box 22103 Morganton N.C. 28680</u>
<u>Denecia Rutherford</u>	<u>6320 Benfield Landing Rd. Nebo, N.C. 28761</u>
<u>Margie Eshen</u>	<u>2642 Hwy 126 Morganton, NC</u>
<u>Brenda Thomas</u>	<u>2645 NC 126 Morganton, NC</u>
<u>C. C. Jenkins</u>	<u>P.O. Box 1961 Morganton NC 28680</u>
<u>Paul M. Basser</u>	<u>105 VFW Road Morganton N.C.</u>
<u>James A. McDowell</u>	<u>1155 Beechwood Dr. Morganton NC</u>
<u>Donald Thomas</u>	<u>2645 NC 126 Morganton N.C.</u>
<u>L. O. Ooms</u>	<u>9130 ANDERSON BLVD TOPSAIL BEACH NC</u>

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/24/11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

MONLOE MORRIS	1403 CAROLINA BLVD. TOPSAIL BEACH, NC
Jimmie Antfy	1210 CAROLINA BLVD Topsail Beach, NC
DAVID BARANOV	2302 East Point Rd. Nabo, NC
TIM GREENE	10181 N. Shore Dr Nabo, Lake James NC
Gayle Gunn	LA Senator Gunn
BENJAMIN CUTHBERTSON	1083 Hunter St MORRISTON, NC 28655
John Roberts	Orange County Govt
Lana Hygh	Town of Cary
JOHN MIDGETT	NC PBA
David Barnes	P.O. Box 3555 Topsail Beach 28440
Bill Morrison	304 Mo Anderson Topsail Beach 28445

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jac ReVelle	Topsail Beach NC
Ed Broadhurst	TOPSAIL BEACH, N.C.
HOWARD BRAXTON	TOPSAIL BEACH, NC
Walter McCreary	Carolina's Healthcare System
Paul Meyer	NCLM
Bob Long	Southpointe Homeowners
Jane Woodward	Village of L James
Ava Turner	No Firm or Agency 2050 Long Rifle Ridge, Nebo, NC 28761
Bruce Grinn	Lake James
Bishop H. Grinn	Lake James
Kelly Smoke	visitor

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/24/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Charles W. Stein	SEAR
Melissa Trank	NCACC
Paul Kendrick	NO VILLAGE MO/ANTONI N.C.
Wally Thomas	NCAR
Chris Dillon	none
Lisa Martin	NC Home Builders Assoc
Kelli Kula	NCLM
Pat	Bohmer Co. Inc
James Mc	Kiv Futures
David McGowan	NC Realtor
Gina Hayer	NCHBA

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/26/11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tony Telterton	Fair Annexation Coalition
Thomas Dixon	Campbell Law School
Elizabeth Suttles	Campbell Law School
Jimmy Sumarrell	RALEIGH, NC
Nancy Pippin	Zebulon's Topsail Beach
Marie Bone	Topsail Beach, N.C.
Beatrice Johnson	Holdshore & Topsail Beach
Elizabeth Youngblood	Topsail Beach
Randy Guthrie	City of Goldsboro
Tasha Logan	City of Goldsboro
Julius Bone	Topsail Beach

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

3/26/11  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

GRIER FLEISCHHAUER	Commissioner TOPSUN BEACH, NC
Bob Pleasants	Good Neighbors United of Wayne Co.
Larry Dupree	GNU Goldsboro, NC
HAROLD KECK	GNU, 102 Plantation Rd. Goldsboro NC
Mitchell R. Lynch	GNU, Goldsboro, NC
Susan T. Mintz	GNU, 501 Plantation Rd. Goldsboro, NC
Jean Wadsworth	GNU, 204 Kelly Dr., Goldsboro, NC
Kenneth Wadsworth	GNU, 204 Kelly Dr., Goldsboro, NC
Penny Huff	School of Gov.
David Beany	Lake James
Wendy Bell Allen	Lake James, 6201 N. STARS DR. NCB

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Steven Leon	Village of Lake James - Nels NC
Jim Jenkins	" "
David A. Wilson	" "
James Peterson	" - Morganton, NC
Mr. Jeffrey Taylor	" " MORGANTON, NC
Carol Gardner	Village of Lake James
Lorraine Thompson	" " " "
Lori Conner	" " " "
John [unclear]	" " " "
Charm [unclear]	" " " "
Ch [unclear]	" " " "



**Date**

**NAME****FIRM OR AGENCY AND ADDRESS**

Greg Norell

Village of Lake James #1256

Craig Lian

Village of Lake James #256

Charles "Mac" Hoffman

TH 256  
Village of Lake James

*Lena Hoffman*

Village of Lake James

Henry Lancaster

LCA

William G. Hamby, Jr.

Cabarrus Co. resident

Committee Sergeants at Arms

NAME OF COMMITTEE GOVERNMENT

DATE: 3-24-2011 Room: 643

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: Champ Claris
3. Name: GARLAND SHEPHEARD
4. Name: Bill Bass
5. Name: Todd Batchelor

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

HOUSE PAGES

NAME OF COMMITTEE Government DATE 3-24-2011

1. Name: Carter Phillips

County: Wake

Sponsor: Stam

2. Name: Maria Dulos

County: Moore

Sponsor: Thom Tillis

3. Name: Greg Reaves

County: Moore

Sponsor: Thom Tillis

4. Name: Melinda Hall

County: Nash

Sponsor: Collins

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

SGT-AT-ARM

1. Name: \_\_\_\_\_

2. Name: \_\_\_\_\_

3. Name: \_\_\_\_\_

4. Name: \_\_\_\_\_

## **Government Committee Meeting**

**March 31, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: SB155 - Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3b: HB 280 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3c: HB 296 – Committee Report, proposed committee substitute, original bill**
- Attachment 3d: HB 310 – Committee Report, proposed committee substitute, original bill, bill summary, roll call vote**
- Attachment 3e: HB 365 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3f: HB 322 – Committee Report, original bill, bill summary**
- Attachment 3g: HB 328 – Committee Report, original bill, bill summary**
- Attachment 3h: HB 335 – Committee Report, original bill, bill summary**
- Attachment 3i: HB 338 – Committee Report, original bill, bill summary**
- Attachment 3j: HB 360 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3k: HB 362 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**

**Minutes****Committee on Government****Thursday, March 31, 2011**

The House Committee on Government met on Thursday, March 31, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Keever, Luebke, Mills, Mobley, Moffitt, Moore, Parmon, Parfitt, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Theresa Matula, Giles Perry, Kara McCraw, Barbara Riley and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Representative Murry presented SB 155 Wake Local Stormwater Utility Fees. Representative Ingle moved to accept the amendment. Representative Cleveland moved for an unfavorable report to the original and a favorable report to the proposed committee substitute and be referred to finance. The motion carried.

Representative Killian presented HB 172 Encourage Military Veteran Contractor Use. Christy Agner with the Department of Administration spoke in favor of the bill. Henry Lancaster of LCA spoke in opposition along with Dave Simpson. Patricia Rawland addressed her concerns with staff resources and certification. Mark Haupt with Converged Services, LLC spoke in favor. A roll call vote was taken and the bill passage failed with 14 for and 19 in opposition. The Chair appointed a subcommittee to discuss the bill further comprised of Representatives Cleveland, R. Brown, Adams, Moffitt, Floyd and Hager.

Representative Brawley was recognized to present HB 280 County Law Enforcement Service District. Representative Ingle for acceptance of the proposed committee substitute. Representative Cotham moved for an unfavorable report of the original bill and a favorable report to the proposed committee substitute. The motion carried.

Representative Langdon was recognized to present HB 296 with a proposed committee substitute incorporating HB 294 and HB into one bill (HB 296). Representative Cleveland moved for an unfavorable report to the original and a favorable report to the proposed committee substitute and rereferred to Finance. The motion carried.

Representative LaRoque was recognized to present HB 310 Kinston Mayoral Veto. Representative Cleveland moved to accept the proposed committee substitute. Representative Burr moved for an unfavorable report to the original bill and a favorable report to the proposed committee substitute. A roll call vote was requested. The vote passed with 20 in the affirmative and 9 in the negative.

Representative LaRoque was recognized to present HB 365 Pink Hill Elections. Representative Ingle moved to accept the proposed committee substitute. Representative Jones moved for an unfavorable report to the original bill and a favorable report of the proposed committee substitute. The motion carried.

Representative Rapp was recognized to present HB 322 Haywood School Board Filing Period. Representative Cleveland moved for a favorable report. The motion carried and the bill passed.

Representative Sager presented HB 328 Wayne Sheriff Vacancies. Representative Alexander moved for a favorable report. The bill passed.

Representative Guice was called on the present HB 335 Maintenance of Prisons. Ardis Watkins with SEANC spoke in opposition of the bill. Representative Collins moved for a favorable report. The motion carried and the bill passed.

Representative Blackwell presented HB 338 Burke School Board Recall. Representative Hager moved for a favorable report. The motion carried and the bill passed.

Representative Owens presented HB 360 Columbia Municipal Early Voting. Representative Langdon approved the proposed committee substitute. Representative Cleveland moved for a favorable report of the proposed committee substitute, unfavorable to the original bill. The vote was taken by a show of hands with 12 in the affirmative and 9 in the negative.

Representative Owens presented HB 361 Currituck Electronic Notice. John Bussian from the NC Press Association spoke in opposition. Nance Aydlott from the Currituck County Board of Commissioners spoke in favor. Representative Boles moved for a favorable report. The motion failed with 9 in the affirmative and 11 in the negative.

Representative Owens presented HB 362 Pasquotank Hunting. Representative Cotham recognized the proposed committee substitute. Representative Boles moved for a favorable report of the proposed committee substitute, unfavorable to the original bill and rereferred to Finance. The motion carried and the bill passed.

The Chair adjourned at 11:50 AM.

Respectfully submitted,

Larry R. Brown

Representative Larry Brown, Co-Chair

Debbie Holder

Debbie Holder, Committee Clerk

## AGENDA

Attachment 2

### HOUSE COMMITTEE ON GOVERNMENT

Thursday, March 31, 2011

Room 643

10:00 AM

#### OPENING REMARKS

Representative Larry Brown, Co-Chair  
Government Committee

#### AGENDA ITEMS

SB 155	Wake Local Stormwater Utility Fees.	Senator Stein
HB 172	Encourage Military Veteran Contractor Use.	Representative Killian Representative McElraft Representative Horn
HB 280	County Law Enforcement Service District.	Representative Brawley, Jr. Representative Murry
HB 294	Sampson: No Permit To Delinquent Taxpayers.	Representative Bell Representative Langdon, Jr.
HB 295	Sampson: No Permits To Delinquent Taxpayers.	Representative Bell Representative Langdon, Jr.
HB 296	Sampson-No Recordation For Delinquent Taxpayer.	Representative Bell Representative Langdon, Jr.
HB 310	Kinston Mayoral Veto.	Representative LaRoque
HB 322	Haywood School Board Filing Period.	Representative Rapp Representative Haire
HB 328	Wayne Sheriff Vacancies.	Representative Sager Representative LaRoque
HB 335	Maintenance of Prisons.	Representative Guice Representative Horn Representative Burr Representative Daughtry
HB 338	Burke School Board Recall.	Representative Blackwell
HB 360	Columbia Municipal Early Voting.	Representative Owens, Jr.



<b>HB 361</b>	<b>Currituck Electronic Notice.</b>	<b>Representative Owens, Jr.</b>
<b>HB 362</b>	<b>Pasquotank Hunting.</b>	<b>Representative Owens, Jr.</b>
<b>HB 365</b>	<b>Pink Hill Elections.</b>	<b>Representative LaRoque</b>
<b>HB 418</b>	<b>Winston-Salem Deannexation.</b>	<b>Representative L. Brown</b>
<b>SB 263</b>	<b>ETJ/Wake Municipal Farm Exemption.</b>	<b>Senator Blue Senator Hunt</b>

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 155** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 155\*  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S155-PCS85104-LB-7

Short Title: Wake/Forsyth Local Stormwater Utility Fees. (Local)

Sponsors:

Referred to:

March 2, 2011

1. A BILL TO BE ENTITLED
2. AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE,
3. WENDELL, AND ZEBULON AND THE CITY OF WINSTON-SALEM TO COLLECT
4. DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY
5. MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.
6. The General Assembly of North Carolina enacts:
7. SECTION 1. Section 4 of S.L. 2005-441 reads as rewritten:
8. "SECTION 4. This act is effective when it becomes law and applies to stream-clearing
9. activities commenced on or after that date. Section 3 of this act applies only to the City of
10. Winston-Salem, the Towns of Garner, Kernersville, Knightdale, Morrisville,
11. Wendell, and Zebulon, and the Village of Clemmons."
12. SECTION 2. This act is effective when it becomes law.



\* S 1 5 5 - P C S 8 5 1 0 4 - L B - 7 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

1

SENATE BILL 155\*

Short Title: Wake Local Stormwater Utility Fees. (Local)

Sponsors: Senator Stein.

Referred to: State and Local Government.

March 2, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE,  
3 WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY  
4 FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT  
5 PERSONAL AND REAL PROPERTY TAXES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Section 4 of S.L. 2005-441 reads as rewritten:

8 "SECTION 4. This act is effective when it becomes law and applies to stream-clearing  
9 activities commenced on or after that date. Section 3 of this act applies only to the ~~Town~~ Towns  
10 of Garner, Kernersville, Knightdale, Morrisville, Wendell, and Zebulon and the  
11 Village of Clemmons."

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



\* S 1 5 5 - V - 1 \*



ALL  
NEW

## SENATE BILL 155: Wake/Forsyth Local Stormwater Utility Fees

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Sen. Stein  
**Analysis of:** PCS to First Edition  
S155-CSLB-7

**Date:** March 30, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *Senate Bill 155<sup>1</sup> (PCS) would allow the towns of Garner, Knightdale, Morrisville, Wendell, Zebulon, and the City of Winston-Salem to bill stormwater utility fees in the same manner as property taxes, and in the case of nonpayment, to collect them in the same manner as property taxes.*

[As introduced, this bill was identical to H216, as introduced by Reps. Murry, Jackson, Ross, which is currently in House Government, if favorable, Finance.]

**CURRENT LAW:** Cities may operate a stormwater management program as a public enterprise<sup>2</sup> and may establish a schedule of fees for the services furnished by the program. A city may collect delinquent fees by any remedy provided by law for collecting and enforcing private debts. As a general rule, fees for enterprisory services cannot be a lien upon the property served by the enterprisory service. In 1991, the General Assembly provided an exception to this rule for fees imposed for solid waste collection and disposal services when it allowed cities and counties to collect the fees for this service in the same manner as property taxes. Delinquent property taxes may be collected using any one or more of the remedies provided in G.S. 105-366 through G.S. 105-375:

- Levy upon and sell or attach personal property.
- Attachment and garnishment of wages and other compensation, rents, bank deposits, the proceeds of property subject to levy, or any other intangible property.
- Foreclosure of real property.

By local acts, the General Assembly has authorized numerous cities and counties to collect delinquent water and sewer fees or sewer treatment fees in the same manner as property taxes.<sup>3</sup> In 2005, the General Assembly authorized the Town of Kernersville and the Village of Clemmons to collect delinquent stormwater management fees in the same manner as property taxes.

**BILL ANALYSIS:** Senate Bill 155 is a local act that would add the towns of Garner, Knightdale, Morrisville, Wendell, Zebulon, and the City of Winston-Salem to the local legislation enacted for Kernersville and Clemmons in 2005, thereby allowing these towns to adopt an ordinance providing that stormwater utility fees may be billed with property taxes and made payable in the same manner as property taxes, and in the case of nonpayment, may be collected in the same manner as delinquent property taxes. If an ordinance states that delinquent fees can be collected in the same manner as delinquent real property taxes, the fees are a lien on the real property described on the bill that includes the fee.

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

*S155-SMRW-49(CSLB-7) v1 Cindy Avrette of the Research Division substantially contributed to this summary*

<sup>1</sup> H216, introduced by Reps. Murry, Jackson, Ross, is the House companion bill.

<sup>2</sup> Other types of public enterprises a city may operate include electric power generation, water and sewer systems, natural gas distribution, public transportation systems, cable television systems, parking facilities, and solid waste collection and disposal.

<sup>3</sup> S.L. 1993-768, City of Durham; S.L. 1995-577, Counties of Camden, Chowan, Currituck, Pasquotank, Perquimans, Tyrrell, and Washington; S.L. 2003-270, Counties of Davie, Duplin, and Lenoir and the municipalities in those counties; S.L. 2003-270, the municipalities in Columbus County; S.L. 2004-96, Town of Holden Beach; S.L. 2006-54, Oak Island; S.L. 2010-29, Caswell Beach; S.L. 2010-59, City of Locust and the towns of New London and Stanfield.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 280** A BILL TO BE ENTITLED AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 280  
PROPOSED COMMITTEE SUBSTITUTE H280-CSLB-17 [v.1]

3/29/2011 11:39:14 AM

Short Title: County Law Enforcement Service District.

(Public)

Sponsors:

Referred to:

March 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY  
3 SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153A-301(a)(10) reads as rewritten:

6 "(a) The board of commissioners of any county may define any number of service  
7 districts in order to finance, provide, or maintain for the districts one or more of the following  
8 services, facilities and functions in addition to or to a greater extent than those financed,  
9 provided or maintained for the entire county:

10 ...  
11 (10) Law enforcement if all of the following apply:

12 a. The population of the county is (i) over 500,000-900,000 according  
13 to the most recent federal decennial census, and (ii) less than  
14 ten percent (10%) of the population of the county is in an  
15 unincorporated area according to the most recent federal decennial  
16 census.

17 b. The county has an interlocal agreement or agreements with a city  
18 municipality or municipalities for the provision of in the county  
19 under which the city provides law enforcement services in the entire  
20 unincorporated area of the county.

21 ...."

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









## HOUSE BILL 280: County Law Enforcement Service District

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Brawley, Murry  
**Analysis of:** PCS to First Edition  
H280-CSLB-17

**Date:** March 30, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 280 (PCS) changes the threshold requirements for creation of a county law enforcement service district.*

**CURRENT LAW:** Article 16 of Chapter 153A of the General Statutes authorizes counties to create county service districts to provide additional services in defined portions of a county.

One of the types of county services districts is law enforcement, if county is over 500,000 in population, and the county has an interlocal agreement with a city in the county under which the city provides law enforcement services in the entire unincorporated area of the county.

**BILL ANALYSIS:** House Bill 280 amends the existing county law enforcement service district requirements to:

- increase the county population threshold to 900,000, and provide that less than 10% of the population is in an unincorporated area.
- allow the district to be created if the county has an interlocal agreement or agreements with a municipality or municipalities for the provision of law enforcement services in all or part of the unincorporated area of the county.

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

H280-SMRW-48(CSLB-17) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 296** A BILL TO BE ENTITLED AN ACT TO ALLOW THE SAMPSON COUNTY BOARD OF COMMISSIONERS TO ADOPT A RESOLUTION DISALLOWING RECORDATION BY THE REGISTER OF DEEDS ABSENT A CERTIFICATION OF NO DELINQUENT AD VALOREM TAXES ON THE PROPERTY.

☒ 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.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 296  
PROPOSED COMMITTEE SUBSTITUTE H296-PCS11135-SH-3

Short Title: Sampson-Delinquent Taxpayers.

(Local)

Sponsors:

Referred to:

March 10, 2011.

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE SAMPSON COUNTY TO PROHIBIT THE ISSUANCE OF A  
3 SPECIAL USE OR CONDITIONAL USE PERMIT, OR A BUILDING PERMIT, TO A  
4 DELINQUENT TAXPAYER, AND TO AUTHORIZE SAMPSON COUNTY TO  
5 REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE  
6 RECORDING DEEDS CONVEYING PROPERTY.  
7 The General Assembly of North Carolina enacts:  
8 SECTION 1.(a) G.S. 153A-340 is amended by adding a new subsection to read:  
9 "§ 153A-340. Grant of power.  
10 ...  
11 (c2) A county may by ordinance provide that a special use permit or conditional use  
12 permit may not be issued under subsection (c1) of this section to a person who owes delinquent  
13 property taxes, determined under G.S. 105-360, on property owned by the person. Such  
14 ordinance may provide that a special use permit or conditional use permit may be issued to a  
15 person protesting the assessment or collection of property taxes.  
16 ...."  
17 SECTION 1.(b) This section applies to Sampson County only.  
18 SECTION 2. G.S. 153A-357(c) reads as rewritten:  
19 "§ 153A-357. Permits.  
20 ...  
21 (c) (1) A county may by ordinance provide that a permit may not be issued under  
22 subsection (a) of this section to a person who owes delinquent property  
23 taxes, determined under G.S. 105-360, on property owned by the person.  
24 Such ordinance may provide that a building permit may be issued to a  
25 person protesting the assessment or collection of property taxes.  
26 (2) This subsection applies to Alexander, Alleghany, Anson, Bertie, Catawba,  
27 Chowan, Currituck, Davie, Gates, Greene, Lenoir, Lincoln, Iredell,  
28 Sampson, Stokes, Surry, Tyrrell, Wayne, and Yadkin Counties only.  
29 ...."  
30 SECTION 3. G.S. 161-31(b) reads as rewritten:  
31 "§ 161-31. Tax certification.  
32 ...  
33 (b) Applicability. – This section applies only to Alexander, Anson, Beaufort, Bertie,  
34 Burke, Cabarrus, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland,



\* H 2 9 6 - P C S 1 1 1 3 5 - S H - 3 \*

1 Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates,  
2 Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell,  
3 Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell,  
4 Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt,  
5 Polk, Robeson, Rockingham, Rowan, Rutherford, Sampson, Stanly, Surry, Swain,  
6 Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, and Yadkin Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 296

Short Title: Sampson-No Recordation For Delinquent Taxpayr. (Local)

Sponsors: Representatives Bell and Langdon (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE SAMPSON COUNTY BOARD OF COMMISSIONERS TO  
ADOPT A RESOLUTION DISALLOWING RECORDATION BY THE REGISTER OF  
DEEDS ABSENT A CERTIFICATION OF NO DELINQUENT AD VALOREM TAXES  
ON THE PROPERTY.

The General Assembly of North Carolina enacts:

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

**"§ 161-31. Tax certification.**

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

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

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

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



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 310** A BILL TO BE ENTITLED AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 310  
PROPOSED COMMITTEE SUBSTITUTE H310-PCS11082-LB-3

Short Title: Kinston Mayoral Veto.

(Local)

Sponsors:

Referred to:

March 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR,  
3 CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY  
4 OF KINSTON.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. Section 2.3 of the Charter of the City of Kinston, being Chapter 169  
7 of the 1987 Session Laws, reads as rewritten:  
8 "Section 2.3. Mayor; Term of Office; Duties. (a) The Mayor shall be elected for a term of  
9 four years or until his or her successor is elected and qualified; shall be the official head of the  
10 City government and preside at meetings of the Council; shall have the right to vote only when  
11 there is an equal division on any question or matter before the Council; and shall exercise the  
12 powers and duties conferred by law or as directed by the Council.  
13 (b) Except for matters which must be approved by the voters in accordance with  
14 Chapter 159 of the General Statutes, the Mayor may veto any action adopted by the Council,  
15 including ordinances and resolutions. The veto may be exercised at the meeting at which the  
16 action was taken or at any time before the end of the seventh calendar day after the day the  
17 action was adopted. To veto the action, the Mayor shall notify the City Clerk in writing,  
18 together with a veto message stating the reasons for the veto. The City Clerk shall place that  
19 item on the agenda at the next regular or special meeting of the Council, but it shall not become  
20 effective unless it is readopted by the Council with at least four-fifths of all the members of the  
21 Council voting in the affirmative. The Mayor may approve the item at any time prior to the  
22 expiration of the seven-day period by notifying the City Clerk in writing. In any case where the  
23 City Clerk is notified of veto or approval of any item, the City Clerk shall inform all members  
24 of the Council by electronic mail or other means."  
25 SECTION 2. Section 2.6 of the Charter of the City of Kinston, being Chapter 169  
26 of the 1987 Session Laws, reads as rewritten:  
27 "Section 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and  
28 proving of City ordinances and resolutions shall be in accordance with general law. ~~law as~~  
29 modified by Section 2.3 of this Charter. All ordinances and resolutions shall be effective upon  
30 adoption unless otherwise provided."  
31 SECTION 3. Sections 1 and 2 of this act become effective only if approved by the  
32 qualified voters of the City of Kinston in a referendum. The election shall be conducted by the  
33 Lenoir County Board of Elections on November 8, 2011. The question on the ballot shall be:  
34 "[ ] FOR [ ] AGAINST



\* H 3 1 0 - P C S 1 1 0 8 2 - L B - 3 \*

1           Amendment of the Charter of the City of Kinston to give the Mayor the right to  
2 veto City Council actions, subject to an override by four-fifths of the City Council."

3           **SECTION 4.** If a majority of the votes cast are in favor of the question, Sections 1  
4 and 2 of this act become effective 30 days after certification of the results of the question.  
5 Otherwise, Sections 1 and 2 of this act do not become effective.

6           **SECTION 5.** The City Attorney of the City of Kinston shall submit the date of the  
7 election under this act for preclearance under section 5 of the Voting Rights Act of 1965 within  
8 30 days of this act becoming law, as provided by G.S. 120-30.9F. If it is not so submitted, the  
9 Attorney General shall submit it under G.S. 120-30.9I.

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 310

Short Title: Kinston Mayoral Veto. (Local)

Sponsors: Representative LaRoque (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR.  
The General Assembly of North Carolina enacts:

**SECTION 1.** Section 2.3 of the Charter of the City of Kinston, being Chapter 169 of the 1987 Session Laws, reads as rewritten:

"Section 2.3. Mayor; Term of Office; Duties. (a) The Mayor shall be elected for a term of four years or until his or her successor is elected and qualified; shall be the official head of the City government and preside at meetings of the Council; shall have the right to vote only when there is an equal division on any question or matter before the Council; and shall exercise the powers and duties conferred by law or as directed by the Council.

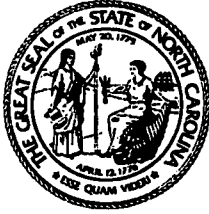
(b) Except for matters which must be approved by the voters in accordance with Chapter 159 of the General Statutes, the Mayor may veto any action adopted by the Council, including ordinances and resolutions. The veto may be exercised at the meeting at which the action was taken or at any time before the end of the seventh calendar day after the day the action was adopted. To veto the action, the Mayor shall notify the City Clerk in writing, together with a veto message stating the reasons for the veto. The City Clerk shall place that item on the agenda at the next regular or special meeting of the Council, but it shall not become effective unless it is readopted by the Council with at least four-fifths of all the members of the council voting in the affirmative. The Mayor may approve the item at any time prior to the expiration of the seven-day period by notifying the City Clerk in writing. In any case where the City Clerk is notified of veto or approval of any item, the City Clerk shall inform all members of the Council by electronic mail or other means.

**SECTION 2.** Section 2.3 of the Charter of the City of Kinston, being Chapter 169 of the 1987 Session Laws, reads as rewritten:

"Section 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and proving of City ordinances and resolutions shall be in accordance with general law—law as modified by Section 2.3 of this Charter. All ordinances and resolutions shall be effective upon adoption unless otherwise provided."

**SECTION 3.** This act is effective 30 days after it becomes law.





## HOUSE BILL 310: Kinston Mayoral Veto

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. LaRoque  
**Analysis of:** PCS to First Edition  
H310-CSLB-3

**Date:** March 31, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 310 would require a referendum on the issue of veto authority for the Mayor of Kinston for actions adopted by the City Council, including ordinances and resolutions, and would establish procedural requirements for the mayor to exercise the veto if the referendum is adopted.*

**CURRENT LAW:** The Charter of the City of Kinston provides that the Mayor and the Council are the governing body of the City. The Council includes 5 members who are elected for four-year terms. The Mayor is elected for a four-year term, is the official head of City government, and presides at meetings of the Council. The Mayor may only vote when there is a tie on any question or matter before the Council. Currently, the Mayor does not have the authority to veto actions by the Council.

**BILL ANALYSIS:** House Bill 310 would require a referendum be held on November 8, 2011 on the issue of establishing the authority of the Mayor to veto actions adopted by the City Council, including ordinances and resolutions. If authorized by the referendum, the veto would be subject to the following requirements. A veto for any item which must be approved by voters under Chapter 159 would not be allowed. The veto could be exercised at the meeting at which the action was taken or at any time before the end of the seventh calendar day after the day the action was adopted. To exercise a veto, the following procedures must be followed.

- The Mayor must notify the City Clerk in writing and include a veto message explaining the reasons for the veto.
- The City Clerk must place that item on the agenda at the next regular or special meeting of the Council. The item will not become effective unless it is readopted by the City Council with at least 4/5 of all Council members voting in the affirmative.
- The Mayor may approve the item at any time prior to the expiration of the 7 day period by notifying the City Clerk in writing.
- The City Clerk, if notified of a veto or approval of an item, must inform members of the Council by email or other means.

**EFFECTIVE DATE:** The act becomes effective 30 days after it becomes law. The act may not be implemented until the date of the referendum has received "preclearance" approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice.

H310-SMST-14(e1) v4

*\*Brad Krehely contributed to the drafting of this summary.*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 365** A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 365  
PROPOSED COMMITTEE SUBSTITUTE H365-PCS11136-LB-18**

Short Title:   Pink Hill Elections.

(Local)

Sponsors:

Referred to:

March 16, 2011

**A BILL TO BE ENTITLED**  
**AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A**  
**FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS**  
**FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Pink Hill, being Chapter 31 of the Private Laws of 1915, as amended by Chapter 221 of the Private Laws of 1933, is amended by adding a new section to read:

"Sec. 3.1. In 2011 and quadrennially thereafter, the Mayor shall be elected for a four-year term. In 2011, three commissioners shall be elected, with the top vote getter receiving a four-year term and the two persons receiving the next highest numbers of votes receiving two-year terms. In 2013 and quadrennially thereafter, two commissioners shall be elected for four-year terms. In 2015 and quadrennially thereafter, one commissioner shall be elected for a four-year term."

**SECTION 2.** Section 1 of this act becomes effective only if approved by the qualified voters of the Town of Pink Hill in a referendum. The election shall be conducted by the Lenoir County Board of Elections on November 8, 2011. The question on the ballot shall be:

" ☐ FOR            ☐ AGAINST

Amendment of the Charter of the Town of Pink Hill to provide a four-year term for the Mayor and staggered four-year terms for the town commissioners."

**SECTION 3.** If a majority of the votes cast are in favor of the question, Section 1 of this act becomes effective upon certification of the results of the question and applies to those elected in 2011. Otherwise, Section 1 of this act does not become effective.

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



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 365**

Short Title:   Pink Hill Elections. (Local)

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Sponsors:   Representative LaRoque (Primary Sponsor).  
                  For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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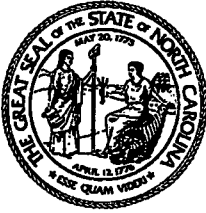
Referred to:   Government.

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March 16, 2011

1                                   A BILL TO BE ENTITLED  
2   AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A  
3       FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS  
4       FOR THE TOWN COMMISSIONERS.  
5   The General Assembly of North Carolina enacts:  
6       **SECTION 1.** The Charter of the Town of Pink Hill, being Chapter 31 of the  
7   Private Laws of 1915, as amended by Chapter 221 of the Private Laws of 1933, is amended by  
8   adding a new section to read:  
9       "Sec. 3.1. In 2011 and quadrennially thereafter, the Mayor shall be elected for a four-year  
10   term. In 2011, three commissioners shall be elected, with the top vote getter receiving a  
11   four-year term and the two persons receiving the next highest numbers of votes receiving  
12   two-year terms. In 2013 and quadrennially thereafter, two commissioners shall be elected for  
13   four-year terms. In 2015 and quadrennially thereafter, one commissioner shall be elected for a  
14   four-year term."  
15       **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 365: Pink Hill Elections

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. LaRoque  
**Analysis of:** PCS to First Edition  
H365-CSLB-18

**Date:** March 30, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *House Bill 365 amends the charter of the Town of Pink Hill to provide a 4-year term for the mayor and to provide for staggered 4 year terms for the town commissioners. The proposed committee substitute contains a provision for a referendum on the terms for the mayor and commissioners.*

**CURRENT LAW:** The Town of Pink Hill is governed by a mayor and three town commissioners. S.L. 1915-31, as amended by S.L. 1933-221. Municipal elections are conducted under the general municipal election laws set forth in Chapter 163 of the General Statutes. S.L. 1955-760.

**BILL ANALYSIS:** House Bill 365 adds a new section 3.1 to the Pink Hill Charter providing that, beginning in 2011, the mayor of Pink Hill and the town commissioners shall serve 4 year terms. The new section also provides for the staggering of town commissioners' terms. The proposed committee substitute contains a provision for a referendum on the terms for the mayor and commissioners.

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

H365-SMRF-15(CSLB-18) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 322** A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY BOARD OF ELECTIONS TO EXTEND THE FILING PERIOD IF NO PERSON FILES FOR A SEAT ON THE HAYWOOD COUNTY BOARD OF EDUCATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 322**

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Short Title: Haywood School Board Filing Period. (Local)

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Sponsors: Representatives Rapp and Haire (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Government.

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March 14, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE HAYWOOD COUNTY BOARD OF ELECTIONS TO EXTEND  
3 THE FILING PERIOD IF NO PERSON FILES FOR A SEAT ON THE HAYWOOD  
4 COUNTY BOARD OF EDUCATION.

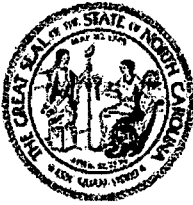
5 The General Assembly of North Carolina enacts:

6 SECTION 1. The last three sentences of Section 4 of Chapter 126, Session Laws  
7 of 1963, as amended by Chapter 22, Session Laws of 1977, and as rewritten by Chapter 89 of  
8 the 1979 Session Laws and by S.L. 2009-29, read as rewritten:

9 "All candidates for membership of the consolidated school system for the various districts  
10 shall file a notice of such candidacy no earlier than the first Monday in July (except the next  
11 business day if the first Monday in July is July 4), and no later than 12:00 noon on the third  
12 Friday in July preceding the general election and each candidate shall pay a filing fee of ten  
13 dollars (\$10.00) and shall certify in writing the election district for which he is filing and that  
14 he is a bona fide resident and qualified voter thereof. The election of members for the  
15 consolidated school system shall be held, conducted and supervised by the Haywood County  
16 Board of Elections and, except as otherwise provided herein, such election shall be held in  
17 accordance with the laws and regulations for the election of county officers. Absentee ballots  
18 shall be permitted in the election. If at the close of filing there is no candidate filed for a district  
19 seat with one member up at that election, or less than two candidates filed for a district with  
20 two members up at that election, the Haywood County Board of Elections shall reopen filing  
21 for that district for a period beginning the next Monday at 12:00 noon and ending at noon on  
22 the third business day thereafter."

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





## HOUSE BILL 322: Haywood School Board Filing Period

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	March 31, 2011
<b>Introduced by:</b>	Reps. Rapp, Haire	<b>Prepared by:</b>	Kelly Quick
<b>Analysis of:</b>	First Edition		Committee Staff

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**SUMMARY:** *House Bill 332 allows the Haywood County Board of Elections to extend the filing period if no person files for a seat on the Haywood County Board of Education.*

**CURRENT LAW:** S.L. 1963-126 established the Haywood County Consolidated School System and instituted procedures for electing the Board of Education members. The Board has 9 members, 8 of which are elected from districts and the chair, who is elected at-large. Of the members elected from districts, 4 members are elected from single member districts, and the remaining 4 members are elected from 2 two-member districts. All candidates for the various districts must file a notice of candidacy between the 1<sup>st</sup> Monday in July (unless it is the 4<sup>th</sup> of July, and then the next business day) and noon on the 3<sup>rd</sup> Friday in July prior to the general election. Currently, there is no method provided for extending the filing period if there are no candidates for the district seats.

**BILL ANALYSIS:** House Bill 322 authorizes the Haywood County Board of Elections to extend the filing deadline if at the close of filing there are no candidates for a one-member district seat on the School Board, or less than two candidates for a district with two open seats. In either circumstance, the filing deadline extension would begin at noon on the Monday after the end of the original filing deadline and end at noon three business days later.

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

**BACKGROUND:** S.L. 2009-29 shortened the Haywood School Board filing period by more than half, which made it almost the same as the municipal election filing period.

H322-SMTH-7(e1) v3

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 328** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A VACANCY IN THE OFFICE OF SHERIFF IN WAYNE COUNTY IS FILLED BY RECOMMENDATION OF THE EXECUTIVE COMMITTEE OF THE POLITICAL PARTY OF THE VACATING SHERIFF.

☒ 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 2011

H

1

HOUSE BILL 328

Short Title:	Wayne Sheriff Vacancies.	(Local)
<hr/>		
Sponsors:	Representatives Sager and LaRoque (Primary Sponsors).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	

March 14, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A VACANCY IN THE OFFICE OF SHERIFF IN WAYNE  
3 COUNTY IS FILLED BY RECOMMENDATION OF THE EXECUTIVE COMMITTEE  
4 OF THE POLITICAL PARTY OF THE VACATING SHERIFF.

5 The General Assembly of North Carolina enacts:

6           **SECTION 1.** G.S. 162-5.1 reads as rewritten:

7 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief**  
8 **deputy.**

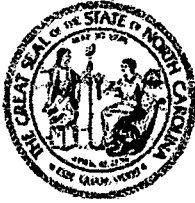
9       If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all  
10 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the  
11 residue of the term, who shall possess the same qualifications, enter into the same bond, and be  
12 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a  
13 political party, the board of commissioners shall consult the county executive committee of that  
14 political party before filling the vacancy, and shall elect the person recommended by the county  
15 executive committee of that party, if the party makes a recommendation within 30 days of the  
16 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall  
17 continue to discharge the duties of sheriff until it shall be filled.

18       In those counties where the office of coroner has been abolished, the chief deputy sheriff, or  
19 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties  
20 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In  
21 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to  
22 perform their duties with full authority.

23       This section shall apply only in the following counties: Alamance, Alexander, Alleghany,  
24 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,  
25 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,  
26 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New  
27 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,  
28 Stanly, Stokes, Surry, Transylvania, Wake, Wayne, and Yancey."

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





## HOUSE BILL 328: Wayne Sheriff Vacancies

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Sager, LaRoque  
**Analysis of:** First Edition

**Date:** March 31, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 328 provides that vacancies in the office of sheriff in Wayne County would be required to be filled by the person recommended by the executive committee of the political party of the vacating sheriff.*

**CURRENT LAW:** Sheriffs in all 100 counties are elected in partisan elections. G.S. 162-5 and 162-5.1 provide alternative methods for filling sheriff vacancies. The default alternative (G.S. 162-5) is for the board of county commissioners to have discretion to make the appointment without being bound by the recommendation of the executive committee of party of the vacating sheriff. If a county is specifically enumerated in G.S. 162-5.1, the other alternative is for the board of county commissioners to be bound by the party recommendation, if it is made within 30 days of the occurrence of the vacancy. Currently, Wayne County is subject to G.S. 162-5, and thus the board of commissioners is not bound by the party recommendation.

**BILL ANALYSIS:** House Bill 328 provides that the board of county commissioners in Wayne County would be bound by the party recommendation when filling sheriff vacancies.

**EFFECTIVE DATE:** This act is 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. Wayne County is one of the 40 NC counties covered by Section 5.

**BACKGROUND:** Currently, the appointing authority in the following counties is bound by the party recommendation: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Wake, and Yancey.

H328-SMTH-8(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 335** A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE REQUEST FOR PROPOSALS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 335**

Short Title: Maintenance of Prisons. (Public)

Sponsors: Representatives Guice, Horn, Burr, and Daughtry (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 14, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE  
3 MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF  
4 CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE  
5 REQUEST FOR PROPOSALS.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Section 19.10 of S.L. 2010-31 is repealed.  
8 SECTION 2. The Department of Correction shall expand the scope of its current  
9 request for proposals for prison maintenance for Tabor City Correctional Institution, Bertie  
10 Correctional Institution, and Maury Correctional Institution to include the Division of Prisons'  
11 Eastern and South Central operational regions.  
12 SECTION 3. This act is effective when it becomes law.



\* H 3 3 5 - V - 1 \*



# HOUSE BILL 335: Maintenance of Prisons

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Guice, Horn, Burr, Daughtry  
**Analysis of:** First Edition

**Date:** March 28, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 335 repeals a 2010 prohibition on contracting for the maintenance of prison facilities, and directs the Department of Correction to expand the scope of its current maintenance request for proposals.*

**CURRENT LAW:** Section 19.10 of S.L. 2010-31, the Appropriations Act of 2010, provided that the Department of Correction is prohibited, on or after the effective date of the section (July 1, 2010) to (1) enter into any contract for maintenance services at prison facilities, or (2) expand any existing contract for maintenance services at prison facilities to additional prison facilities. This section did not apply to the renewal of contracts existing at the time the section becomes effective.

**BILL ANALYSIS:** House Bill 335 repeals Section 19.10 of S.L. 2010-31, and directs the Department of Correction to expand the scope of its current request for proposals for prison maintenance for Tabor City Correctional Institution, Bertie Correctional Institution, and Maury Correctional Institution to include the Division of Prisons' Eastern and South Central operational regions.

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

*H335-SMRW-44(e1) v1*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 338** A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF MEMBERS OF THE  
BURKE COUNTY BOARD OF EDUCATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 338**

Short Title:   Burke School Board Recall. (Local)

Sponsors:   Representative Blackwell (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government.

March 15, 2011

A BILL TO BE ENTITLED  
AN ACT TO ALLOW RECALL OF MEMBERS OF THE BURKE COUNTY BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Any member of the Burke County Board of Education may be removed from office in the manner provided for in this act.

**SECTION 2.(a)** Any registered voter of the Burke County School Administrative Unit may make and file with the Board of Elections of Burke County an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal. The supervisor of elections shall thereupon deliver to the registered voter making such affidavit copies of petitions for demanding such a removal, printed forms of which the supervisor of elections shall keep on hand. Such blank forms shall be issued by the supervisor of elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Burke County, indicate the person to whom issued, state the name of the official whose removal is sought, and shall contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.

**SECTION 2.(b)** A copy of the petition shall be promptly delivered to the Superintendent of the Burke County School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose in the office of the superintendent. A recall petition to be effective must be returned within 30 days after the filing of the affidavit, and to be sufficient must bear the signatures of registered voters of the school administrative unit equal in number to at least fifteen percent (15%) of the registered voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election.

**SECTION 2.(c)** The signatures to the petition need not all be appended to one paper, but each signer shall add the signer's place of residence, giving the residence address, including town. One of the signers of each such paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

**SECTION 2.(d)** The Board of Elections of Burke County shall investigate the sufficiency of any such petition and certify the results of such investigation to the Board of Education. The Board of Elections may employ such persons as it deems necessary to undertake such investigations, and the reasonable cost of such investigation shall be reimbursed to the Board of Elections by the school administrative unit. The Board of Elections may adopt



1 such rules and regulations as it deems necessary or advisable concerning the validation of  
2 signatures appearing on the recall petition.

3 **SECTION 2.(e)** The Board of Elections shall complete its investigation and issue  
4 its certification of the results of such investigation within 15 days after the filing of any such  
5 petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it  
6 may be amended within 10 days from the date of said certificate. The Board shall, within 10  
7 days after such amendment, make like examination of the amended petition, and if its  
8 certificate shall show the same to be insufficient, it shall be returned to the person filing the  
9 same, without prejudice, however, to the filing of a new petition to the same effect.

10 **SECTION 2.(f)** Upon a determination that a sufficient recall petition has been  
11 submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject  
12 to the remaining provisions of this subsection, any such election shall be held not less than 60  
13 or more than 90 days after the petition has been certified as being sufficient. If any other  
14 primary, general, or special election is scheduled within such period, the Board of Elections  
15 shall schedule the special election at the same time. If the provisions of general law prohibit the  
16 holding of special elections during the time aforesaid, and no general or special election is  
17 otherwise scheduled during said period of time, then the Board of Elections shall schedule the  
18 special recall election for some date within 10 days after the last day of the period of time  
19 during which special elections are prohibited by general law.

20 **SECTION 2.(g)** The Burke County Board of Elections shall cause legal notice of  
21 the election to be published, the notice to include the general statement of the grounds on which  
22 the recall is sought as alleged in the affidavit, and shall make all arrangements for holding such  
23 election in accordance with general law, and the same shall be conducted, returned, and the  
24 results thereof declared in all respects as other school administrative unit elections in the Burke  
25 County School Administrative Unit. The reasonable costs of such election shall be reimbursed  
26 to the Board of Elections by the school administrative unit.

27 **SECTION 2.(h)** The question of recalling any number of officials may be  
28 submitted at the same election, but, as to each such official, a separate petition shall be filed  
29 and there shall be an entirely separate ballot.

30 **SECTION 2.(i)** The ballots used in a recall election shall submit the following  
31 proposition:

32 " ☐ FOR ☐ AGAINST  
33 Recall of (name and title of official)."

34 **SECTION 2.(j)** If less than a majority of the votes cast on the question of recalling  
35 an official be for recall, the official shall continue in office for the remainder of the unexpired  
36 term, but, except as provided by Section 3(a) of this act, subject to the recall as before. If a  
37 majority of such votes be for the recall of the official designated on the ballot, the official shall,  
38 regardless of any defects in the recall petition, be deemed removed from office.

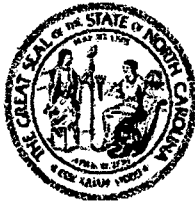
39 **SECTION 2.(k)** If an official is removed from office as a result of a recall election,  
40 the vacancy so caused shall be filled in the manner provided by law for filling vacancies in  
41 such office. An official removed from office by the voters as a result of a recall election shall  
42 not be appointed to fill the vacancy caused by that official's own removal or resignation.

43 **SECTION 3.(a)** No recall petition shall be filed against an officer who has been  
44 subjected to a recall election, and not removed thereby, until at least one year after that  
45 election, and any such subsequent recall petition to be sufficient must bear the signatures of  
46 registered voters of the school administrative unit equal in number to at least twenty percent  
47 (20%) of the registered voters of the school administrative unit as shown by the registration  
48 records of the last preceding general school administrative unit election and shall comply with  
49 all other requirements of this act.

50 **SECTION 3.(b)** No recall petition shall be filed against an officer during either the  
51 first or last six months of the term of that office. If a person is serving only until an election

1 shall be held to fill the office for the remainder of a term, no recall petition shall be filed against  
2 that officer during the six month period before that election.

3 **SECTION 4.** This act becomes effective January 1, 2012.



## HOUSE BILL 338: Burke School Board Recall

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Blackwell  
**Analysis of:** First Edition

**Date:** March 31, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 338 would provide a process for recalling members of the Burke County Board of Education, upon approval of the voters of Burke County.*

**CURRENT LAW:** Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, just a few municipalities and one school board have a procedure for a recall election.

**BILL ANALYSIS:** House Bill 338 would provide a process under which a member of the Burke County Board of Education may be removed from office via a recall election.

The process for recall would be as follows: Any registered voter of the Burke County School Administrative Unit can file an affidavit with the Burke County Board of Elections naming the official whose removal is sought and giving a general statement of the grounds alleged for the removal. The voter will then receive copies of petitions for demanding such a removal. To be effective, the recall petition must bear the signatures of at least 15% of the registered voters of the school administrative unit. The signed petitions would have to be returned in 30 days, and verified by the Board of Elections within 15 days of that return. If the petition were insufficient, 10 days would be allowed for amendment.

Upon a determination that a sufficient recall petition has been submitted, the local board of elections must order a recall election and fix a date for such election. The date of the election cannot be less than 60 days, or more than 90 days after the petition is determined sufficient. The reasonable cost of the election is to be reimbursed to the Board of Elections by the school administrative unit.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for by law, provided the member being removed may not be appointed to fill the vacancy. S.L. 1981-1, the session law establishing the structure of the Burke County Board of Education, provides that school board vacancies are filled by appointment by the remaining members of the board. The appointed member serves until the next election of members of such board, at which time the remaining unexpired term of the office, in any, in which the vacancy occurs is filled by election.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed during the first or last 6 months of the member's term of office.
- No petition could be filed within 1 year of the previously unsuccessful recall election, and the subsequent recall petition must bear the signatures of at least 20% of the registered voters of the school administrative unit.

**EFFECTIVE DATE:** This act becomes effective January 1, 2012.

H338-SMTH-9(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 360** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS ARE ON THE BALLOT.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 360  
PROPOSED COMMITTEE SUBSTITUTE H360-CSTC-5 [v.1]

Short Title: Columbia Municipal Early Voting.

(Local)

Sponsors:

Referred to:

March 16, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED OR NO  
3 ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER  
4 ELECTIONS ARE ON THE BALLOT.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 163-227.2(f) reads as rewritten:  
7 "(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a  
8 modified full-time office shall remain open five days each week during regular business hours  
9 consistent with daily hours presently observed by the county board of elections, commencing  
10 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday  
11 prior to that election and shall also be open on the last Saturday before the election. A county  
12 board may conduct one-stop absentee voting during evenings or on weekends, as long as the  
13 hours are part of a plan submitted and approved according to subsection (g) of this section. The  
14 boards of county commissioners shall provide necessary funds for the additional operation of  
15 the office during that time.  
16 The governing board of a municipality located in a county with a modified full-time board  
17 of elections office may provide by resolution that either (i) the board of elections will not be  
18 open for one-stop absentee voting for elections beyond the hours or days it is regularly open, or  
19 (ii) there will not be one-stop absentee voting for the municipal election. This paragraph only  
20 applies to a municipal election conducted on a date when there are no statewide or county  
21 issues or candidates on the ballot. Such resolution must be adopted no later than 90 days prior  
22 to an election in order to be effective for that election. Any such resolution shall remain  
23 effective for all future elections unless repealed no later than 90 days before an election.  
24 Mail-in absentee voting is still permitted, if authorized under G.S. 163-302."  
25 SECTION 2. This act applies only to the Town of Columbia.  
26 SECTION 3. This act is effective with respect to elections conducted on or after  
27 September 1, 2011.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 360**

Short Title: Columbia Municipal Early Voting. (Local)

Sponsors: Representative Owens (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 16, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED ONE-STOP  
3 EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS  
4 ARE ON THE BALLOT.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 163-227.2(f) reads as rewritten:  
7 "(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a  
8 modified full-time office shall remain open five days each week during regular business hours  
9 consistent with daily hours presently observed by the county board of elections, commencing  
10 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday  
11 prior to that election and shall also be open on the last Saturday before the election. A county  
12 board may conduct one-stop absentee voting during evenings or on weekends, as long as the  
13 hours are part of a plan submitted and approved according to subsection (g) of this section. The  
14 boards of county commissioners shall provide necessary funds for the additional operation of  
15 the office during that time. This subsection does not apply to a regular municipal election  
16 conducted on a date when there are no statewide or county issues or candidates on the ballot,  
17 but the office shall remain open during regular business hours for one-stop absentee voting."  
18 SECTION 2. This act applies only to the Town of Columbia.  
19 SECTION 3. This act is effective with respect to elections conducted on or after  
20 September 1, 2011.







## HOUSE BILL 360: Columbia Municipal Early Voting

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Owens  
**Analysis of:** PCS to First Edition  
H360-CSTC-5

**Date:** March 31, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *The PCS for House Bill 360 would allow the Town of Columbia the discretion to have limited or no one-stop absentee voting for municipal elections when no other elections are on the ballot, and to have mail-in absentee voting even if no one-stop absentee voting is available.*

**CURRENT LAW:** G.S. 163-227.2(f) requires that for one-stop voting, all county elections offices operating a modified full-time schedule must stay open 5 days each week during regular business hours, beginning the third Thursday before an election and continuing until 5:00 PM on the Friday prior to that election, and must be open on the last Saturday before the election. G.S. 136-36 allows counties that have fewer than 6,501 registered voters to operate a modified full-time elections office to the extent that the operation of a full-time office is not necessary.

**BILL ANALYSIS:** The PCS for HB 360 would apply only to the Town of Columbia in Tyrrell County. It would allow the governing board of a municipality located in a county with a modified full-time board of elections office to provide by resolution that either:

- The board of elections will not be open for one-stop early voting beyond the hours of days it is regularly open; or
- There will not be one-stop early voting for the municipal election.

The PCS would only apply to a municipal election conducted on a date when there are no statewide or county elections. The resolution must be adopted no later than 90 days prior to an election in order for the one-stop voting procedure to be effective for that election, and the resolution would remain effective for all future elections unless it is repealed at least 90 days prior to an election.

The PCS clarifies that mail-in absentee voting could still be allowed in the municipal election if authorized by resolution of the municipal governing body under G.S. 163-302.

**EFFECTIVE DATE:** This act is effective with respect to elections conducted on or after September 1, 2011.

H360-SMTH-10(CSLB-20) v5

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 362** A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH  
CENTERFIRE RIFLES IN PASQUOTANK 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  
(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 2011**

**H**

**D**

**HOUSE BILL 362  
PROPOSED COMMITTEE SUBSTITUTE H362-PCS50178-LL-2**

Short Title: Pasquotank Hunting.

(Local)

Sponsors:

Referred to:

March 16, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK  
3 COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** It is unlawful to hunt with a centerfire rifle except from a platform  
6 which raises the lower level of the barrel to a minimum of eight feet above ground level. For  
7 purposes of this act, the term "hunt" is defined as provided in G.S. 113-130.  
8 **SECTION 2.** Section 1 of this act does not apply to a landowner or lessee of  
9 property using a centerfire rifle for self-protection or to prevent crop depredation.  
10 **SECTION 3.** A person who violates Section 1 of this act is responsible for an  
11 infraction and shall pay a penalty of ten dollars (\$10.00) plus court costs.  
12 **SECTION 4.** This act is enforceable by law enforcement officers of the Wildlife  
13 Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general  
14 subject matter jurisdiction.  
15 **SECTION 5.** This act applies only to Pasquotank County.  
16 **SECTION 6.** This act becomes effective October 1, 2011, and applies to acts  
17 committed on or after that date.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 362**

Short Title: Pasquotank Hunting. (Local)

Sponsors: Representative Owens (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 16, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK  
3 COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. It is unlawful to hunt with a centerfire rifle except from a permanent  
6 or portable stationary stand which raises the lower level of the barrel to a minimum of eight  
7 feet above ground level. For purposes of this act, the term "hunt" is defined as provided in G.S.  
8 113-130.

9 SECTION 2. Section 1 of this act does not apply to a landowner or lessee of  
10 property using a centerfire rifle for self-protection or to prevent crop depredation.

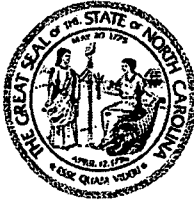
11 SECTION 3. A person who violates Section 1 of this act is responsible for an  
12 infraction and shall pay a penalty of ten dollars (\$10.00) plus court costs.

13 SECTION 4. This act is enforceable by law enforcement officers of the Wildlife  
14 Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general  
15 subject matter jurisdiction.

16 SECTION 5. This act applies only to Pasquotank County.

17 SECTION 6. This act becomes effective October 1, 2011, and applies to acts  
18 committed on or after that date.





## HOUSE BILL 362: Pasquotank Hunting

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 30, 2011
<b>Introduced by:</b>	Rep. Owens	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to First Edition		Committee Staff
	H362-CSLL-2		

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**SUMMARY:** *The Proposed Committee Substitute for House Bill 362 is a local act regulating hunting with centerfire rifles in Pasquotank County. (The PCS changes "permanent or portable stationary stand" to "platform".)*

### CURRENT LAW:

G.S. 113-130(5a) defines "To Hunt" as "To take wild animals or wild birds."

G.S. 113-130(7) defines "To Take" as "All operations during, immediately preparatory, and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession any fisheries resources or wildlife resources."

G.S. 113-291.1 specifies the manner of taking wild animals and wild birds.

### BILL ANALYSIS:

House Bill 362 would apply only to Pasquotank County and makes it unlawful to hunt with a centerfire rifle except from a platform which raises the lower level of the barrel to a minimum of eight (8) feet above ground. (The PCS changes "permanent or portable stationary stand" to "platform".) This does not apply to a landowner or lessee of property using a centerfire rifle for self-protection or to prevent crop depredation.

The act would be enforceable by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction. Violators of this act must pay a ten dollar (\$10) penalty plus court costs.

### EFFECTIVE DATE:

House Bill 362 would become effective October 1, 2011 and apply to acts committed on or after that date.

H362-SMSH-22(CSLL-2) v2

## VISITOR REGISTRATION SHEET

GOVERNMENT

Name of Committee

3-31-2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

GORDON MYERS	NC WRC
CHRIS DILLON	NC WRC
Suzanne Beasley	SEANC
Ardis Watkins	SEANC
Chuck Stone	SEANC
Mitch Leonard	SEANC
Chris Agm	DOA
Bh Wall-Lennon	DOA HUB office
Leanne Womier	NCSBA
AUBREY INCORVAIA	NC DOC
Greg Driven	DOA

# VISITOR REGISTRATION SHEET

Government

3-31-11

Name of Committee

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Jefferson Moors	NC Gen Assembly Extun
Eddie Caldwell	NC Sheriffs' Assn.
Daniel Baum	TROUTMAN SANDERS
Rick Zechini	Progress Energy
Pat Boff	NC AEC
Yue Sun	CABC
Henry Jones	Jordan Poir
J Ballard Frost	BFA
Keei Koku	NCLM
Paul Meyers	NCLM
Stephen Brundage	Rep. Turner

# VISITOR REGISTRATION SHEET

Government.  
Name of Committee

3-31-11  
Date

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

NAME	FIRM OR AGENCY AND ADDRESS
Paul Martin	Currituck Bd of Commissioners
O. Vance Aydlott	" " "
DAN SAMPSON	CURRITUCK COUNTY MANAGER
Randy Byrd	NC PBA
David Blumner	Iredell-Statesville Schools
Aron Gabriel	Iredell-Statesville Schools
Todd Holden	Iredell-Statesville Schools
Bryan Paslay	Iredell-Statesville Schools



# VISITOR REGISTRATION SHEET

Government.

3-31-11

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bob Lewis	DOC
Don McLeod	DOC
Barbara Baker	NCDOC
Nicole Sullivan	NC DOC
Sandra Fleggen	DOA
Henry Lancaster	LCA
Jinla Dunster	NCAE
JIM HOBBS	HANC
Doug Heenan	William McLean
Mary E.	City
Owen Etheridge	Currituck County

# VISITOR REGISTRATION SHEET

GOVERNMENT

Name of Committee

3-31-2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Alex Marchesani	
Joe Marchesani	Waukeg Dist. Matthews, NC
MARIL M. Haupt sr	CONVERGED SERVICES, LLC RALEIGH, NC 27617
Charles Marshall	Brooks Pierce
John Bussian	NC Press Assn
Jim NISLEY	MODERN TOWER SOLUTIONS CHARLOTTE NC
Richard Neville	American Legion of NC
FRANK Spivey	AMERICAN LEGION
Frank Rogers	NC DOC
Jerry Chinnell	NC DOP
James French	NC DOC

# **Government Committee Meeting**

**April 7, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: SB 263 - Committee Report, original bill, bill summary**
- Attachment 3b: SB 182 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3c: SB 288 – Committee Report, original bill, bill summary**
- Attachment 3d: HB 266 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3e: HB 498 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3f: HB 284 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3g: HB 291 – Committee Report, proposed committee substitute, amendment, original bill, bill summary**
- Attachment 3h: HB 326 – Committee Report, original bill, bill summary**
- Attachment 3i: HB 327 – Committee Report, original bill, bill summary**
- Attachment 3j: HB 398 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3k: HB 410 – Committee Report, original bill, bill summary**
- Attachment 3l: HB 418 – Committee Report, original bill, bill summary**
- Attachment 3m: HB 393 – Committee Report, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

**Minutes****Committee on Government****Thursday, April 7, 2011**

The House Committee on Government met on Thursday, April 7, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representative L. Brown, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, R. Brown, Burr, Cleveland, Collins, Earle, Faircloth, Fisher, Floyd, Gill, Guice, Hager, Hurley, Jones, Justice, Keever, Luebke, McGee, Mobley, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Barbara Riley, Giles Perry, and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

The first order of business was SB 263 ETJ/Wake Municipal Farm Exemption. Representative Darren Jackson was called on the present the bill. Representative Cleveland moved for a favorable report. The bill passed.

Senator Jenkins presented SB 182 Greenville/Email Subscription Lists. Representative L. Brown moved to accept the Proposed Committee Substitute. Representative Collins moved for an unfavorable report to the original and favorable to the Proposed Committee Substitute. The bill passed.

Senator Preston was recognized to present SB 288 Atlantic Beach/Beaufort Parking. Representative Mobley moved for a favorable report of the bill and be re-referred to Finance. The motion passed.

The next order of business was HB 266 Wake Municipalities Energy Efficiency. Representative Weiss, the bill sponsor, was recognized to speak on the bill. Representative Langdon made a motion to accept the Proposed Committee Substitute. Representative Fisher moved for a favorable report of the Proposed Committee Substitute, unfavorable to the original bill and be re-referred to the Committee on Finance. The motion carried.

The next order of business was HB 498 Wake County School Board Chair Voting. Representative Dollar, the bill sponsor, was recognized to speak on the bill. Representative Langdon moved to accept the Proposed Committee Substitute. Representative Hager moved for a favorable report of the Proposed Committee Substitute, unfavorable to the original bill. The motion carried and the bill passed.

**The next order of business was HB 284 Wayne County Design Build. Representative Sager, the bill sponsor, was recognized to speak on the bill. Representative Boles moved to accept the Proposed Committee Substitute. Representative Boles was recognized to make a motion for a favorable report to the Proposed Committee Substitute, unfavorable to the original bill. The motion carried and the bill passed.**

**The next agenda item was HB 291 Belhaven Recall Elections. Representative Cook was recognized to speak on the bill. Representative Mobley moved to accept the Proposed Committee Substitute. Representative Faircloth moved to accept the amendment. Representative Setzer moved for a favorable report to the Proposed Committee Substitute, which would include the amendment, unfavorable to the original. The motion carried.**

**Representative Moffitt was recognized to present HB 326 Buncombe Involuntary Annexation Moratorium. Representative Setzer made a motion for favorable report and be re-referred to Finance. The motion carried.**

**Representative Fisher was recognized to introduce HB 327 Incorporate Leicester. Representative Collins moved for a favorable report. The motion carried and the bill passed.**

**The next item was HB 398 Cleveland County Water Advisory Referendum. Representative L. Brown was called on to introduce the bill. Representative Bole moved to accept the Proposed Committee Substitute. Representative Cleveland made a motion for a favorable report to the Proposed Committee Substitute, unfavorable to the original bill. The motion carried and the Proposed Committee Substitute passed.**

**Representative Boles was recognized to introduce HB 410 Pinebluff/Preserve Land for Parks. Mr. T. C. Morphis with the Brough Law Firm spoke in favor of the bill. Representative McGee moved for a favorable report. The motion carried.**

**Representative L. Brown was recognized to speak on HB 418 Winston-Salem Deannexation. Angela Carmon with the City of Winston Salem spoke in regard to sewer lines and the time-line for filing. Gregory Turner with the City of Winston Salem also spoke on the sewer service. Representative Hager moved for a favorable report. A show of hands vote was called for. The motion carried with 18 in the affirmative and 11 in the negative, and the bill was referred to finance.**

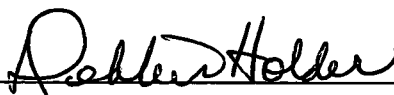
**The next item was HB 393 Modify Internal Auditing Statutes. Representative McGee was called on to present the bill. Representative Warren moved for a favorable report. The motion carried and the bill passed.**

**The Chair adjourned at 11:10 AM.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dan Ingle", written above a horizontal line.

**Representative Dan Ingle, Co-Chair**

A handwritten signature in cursive script, appearing to read "Debbie Holder", written above a horizontal line.

**Debbie Holder, Committee Clerk**

## AGENDA

## HOUSE COMMITTEE ON GOVERNMENT

Thursday, April 7, 2011  
Room 643  
10:00 AM

## OPENING REMARKS

Representative Dan Ingle, Co-Chair  
Government Committee

## AGENDA ITEMS

SB 263	ETJ/Wake Municipal Farm Exemption.	Senator Blue Senator Hunt
HB 256	Incorporate Lake James.	Representative Blackwell
HB 266	Wake Municipalities Energy Efficiency.	Representative Weiss Representative Dollar Representative Jackson Representative Martin
HB 284	Wayne County Design Build.	Representative Sager Representative LaRoque
HB 291	Belhaven Recall Elections.	Representative Cook
HB 326	Buncombe Involuntary Annexation Moratorium.	Representative Moffitt
HB 327	Incorporate Leicester.	Representative Fisher
HB 393	Modify Internal Auditing Statutes.	Representative Hastings Representative McGee
HB 398	Cleveland County Water Advisory Referendum.	Representative Hastings
HB 410	Pinebluff/Preserve Land for Parks.	Representative Boles, Jr.
HB 418	Winston-Salem Deannexation.	Representative Brown
HB 498	Wake County School Board Chair Voting.	Representative Dollar

SB 182	Greenville/Email Subscription Lists.	Senator Jenkins Senator Pate
SB 288	Atlantic Beach/Beaufort/Parking.	Senator Preston
SB 83	Wilson School Board.	Senator Newton

**ADJOURNMENT**



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 263** A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

1

SENATE BILL 263\*

Short Title:	ETJ/Wake Municipal Farm Exemption.	(Local)
Sponsors:	Senators Blue and Hunt.	
Referred to:	State and Local Government.	

March 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE  
3 FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS  
4 IN ITS EXTRATERRITORIAL JURISDICTION.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 160A-360 is amended by adding a new subsection to read:  
7 "(k) A municipality may provide in its zoning ordinance that an accessory building of a  
8 'bona fide farm' as defined by G.S. 153A-340(b) has the same exemption from the building  
9 code as it would have under county zoning as provided by Part 3 of Article 18 of Chapter 153A  
10 of the General Statutes."  
11 SECTION 2. This act applies only to the City of Raleigh and the Towns of Apex,  
12 Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest,  
13 Wendell, and Zebulon.  
14 SECTION 3. This act is effective when it becomes law.





## SENATE BILL 263: ETJ/Wake Municipal Farm Exemption

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sens. Blue, Hunt  
**Analysis of:** First Edition

**Date:** March 30, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *Senate Bill 263 authorizes municipalities in Wake County to exempt from the requirements of the building code accessory buildings on bona fide farms in the municipal ETJ.*

**CURRENT LAW:** Currently, outside of municipal boundaries or municipal ETJs (extraterritorial planning and zoning jurisdictions), farm buildings are exempt from the requirements of the building code and building permits (G.S. 143-138(b4), G.S. 153A-357). Property used for bona fide farm purposes is generally exempt from county zoning under G.S. 153A-340.

**BILL ANALYSIS:** Senate Bill 263 authorizes the listed municipalities in Wake County to amend their zoning ordinances to provide that accessory buildings of a bona fide farm located in the municipal ETJ are exempt for the building code.

**EFFECTIVE DATE:** This act is effective when it becomes law, and applies to the City of Raleigh and the Towns of Apex, Cary, Fuquay Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon.

### BACKGROUND:

**Bona fide farm purposes** is defined in G.S. 153A-340 to include "the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products as defined in G.S. 106-581.1 having a domestic or foreign market.

#### § 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

**Farm buildings** are defined in G.S. 143-138(b4) as follows:

- (1) A "farm building" shall include any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training of horses and the instruction and training of riders. Structures that are associated with equine activities include, but are not limited to, free standing or attached sheds, barns, or other structures that are utilized

# Senate Bill 263

Page 2

to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with equine activities. The specific types of equine activities, structures, and uses set forth in this subdivision are for illustrative purposes, and should not be construed to limit, in any manner, the types of activities, structures, or uses that may be considered under this subsection as exempted from building rules. A farm building that might otherwise qualify for exemption from building rules shall not be exempt if it is used for a spectator event and more than 10 members of the public are present at the farm building for the event.

*S263-SMRW-50(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 182** A BILL TO BE ENTITLED AN ACT PROVIDING THAT A LIST OF E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE CITY OF GREENVILLE SHALL BE OPEN TO PUBLIC INSPECTION BUT THE CITY IS NOT REQUIRED TO PROVIDE A COPY OF THE LIST, AND PROVIDING THAT THE CITY MAY USE THE LIST ONLY FOR THE PURPOSES THAT IT WAS SUBSCRIBED TO.

☒ 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.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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D

SENATE BILL 182  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S182-PCS75118-SH-4

Short Title: Carteret/Greenville Email Subscription Lists.

(Local)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT A LIST OF E-MAIL ADDRESSES OF PERSONS  
SUBSCRIBING TO E-MAIL LISTS KEPT BY CARTERET COUNTY AND THE CITY  
OF GREENVILLE SHALL BE OPEN TO PUBLIC INSPECTION BUT ARE NOT  
REQUIRED TO BE PROVIDED, AND FURTHER PROVIDING THAT A LIST CAN BE  
USED ONLY FOR THE PURPOSES TO WHICH IT WAS SUBSCRIBED.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2010-83 reads as rewritten:

"SECTION 3. This act applies only to Carteret, Wake County, Wake, and Yadkin  
Counties, the City-Cities of Greenville, and Raleigh, and the Towns of Apex, Cary,  
Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest,  
Wendell, and Zebulon. Zebulon, and to Yadkin County."

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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1

SENATE BILL 182

Short Title: Greenville/Email Subscription Lists. (Local)

Sponsors: Senators Jenkins, Pate; and Stevens.

Referred to: State and Local Government.

March 3, 2011

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A BILL TO BE ENTITLED

AN ACT PROVIDING THAT A LIST OF E-MAIL ADDRESSES OF PERSONS  
SUBSCRIBING TO E-MAIL LISTS KEPT BY THE CITY OF GREENVILLE SHALL  
BE OPEN TO PUBLIC INSPECTION BUT THE CITY IS NOT REQUIRED TO  
PROVIDE A COPY OF THE LIST, AND PROVIDING THAT THE CITY MAY USE  
THE LIST ONLY FOR THE PURPOSES THAT IT WAS SUBSCRIBED TO.

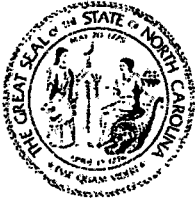
The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3 of S.L. 2010-83 reads as rewritten:

"**SECTION 3.** This act applies only to Wake County, the ~~City~~ Cities of Greenville and  
Raleigh, and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale,  
Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, and to Yadkin County."

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





## SENATE BILL 182: Greenville/Email Subscription Lists

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sens. Jenkins, Pate  
**Analysis of:** PCS to First Edition  
S182-CSSH-4

**Date:** April 6, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *Senate Bill 182 is a local bill adding Carteret County and the City of Greenville to the list of local government units that are not obligated to provide copies of email distribution lists under the public records law and to specify the appropriate uses of the email list.*

### CURRENT LAW:

**Public Records Law** - G.S. 132-1(a) defines a public record as all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. G.S. 132-1(b) specifies that public records and public information are the property of the people and that it is the policy of the State that the people may obtain copies of their public records and public information free or at minimal cost (the actual cost of reproducing the public record or information) unless otherwise specifically provided by law.

**S.L. 2010-83** provides that when a unit of local government maintains an electronic mail list of individual subscribers, the public records law does not require that unit of local government to provide a copy of the list, although it must be available in either printed or electronic format or both. The law further provides that the unit of local government and its employees and officers may use that list only for the following purposes:

- (i) The purpose for which it was subscribed.
- (ii) To notify subscribers of an emergency to the public health or public safety.
- (iii) In the event the list is deleted, to notify subscribers of similar lists to which they can subscribe.

Currently, the above provision applies to the following counties, cities and towns: Wake and Yadkin Counties, the City of Raleigh, and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon.

**BILL ANALYSIS:** Senate Bill 182 would add Carteret County and the City of Greenville to the list of local government units to which the provisions of S.L. 2010-83 apply.

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

*Denise Adams, staff to the Senate State and Local Government Committee contributed to this summary.*

S182-SMSH-31(CSSH-4) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 288** A BILL TO BE ENTITLED AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT, AND AUTHORIZING THE TOWNS TO USE CERTAIN CIVIL PENALTIES COLLECTED FOR VIOLATING PARKING ORDINANCES IN THE SAME MANNER IN WHICH PROCEEDS FROM ON-STREET AND OFF-STREET PARKING FACILITIES ARE USED.

☒ 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 2011

S

1

SENATE BILL 288

Short Title: Atlantic Beach/Beaufort/Parking. (Local)  
Sponsors: Senator Preston.  
Referred to: State and Local Government.

March 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC  
3 BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET  
4 PARKING METERS, PROVIDING THAT PARKING METERS IN THE TOWNS MAY  
5 BE ACTIVATED BY COMMERCIALLY AVAILABLE MEANS OF PREPAYMENT  
6 CREDIT, AND AUTHORIZING THE TOWNS TO USE CERTAIN CIVIL PENALTIES  
7 COLLECTED FOR VIOLATING PARKING ORDINANCES IN THE SAME MANNER  
8 IN WHICH PROCEEDS FROM ON-STREET AND OFF-STREET PARKING  
9 FACILITIES ARE USED.  
10 The General Assembly of North Carolina enacts:  
11 SECTION 1. G.S. 160A-301 reads as rewritten:  
12 "§ 160A-301. Parking.  
13 (a) On-Street Parking. – A city may by ordinance regulate, restrict, and prohibit the  
14 parking of vehicles on the public streets, alleys, and bridges within the city. When parking is  
15 permitted for a specified period of time at a particular location, a city may install a parking  
16 meter at that location and require any person parking a vehicle therein to place the meter in  
17 operation for the entire time that the vehicle remains in that location, up to the maximum time  
18 allowed for parking there. Parking meters may be activated by ~~coins or tokens~~ coins, tokens, or  
19 any other commercially available means of providing prepayment credit. Proceeds from the use  
20 of parking meters on public streets ~~must~~ may be used to defray the cost of enforcing and  
21 administering traffic and parking ordinances and ~~regulations~~ regulations and may be used in the  
22 same manner in which proceeds from off-street parking facilities are permitted under  
23 subsection (b) of this section.  
24 ...  
25 (b1) If a city ordinance for on-street or off-street parking provides that a violation of the  
26 ordinance shall subject the offender only to a civil penalty to be recovered by the city in a civil  
27 action in the nature of a debt, the city may retain the civil penalties collected in the civil action  
28 and use the funds in the same manner in which proceeds from on-street and off-street parking  
29 facilities are permitted under subsections (a) and (b) of this section.  
30 ...."  
31 SECTION 2. This act applies to the Towns of Atlantic Beach and Beaufort only.  
32 SECTION 3. This act is effective when it becomes law.



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## SENATE BILL 288: Atlantic Beach/Beaufort/Parking

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 6, 2011
<b>Introduced by:</b>	Sen. Preston	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *Senate Bill 288 allows the Towns of Atlantic Beach and Beaufort to allow parking meters to be activated by commercially available prepayment credit and provides that the Towns may use the proceeds from parking meters for the same purposes that revenue from off street parking facilities are used. The bill also provides that the towns may keep the proceeds of penalties from parking ordinance violations if the town ordinances provide that a violation will subject the offender only to a civil penalty to be recovered by the towns in a civil action in the nature of debt.*

**CURRENT LAW:** G.S. 160A-301 allows cities to regulate by ordinance on-street and off-street parking including installation of parking meters and operation of off-street parking facilities. Proceeds from parking meters are to be used only to defray the cost of enforcing and administering traffic and parking ordinances and regulations. Cities may charge fees for use of off-street parking facilities and may make it unlawful to park in these facilities without paying. Revenues from off-street facilities may be pledged to amortize bonds issued to finance such facilities or used for any public purpose.

G.S. 160A-175 provides for the enforcement of municipal ordinances. Unless a city provides otherwise, violation of an ordinance is a misdemeanor or infraction. G.S. 160A-175(b). As an alternative, a city may provide in an ordinance that a violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if not paid within a certain time period. G.S. 160A-175(c).

Section 7 of Article IX of the North Carolina Constitution provides in part that "*the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.*" Penalties for violations of city ordinances that are misdemeanors or infractions are considered penalties that must go to the county public school system. However, when a city provides otherwise under G.S. 160A-175(c) and the violation subjects the offender to a civil penalty, the city may keep the proceeds recovered for its own purposes.<sup>1</sup>

**BILL ANALYSIS:** Senate Bill 288 amends G.S. 160A-301 to:

- Allow for the activation of parking meters by commercially available means of providing prepayment credit.
- Authorize the proceeds from the use of parking meters to be pledged to amortize bonds issued to finance parking facilities or any public purpose.

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<sup>1</sup> See, *Caudle v. City of Asheville*, 301 N.C. 340 (1981).

# Senate Bill 288

*Page 2*

- Authorize the towns to retain the civil penalties from violations of the parking ordinances and use them for the purposes allowed in G.S. 160A-301, if the ordinance subjects the violator only to a civil penalty that may be recovered in a civil action in the nature of debt.

The act applies only to the Towns of Atlantic Beach and Beaufort.

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

*S288-SMRW-54(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 266** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON 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, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.

☒ 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.

\_\_\_\_\_ 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 2011

H

D

HOUSE BILL 266\*  
PROPOSED COMMITTEE SUBSTITUTE H266-PCS30251-LB-6

Short Title: Wake Local Energy Efficiency.

(Local)

Sponsors:

Referred to:

March 9, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW WAKE COUNTY AND THE TOWNS OF APEX, CARY,  
3 FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE,  
4 ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO  
5 LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY  
6 FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND  
7 WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE LOCAL  
8 GOVERNMENTS UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING  
9 REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL  
10 PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.  
11 The General Assembly of North Carolina enacts:  
12 SECTION 1. Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57 and S.L.  
13 2010-63, reads as rewritten:  
14 "SECTION 3. Section 2 of this act applies to the Cities of Asheville, Raleigh and  
15 Winston-Salem and the Towns of Chapel Hill and Carrboro only. This act also applies to  
16 Catawba and Wake County. Counties and the Towns of Apex, Cary, Fuquay-Varina, Garner,  
17 Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."  
18 SECTION 2. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L.  
19 2009-149, and by S.L. 2010-57, reads as rewritten:  
20 "SECTION 1.(a) A municipality or county may contract for apparatus, supplies, materials,  
21 or equipment that will be used as part of any pilot program authorized by its governing board  
22 aimed at increasing energy efficiency without being subject to the requirements of  
23 G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, a municipality or  
24 county may award a contract under this section in its sole discretion.  
25 "SECTION 1.(b) This section applies to the Cities of Asheville and Raleigh and the  
26 Towns of Apex, Chapel Hill and Carrboro Carrboro, Cary, Chapel Hill, Fuquay-Varina,  
27 Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon  
28 only. This section also applies to Wake County."  
29 SECTION 3. This act is effective when it becomes law, but Section 2 of this act  
30 expires at the same time that Section 1 of S.L. 2010-57 expires.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 266\***

Short Title: Wake Municipalities Energy Efficiency. (Local)

Sponsors: Representatives Weiss, Dollar, Jackson, and Martin (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER,  
3 HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST,  
4 WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND  
5 OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY  
6 YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY  
7 PUBLICATION, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30,  
8 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING  
9 CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT  
10 INCREASING ENERGY EFFICIENCY.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57 and S.L.  
13 2010-63, reads as rewritten:

14 **"SECTION 3.** Section 2 of this act applies to the Cities of Asheville, Raleigh and  
15 Winston-Salem and the Towns of Chapel Hill and Carrboro only. This act also applies to  
16 ~~Catawba County.~~ County and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs,  
17 Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

18 **SECTION 2.** Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L.  
19 2009-149, and by S.L. 2010-57, reads as rewritten:

20 **"SECTION 1.(a)** A municipality or county may contract for apparatus, supplies, materials,  
21 or equipment that will be used as part of any pilot program authorized by its governing board  
22 aimed at increasing energy efficiency without being subject to the requirements of  
23 G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, a municipality or  
24 county may award a contract under this section in its sole discretion.

25 **"SECTION 1.(b)** This section applies to the Cities of Asheville and Raleigh and the  
26 Towns of ~~Apex, Chapel Hill and Carrboro~~ Carrboro, Cary, Chapel Hill, Fuquay-Varina,  
27 Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon  
28 only."

29 **SECTION 3.** This act is effective when it becomes law, but Section 2 of this act  
30 expires at the same time that Section 1 of S.L. 2010-57 expires.





## HOUSE BILL 266: Wake Local Energy Efficiency

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 6, 2011
<b>Introduced by:</b>	Reps. Weiss, Dollar, Jackson, Martin	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to First Edition		Committee Staff
	H266-CSLB-6		

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**SUMMARY:** *The Proposed Committee Substitute for House Bill 266 exempts Wake County and eleven towns from competitive bidding requirements for apparatus, supplies, and equipment used in pilot programs aimed at improving energy efficiency; and from certain requirements for entering into a long-term lease for a renewable energy facility. (The PCS added Wake County to the 11 towns.)*

[As introduced, this bill was identical to S273, introduced by Sens. Stein, Stevens, Hunt and currently in Senate State and Local Government.]

**CURRENT LAW:** G.S. 143-129, 143-131, and 143-132 set out the competitive bidding requirements for construction contracts and contracts for the purchase of apparatus, supplies, equipment and materials.

G.S. 160A-272 requires a lease in excess of ten years to be treated as sale of real property.

G.S. 62-133.8(a)(7) provides that "renewable energy facility" means a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

- Generates electric power by the use of a renewable energy resource.
- Generates useful, measurable combined heat and power derived from a renewable energy resource.
- Is a solar thermal energy facility.

**Extended Lease for the Siting and Operation of a Renewable Energy Facility** – Various Session Laws<sup>1</sup> have amended G.S. 160A-272 as it pertains to certain units of local governments to allow a council to approve a lease for the siting and operation of a renewable energy facility (defined in G.S. 62-133.8(a)(7)), for a term up to 20 years without treating the lease as a sale of property and without giving notice by publication of the intended lease. This authorization currently applies to Catawba County, the Cities of Asheville, Raleigh and Winston-Salem and the Towns of Chapel Hill and Carrboro.

**Exemption from Competitive Bidding for Local Energy Efficiency Pilot Programs** – Various Session Laws<sup>2</sup> granted authority to certain municipalities or counties to contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. This authority currently applies to the Cities of Asheville and Raleigh, and the Towns of Chapel Hill and Carrboro and expires June 30, 2015.

**BILL ANALYSIS:** The PCS for HB 266 adds Wake County and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon to the list of units of local governments for which:

- G.S. 160A-272 is amended to authorize extended leases for the siting and operation of a renewable energy facility (Section 1); and
- An exemption to competitive bidding requirements is authorized for local pilot programs aimed at increasing energy efficiency (Section 2).

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<sup>1</sup> Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57, and S.L. 2010-63.

<sup>2</sup> Section 1 of S.L. 2007-333, as rewritten by S.L. 2009-149, and S.L. 2010-57.



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 498** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHAIRMAN OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 498  
PROPOSED COMMITTEE SUBSTITUTE H498-CSTB-2 [v.1]

Short Title: Wake School Board Presiding Officer Voting. (Local)

Sponsors:

Referred to:

March 29, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE PRESIDING OFFICER OF THE WAKE COUNTY BOARD OF  
3 EDUCATION TO VOTE IN ALL CASES.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Section 9 of Chapter 717 of the 1975 Session Laws reads as  
6 rewritten:  
7 "Sec. 9. The Wake County Board of Education, acting jointly and by a majority vote of all  
8 members present, shall elect a ~~chairman~~ chair to preside at meetings and a ~~vice-chairman~~  
9 ~~vice-chair~~ to preside at meetings in the absence of the ~~chairman~~; and the ~~chairman~~ and  
10 ~~vice-chairman~~ chair; and the chair and vice-chair shall have a vote on all matters considered by  
11 the Wake County Board of Education, but the presiding officer shall have no authority to vote  
12 except to break a tie. Education. All vacancies occurring in the membership of the Wake  
13 County Board of Education by reason of death, resignation, removal of residence from the  
14 district from which elected, or for any cause whatsoever, shall be filled by the remaining  
15 members of said board by appointing a member from the voting district creating the vacancy  
16 for the unexpired term. The Wake County Board of Education shall have all power and  
17 authority as a Board of Education as herein conferred and as are conferred by the General  
18 Statutes of North Carolina on boards of education in general."  
19 SECTION 2. This act becomes effective December 1, 2011.



\* H 4 9 8 - C S T B - 2 - V - 1 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 498

Short Title: Wake County School Board Chair Voting. (Local)

Sponsors: Representative Dollar (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 29, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CHAIRMAN OF THE WAKE COUNTY BOARD OF  
3 EDUCATION TO VOTE IN ALL CASES.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Section 9 of Chapter 717 of the 1975 Session Laws reads as  
6 rewritten:  
7 "Sec. 9. The Wake County Board of Education, acting jointly and by a majority vote of all  
8 members present, shall elect a chairman to preside at meetings and a vice-chairman to preside  
9 at meetings in the absence of the chairman; and the chairman and vice-chairman shall have a  
10 vote on all matters considered by the Wake County Board of Education, ~~but the presiding~~  
11 ~~officer shall have no authority to vote except to break a tie.~~ Education. All vacancies occurring  
12 in the membership of the Wake County Board of Education by reason of death, resignation,  
13 removal of residence from the district from which elected, or for any cause whatsoever, shall be  
14 filled by the remaining members of said board by appointing a member from the voting district  
15 creating the vacancy for the unexpired term. The Wake County Board of Education shall have  
16 all power and authority as a Board of Education as herein conferred and as are conferred by the  
17 General Statutes of North Carolina on boards of education in general."  
18 SECTION 2. This act is effective when it becomes law.



\* H 4 9 8 - V - 1 \*



## **HOUSE BILL 498: Wake School Board Presiding Officer Voting**

*2011-2012 General Assembly*

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**Committee:** House Government  
**Introduced by:** Rep. Dollar  
**Analysis of:** PCS to First Edition  
H498-CSTB-2

**Date:** April 7, 2011  
**Prepared by:** Denise Adams  
Committee Staff

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**SUMMARY:** *The Proposed Committee Substitute for House Bill 498 would allow the presiding officer of the Wake County Board of Education to vote on all matters considered by the Board.*

**CURRENT LAW:** By majority vote, the members of the Wake County Board of Education (Board) elect a chair to preside at meetings, and a vice-chair to preside in the absence of the chair. Currently, the presiding officer does not have the authority to vote on matters being considered by the Board, except in the event of a tie.

**BILL ANALYSIS:** The Proposed Committee Substitute for House Bill 498 would give the presiding officer the authority to vote on all matters being considered by the Board.

**EFFECTIVE DATE:** Effective December 1, 2011.

*H498-SMTB-11(CSTB-2) v2*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 284** A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WAYNE TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 284  
PROPOSED COMMITTEE SUBSTITUTE H284-CSST-11 [v.2]**

4/6/2011 2:26:55 PM

Short Title: Wayne County Design Build.

(Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COUNTY OF WAYNE TO UTILIZE THE DESIGN-BUILD  
METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32, Wayne County may use the design-build method of construction for the construction or renovation of buildings owned by the County. The County shall seek to prequalify and solicit at least three design-build teams to bid on the project and shall receive at least three sealed proposals from those teams for each project. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the County may proceed with the proposals received. The County shall interview at least two of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of any project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

**SECTION 2.** This act is effective when it becomes law, and expires December 31, 2014.





## HOUSE BILL 284: Wayne County Design Build

*2011-2012 General Assembly*

**Committee:** House Government  
**Introduced by:** Reps. Sager, LaRoque  
**Analysis of:** PCS to First Edition  
H284-CSST-11

**Date:** April 6, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *House Bill 284 authorizes Wayne County to use the design build method to construct or renovate county buildings. The act sunsets December 31, 2014.*

**CURRENT LAW:** Article 8 of Chapter 143 sets out the current general law for public building contracts. That Article generally requires separate or single-prime bidding. House Bill 284 would exempt Wayne County from the following sections of Article 8 for construction or renovations of county buildings.

- G.S. 143-128, regarding separate specifications for HVAC, Plumbing, Electrical, and general contract work under separate prime or single-prime bidding.
- G.S. 143-129, regarding bidding for public construction over \$500, 000.
- G.S. 143-131, regarding informal bidding procedures
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.
- G.S. 143-64.31, regarding procurement of architectural, engineering and surveying services.
- G.S. 143-64.32, regarding local government exemptions from the law regarding the procurement of architectural, engineering, and surveying services.

**BILL ANALYSIS:** House Bill 284 exempts Wayne County from the bidding and contracting procedures in Article 8 of Chapter 143 and the procedure for procuring architectural, engineering, or surveying services set forth in Article 3D of Chapter 143 for the construction or renovation of county buildings.

**EFFECTIVE DATE:** The act is effective when it becomes law and expires December 31, 2014.

*H284-SMRF-21(CSST-11) v2*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 291** A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 291  
PROPOSED COMMITTEE SUBSTITUTE H291-CSTB-3 [v.2]

Short Title: Belhaven Recall Elections.

(Local)

Sponsors:

Referred to:

March 10, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.  
3 The General Assembly of North Carolina enacts:  
4 **SECTION 1.** The Charter of the Town of Belhaven, being Chapter 714, Session  
5 Laws of 1969, is amended by adding a new section to read:  
6 "Sec. 4.8. Recall.  
7 (a) The Mayor and members of the Board of Aldermen are subject to removal pursuant  
8 to this section. An officer is removed upon the filing of a sufficient recall petition and the  
9 election of another person in a recall election.  
10 (b) A recall petition shall be filed with the Town Clerk, who shall immediately forward  
11 the petition to the board of elections that conducts elections for the Town of Belhaven. The  
12 petition shall contain a general statement of the grounds for which removal is sought. A petition  
13 to recall the Mayor or a member of the Board of Aldermen shall bear the signatures equal in  
14 number to at least twenty-five percent (25%) of the registered voters of the Town of Belhaven.  
15 The board of elections shall verify the petition signatures. Each petition submitted shall  
16 contain the name of only one officer to be recalled. Multiple qualified petitions may be filed  
17 simultaneously with the Town Clerk in which case the name of the officer on each petition,  
18 once certified, shall be included in the recall election.  
19 (c) If the petition shall be found to be sufficient, the board of elections shall set a date  
20 for holding an election for the remainder of the unexpired term, such election to be held not less  
21 than 60 days nor more than 120 days from the date of certification that a sufficient petition has  
22 filed. Candidates' names shall be placed on the ballot, the election held, and the results  
23 canvassed, under the same rules, conditions, and regulations as provided under Section 4.4 of  
24 this Charter and under Chapter 163 of the General Statutes. Opening and closing dates for  
25 candidate filing shall be set by the county board of elections, and notice of the election shall be  
26 published at least three days prior to the opening of candidate filing. The election shall be  
27 conducted under the nonpartisan election and runoff election method set forth in G.S. 163-293,  
28 except that no runoff shall be held if the candidate with the highest number of votes receives  
29 forty percent (40%) or more of the votes cast, with a similar rule to apply if more than one  
30 Board of Aldermen members is being recalled.  
31 (d) The successor of any officer so removed shall hold office for the unexpired term of  
32 the predecessor. Any person sought to be removed may be a candidate to succeed himself.  
33 Notwithstanding Section 4.4 of this Charter, unless that incumbent requests otherwise in  
34 writing, the the incumbent's name shall be placed on the official ballot without filing. At the



1 election, if some other person than the incumbent is elected, the incumbent shall thereupon be  
2 deemed removed from the office upon the taking of the oath of office of the successor. The  
3 registered voters of the Town of Belhaven are eligible to vote in an election to recall the Mayor  
4 or a member of the Board of Aldermen.

5 (e) No petition to recall an officer may be filed within six months of the officer's  
6 election nor within seven months before the expiration of the officer's term. No more than one  
7 election may be held to recall an officer within a single term of office of that officer."

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



**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
House Bill 291

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

H291-AST-8 [v.1]

Page 1 of 1

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

Date \_\_\_\_\_, 2011

Representative Faircloth

- 1 moves to amend the bill on page 1, line 15 by deleting "signatures." and substituting  
2 "signatures are those of only registered voters in the Town of Belhaven and are sufficient in  
3 number."

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

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

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



\* H 2 9 1 - A S T - 8 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 291**

Short Title:   Belhaven Recall Elections. (Local)

Sponsors:   Representative Cook (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government.

March 10, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.  
3 The General Assembly of North Carolina enacts:  
4       **SECTION 1.** The Charter of the Town of Belhaven, being Chapter 714, Session  
5 Laws of 1969, is amended by adding a new section to read:  
6       "Sec. 4.8. Recall.  
7       The Mayor and members of the Town Council are subject to removal pursuant to this  
8 section. An officer is removed upon the filing of a sufficient recall petition and the affirmative  
9 vote of a majority of those voting on the question of removal at a recall election.  
10       A recall petition shall be filed with the Town Clerk, who shall immediately forward the  
11 petition to the board of elections that conducts elections for the Town of Belhaven. A petition  
12 to recall the Mayor or a member of the Town Council shall bear the signatures equal in number  
13 to at least twenty percent (20%) of the registered voters of the Town of Belhaven.  
14       The board of elections shall verify the petition signatures. If a sufficient recall petition is  
15 submitted, the board of elections shall certify its sufficiency to the governing body, and the  
16 governing body shall adopt a resolution calling for a recall election to be held not less than 60  
17 days nor more than 120 days after the petition has been certified to the governing body. The  
18 board of elections shall conduct the recall election, which shall be held as provided in  
19 G.S. 163-287. Each petition submitted shall contain the name of only one officer to be recalled.  
20 Multiple qualified petitions may be filed simultaneously with the Town Clerk in which case the  
21 name of the officer on each petition, once certified, shall be included in the recall election. The  
22 proposition submitted to the voters shall be substantially in the following form:  
23                               '[ ] FOR   [ ] AGAINST  
24                               The recall of [name of officer]'  
25 The registered voters of the Town of Belhaven are eligible to vote in an election to recall the  
26 Mayor or a member of the Town Council.  
27       If less than a majority of the votes cast on the question are for the officer's recall, the officer  
28 continues in office. If a majority of the votes cast on the question are for the officer's recall, the  
29 officer is removed on the date the board of elections certifies the results of the election. A  
30 vacancy created by removal of a member of the Town Council or the Mayor shall be filled in  
31 accordance with the provisions of G.S. 160A-63. An officer who is removed may not be  
32 appointed or reappointed to any elective office of the Town during the remainder of the  
33 unexpired term.



1       No petition to recall an officer may be filed within six months before the expiration of the  
2 officer's term. No more than one election may be held to recall an officer within a single term  
3 of office of that officer."

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



## HOUSE BILL 291: Belhaven Recall Elections

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Cook  
**Analysis of:** PCS to First Edition  
H291-CSTB-3

**Date:** April 7, 2011  
**Prepared by:** Denise Adams  
Committee Staff

**SUMMARY:** *The Proposed Committee Substitute for House Bill 291 amends the Charter of the Town of Belhaven to authorize the removal of the town's Mayor or a member of the Board of Alderman upon the filing of a sufficient recall petition and the election of another person in a recall election.*

**CURRENT LAW:** Currently, there is no procedure to allow for the removal of the Mayor or a member of the Board of Alderman of the town of Belhaven.

**BILL ANALYSIS:** The Proposed Committee Substitute for House Bill 291 sets forth the procedure by which the town of Belhaven can remove the Mayor or a member of the Board of Alderman as follows:

- A recall petition containing a general statement of the grounds for which removal is sought and bearing the signatures of at least 25% of the registered voters of Belhaven must be filed with the Town Clerk. Each petition shall contain only the name of one officer to be recalled.
- The Town Clerk shall forward the petition to the board of elections that conducts elections for Belhaven. The board of elections shall verify the petition signatures.
- If the petition is verified, the board of elections shall set a date for an election to be held between 60 and 120 days after the petition has been certified.
- The board of elections shall conduct the recall election by the same procedures and methods used for nonpartisan municipal elections and runoff elections, except that no run-off shall be held if a candidate with the highest number of votes receives 40% of the votes cast.
- An incumbent sought to be removed from office may be a candidate to succeed himself and unless otherwise requested in writing, the incumbent's name shall be placed on the ballot without filing. If a candidate other than the incumbent is elected, the incumbent is removed from office upon the successor taking the oath of office.
- The successor shall hold office for the unexpired term of the removed officer.
- No petition to recall an officer may be filed within 6 months of the officer's election or within 7 months of the expiration of the officer's term. Not more than one election may be held to recall an officer within a single term of office for that officer.

**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 Belhaven is located in Beaufort County, one of the 40 counties in North Carolina subject to Section 5.

H291-SMTB-13(CSTB-3) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 326** A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON  
INVOLUNTARY ANNEXATIONS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 326**

**Short Title:** Buncombe Involuntary Annexation Moratorium. (Local)

**Sponsors:** Representative Moffitt (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

March 14, 2011

1

**A BILL TO BE ENTITLED**

2

**AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.**

3

The General Assembly of North Carolina enacts:

4

**SECTION 1.** This act applies only to municipalities located in Buncombe County.

5

**SECTION 2.** No resolution of consideration, resolution of intent, or annexation ordinance may be adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes from the date this act becomes law until July 1, 2016. If any annexation proceeding has been initiated under those Parts prior to the date this act becomes effective but the annexation ordinance has not yet been adopted, any provision of law requiring any action or notice by the municipality or any person within a certain period of time is tolled during the suspension of authority provided by this section. Nothing in this section shall prohibit municipalities from developing policies, planning, collecting data, or developing materials with respect to potential future annexations under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes.

14

**SECTION 3.** An annexation ordinance adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes that has an effective date on or after the day this act becomes law shall not become effective until July 1, 2016, unless the municipality by ordinance adopts a new effective date later than July 1, 2016, for the annexation ordinance. An annexation ordinance that was adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes prior to the effective date of this act and is the subject of litigation in any court on the effective date of this act shall not become effective until after July 1, 2016, unless the municipality by ordinance adopts a new effective date later than July 1, 2016, for the annexation ordinance.

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**SECTION 4.** Any litigation pending in any court of this State shall be stayed upon enactment.

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**SECTION 5.** If any municipality has adopted its budget ordinance for the 2010-2011 fiscal year prior to the date this act becomes effective and the total amount of assessed valuation estimated in that budget ordinance has been reduced because of this act, the municipality may amend the budget ordinance to account for this act including establishment of a different tax rate.

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**SECTION 6.** If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

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**SECTION 7.** This act is effective when it becomes law and expires on June 30, 2016.





## HOUSE BILL 326: Buncombe Involuntary Annexation Moratorium

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 5, 2011
<b>Introduced by:</b>	Rep. Moffitt	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 326, applicable only to Buncombe County, places a moratorium on involuntary annexations until July 1, 2016.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation. Generally speaking, a municipality may involuntarily annex property if: (1) it is adjacent or contiguous to the city; (2) 1/8 of the external boundary area coincides with the city boundary; (3) it is not part of another city; and (4) it is developed for urban purposes.

**BILL ANALYSIS:** House Bill 326, applicable only to Buncombe County, places a moratorium on involuntary annexations until July 1, 2016.

Specifically, the bill provides that:

- No resolution of consideration, resolution of intent, or involuntary annexation ordinance may be adopted from the date this act becomes law until July 1, 2016.
- If any annexation proceeding has been initiated prior to the date this act becomes effective but the annexation ordinance has not yet been adopted, the annexation is suspended.
- Municipalities in Buncombe County may continue to plan and collect data for potential future involuntary annexations.
- An involuntary annexation ordinance that has an effective date on or after the day this act becomes law shall not become effective until July 1, 2016 or later.
- An involuntary annexation ordinance that was adopted prior to the effective date of this act and is the subject of litigation in any court on the effective date of this act shall not become effective until after July 1, 2016 or later.
- Any litigation pending in any court of this State is stayed upon enactment.
- A municipality may amend its 2010-2011 budget ordinance to account for this act, including establishment of a different tax rate.
- The provisions of this act are severable.

**EFFECTIVE DATE:** This act is effective when it becomes law and expires on June 30, 2016.

H326-SMRW-51(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 327** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF  
LEICESTER, SUBJECT TO A REFERENDUM.

☒ 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 2011

H

1

HOUSE BILL 327

Short Title: Incorporate Leicester. (Local)

Sponsors: Representative Fisher (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 14, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF LEICESTER, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. A Charter for the Town of Leicester is enacted to read:  
6 "CHARTER OF THE TOWN OF LEICESTER.

7 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of  
9 Leicester are a body corporate politic under the name 'Town of Leicester.' Under that name they  
10 shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on  
11 cities by the general law of North Carolina.

12 "ARTICLE II. CORPORATE BOUNDARIES.

13 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the  
14 boundaries of the Town of Leicester are as follows:

15 "ARTICLE III. GOVERNING BODY.

16 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing body  
17 of the Town of Leicester is the Town Council, which shall have four members, and a Mayor.

18 "Section 3.2. **Manner of Electing Town Council; Terms; Vacancies.** The qualified  
19 voters of the entire Town shall elect the members of the Town Council and, except as provided  
20 in this section, they shall serve four-year terms. In 2011, the two candidates receiving the  
21 highest numbers of votes shall be elected to four-year terms and the two candidates receiving  
22 the next highest numbers of votes shall be elected to two-year terms. In 2013, and  
23 quadrennially thereafter, two members shall be elected to four-year terms. In 2015, and  
24 quadrennially thereafter, two members shall be elected to four-year terms. Vacancies on the  
25 Town Council shall be filled as provided in G.S. 160A-63, however, notwithstanding the  
26 provisions of G.S. 160A-63, a person appointed to fill a vacancy on the Town Council shall  
27 serve the remainder of the unexpired term.

28 "Section 3.3. **Manner of Electing Mayor; Term of Office; Duties; Vacancies.** The  
29 qualified voters of the entire Town shall elect the Mayor. In 2011, and biennially thereafter, the  
30 Mayor shall be elected for a term of two years. The Mayor shall attend and preside over  
31 meetings of the Town Council, shall advise the Town Council from time to time as to matters  
32 involving the Town of Leicester, and shall have the right to vote as a member of the Town  
33 Council on all matters before the Town Council, but shall have no right to break a tie vote in  
34 which the Mayor has participated. Vacancies in the office of Mayor shall be filled as provided  
35 in G.S. 160A-63, however, notwithstanding the provisions of G.S. 160A-63, the person



1 appointed to fill a vacancy in the Office of Mayor shall serve the remainder of the unexpired  
2 term.

3 "Section 3.4. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The  
4 Mayor Pro Tempore shall be elected from among the members of the Town Council at the  
5 organizational meeting after the initial election in 2011, and shall serve for a term of two years.  
6 The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and  
7 Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the  
8 Town Council present may elect a temporary chair to preside in the absence. The Mayor Pro  
9 Tempore shall have the right to vote on all matters before the Town Council and shall be  
10 considered a member of the Town Council for all purposes.

11 "Section 3.5. **Oath of Office.** Every officer of the Town shall, before entering the duties of  
12 his office, take and subscribe to the following oath to be filed and kept in the office of the  
13 Town Clerk:

14 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the  
15 Constitution and laws of the United States, and the Constitution and laws of North Carolina not  
16 inconsistent therewith, and that I will faithfully discharge the duties of my office as  
17 \_\_\_\_\_, so help me God."

18 "Section 3.6. **Residency Requirement.** Members of the governing body of the Town of  
19 Leicester, whether elected or appointed, must be qualified voters who reside within the  
20 corporate limits of the Town in order to qualify to take, hold, and continue in office.

21 "ARTICLE IV. ELECTIONS.

22 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan  
23 basis and the results determined by a plurality as provided in G.S. 163-292.

24 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter  
25 163 of the General Statutes, with the first regular municipal election to be held on November 8,  
26 2011.

27 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be  
28 held only as provided by the general law of North Carolina, local acts of the General Assembly,  
29 or as provided for in this Charter.

30 "ARTICLE V. ADMINISTRATION.

31 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town shall operate  
32 under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter  
33 160A of the General Statutes.

34 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed  
35 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the  
36 Town, advise Town officials, and perform other duties as required by law or as directed by the  
37 Town Council.

38 "Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall  
39 perform duties as required by law or as directed by the Town Council. The Town Clerk shall  
40 serve at the pleasure of the Town Council.

41 "Section 5.4. **Other Officers and Employees.** The Town Council may appoint other  
42 officers and positions as deemed appropriate, subject to the requirements of general law.

43 "Section 5.5. **Boards and Commissions.** The Town Council may create and establish, by  
44 ordinance or resolution, any authorities, boards, or commissions it deems necessary or  
45 appropriate to the administration, regulation, and operation of services, activities, and functions  
46 which the Town is authorized by law to perform, regulate, and carry on.

47 "Section 5.6. **Consolidation of Functions.** Where positions are not incompatible, the  
48 Town Council may combine in one person the powers and duties of two or more officers  
49 created or authorized by this Charter.

50 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

1       "Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and  
2 fees authorized by general law.

3       "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2011, the citizens  
4 and property in the Town of Leicester shall be subject to municipal taxes levied for the year  
5 beginning July 1, 2011, and for that purpose the Town shall obtain from Buncombe County a  
6 record of property in the area herein incorporated which was listed for property taxes as of  
7 January 1, 2011.

8       "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2011-2012  
9 without following the timetable in the Local Government Budget and Fiscal Control Act but  
10 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year  
11 2011-2012, ad valorem taxes may be paid at par or face amount within 90 days of the adoption  
12 of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360.

13                       "ARTICLE VII. ORDINANCES.

14       "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of  
15 Leicester is authorized to adopt such ordinances as the Town Council deems necessary for the  
16 governance of the Town.

17       "Section 7.2. **Covenants.** This Charter does not affect any restrictive covenants,  
18 restrictions, and regulations regarding structures or uses within subdivisions in existence before  
19 incorporation, and the Town may not make lawful under any Town zoning or other ordinance  
20 any structure or use forbidden under the covenants, restrictions, and regulations.

21                       "ARTICLE VIII. FINANCE.

22       "Section 8.1. **Financing Village Operations.** Annually, the Mayor and Council shall  
23 prepare a budget, setting forth anticipated revenues and expenses as provided by Chapter 159  
24 of the General Statutes. Copies of the budget shall be made available to the public.

25       "Section 8.2. **Expenditures.** The Mayor and Council shall monitor Charter expenditures so  
26 as to insure that they do not exceed total revenues.

27                       "ARTICLE IX. SPECIAL PROVISIONS.

28       "Section 9.1. **Fire Protection.** The Town of Leicester may contract with the Leicester,  
29 French Broad, and West Buncombe County Fire Departments to provide fire protection and  
30 emergency services to the Town. The contract terms and amount paid by the Town of Leicester  
31 to a fire department providing fire protection or emergency services to the Town shall be  
32 mutually agreed upon and annually renewed by the Board of Directors of each of the fire  
33 departments and the Town Council.

34       "Section 9.2. **Safety Protection.** The Town of Leicester may contract with the Buncombe  
35 County Sheriff's Department to provide safety protection for the Town. The contract terms and  
36 amount paid by the Town of Leicester to the Buncombe County Sheriff's Department shall be  
37 mutually agreed upon and annually renewed by the Buncombe County Commissioners and the  
38 Town Council.

39                       "ARTICLE X. MISCELLANEOUS.

40       "Section 10.1. **Provision of Services and Administration of Functions.** The Town  
41 Council may enter into agreements with other governmental bodies, including the Board of  
42 Commissioners of Buncombe County, and private enterprises for the provision of services,  
43 including street lighting and planning and zoning, and administration of corporate functions in  
44 order to provide the services and administer the functions in the most efficient and  
45 cost-effective manner. The contract terms and amount paid by the Town of Leicester to a  
46 governmental body or private enterprise under this section shall be mutually agreed upon.

47       "Section 10.2. **Conflicts of Interest.** Any officer, employee, council member, or Mayor  
48 who has a financial interest, direct or indirect, in any proposed contract with the Town or in a  
49 proposed sale of any land, material, supplies, or services to the Town or to a contractor  
50 supplying the Town shall make known that interest and shall refrain from voting upon or  
51 otherwise participating in the making of such a contract or sale. If the Town Council

determines that any officer, employee, council member, or Mayor has willfully violated the requirements of this section, that person shall be removed by the Town Council from his office or position. Violation of this section with knowledge, expressed or implied, by the person or corporation contracting with or making a sale to the Town shall render the contract void.

"Section 10.3. **State Distributions.** If the Town of Leicester is incorporated after June 30, 2011, the Town is nevertheless eligible to receive distributions of funds payable by the State of North Carolina for fiscal year 2011-2012, as if the Town of Leicester had been incorporated with an effective date of June 30, 2011.

"Section 10.4. **Expenses.** The persons or entities sponsoring incorporation shall be entitled to recover from the Town expenses of sponsoring incorporation that are in the amount of five hundred dollars (\$500.00) or greater, provided that the entities seeking recovery shall submit written requests for reimbursement prior to the end of the second fiscal year following incorporation of the Town. However, the Town shall not reimburse a person or entity under this section until after the end of the first fiscal year following incorporation of the Town. A person or entity seeking reimbursement under this section may be subject to audit by the Town, or a person authorized by the Town to conduct the audit, if the Town deems an audit advisable or necessary.

"Section 10.5. **Savings Clause.** If any part of this Charter is declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of this Charter. All laws and ordinances not consistent with this Charter, insofar as they affect the Town of Leicester, are superseded by this Charter."

**SECTION 2.** The Buncombe County Board of Elections shall conduct an election on November 8, 2011, for the purpose of submission to the qualified voters for the area described in Section 2.1 of the Charter of the Town of Leicester the question of whether or not the area shall be incorporated as the Town of Leicester. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

**SECTION 3.** In the election, the question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Incorporation of the Town of Leicester."

**SECTION 4.** In the election, if a majority of the votes are cast "FOR Incorporation of the Town of Leicester," Section 1 of this act shall become effective on the date that the Buncombe County Board of Elections certifies the results of the election. Otherwise, Section 1 of this act shall have no force and effect.

**SECTION 5.** At the same time as the election held under Section 2 of this act, the Buncombe County Board of Elections shall hold an election for the initial Town Council as provided in Articles III and IV of the proposed Charter of the Town of Leicester. If the majority of votes is not cast "FOR Incorporation of the Town of Leicester," the election of officers is null and void. The filing period for candidacies is the same as provided by G.S. 163-294.

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



## HOUSE BILL 327: Incorporate Leicester

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Fisher  
**Analysis of:** First Edition

**Date:** March 28, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 327 incorporates the Town of Leicester in Buncombe County, subject to a referendum.*

**CURRENT LAW:** Municipalities may be created by the General Assembly, with powers and duties it deems advisable, pursuant to Article VII, Section 1 of the North Carolina Constitution.

Rule 35.1(b) of the House Rules requires that a legislative proposal proposing incorporation must have attached to its bill jacket a report of the Joint Municipal Incorporations Commission prior to a favorable report by a committee of the House. Article 20 of Chapter 120 of the General Statutes creates the Joint Municipal Incorporation Commission and sets forth the criteria for review of a proposed incorporation.

**BILL ANALYSIS:** House Bill 327 would incorporate the Town of Leicester in Buncombe County, subject to a referendum on November 8, 2011.

The proposed Charter of Leicester includes standard incorporation provisions, and provides:

- A Town Council of four members and a Mayor. The Council members shall be elected on a nonpartisan at-large basis for staggered four year terms. The mayor is to be elected for a two year term. Salary for the Council members must be approved by referendum.
- Covenants. This Charter does not affect any restrictive covenants, restrictions, and regulations regarding structures or uses within subdivisions in existence before incorporation, and the Town may not make lawful under any Town zoning or other ordinance any structure or use forbidden under the covenants, restrictions, and regulations.
- The Town may contract with the Leicester, French Broad, and West Buncombe County Fire Departments to provide fire protection and emergency services to the Town.
- The Town may contract with the Buncombe County Sheriff's Department to provide safety protection for the Town.
- The Town Council may enter into agreements with other governmental bodies, including the Board of Commissioners of Buncombe County, and private enterprises for the provision of services, including street lighting and planning and zoning, and administration of corporate functions in order to provide the services and administer the functions in the most efficient and cost effective manner.

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



# House Bill 327

*Page 2*

**BACKGROUND:** The proposed incorporation of the Town of Leicester received a favorable recommendation from the Joint Legislative Commission on Municipal Incorporation in its report, dated May 24, 2010.

*H327-SMRW-42(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 398** A BILL TO BE ENTITLED AN ACT TO ALLOW CLEVELAND COUNTY WATER, A SANITARY DISTRICT, TO CONDUCT AN ADVISORY REFERENDUM ON WHETHER OR NOT A RESERVOIR SHOULD BE CONSTRUCTED IN UPPER CLEVELAND COUNTY IN THE DISTRICT.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 398  
PROPOSED COMMITTEE SUBSTITUTE H398-PCS30280-ST-12**

**Short Title:** Cleveland County Water Advisory Referendum.

**(Local)**

**Sponsors:**

**Referred to:**

March 17, 2011

**A BILL TO BE ENTITLED**

**AN ACT TO ALLOW CLEVELAND COUNTY WATER, A SANITARY DISTRICT, TO  
CONDUCT AN ADVISORY REFERENDUM ON WHETHER OR NOT A RESERVOIR  
SHOULD BE CONSTRUCTED IN UPPER CLEVELAND COUNTY IN THE  
DISTRICT.**

**The General Assembly of North Carolina enacts:**

**SECTION 1.** The board of Cleveland County Water, a sanitary district under Chapter 130A of the General Statutes, may, prior to July 1, 2011, adopt a resolution requiring an advisory referendum to be held on November 8, 2011, on the issue of whether to construct a reservoir in Upper Cleveland County within the district. The referendum shall be conducted by the Cleveland County Board of Elections. The form of the ballot shall be approved jointly by the county attorney for Cleveland County and by the attorney for Cleveland County Water.

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



\* H 3 9 8 - P C S 3 0 2 8 0 - S T - 1 2 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 398**

Short Title: Cleveland County Water Advisory Referendum. (Local)

Sponsors: Representative Hastings (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 17, 2011

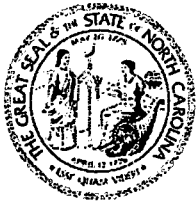
1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW CLEVELAND COUNTY WATER, A SANITARY DISTRICT, TO  
3 CONDUCT AN ADVISORY REFERENDUM ON WHETHER OR NOT A RESERVOIR  
4 SHOULD BE CONSTRUCTED IN UPPER CLEVELAND COUNTY IN THE  
5 DISTRICT.

6 The General Assembly of North Carolina enacts:  
7           **SECTION 1.** The board of Cleveland County Water, a sanitary district, under  
8 Chapter 130A of the General Statutes may, prior to July 1, 2011, call an advisory referendum to  
9 be held on November 8, 2011, on the issue of whether to construct a reservoir in Upper  
10 Cleveland County within the district. The referendum shall be conducted by the Cleveland  
11 County Board of Elections. The form of the ballot shall be approved jointly by the county  
12 attorney for Cleveland County and by the attorney for Cleveland County Water.

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



\* H 3 9 8 - V - 1 \*



## HOUSE BILL 398: Cleveland County Water Advisory Referendum

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	April 6, 2011
<b>Introduced by:</b>	Rep. Hastings	<b>Prepared by:</b>	Denise Adams
<b>Analysis of:</b>	PCS to First Edition		Committee Staff
	H398-CSST-12		

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**SUMMARY:** *The proposed committee substitute for House Bill 398 would allow the board of Cleveland County Water, a sanitary district, to conduct an advisory referendum on whether or not a reservoir should be constructed in Upper Cleveland County.*

**CURRENT LAW:** The laws governing sanitary districts are contained in Part 2 of Article 2 of Chapter 130A of the General Statutes. Under this Part, the Commission for Public Health is authorized to create sanitary districts without regard to county, township, or municipal lines for the purpose of preserving and promoting the public health and welfare. These statutes do not authorize a sanitary district to conduct an advisory referendum.

**BILL ANALYSIS:** The proposed committee substitute for House Bill 398 provides that the board of Cleveland County Water, a sanitary district, may adopt a resolution setting an advisory referendum on the issue of whether to construct a reservoir in Upper Cleveland County within the district. The resolution would have to be adopted prior to July 1, 2011. If set, the referendum would be held on November 8, 2011, and conducted by the Cleveland County Board of Elections. The ballot question would have to be jointly approved by the Cleveland County attorney and the Cleveland County Water attorney.

**EFFECTIVE DATE:** Effective when it becomes law.

H398-SMST-17(CSST-12) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 410** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND.

☒ 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 \_\_\_\_\_.



- (7) Being all of the property having the Moore County LRK numbers 54227 and 54228, which is commonly referred to as the Well Spring Property and was conveyed to the Town by deed recorded in the Moore County Registry at Book 140, Page 318.
- (8) Being all of the property having the Moore County LRK number 96000559, which is a Town well site that was subdivided from the Well Spring Property (Moore County Registry at Book 140, Page 318) by deed recorded in the Moore County Registry at Book 1208, Page 9.
- (9) Being all of the property having the Moore County LRK number 96000574, which is a Town well site that was subdivided from the Well Spring Property (Moore County Registry at Book 140, Page 318) by deed recorded in the Moore County Registry at Book 1213, Page 140.
- (10) Being all of that property having the Moore County LRK number 52164, which is commonly referred to as the Sanitarium Property and was conveyed to the Town by deed recorded in the Moore County Registry at Book 3275, Page 415.
- (11) Being all of that property having the Moore County LRK number 56638, which is commonly referred to as Delano Park and was conveyed to the Town by deed recorded in the Moore County Registry at Book 168, Page 44.
- (12) Being all of that property having the Moore County LRK number 53218, which is a 1.171-acre tract of land adjacent to the above described Delano Park property and was conveyed to the Town by deed recorded in the Moore County Registry at Book 1780, Page 288.
- (13) Being all of that property conveyed to the Town by deed recorded in the Moore County Registry at Book 168, Page 46.

**SECTION 2.** Except as provided in Sections 3 and 4 of this act, the Town shall be subject to the following restrictions with respect to its ownership and use of the properties described in Section 1 of this act:

- (1) The properties may be used only as parks, nature preserves, or a combination thereof, and may include such amenities as the Town deems appropriate.
- (2) Except as authorized in this subdivision and subdivisions 4 and 5 of this section, no trees, shrubs, or other vegetation, or any parts thereof, on the properties may be cut, removed, or otherwise managed. Trees and other vegetation may be cut, removed, or otherwise managed as necessary to accommodate park amenities, to maintain the health of the ecosystems on the properties and, as necessary, to control exotic invasive species. Trees and other vegetation may also be cleared for emergency purposes. Any cutting, removal, or other vegetation management shall be undertaken only in accordance with a plan prepared by a North Carolina registered forester, certified arborist, or other similarly qualified professional, except that emergency work may be performed at any time by emergency personnel.
- (3) The Town, through its own staff or through a third party with whom the Town has entered a lease or other agreement, may collect pine straw on any of the properties. No plan shall be required prior to undertaking the activity authorized under this subdivision.
- (4) The Town or other governmental entities may continue to operate existing well sites or other public utilities over, in, under, or through any of the properties. Furthermore, the Town or other governmental entities may acquire easements or fee simple title over, in, under, or through any of the properties for the installation or maintenance of public utilities and for



1 access to the public utilities. Vegetation may be cleared within utility areas  
2 as is reasonably necessary to maintain the utilities and access thereto.

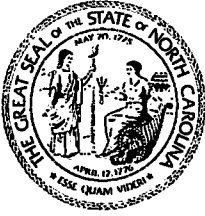
- 3 (5) Notwithstanding the provisions of G.S. 160A-265, none of the properties, or  
4 any portion thereof, may be sold, transferred, or conveyed by the Town,  
5 except that the Town may sell, transfer, or convey any of the properties, or  
6 any portion thereof, to any governmental or nonprofit organization, subject  
7 to restrictions that limit the use of the properties substantially to the uses  
8 allowed by this act.

9 **SECTION 3.** The Town may use up to 15 acres of the total acreage of the  
10 properties described in Section 1 of this act for any lawful governmental purpose, including,  
11 but not limited to, the construction of a new fire station or Town hall. The Town may use the  
12 15 acres for various projects occurring at different times, and the acreage used may include one  
13 or any combination of the properties described in Section 1 of this act.

14 **SECTION 4.** Fifty years from the effective date of this act, the Board of  
15 Commissioners of the Town may remove some or all of the restrictions imposed in this act on  
16 the properties described in Section 2 of this act. In order for the removal or modification of the  
17 restrictions to become effective, the Board of Commissioners shall adopt a resolution detailing  
18 the removal or modification, and the terms of the resolution must be approved by at least sixty  
19 percent (60%) of the residents of the Town casting votes in a referendum on the matter. The  
20 referendum must be held at the same time as a general election and must be called in the same  
21 manner as a special election in accordance with the requirements of G.S. 163-287 or such other  
22 statute that shall be in effect at the time that governs the calling of a special election.

23 **SECTION 5.** Any resident of the Town shall have standing to sue to enforce the  
24 provisions of this act. The action shall be brought in the Superior Court of Moore County.

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



# HOUSE BILL 410: Pinebluff/Preserve Land for Parks

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Boles  
**Analysis of:** First Edition

**Date:** April 6, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *House Bill 410 sets aside land owned by the Town of Pinebluff to be used as parkland. Use of the land is subject to various restrictions provided in the bill. The restrictions on use of the property are to remain in effect for 50 years at which time the town commissioners may remove some or all of the limitations by adopting a resolution that is approved by at least 50% of the residents in the town casting votes on the matter.*

**BILL ANALYSIS:** Section 1 of the bill describes the land owned by the Town of Pinebluff that the Town wishes to preserve as park land.

Section 2 of the bill sets out restrictions on the use of the described land. These restrictions include:

- The properties described may be used only as parks and/or nature preserves. The county may include amenities as the Town deems appropriate.
- Except for the operation of existing well sites or other public utilities, easements for the installation and maintenance of public utilities, and vegetation clearance within utility areas for access for maintenance, no trees or other vegetation shall be cut, removed, or otherwise managed, unless necessary to accommodate park amenities, maintain the health of the ecosystem, control invasive species, or for emergency purposes.
- Any tree removal or vegetation management shall be done pursuant to a plan prepared by a NC registered forester.
- The Town may collect pine straw, either through its own staff or through a lease with a 3<sup>rd</sup> party.
- The properties may not be sold or conveyed except to another governmental entity or nonprofit organization. Sale or conveyance shall be subject to the existing restrictions on the land.

Section 3 of the bill provides that the Town may use up to 15 acres of the property for any lawful governmental purpose including construction of a new fire station or Town Hall.

Section 4 of the bill provides that 50 years after the date of the act, the Town Commissioners may adopt a resolution removing some or all of the restrictions on the land. To become effective, the resolution must be approved by at least 60% of the resident's casting votes in a referendum on the issue.

Section 5 gives any resident of the Town standing to sue or enforce the provisions of the act. The action is to be brought in Moore County.

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

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 418** A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED  
PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 418**

Short Title: Winston-Salem Deannexation. (Local)

Sponsors: Representative L. Brown (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 22, 2011

A BILL TO BE ENTITLED  
AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** The corporate limits of the City of Winston Salem are reduced by removing the following described property:

BEGINNING at an iron, said iron being located in the Southeast corner of Judy B. Lloyd, Deed Book 1148, Page 788, Forsyth County Registry, and also being in the Northern edge of the pavement of Union Cross Road (S.R. 2643); thence from said point of Beginning North 01° 30' 07" East 676.63 feet to an iron in the Northeast corner of Lloyd; thence North 85° 01' 55" West 1,028.47 feet to a stone; thence North 5° 15' 12" East 1,123.47 feet to an iron; thence South 86° 32' 33" East 182.75 feet to an iron; thence South 00° 19' 53" West 666.48 feet to an iron; thence South 81° 02' 18" East 783.00 feet to an iron; thence South 14° 23' 08" East 164.16 feet to an iron; thence South 83° 44' 5" East 44.51 feet to an iron; thence along a new line 01° 30' 51" West 929.24 feet to an iron in the Northern edge of the pavement of Union Cross Road; thence with the Northern edge of the pavement of Union Cross Road North 85° 46' 24" West 108.78 feet to an iron, the point and place of Beginning, containing 16.015 acres, more or less, and being in accordance with a survey prepared by C. Ray Cates, R.L.S., dated February 5, 1989 and being all of Tax Lots 101A, 101B, and 101C of Block 2634 of the Forsyth County 2011 tax maps.

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





## HOUSE BILL 418: Winston-Salem Deannexation

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	March 23, 2011
<b>Introduced by:</b>	Rep. L. Brown	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 418 removes an area described in the bill from the corporate limits of the City of Winston-Salem.*

### CURRENT LAW:

Section 1 of Article VII of the North Carolina Constitution, empowers the General Assembly to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which authorizes municipalities to enact ordinances to add territory to their municipal limits by annexation.

The General Assembly has not enacted any method for municipalities to *deannex* property. The power to deannex remains with the General Assembly.

### BILL ANALYSIS:

House Bill 418 would remove a property area described in the bill from the corporate limits of the City of Winston Salem.

### EFFECTIVE DATE:

House Bill 418 would become effective when it becomes law.

*Giles Perry, staff to House Government, substantially contributed to the content in this summary.*

*H418-SMSH-14(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 393** A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING  
STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY  
SYSTEM.

☒ 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 2011

H

1

HOUSE BILL 393

Short Title: Modify Internal Auditing Statutes. (Public)

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Sponsors: Representatives Hastings and McGee (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Government.

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March 17, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO  
3 LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Article 79 of Chapter 143 of the General Statutes reads as rewritten:  
6 "Article 79.  
7 "Internal Auditing.  
8 "§ 143-745. Definitions; intent; applicability.  
9 (a) For the purposes of this section:  
10 (1) "Agency head" means the Governor, a Council of State member, a cabinet  
11 secretary, the President of The University of North Carolina, and the  
12 Superintendent of Public Instruction.  
13 (2) "State agency" means each department created pursuant to Chapter 143A or  
14 143B of the General Statutes, The University of North Carolina, and the  
15 Department of Public Instruction.  
16 (b) This Article applies only to a State agency that:  
17 (1) Has an annual operating budget that exceeds ten million dollars  
18 (\$10,000,000);  
19 (2) Has more than 100 full-time equivalent employees; or  
20 (3) Receives and processes more than ten million dollars (\$10,000,000) in cash  
21 in a fiscal year.  
22 "§ 143-746. Internal auditing required.  
23 (a) Requirements. – A State agency shall establish a program of internal auditing that:  
24 (1) ~~Implements~~ Promotes an effective system of internal controls that safeguards  
25 public funds and assets and minimizes incidences of fraud, waste, and abuse.  
26 (2) ~~Ensures~~ Determines if programs and business operations are administered in  
27 compliance with federal and state laws, regulations, and other requirements.  
28 (3) Reviews the effectiveness and efficiency of agency and program operations  
29 and service delivery.  
30 (4) Periodically audits the agency's major systems and controls, including:  
31 a. Accounting systems and controls.  
32 b. Administrative systems and controls.  
33 c. ~~Electronic data processing~~ Information technology systems and  
34 controls.



(b) Internal Audit Standards. – Internal audits shall comply with current Standards for the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors or, if appropriate, Government Auditing Standards issued by the Comptroller General of the United States.

(c) Appointment and Qualifications of Internal Auditors. – ~~Any internal auditor employed by a State agency shall at a minimum have a bachelor's degree from an accredited college or university and:~~ Any state employee who performs the internal audit function shall meet the minimum qualifications for internal auditors established by the Office of State Personnel.

~~(1) Certification or licensure as a certified public accountant, certified internal auditor, certified fraud examiner, certified information systems auditor, professional engineer, or attorney; or~~

~~(2) A minimum of five years' experience in internal or external auditing, management consulting, program evaluation, management analysis, economic analysis, industrial engineering, or operations research.~~

(d) Director of Internal Auditing. – The agency head shall appoint a Director of Internal Auditing who shall report to ~~(i) the agency head and shall not report to any employee subordinate to the agency head;~~ head, (ii) the chief deputy or chief administrative assistant, or (iii) the agency governing board, or subcommittee thereof, if such a governing board exists. The Director of Internal Auditing shall be organizationally situated in a manner that avoids impairments to independence as defined in the auditing standards referenced in subsection (b) of this section.

**"§ 143-747. Council of Internal Auditing.**

(a) The Council of Internal Auditing is created, consisting of the following members:

(1) The State ~~Controller~~ Controller, who shall serve as Chair.

(2) The State Budget Officer.

(3) The Secretary of Administration.

(4) The Attorney General.

(5) The Secretary of Revenue.

(6) The President of The University of North Carolina, who may appoint a designee.

(7) The State ~~Auditor~~ Auditor, who shall serve as a nonvoting member. The State Auditor may appoint a designee.

(b) The Council shall be supported by the Office of State Budget and Management.

(c) The Council shall:

(1) ~~Hold its first meeting before November 1, 2007, and thereafter~~ meetings at the call of the Chair or upon written request to the Chair by two members of the Council.

(2) Keep minutes of all proceedings.

(3) Promulgate guidelines for the uniformity and quality of State agency internal audit activities.

(4) Recommend the number of internal audit employees required by each State agency.

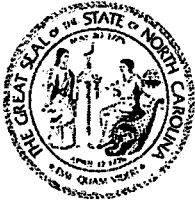
(5) Develop internal audit guides, technical manuals, and suggested best internal audit practices.

(6) Administer an independent peer review system for each State agency internal audit activity; specify the frequency of such reviews consistent with applicable national standards; and assist agencies with selection of independent peer reviewers from other State agencies.

(7) Provide central training sessions, professional development opportunities, and recognition programs for internal auditors.



- 1 (8) Administer a program for sharing internal auditors among State agencies
- 2 needing temporary assistance and assembly of interagency teams of internal
- 3 auditors to conduct internal audits beyond the capacity of a single agency.
- 4 (9) Maintain a central database of all annual internal audit plans; topics for
- 5 review proposed by internal audit plans; internal audit reports issued and
- 6 individual findings and recommendations from those reports.
- 7 (10) Require reports in writing from any State agency relative to any internal
- 8 audit matter.
- 9 (11) If determined necessary by a majority vote of the council:
- 10 a. Conduct hearings relative to any attempts to interfere with,
- 11 compromise, or intimidate an internal auditor.
- 12 b. Inquire as to the effectiveness of any internal audit unit.
- 13 c. Authorize the Chair to issue subpoenas for the appearance of any
- 14 person or internal audit working papers, report drafts, and any other
- 15 pertinent document or record regardless of physical form needed for
- 16 the hearing.
- 17 (12) Issue an annual report including, but not limited to, service efforts and
- 18 accomplishments of State agency internal auditors and to propose legislation
- 19 for consideration by the Governor and General Assembly."
- 20 **SECTION 2.** This act is effective when it becomes law.



## HOUSE BILL 393: Modify Internal Auditing Statutes

2011-2012 General Assembly

<b>Committee:</b>	House Government	<b>Date:</b>	April 6, 2011
<b>Introduced by:</b>	Reps. Hastings, McGee	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 393 updates and modifies Article 79 of Chapter 143 which pertains to the Internal Auditing function for larger State agencies and The University System.*

**CURRENT LAW:** Article 79 of Chapter 143 pertains to Internal Auditing and applies to a State agency that has:

- an annual operating budget that exceeds \$10,000,000;
- more than 100 FTEs (full-time equivalent employees); or
- receives and processes more than \$10,000,000 in cash in a fiscal year.

**BILL ANALYSIS:** House Bill 393 amends the Internal Auditing statutes for large State agencies and institutions as follows:

- Amends G.S. 143-746(a) to make minor updates and technical changes to the internal auditing program requirements.
- Deletes the training and experience requirements for internal auditors specified in G.S. 143-746(c), and replaces it with language requiring a State employee who performs the internal audit function to meet the minimum qualifications for internal auditors established by the Office of State Personnel.
- Expands the reporting requirements to allow the Director of Internal Auditing to report to the following:
  - (i) the agency head (*current law*)
  - (ii) the chief deputy or chief administrative assistant (*new language*), or
  - (iii) the agency governing board, or subcommittee thereof, if such a governing board exists (*new language*).

Requires that the Director of Internal Auditing be organizationally situated in a manner that avoids impairments to independence as defined in the current Standards for the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors or, if appropriate, Government Auditing Standards issued by the Comptroller General of the United States.

- Adds the President of The University of North Carolina, or designee, to the Council of Internal Auditing.

**EFFECTIVE DATE:** House Bill 393 would become effective when it becomes law.

**BACKGROUND:** The Office of State Personnel (OSP) has determined that the Auditor class series is a banded class performing professional auditing work with responsibility for examining and analyzing financial functions, program operations and results, and/or systems to determine compliance with tax, financial, or programmatic procedures and regulations. OSP's current training and experience requirements mirror those currently provided in the statute.

H393-SMSH-32(e1) v1

## VISITOR REGISTRATION SHEET

Government

Name of Committee

4/7/11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Barbara Baldwin	OSBM
T.C. Morph's	The Brough Law Firm
Kathy Hartkopf	Freedom Works
Dana Crawford	AIA NC
Janet Green	Lake James NC
John D.	" " "
Steven Lian	" " "
Lana Hygh	Town of Cary
Howard Morgan	LAKE JAMES NC.
Kevin Mulla	NCLM
Heather Barnett	Williams Mullen

# VISITOR REGISTRATION SHEET

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

PAUL SONE	NCRLA
JOAN KIMBLE	PTRWK
GREGORY TURNER	CITY OF WINSTON-SALEM
ANGELA I. CARMAN	City of Winston-Salem
JOHN MCRAE	Jay Group
ARLENE TANK	NCAAL
AMY BASON	NCAAL
DANIEL BACON	TROOTMAN SMOORS
GARY FLYNN	garyflynn.org
JAIME KING	NEEL

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

4/7/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

S. Walker	NCLC Intern
L. Pamber	NCLC Intern
Suzanne Beasley	SEANC
Jack Croot	CARX
Oliver Pals	City
Mia Bailey	Electricity
Stannoy	

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

4/7/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

JULIAN PHILPOTT NCFB

Woodson NCFB

Dan Sipe CAOL

Meredith Swider Policy Group

Laura Wynn NCSBA

Lisa Martin NZ Home Builders

John Ruth CITY OF CHARLOTTE

CAROLYN FLOWERS CITY OF CHARLOTTE

Dee Perwin City of Charlotte

Dana Fenton City of Charlotte

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

4/7/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Mitch Leonard	SEAN
James A. McDowell	1155 Beechwood Dr. Morganton NC
Bruce Ervin	2680 Hwy 26 Morg.
John Woodward	3646 Pitts Farm Dr. Morg.
Kelly Smoke	visitor
Robert E. Lowe	1458 N. Mountain Rd. Morganton N.C.
Eric Jenkins	PO Box 1961 Morganton NC 28650
Wayne Abele Sr.	116 Cross Creek Drive Morganton N.C. 28655
Margoric Ervin	2642 Hwy 126 Morganton, NC
Ava Turner	Nebo NC
Bob Ford	NC Poultry Fed.

**Sponsor:** \_\_\_\_\_

**House Sgt-At Arms:**

6. Name: \_\_\_\_\_

*Don't*

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 Huber  
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 & ~~Collins~~  
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ADAMS

~~REP. AL KINZLER~~  
~~REP. FRANK P. RAYMOND~~  
~~REP. HUBER~~  
REP. CLEVELAND  
COTTONS  
~~HAGER~~  
CLARK  
~~CLARK~~  
CLARK  
HAGER

# **Government Committee Meeting**

**April 14, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 567 - Committee Report, original bill, bill summary**
- Attachment 3b: HB 537 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3c: HB 332 – Committee Report, original bill, bill summary**
- Attachment 3d: SB 261 – Committee Report, original bill, bill summary**
- Attachment 3e: HB 438 – Committee Report, original bill, bill summary**
- Attachment 3f: HB 506 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3g: HB 492 – Committee Report, original bill, bill summary**
- Attachment 3h: SB 83 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3i: HB 519 – Committee Report, original bill, bill summary**
- Attachment 3j: HB 482 – Committee Report, proposed committee substitute, amendment, original bill, bill summary**
- Attachment 3k: HB 477 – Committee Report, original bill, bill summary**
- Attachment 3l: HB 420 – Committee Report, original bill, bill summary**
- Attachment 3m: HB 480 – Committee Report, original bill, bill summary**
- Attachment 3n: HB 481 – Committee Report, original bill, bill summary**
- Attachment 3o: HB 488 – Committee Report, original bill, bill summary**
- Attachment 3p: HB 536 – Committee Report, original bill, bill summary**
- Attachment 3q: HB 539 – Committee Report, original bill, bill summary**
- Attachment 3r: HB 566 – Committee Report, original bill, bill summary**
- Attachment 3s: SB 82 – Committee Report, original bill, bill summary**

**Attachment 3t: HB 532 – Committee Report, original bill, bill summary**

**Attachment 4: Visitor Registration Sheet**

**Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, April 14, 2011**

The House Committee on Government met on Thursday, April 14, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Gill, Guice, Hager, Hurley, Jones, Keever, Luebke, Mills, Mobley, Moffitt, Parfitt, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Theresa Matula, Giles Perry, Gerry Cohen, Erika Churchill, Barbara Riley and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Representative McGrady presented HB 567 Mountain Resources Comm'n/Staggered Terms. Representative Setzer moved for a favorable report. The motion carried.

Representative Randleman presented HB 537 Wilkes Fire Tax Dist. Boundaries. Representative Ingle made a motion to accept a proposed committee substitute. Representative Cleveland moved for an unfavorable report of the original bill and a favorable report of the proposed committee substitute and be re-referred to Finance. The motion carried.

Representative Mills presented HB 332 Clarify Development Moratoria Authority. Representative Hager made a motion on the bill. Ben Hitchings of the NC Planning Association spoke on the bill followed by Lisa Martin, the Director of Legal Affairs with the NC Home Builders Association, who spoke in opposition. Representative Hager moved for a favorable report. A vote was taken by the show of hands. There were 17 in favor and 10 in opposed. The motion carried.

Senator Jones spoke on SB 261 Chowan Fox Seasons. Representative Alexander moved for a favorable report. The motion carried. Representative Spears will be present the bill on the House floor.

Representative McComas presented HB 438 Accountable Co. Comms./Expand Loc. Bd.Auth. Representative Bradley moved for a favorable report. The motion carried.

Representative McComas presented HB 506 Wrightsville Beach/Abandoned Vessels. Representative Ingle made a motion to accept a proposed committee substitute. Representative Cleveland moved for an unfavorable report to the original bill and a favorable report of the proposed committee substitute. The motion carried.

Representative Howard presented HB 492 Stormwater/Isolated Popl. Growth in County. Representative McGee moved for a favorable report. The motion carried.

Senator Newton presented SB 83 Wilson School Board. Representative Boles made a motion to accept the proposed committee substitute. Representative Alexander moved for an unfavorable report to the original bill and a favorable report to the proposed committee substitute. The motion carried.

Representative Faircloth presented HB 519 Pied. Triad Water Auth./Control Fishing. Gordon Myers from the NC Wildlife Commission spoke in opposition of the bill. Mallory Martin, Chief Deputy Director of Wildlife also spoke in opposition. John Kine of Piedmont Water Guardian spoke in favor of the bill. Representative Adams moved for a favorable report. The motion carried.

Representative Burr presented HB 482 Norwood Water Lines. Representative Langdon made a motion to accept the proposed committee substitute. Mike Taylor, the Town Attorney for Norwood spoke on the bill. An amendment was offered up with Representative Boles making a motion to accept the amendment. Representative Boles moved for an unfavorable report to the original bill and a favorable report to a new proposed committee substitute that would include the amendment. The motion carried.

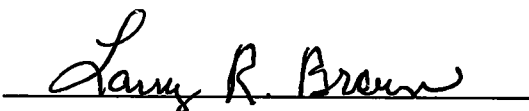
Representative West presented HB 447 Fontana Dam Incorporated. Representative Cleveland moved for a favorable report. The motion carried and the bill will be re-referred to Finance.

The next items on the agenda were the consent bills. Representative Boles moved for a favorable report on all consent bills. The motion carried and the following bills were approved: HB 420 Oak Island/Wheel Locks, HB 480 Stanly County School Board Filing Period, HB 481 Stanley County Sheriff Vacancy, HB 488 PRTF/Extend Nashville Waiver, HB 536 Lincoln School Board Districts, HB 539 Building Code/Webb Road Flea Market, HB 566 Grantsboro Charter Amendment, SB 82 Town of Atkinson/Charter Amendment.

The next item was HB 532 Graham County/Cemetery Tax By General Law. This was also in a consent group. There were 2 bills and 1 was pulled prior to the meeting. Representative Cleveland moved for a favorable report and re-referred to Finance. The motion carried.

The Chair adjourned at 11:25 AM.

Respectfully submitted,



Representative Larry Brown, Co-Chair



Debbie Holder, Committee Clerk

## AGENDA

## HOUSE COMMITTEE ON GOVERNMENT

Thursday, April 14, 2011

Room 643

10:00 AM

## OPENING REMARKS

Representative Larry Brown, Co-Chair  
Government Committee

## AGENDA ITEMS

CONSENT BILLS

HB 420	Oak Island/Wheel Locks.	Representative Iler
HB 480	Stanly County School Board Filing Period.	Representative Burr
HB 481	Stanly County Sheriff Vacancy.	Representative Burr
HB 488	PRTF/Extend Nashville Waiver.	Representative Collins
HB 536	Lincoln School Board Districts.	Representative Rhyne, Jr.
HB 539	Building Code/Webb Road Flea Market.	Representative Steen, II
		Representative Warren
HB 566	Grantsboro Charter Amendment.	Representative Sanderson
SB 82	Town of Atkinson/Charter Amendment.	Senator Rabon
SB 261	Chowan Fox Seasons.	Senator Jones

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CONSENT BILLS/RE-REFERRED TO FINANCE

HB 352	Delay Kannapolis Annexation.	Representative Steen, II
HB 532	Graham County/Cemetery Tax By General Law.	Representative West

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SB 83	Wilson School Board.	Senator Newton
HB 567	Mountain Resources Comm'n/Staggered Terms.	Representative McGrady Representative Rapp
HB 437	NH County Commissioners Accountability Act.	Representative McComas
HB 438	Accountable Co. Comms./Expand Loc. Bd. Auth.	Representative McComas
HB 506	Wrightsville Beach/Abandoned Vessels.	Representative McComas
HB 447	Fontana Dam Incorporated.	Representative West
HB 492	Stormwater/Isolated Popl. Growth in County	Representative Howard

**HB 519    Pied. Triad Water Auth./Control Fishing.**

**Representative Brubaker**

**HB 537    Wilkes Fire Tax Dist. Boundaries.**

**Representative Randleman**

**HB 36     Public Contracts/Illegal Immigrants.**

**Representative Warren  
Representative Cleveland  
Representative Folwell**

**HB 332    Clarify Development Moratoria Authority.**

**Representative Mills  
Representative Killian  
Representative Crawford, Jr.  
Representative Hamilton**

**HB 414    Amend Rutherford County Occupancy Tax.**

**Representative Hager**

**HB 482    Norwood Water Lines.**

**Representative Burr**

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 567** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES.

☒ 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 2011

H

1

HOUSE BILL 567

Short Title: Mountain Resources Comm'n/Staggered Terms. (Public)

Sponsors: Representatives McGrady and Rapp (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES  
3 COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153B-3 reads as rewritten:

6 "**§ 153B-3. Mountain Resources Commission.**

7 ...  
8 (d) ~~Membership.~~Membership; Terms. – The Commission shall consist of 17 ~~members~~  
9 ~~members, who shall serve staggered terms. The initial Commission shall be appointed as~~  
10 ~~follows:~~follows, with all terms commencing on September 1, 2009:

11 (1) Two representatives from the public at large who are residents of the  
12 mountain region of Western North Carolina appointed by the Speaker of the  
13 House of ~~Representatives.~~Representatives, one to serve a two-year term and  
14 one to serve a four-year term.

15 (2) Two representatives from the public at large who are residents of the  
16 mountain region of Western North Carolina appointed by the President Pro  
17 Tempore of the ~~Senate.~~Senate, one to serve a three-year term and one to  
18 serve a five-year term.

19 (3) Six representatives from the public at large who are residents of the  
20 mountain region of Western North Carolina appointed by the Governor,  
21 including:

22 a. Four who shall at the time of appointment be actively connected with  
23 or have experience in local government within the mountain region  
24 of Western North ~~Carolina.~~Carolina, two to serve a two-year term,  
25 and two to serve a four-year term.

26 b. One who shall at the time of appointment be actively associated with  
27 a land trust organization working in Western North ~~Carolina.~~Carolina,  
28 to serve a five-year term.

29 c. One who shall at the time of appointment have experience in tourism  
30 or tourism development in the mountain region of Western North  
31 ~~Carolina.~~Carolina, to serve a three-year term.

32 (4) One member to represent the Western North Carolina Public Lands  
33 ~~Council.~~Council, to serve a five-year term.

34 (5) Five members to represent each of the following regional councils of  
35 government as appointed by those councils: the Southwestern North



1 Carolina Planning and Economic Development Commission, the Isothermal  
2 Planning and Development Commission, the High Country Council of  
3 Governments, the Western Piedmont Council of Governments, and the Land  
4 of Sky Regional ~~Council~~ Council, to serve terms of two, three, three, four,  
5 and five years, respectively.

- 6 (6) One representative appointed by the board of the Blue Ridge National  
7 Heritage Area ~~Area~~, to serve a two-year term.

8 Upon the expiration of the terms of the initial Commission members, each position on the  
9 Commission shall be appointed by the appointing authorities designated in subdivisions (1)  
10 through (6) of this subsection for a four-year term. Members may serve no more than two full  
11 terms consecutively. Upon the expiration of their terms, Commission members shall serve until  
12 a successor is appointed and qualified. Any vacancy on the Commission shall be filled by the  
13 original appointing authority for the remainder of the unexpired term.

14 ~~(d1) Officers; Terms-Officers; Quorum.~~ – The members of the Commission shall elect a  
15 chair, vice-chair, and any other officers they consider necessary and shall determine the length  
16 of the term of office, not to exceed two years, of each officer. A majority of the Commission  
17 shall constitute a quorum. ~~Each member appointed to the Commission shall be appointed to~~  
18 ~~serve a four-year term. Any vacancy on the Commission shall be filled by the original~~  
19 ~~appointing authority for the remainder of the unexpired term. Initial terms commence~~  
20 ~~September 1, 2009.~~

21 (e) Salary; Expenses. – Members of the Commission shall receive no salary for their  
22 service on the Commission but may receive per diem, subsistence, and travel allowances in  
23 accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. All expenses shall be paid from  
24 funds available to the Commission through the Mountain Area Resources Fund, but no  
25 expenses shall be paid if the Mountain Area Resources Fund lacks the necessary funds.

26 ...."

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



## HOUSE BILL 567: Mountain Resources Comm'n/Staggered Terms

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. McGrady, Rapp  
**Analysis of:** First Edition

**Date:** April 12, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 567 provides for staggered terms for the Mountain Resources Commission established by Chapter 153B of the General Statutes.*

**CURRENT LAW:** G.S. 153B-3 created the 17-member Mountain Resources Commission as a permanent body corporate of the State located administratively in the Department of Environment and Natural Resources (Department). Membership on the Commission is comprised of:

- Two members from the public at large who are residents of the mountain region, appointed by the Speaker.
- Two members from the public at large who are residents of the mountain region, appointed by the President Pro Tem.
- Six members from the public, residents of the mountain region, appointed by the Governor;
  - Four who are actively connected or have experience in local government in the mountain region.
  - One who is actively associated with a land trust organization working in the mountain region.
  - One who has experience in tourism/tourism development in the mountain region.
- One member to represent the North Carolina National Parks, Parkway, and Forest Development Council.
- Five members representing the various regional councils of governments.
- One member appointed by the board of the Blue Ridge National Heritage Area.

The purpose of the Commission is to:

- Identify and evaluate issues affecting important mountain resources.
- Coordinate with local and regional efforts to address threats those resources.
- Provide a forum for discussing issues affecting important mountain resources.
- Promote communication, coordination and education among stakeholders.
- Allocate money from the Mountain Resources Fund.
- Collect research and information from North Carolina and other states regarding State and regional approaches coordinating provision of infrastructure for the protection of resources
- Promote efforts to encourage quality growth, investigate new strategies to address pressure on important mountain resources, and provide guidance to local, State, and federal legislative and administrative bodies and others, regarding the use, stewardship, and enhancement of mountain resources.

Members of the Commission serve four-year terms. Initial terms began September 1, 2009.

**BILL ANALYSIS:** House Bill 567 would stagger the terms of the Mountain Resources Commission so that the following seats will be re-appointed on September 1, 2011:

# House Bill 567

Page 2

- One of the two members from the public at large who is a resident of the mountain region, appointed by the Speaker.
- Two of the four members appointed by the Governor who are actively connected or have experience in local government in the mountain region.
- The member representing the Southwestern Carolina Planning and Economic Development Commission.
- The member appointed by the board of the Blue Ridge National Heritage Area.

The following seats will be re-appointed on September 1, 2012:

- One of the two members from the public at large who is a resident of the mountain region, appointed by the President Pro Tem.
- One member appointed by the Governor who has experience in tourism / tourism development in the mountain region.
- The member representing the Isothermal Planning and Development Commission.
- The member representing the High Country Council of Governments would serve a 3-year term.

The following seats will be re-appointed on September 1, 2013:

- One of the two members from the public at large who is a resident of the mountain region, appointed by the Speaker.
- Two of the four members appointed by the Governor who are actively connected or have experience in local government in the mountain region.
- The member representing the Western Piedmont Council of Government.

The following seats will be re-appointed on September 1, 2014:

- One of the two members from the public at large who is a resident of the mountain region, appointed by the President Pro Tem.
- The member appointed by the Governor who is actively associated with a land trust organization working in the mountain region.
- The member who represents the North Carolina National Parks, Parkway, and Forest Development Council.
- The member representing the Land of Sky Regional Council.

House Bill 657 also provides that Commission members will still serve four-year terms once the initial term limits expire. Members cannot serve more than two full terms consecutively.

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

H567-SMTH-17(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 537** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES 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 (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 2011**

**H**

**D**

**HOUSE BILL 537  
PROPOSED COMMITTEE SUBSTITUTE H537-CSRF-11 [v.1]**

4/13/2011 10:33:44 AM

Short Title: Wilkes Fire Tax Dist. Boundaries.

(Local)

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Sponsors:

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Referred to:

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March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND  
MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Broadway. – The newly agreed boundary line for the Broadway Fire Tax District in the area from Jessie Reins Road and Brushy Mountain Road to Fox Run Subdivision and Country Club Road Extension shall be as follows:

BEGINNING at the dead end of S. R. 2463 (Sleepy Avenue West), including property on S. R. 1001 (Brushy Mountain Road) between this and the preceding point; thence in a southeasterly direction to a point on S. R. 1001 (Brushy Mountain Road) 0.1 miles south of its intersection with S. R. 2515 (Jessie Reins Road), including the following parcels on either side of said line which were formerly in the Moravian Falls Fire Tax District as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2200328, 2200332, 2200553, 2200568, 2200665, 2200671, 2200673, 2200722, 2200778, 2200941, 2201407, 2201463, 2201550, 2201551, 2201622, 2201623, 2201737, 2201805, 2201807, 2202370, 2202425, 2202426, 2202430, 2202432, 2202706, 2202839, 2202897, 2202935, 2203079, 2203233, 2203788, 2204661, 2204883, 2205049, 2205052, 2205053, 2205205, 2205783, 2205784, 2206101, 2206180, 2206181, 2206601, 2206618, 2206758, 2207121, 2207151, 2207152, and 2207254; thence in a southeasterly direction to a point on S. R. 2462 (Country Club Road Extension) 0.6 miles northeast of its intersection with S. R. 1001 (Brushy Mountain Road), excluding all property on the approved plat for Fox Run Subdivision as recorded at Map Book 7, Page 58, Wilkes County Register of Deeds Office, and further excluding the following parcels on either side of said line as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2203599, 2206845, 2205441, 2206443, and 2205612; thence in a southeasterly direction to a point on S. R. 2473 (Quarry Road) 0.2 miles southwest of its intersection with N.C. Highway 115, including the following parcels on either side of said line which were formerly in the Moravian Falls Fire Tax District as described on the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2204828 and 2207214. The following description for said boundary shall not be affected or altered in any way by the subsequent division of any of the parcels or property described therein nor by a change in or reassignment of any of said Parcel I.D. Nos. on the records of the Wilkes County Tax Mapping Office.

**SECTION 2.** Moravian Falls. – The newly agreed boundary line for the Moravian Falls Fire Tax District in the area from Jessie Reins Road and Brushy Mountain Road to Fox Run Subdivision and Country Club Road Extension shall be as follows:

BEGINNING at a point on S. R. 1001 (Brushy Mountain Road) 0.4 miles northeast of its intersection with S. R. 2472 (Dixie Rock Road); thence in a northerly direction to a point on S. R. 2462 (Country Club Road Extension) 0.6 miles northeast of its intersection with S. R. 1001 (Brushy Mountain Road), excluding the following parcels on either side of said line which were formerly in the Moravian Falls Fire Tax District as described on the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2204828 and 2207214; thence in a northwesterly direction to a point on S. R. 1001 (Brushy Mountain Road) 0.1 miles south of its intersection with S. R. 2515 (Jessie Reins Road), including all property on the approved plat for Fox Run Subdivision as recorded at Map Book 7, Page 58, Wilkes County Register of Deeds Office, and further including the following parcels on either side of said line as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2203599, 2206845, 2205441, 2206443, and 2205612; thence in a westerly direction to a point on N.C. Highways 16 and 18 at the Wilkesboro City limits, excluding the following parcels on either side of said line which were formerly in the Moravian Falls Fire Tax Districts as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2200328, 2200332, 2200553, 2200568, 2200665, 2200671, 2200673, 2200722, 2200778, 2200941, 2201407, 2201463, 2201550, 2201551, 2201622, 2201623, 2201737, 2201805, 2201807, 2202370, 2202425, 2202426, 2202430, 2202432, 2202706, 2202839, 2202897, 2202935, 2203079, 2203233, 2203788, 2204661, 2204883, 2205049, 2205052, 2205053, 2205205, 2205783, 2205784, 2206101, 2206180, 2206181, 2206601, 2206618, 2206758, 2207121, 2207151, 2207152, and 2207254; and further excluding the following parcels not within any fire tax district, as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2204131, 2204132, and 2202434. The foregoing description for said boundary shall not be affected or altered in any way by the subsequent division of any of the parcels or property described therein nor by a change in or reassignment of any of said Parcel I.D. Nos. on the records of the Wilkes County Tax Mapping Office.

**SECTION 3.** Subject to the new boundary line as provided in this act, the 1975 extension of the Broadway Fire Tax District and the 2002 extension of the Moravian Falls Fire Tax District are valid and lawful. All prior collections of fire tax revenues by Wilkes County in the areas subject to the extensions are valid and lawful, without regard to which fire tax district (and corresponding fire tax rate) those revenues were collected from, and without regard to which volunteer fire department those revenues were allocated to.

**SECTION 4.** No provision of this act shall be construed to prohibit a subsequent change in the Broadway Fire Tax District or the Moravian Falls Fire Tax District, including any portion of the boundary established hereunder, pursuant to Chapter 69 of the North Carolina General Statutes or other applicable law.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 537**

Short Title: Wilkes Fire Tax Dist. Boundaries. (Local)

Sponsors: Representative Randleman (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 31, 2011

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND  
MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Broadway. – The newly agreed boundary line for the Broadway Fire Tax District in the area from Jessie Reins Road and Brushy Mountain Road to Fox Run Subdivision and Country Club Road Extension shall be as follows:

BEGINNING at the dead end of S. R. 2463 (Sleepy Avenue West), including property on S. R. 1001 (Brushy Mountain Road) between this and the preceding point; thence in a southeasterly direction to a point on S. R. 1001 (Brushy Mountain Road) 0.1 miles south of its intersection with S. R. 2515 (Jessie Reins Road), including the following parcels on either side of said line which were formerly in the Moravian Falls Fire Tax District as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2200328, 2200332, 2200553, 2200568, 2200665, 2200671, 2200673, 2200722, 2200778, 2200941, 2201407, 2201463, 2201550, 2201551, 2201622, 2201623, 2201737, 2201805, 2201807, 2202370, 2202425, 2202426, 2202430, 2202432, 2202706, 2202839, 2202897, 2202935, 2203079, 2203233, 2203788, 2204661, 2204883, 2205049, 2205052, 2205053, 2205205, 2205783, 2205784, 2206101, 2206180, 2206181, 2206601, 2206618, 2206758, 2207121, 2207151, 2207152, and 2207254; thence in a southeasterly direction to a point on S. R. 2462 (Country Club Road Extension) 0.6 miles northwest of its intersection with S. R. 1001 (Brushy Mountain Road), excluding all property on the approved plat for Fox Run Subdivision as recorded at Map Book 7, Page 58, Wilkes County Register of Deeds Office, and further excluding the following parcels on either side of said line as described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2203599, 2206845, 2205441, 2206443, and 2205612; thence in a southeasterly direction to a point on S. R. 2473 (Quarry Road) 0.2 miles southwest of its intersection with N.C. Highway 115, including the following parcels on either side of said line which were formerly in the Moravian Falls Fire Tax District as described on the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2204828 and 2207214. The following description for said boundary shall not be affected or altered in any way by the subsequent division of any of the parcels or property described therein nor by a change in or reassignment of any of said Parcel I.D. Nos. on the records of the Wilkes County Tax Mapping Office.

**SECTION 2.** Moravian Falls. – The newly agreed boundary line for the Moravian Falls Fire Tax District in the area from Jessie Reins Road and Brushy Mountain Road to Fox Run Subdivision and Country Club Road Extension shall be as follows:





1 BEGINNING at a point on S. R. 1001 (Brushy Mountain Road) 0.4 miles northeast of its  
2 intersection with S. R. 2472 (Dixie Rock Road); thence in a northerly direction to a point on S.  
3 R. 2462 (Country Club Road Extension) 0.6 miles northeast of its intersection with S. R. 1001  
4 (Brushy Mountain Road), excluding the following parcels on either side of said line which  
5 were formerly in the Moravian Falls Fire Tax District as described on the records of the Wilkes  
6 County Tax Mapping Office: Parcel I.D. Nos. 2204828 and 2207214; thence in a  
7 northwesterly direction to a point on S. R. 1001 (Brushy Mountain Road) 0.1 miles south of its  
8 intersection with S. R. 2515 (Jessie Reins Road), including all property on the approved plat for  
9 Fox Run Subdivision as recorded at Map Book 7, Page 58, Wilkes County Register of Deeds  
10 Office, and further including the following parcels on either side of said line as described in the  
11 records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2203599, 2206845,  
12 2205441, 2206443, and 2205612; thence in a westerly direction to a point on N.C. Highways  
13 16 and 18 at the Wilkesboro City limits, excluding the following parcels on either side of said  
14 line which were formerly in the Moravian Falls Fire Tax Districts as described in the records of  
15 the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2200328, 2200332, 2200553,  
16 2200568, 2200665, 2200671, 2200673, 2200722, 2200778, 2200941, 2201407, 2201463,  
17 2201550, 2201551, 2201622, 2201623, 2201737, 2201805, 2201807, 2202370, 2202425,  
18 2202426, 2202430, 2202432, 2202706, 2202839, 2202897, 2202935, 2203079, 2203233,  
19 2203788, 2204661, 2204883, 2205049, 2205052, 2205053, 2205205, 2205783, 2205784,  
20 2206101, 2206180, 2206181, 2206601, 2206618, 2206758, 2207121, 2207151, 2207152, and  
21 2207254; and further excluding the following parcels not within any fire tax district, as  
22 described in the records of the Wilkes County Tax Mapping Office: Parcel I.D. Nos. 2204131,  
23 2204132, and 2202434. The foregoing description for said boundary shall not be affected or  
24 altered in any way by the subsequent division of any of the parcels or property described  
25 therein nor by a change in or reassignment of any of said Parcel I.D. Nos. on the records of the  
26 Wilkes County Tax Mapping Office..

27 **SECTION 3.** Subject to the new boundary line as provided in this act, the 1975  
28 extension of the Broadway Fire Tax District and the 2002 extension of the Moravian Falls Fire  
29 Tax District are valid and lawful. All prior collections of fire tax revenues by Wilkes County in  
30 the areas subject to the extensions are valid and lawful, without regard to which fire tax district  
31 (and corresponding fire tax rate) those revenues were collected from, and without regard to  
32 which volunteer fire department those revenues were allocated to.

33 **SECTION 4.** No provision of this act shall be construed to prohibit a subsequent  
34 change in the Broadway Fire Tax District or the Moravian Falls Fire Tax District, including any  
35 portion of the boundary established hereunder, pursuant to Chapter 69 of the North Carolina  
36 General Statutes or other applicable law.

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



## HOUSE BILL 537: Wilkes Fire Tax Dist. Boundaries

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 12, 2011
<b>Introduced by:</b>	Rep. Randleman	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 527 establishes an agreed upon boundary line between the Broadway Fire District and the Moravian Falls Fire District, both in Wilkes County, and provides that the extensions of those districts in 1975 and 2002 are valid. All prior fire tax collections by the County in the areas subject to the extensions are valid and lawful.*

**CURRENT LAW:** G.S. 69-25.11 governs the changes in the area of a fire protection district. Where there are adjoining districts having the same fire tax rate, the County Commissioners, on petition of the fire protection commissioners and the boards of directors of the fire departments, may relocate the boundary between the districts in accordance with the petition. Before adjusting the boundary, the county commissioners must hold a public hearing. The new boundaries take effect at the beginning of the next fiscal year. G.S. 69-25.11(3).

If the tax rates between the 2 districts are different, the County Commissioners may relocate the boundaries upon petition of 2/3 of the owners of the territory involved and after receiving a favorable recommendation from the fire protection commissioners and the board of directors of the fire departments. A public hearing must be held and any relocation of boundaries takes effect at the beginning of the next fiscal year. G.S. 69-25.11(4).

**BILL ANALYSIS:** House Bill 537 sets the newly agreed upon boundary for the Broadway Fire District and the Moravian Falls Fire District in Wilkes County. The extensions of the fire districts in 1975 and 2002 are valid. All prior collections of fire tax revenues by the County are also valid without regard to the district those revenues were collected from or to which VFD they were allocated to.

The act shall not be construed to prohibit subsequent changes in either fire tax district.

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

H537-SMRF-27(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 332** A BILL TO BE ENTITLED AN ACT CLARIFYING THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A MORATORIUM ON DEVELOPMENT APPROVALS FOR THE PURPOSE OF DEVELOPING AND ADOPTING A NEW OR REVISED DEVELOPMENT 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 \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 332

Short Title: Clarify Development Moratoria Authority. (Public)

Sponsors: Representatives Mills, Killian, Crawford, and Hamilton (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 14, 2011

A BILL TO BE ENTITLED  
AN ACT CLARIFYING THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A  
MORATORIUM ON DEVELOPMENT APPROVALS FOR THE PURPOSE OF  
DEVELOPING AND ADOPTING A NEW OR REVISED DEVELOPMENT  
ORDINANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-340(h) reads as rewritten:

"(h) As provided in this subsection, counties may adopt temporary moratoria on any county development approval required by ~~law~~ law, except for the purpose of developing and adopting new or amended plans or ordinances. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the board of commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 153A-323. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 153A-357 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 153A-344.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the county prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the county prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by



the county and why those alternative courses of action were not deemed adequate.

(2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

(3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

(4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the county during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the city shall have taken all reasonable and feasible steps proposed to be taken by the county in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the county shall have the burden of showing compliance with the procedural requirements of this subsection."

**SECTION 2.** G.S. 160A-381(e) reads as rewritten:

"(e) As provided in this subsection, cities may adopt temporary moratoria on any city development approval required by ~~law~~, except for the purpose of developing and adopting new or amended plans or ordinances. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the city prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the city prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the city and why those alternative courses of action were not deemed adequate.
- (2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the city during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the city shall have taken all reasonable and feasible steps proposed to be taken by the city in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the city shall have the burden of showing compliance with the procedural requirements of this subsection."

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



## HOUSE BILL 332: Clarify Development Moratoria Authority

*2011-2012 General Assembly*

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<b>Committee:</b>	House Government	<b>Date:</b>	March 28, 2011
<b>Introduced by:</b>	Reps. Mills, Killian, Crawford, Hamilton	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 332 provides that a local government may not impose a moratorium on development approvals for the purpose of developing and adopting a new or revised development ordinance.*

**CURRENT LAW:** Current G.S. 153A-340(h) and G.S. 160A-381(e) authorize counties and cities to impose temporary development moratoria on development approvals.

**BILL ANALYSIS:** House Bill 332 amends the current law to specify that development moratoria may not be imposed for the purpose of developing new or amended zoning and development plans or ordinances.

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

*H332-SMRW-43(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 261** A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING  
FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

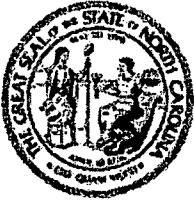
\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

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



**1**





## SENATE BILL 261: Chowan Fox Seasons

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Jones  
**Analysis of:** First Edition

**Date:** April 13, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *Senate Bill 261 would establish a season for taking foxes with weapons and by trapping in Chowan County.*

[As introduced, this bill was identical to H265, as introduced by Rep. Spear, which is currently in Senate State and Local Government.]

**BILL ANALYSIS:** Senate Bill 261 would amend Section 3 of S.L. 2009-43 to add Chowan County. This amendment would create an open season on taking foxes with weapons and by trapping during the trapping season set by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale. No bag limit applies to foxes taken under this act.

The bill would also repeal Section 6 of S.L. 1999-301, which added Chowan County to Chapter 128 of the 1989 Session Laws. The effect would be to repeal the current fox season in Chowan County, which is a weapons season from December 1 to January 1, and a trapping season from January 2 or the last day of deer season, whichever is later, to January 31, including an aggregate bag limit of 30.

**EFFECTIVE DATE:** This act becomes effective October 1, 2011.

*Susan Sitze, counsel to Senate State and Local Government?, substantially contributed to this summary.*

S261-SMRF-30(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 438** A BILL TO BE ENTITLED AN ACT EXTENDING THE AUTHORITY OF CERTAIN  
BOARDS OF COUNTY COMMISSIONERS OVER LOCAL BOARDS, AGENCIES, AND  
COMMISSIONS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 438**

Short Title: Accountable Co. Comms./Expand Loc. Bd. Auth. (Public)

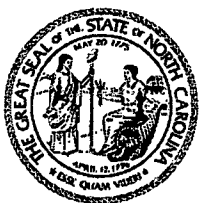
Sponsors: Representative McComas (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 24, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT EXTENDING THE AUTHORITY OF CERTAIN BOARDS OF COUNTY  
3 COMMISSIONERS OVER LOCAL BOARDS, AGENCIES, AND COMMISSIONS.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** G.S. 153A-77(f) reads as rewritten:  
6 "(f) This section applies to coastal counties with a population in excess of 200,000 and  
7 to other counties with a population in excess of 425,000."  
8 **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 438: Accountable Co. Comms./Expand Loc. Bd. Auth

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. McComas  
**Analysis of:** First Edition

**Date:** April 13, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 438 would authorize coastal counties with a population of more than 200,000 to assume direct control of any activities conducted by or through the board of health, social services board, or mental health board, or any other commissioner appointed by the board of county commissioners, as counties with a population of more than 425,000 currently may.*

**CURRENT LAW:** G.S. 153A-77(a) authorizes a county board of commissioners in counties with a population in excess of 425,000 to exercise its jurisdiction over commissions, boards, and agencies and to assume direct control of any activities conducted by or through the commission or board. As of 2010, three counties meet the population threshold – Guilford, Mecklenburg, and Wake Counties. Mecklenburg and Wake have both exercised the county's authority under G.S. 153A-77. Since 1984, the Mecklenburg Board of County Commissioners sits also as the board of social services. Since 1996, the Wake County Board of Commissioners created a consolidated Health and Human Services Board to oversee both public health, mental health, social services, job training, child support and housing.

**BILL ANALYSIS:** The bill would also authorize coastal counties with a population of more than 200,000 people to direct control of commissions, boards and agencies. As of 2010, one county on the coastline has a population of more than 200,000 – New Hanover County.

**EFFECTIVE DATE:** Effective when it becomes law.

H438-SMST-20(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 506** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 506  
PROPOSED COMMITTEE SUBSTITUTE H506-PCS11187-LM-4

Short Title: Wrightsville Beach/Abandoned Vessels.

(Local)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND  
DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING  
JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-303(b1) reads as rewritten:

"(b1) An abandoned motor vehicle is one that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the city for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.
- (5) Is moored, anchored, or otherwise located for more than 30 consecutive days in any 180-consecutive-day period in any waters or marshes waterward of the pierhead line as established by the Town of Wrightsville Beach.
- (6) If designed to float, is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels. Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have been in place for more than 10 years shall not be considered abandoned motor vehicles and shall not be removed under the provisions of this section without the approval of the Department of Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-22 and G.S. 121-23."

SECTION 2. This act applies to the Town of Wrightsville Beach only and shall apply in the areas where the Town of Wrightsville Beach exercises territorial and extraterritorial jurisdiction under G.S. 160A-360. The provisions of this act shall not apply to vessels as described in G.S. 160A-303(b1)(5) and G.S. 160A-303(b1)(6), as enacted by Section 1 of this act, in nonnavigable streams.

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



\* H 5 0 6 - P C S 1 1 1 8 7 - L M - 4 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 506**

Short Title:	Wrightsville Beach/Abandoned Vessels.	(Local)
<hr/>		
Sponsors:	Representative McComas (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	

March 30, 2011

A BILL TO BE ENTITLED  
AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND  
DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING  
JURISDICTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-303(b1) reads as rewritten:

"(b1) An abandoned motor vehicle is one that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the city for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.
- (5) Is moored, anchored, or otherwise located for more than 30 consecutive days in any 180-consecutive-day period in any waters or marshes waterward of the pierhead line as established by the Town of Wrightsville Beach.
- (6) If designed to float, is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels."

**SECTION 2.** This act applies to the Town of Wrightsville Beach only, and the provisions of Section 1 of this act shall apply in the areas where the Town of Wrightsville Beach exercises territorial and extraterritorial jurisdiction under G.S. 160A-360.

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



\* H 5 0 6 - V - 1 \*





## HOUSE BILL 506: Wrightsville Beach/Abandoned Vessels

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. McComas  
**Analysis of:** PCS to First Edition  
H506-CSLM-4

**Date:** April 13, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 506 authorizes Wrightsville Beach to remove and dispose of abandoned vessels under its abandoned vehicle ordinance.*

**CURRENT LAW:** Current G.S. 160A-303 authorizes municipalities to enact ordinances regulating the removal and disposal of junked and abandoned motor vehicles. The current statute includes a hearing and appeal procedure for the owner.

**BILL ANALYSIS:** House Bill 506 amends G.S. 160A-303, applicable to the Town of Wrightsville Beach only, to add the following two categories to the definition of "abandoned motor vehicle" that

- Is moored, anchored, or otherwise located for more than 30 consecutive days in any 180-consecutive-day period in any waters or marshes waterward of the pierhead line as established by the Town of Wrightsville Beach.
- If designed to float, is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels.

The **proposed committee substitute** adds the following language to exclude older shipwrecks and archeological remains from the provisions of the bill:

"Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have been in place for more than 10 years shall not be considered abandoned motor vehicles and shall not be removed under the provisions of this section without the approval of the Department of Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-22 and G.S. 121-23."

The bill applies to the area of the Town of Wrightsville Beach, and its extraterritorial jurisdiction area.

The bill does not apply to vessels, as described in the bill, in non-navigable streams.

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

H506-SMRW-71(CSLM-4) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 492** A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION OF ANY SUCH COUNTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 492

Short Title:	Stormwater/Isolated Popl. Growth in County.	(Public)
<hr/>		
Sponsors:	Representative Howard (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION OF ANY SUCH COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subdivision (5) of subsection (a) of Section 4 of S.L. 2006-246 reads as rewritten:

"(5) ~~A-Subject to subsection (a1) of this section, a county that contains an area that is designated as an urbanized area under the 1990 or 2000 federal decennial census and that has an actual population growth rate that exceeded the State population growth rate for the period 1995 through 2004.~~"

**SECTION 2.** Section 4 of S.L. 2006-246 is amended by adding a new subsection to read:

"(a1) A county that contains an area that is designated as an urbanized area under the 1990 or 2000 federal decennial census and that has an actual population growth rate that exceeded the State population growth rate for the period 1995 through 2004 is not a county under subdivision (5) of subsection (a) of this section and is not a county that is subject under this section to the requirements for development in the unincorporated areas of the county when that actual population growth rate occurred in an area within the county that consists of less than five percent (5%) of the total land area of the county."

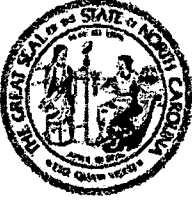
**SECTION 3.** Any rule adopted to replace rules that were disapproved under S.L. 2006-246 or any rule adopted to implement S.L. 2006-246 from and after the effective date of S.L. 2006-246 shall be consistent with the provisions of this act.

**SECTION 4.** All designations of counties under subdivision (5) of subsection (a) of Section 4 of S.L. 2006-246 that occurred after August 16, 2006, that would not have occurred under Section 4 of S.L. 2006-246 as amended by this act are rescinded. The provisions of this section do not preclude any future designations of counties as Phase 2



1 counties by the Environmental Management Commission under subdivision (5) of subsection  
2 (a) of Section 4 of S.L. 2006-246 as amended by this act.

3       **SECTION 5.** This act is effective when it becomes law and applies to any  
4 development that occurs on or after that date.



## HOUSE BILL 492: Stormwater/Isolated Popl. Growth in County

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Howard  
**Analysis of:** First Edition

**Date:** April 13, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *House Bill 492 provides an exemption for counties that have experienced rapid population growth in a small area of the county triggering compliance with stormwater management requirements.*

**CURRENT LAW:** Session Law 2006-246 provided for the implementation of the federal Phase II stormwater management requirements. Section 4 of S.L. 2006-246 requires compliance with post construction requirements for development that cumulatively disturbs one acre or more of land in an unincorporated area of a county if the development is located in specifically delineated areas. Section 4(a)(5) would require compliance with the post construction stormwater management requirements in a county that contains an urbanized area under the 1990 or 2000 census and that has an actual population growth rate that exceeded the State population growth rate for the period from 1994 through 2004.

**BILL ANALYSIS:** House Bill 492 provides that a county that contains an urbanized area and that has an actual population growth rate that exceeded the State population growth rate as provided in Section 4(a)(5) of S.L. 2006-246 is not subject to the stormwater management requirements for development in the unincorporated areas of the county when the population growth occurred in an area of the county containing less than 5% of the county's land area. Any rules adopted to implement S.L. 2006-246 are to be consistent with the provision of this act and any designations of counties under Section 4(a)(5) that would not have occurred under Section 4(a)(5) as amended by this act are rescinded. Future designation of counties as Phase 2 counties by the Environmental Management Commission under Section 4(a)(5) are not precluded.

**EFFECTIVE DATE:** The act is effective when it becomes law and applies to any development that occurs on or after that date.

**BACKGROUND:** Davie County has experienced rapid population growth in a small area of the county (Bermuda Run) which skewed the growth rate for the county such that it became subject to the stormwater management rules.

H492-SMRF-31(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 83** A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987 LOCAL ACT RELATING TO THAT BOARD.

☒ 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.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 83\*  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S83-PCS35207-ST-13

Short Title: Wilson School Board.

(Local)

Sponsors:

Referred to:

February 21, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY  
3 BOARD OF EDUCATION TAKE OFFICE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Subsection (f) of Section 4 of Chapter 921, Session Laws of 1973, as  
6 rewritten by Section 1 of Chapter 236 of the 1987 Session Laws, is rewritten to read:

7 "(f) Terms of office of the Wilson County Board of Education begin on the second  
8 Monday in ~~January~~ December following their election."

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



\* S 8 3 - P C S 3 5 2 0 7 - S T - 1 3 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

S

1

**SENATE BILL 83\***

Short Title:   Wilson School Board. (Local)

Sponsors:    Senator Newton.

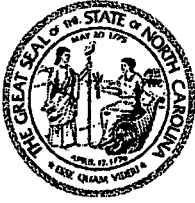
Referred to:   Education/Higher Education.

February 21, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY  
3 BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987  
4 LOCAL ACT RELATING TO THAT BOARD.  
5 The General Assembly of North Carolina enacts:  
6       **SECTION 1.** Subsection(f) of Section 4 of Chapter 921, Session Laws of 1973, as  
7 rewritten by Section 1 of Chapter 236 of the 1987 Session Laws, is rewritten to read:  
8       "(f)   Terms of office of the Wilson County Board of Education begin on the second  
9 Monday in ~~January~~ December following their election."  
10       **SECTION 2.** Section 1 of Chapter 236 of the 1987 Session Laws is amended by  
11 deleting "Section 4 of Chapter 921, Session Laws of 1983" and substituting "Section 4 of  
12 Chapter 921, Session Laws of 1973."  
13       **SECTION 3.** This act is effective when it becomes law.







## SENATE BILL 83: Wilson School Board

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Newton  
**Analysis of:** PCS to First Edition  
S83-CSST-13

**Date:** April 6, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *The proposed committee substitute for Senate Bill 83 would change the day that members of the Wilson County Board of Education take office upon election.*

[As introduced, this bill was identical to H67, as introduced by Reps. Tolson, Farmer-Butterfield, which is currently in Rules and Operations of the Senate.]

### CURRENT LAW & BILL ANALYSIS:

Under generally applicable statewide law, local boards of education qualify and take the oath of office at their meeting in December following the election. G.S. 115C-37(d)

Under a 1973 local act, members of the Wilson County Board of Education are to take office on the second Monday in January following the election:

The proposed committee substitute would change the local act for the Wilson County Board of Education to require members to take office on the second Monday in December following the election.

**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 Wilson County is one of the 40 counties in North Carolina subject to Section 5.

S83-SMST-18(CSST-13) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 519** A BILL TO BE ENTITLED AN ACT TO PROVIDE THE PIEDMONT TRIAD REGIONAL WATER AUTHORITY WITH THE AUTHORITY TO CONTROL FISHING IN RANDLEMAN RESERVOIR.

☒ 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 2011**

**H.**

**1**

**HOUSE BILL 519\***

**Short Title:** Pied. Triad Water Auth./Control Fishing. (Local)

**Sponsors:** Representative Brubaker (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

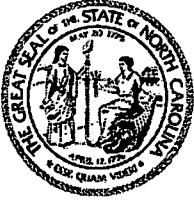
**Referred to:** Government.

March 30, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THE PIEDMONT TRIAD REGIONAL WATER AUTHORITY  
3 WITH THE AUTHORITY TO CONTROL FISHING IN RANDLEMAN RESERVOIR.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Notwithstanding the provisions of G.S. 113-292 or any other  
6 provision of law, the Piedmont Triad Regional Water Authority may regulate and restrict the  
7 size and quantities of fish that may be taken from the waters of Randleman Reservoir.  
8 **SECTION 2.** This act applies only to the Piedmont Triad Regional Water  
9 Authority and its property in Guilford and Randolph Counties.  
10 **SECTION 3.** This act is effective when it becomes law.



\* H 5 1 9 - V - 1 \*



## **HOUSE BILL 519: Pied. Triad Water Auth./Control Fishing**

*2011-2012 General Assembly*

**Committee:** House Government  
**Introduced by:** Rep. Brubaker  
**Analysis of:** First Edition

**Date:** April 11, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 519 authorizes the Piedmont Triad Regional Water Authority to regulate fishing in the Randleman Reservoir.*

### **CURRENT LAW:**

G.S. 113-292 gives the Wildlife Commission the authority to authorize, license, regulate, prohibit, prescribe, or restrict all fishing in inland fishing waters and the taking of inland fish.

### **BILL ANALYSIS:**

House Bill 519 authorizes the Piedmont Triad Regional Water Authority to regulate and restrict the size and quantities of fish taken from the Randleman Reservoir.

The bill applies only to the Piedmont Triad Regional Water Authority and its property in Guilford and Randolph Counties.

### **EFFECTIVE DATE:**

House Bill 519 would become effective when it becomes law.

*H519-SMSH-33(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 482** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 482  
PROPOSED COMMITTEE SUBSTITUTE H482-PCS70180-RF-13**

Short Title:   Norwood Water Lines.

(Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES  
FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND  
ACT OF 1998.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding Section 5.1(b) of Session Law 1998-132, the Secretary of Environment and Natural Resources shall grant a waiver to allow additional connections to a bond-funded water line within an area designated as WS-I or the critical area of any area that has been designated as WS-II, WS-III, or WS-IV by the Environmental Management Commission pursuant to G.S. 143-214.5, provided the design capacity and size of the existing bond-funded line can accommodate the additional connections and the purpose of the additional connection is for either of the following reasons:

- (1) To address an existing threat to public health or water quality.
- (2) To provide water to a habitable structure located on a lot zoned for a single family residence. There is no requirement that the habitable structure existed on the lot at the time of the construction of the bond-funded water line.

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



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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

H. B. No. 482

DATE \_\_\_\_\_

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

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

(to be filled in by  
Principal Clerk)

COMMITTEE SUBSTITUTE H482CSRF-13

Rep. ) Burn  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 1, line 15 and 16

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting those lines to read:

4  
5 " family residence. There is no requirement  
6 that the "

7 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

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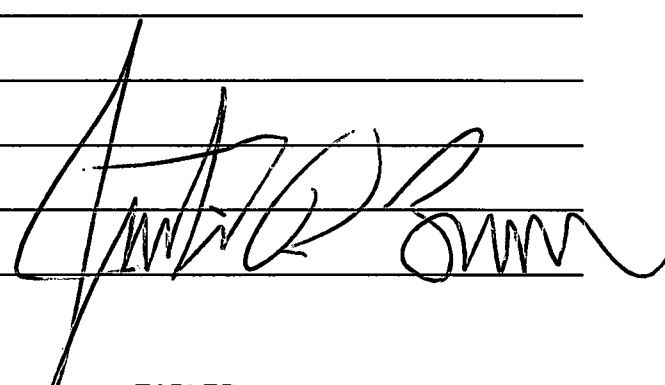
16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

SIGNED



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

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 482**

Short Title: Norwood Water Lines. (Public)

Sponsors: Representative Burr (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 29, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES  
3 FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND  
4 ACT OF 1998.

5 The General Assembly of North Carolina enacts:

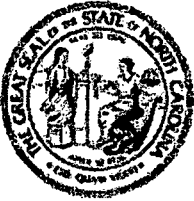
6 **SECTION 1.** Notwithstanding Section 1.5(b) of Session Law 1998-132, the  
7 Secretary of Environment and Natural Resources shall grant a waiver to allow additional  
8 connections to a bond-funded water line within an area designated as WS-I or the critical area  
9 of any area that has been designated as WS-II, WS-III, or WS-IV by the Environmental  
10 Management Commission pursuant to G.S. 143-214.5, provided the design capacity and size of  
11 the existing bond-funded line can accommodate the additional connections and the purpose of  
12 the additional connection is for either of the following reasons:

- 13 (1) To address an existing threat to public health or water quality.  
14 (2) To provide water to a habitable structure located on a lot zoned for a single  
15 family residence, provided that the lot was platted at the time of the  
16 construction of the bond-funded water line. There is no requirement that the  
17 habitable structure existed on the lot at the time of the construction of the  
18 bond-funded water line.

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







## HOUSE BILL 482: Norwood Water Lines

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Burr  
**Analysis of:** PCS to First Edition  
H482-CSRF-13

**Date:** April 13, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *House Bill 482 authorizes additional connections to water supply lines funded by the Clean "Water and Natural Gas Critical Needs Bond Act of 1998 under the circumstances set forth in the bill. The proposed committee substitute corrects a citation error.*

**CURRENT LAW:** The Clean Water and Natural Gas Critical Needs Bond Act of 1998 provided for the issuance of general obligation bonds of the State and for the allocation of the proceeds from the sale of those bonds. Section 5.1(b) of the act prohibited the use of the proceeds to construct new water or sewer lines in areas designated WS-I or the critical areas of WS- II, III, or IV. The Secretary of DENR may grant a waiver to allow such construction and to provide water and sewer connections if the Secretary finds that the construction is necessary to protect public health or water quality. Waivers must require that the lines be designed to address only the health/water quality concerns and not allow for additional connections.

**BILL ANALYSIS:** House Bill 482 provides that the Secretary of DENR shall grant a waiver to allow additional connections to the water line funded with the Clean Water and Natural Gas Critical Needs bonds in areas designated WS-I or the critical areas of WS-II, III, or IV if the design capacity and size of the existing line can accommodate the additional connections and the purpose is either to address an existing threat to public health or water quality, or to provide water to a habitable structure on a lot zoned for single family homes, if the lot was platted at the time of the construction of the water line. The structure to be served need not have existed at the time of construction of the bond funded line.

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

### BACKGROUND:

H482-SMRF-28(CSRF-13) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 447** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM.

☒ 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 2011

H

1

HOUSE BILL 447\*

Short Title:	Fontana Dam Incorporated.	(Local)
<hr/>		
Sponsors:	Representative West (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government, if favorable, Finance.	

March 24, 2011

A BILL TO BE ENTITLED  
AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM.  
The General Assembly of North Carolina enacts:

**SECTION 1.** A Charter for the Town of Fontana Dam is enacted to read:

"CHARTER OF THE TOWN OF FONTANA DAM.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Fontana Dam are a body corporate and politic under the name 'Town of Fontana Dam.' The Town of Fontana Dam has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Fontana Dam are as follows:

A tract of land located at Fontana Village in the Yellow Creek Township of Graham County, State of North Carolina, approximately 1.25 miles southwest of Fontana Dam, and more particularly described as follows: BEGINNING at a metal marker (Coordinates: N 646,225; E 559,660) on the west side of Fontana Village at a common corner of the land of the United States of America (Tennessee Valley Authority), the land of the Whiting Manufacturing Company and the land previously transferred in fee by the Tennessee Valley Authority to the United States Department of Agriculture under the designation of Tract XTFR-4. From the initial point with the boundary line of the land in custody of the Tennessee Valley Authority, N 67-32 E 2,818 feet passing a metal marker at 552 feet and a metal marker at the east edge of a road at 1,193 feet to a metal marker; thence, N 25-15 E 2,429 feet passing a metal marker at 1,831 feet to a metal marker; thence, N 77-06 E 1,603 feet crossing State Highway 28 at approximately 65 feet to a metal marker; thence, S 45-31 E 1,480 feet to a metal marker; thence, S 22-32 E 846 feet recrossing State Highway 28 at approximately 775 feet to a metal marker; thence, S 56-26 W 3,594 feet to a metal marker; thence, S 85-25 W 602 feet to a metal marker; thence, S 77-16 W 1,470 feet to a metal marker; thence, due south, 303 feet to a metal marker; thence, N 89-28 W 1,504 feet to a metal marker; thence, N 03-26 W 836 feet to the point of BEGINNING, containing 288.5 acres, more or less.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Fontana Dam is the Mayor and the Town Council, which shall have four members.



1       "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial  
2 election in 2011 provided for by Section 4.2 of this Charter, Tammy Dees is appointed Mayor  
3 and Tim Gamble, Craig Litz, Vanessa Litz, and Debbie Rich are appointed council members of  
4 the Town of Fontana Dam, and they shall possess and exercise the powers granted to the Mayor  
5 and governing body until their successors are elected or appointed and qualified pursuant to this  
6 Charter. The temporary officers shall elect a person to serve as Interim Mayor Pro Tempore. If  
7 any person named in this section is unable to serve, the remaining temporary officers shall, by  
8 majority vote, appoint a person to serve until the initial election is held in 2011.

9       "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of  
10 the entire Town shall elect the members of the Town Council, and they shall serve for a term of  
11 two years or until their successors are elected and qualified.

12       "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of  
13 the entire Town shall elect the Mayor, who shall serve for a term of two years or until the  
14 Mayor's successor is elected and qualified. The Mayor shall attend and preside over meetings  
15 of the Town Council, shall advise the Town Council from time to time as to matters involving  
16 the Town of Fontana Dam, and shall have the right to vote as a member of the Town Council  
17 on all matters before the Town Council but shall have no right to break a tie vote in which the  
18 Mayor has participated. In the case of a vacancy in the office of Mayor, the remaining members  
19 of the Town Council shall choose from their own number a successor for the unexpired term.

20       "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The  
21 Mayor Pro Tempore shall be elected from among the members of the Town Council at the  
22 organizational meeting after the initial election in 2011 and shall serve for a term of two years.  
23 The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and  
24 Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the  
25 Town Council present may elect a temporary chair to preside in the absence. The Mayor Pro  
26 Tempore shall have the right to vote on all matters before the Town Council and shall be  
27 considered a member of the Town Council for all purposes.

28                       "ARTICLE IV. ELECTIONS.

29       "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan  
30 basis and results determined by a plurality as provided in G.S. 163-292.

31       "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter  
32 163 of the General Statutes, with the first regular municipal election to be held on November 8,  
33 2011.

34       "Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be  
35 held only as provided by general law or applicable local acts of the General Assembly.

36                       "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

37       "Section 5.1. **Form of Government.** The Town shall operate under the council-manager  
38 form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

39       "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed  
40 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the  
41 Town, advise Town officials, and perform other duties as required by law or as directed by the  
42 Town Council. The Town Attorney shall serve at the pleasure of the Town Council.

43       "Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall  
44 perform duties as required by law or as directed by the Town Council. The Town Clerk shall  
45 serve at the pleasure of the Town Council.

46                       "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

47       "Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and  
48 fees authorized by general law. An affirmative vote equal to a majority of all the members of  
49 the Town Council shall be required to change the ad valorem tax rate from the rate established  
50 during the prior fiscal year.

1       "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2011, the citizens  
2 and property in the Town of Fontana Dam shall be subject to municipal taxes levied for the  
3 year beginning July 1, 2011, and for that purpose the Town shall obtain from Graham County a  
4 record of property in the area herein incorporated which was listed for property taxes as of  
5 January 1, 2011.

6       "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2011-2012  
7 without following the timetable in the Local Government Budget and Fiscal Control Act but  
8 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year  
9 2011-2012, ad valorem taxes may be paid at par or face amount within 90 days of adoption of  
10 the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the  
11 taxes had been due and payable on September 1, 2011. If the effective date of the incorporation  
12 is prior to July 1, 2011, the Town may adopt a budget ordinance for fiscal year 2010-2011  
13 without following the timetable in the Local Government Budget and Fiscal Control Act but  
14 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem  
15 taxes may be levied for the 2010-2011 fiscal year.

16                               "ARTICLE VII. ORDINANCES.

17       "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of  
18 Fontana Dam is authorized to adopt such ordinances as the Town Council deems necessary for  
19 the governance of the Town."

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



## HOUSE BILL 447: Fontana Dam Incorporated

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 12, 2011
<b>Introduced by:</b>	Rep. West	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 447 incorporates the Town of Fontana Dam in Graham County.*

[As introduced, this bill was identical to S431, as introduced by Sen. Davis, which is currently in Senate Finance.]

**CURRENT LAW:** Municipalities may be created by the General Assembly, with powers and duties it deems advisable, pursuant to Article VII, Section 1 of the North Carolina Constitution.

Rule 35.1(b) of the House Rules requires that a legislative proposal proposing incorporation must have attached to its bill jacket a report of the Joint Municipal Incorporations Commission prior to a favorable report by a committee of the House. Article 20 of Chapter 120 of the General Statutes creates the Joint Municipal Incorporation Commission and sets forth the criteria for review of a proposed incorporation.

**BILL ANALYSIS:** House Bill 447 would incorporate the Town of Fontana Dam in Graham County. The proposed charter of Fontana Dam includes a Town Council of a mayor and four council members, elected on a non-partisan basis with two year terms.

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

**BACKGROUND:** The proposed incorporation of the Town of Fontana Dam did not receive a favorable recommendation from the Joint Legislative Commission on Municipal Incorporation in its report, dated March 16, 2009, because the Commission found that the proposed Town did not meet the Commission standards for population and population density.

H447-SMRW-66(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 420** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO  
USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 420**

Short Title: Oak Island/Wheel Locks. (Local)

Sponsors: Representative Iler (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 22, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO USE WHEEL LOCKS TO  
3 ENFORCE PARKING REGULATIONS.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Section 3 of S.L. 2003-240, as amended by S.L. 2007-330 and S.L.  
6 2010-50, reads as rewritten:  
7 "SECTION 3. Section 1 of this act applies to the City of Fayetteville and the Towns of  
8 Boiling Springs, Carolina Beach, Oak Island, and Wrightsville Beach only.  
9 SECTION 2. Section 1 of this act applies to the Town of Oak Island only.  
10 SECTION 3. This act is effective when it becomes law.







## HOUSE BILL 420: Oak Island/Wheel Locks

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Iler  
**Analysis of:** First Edition

**Date:** April 11, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 420 adds the Town of Oak Island to the group of cities and towns that may use wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets.*

**CURRENT LAW:** A number of local bills have been enacted over the past several years authorizing local governments to adopt ordinances allowing the use of wheel locks on illegally parked vehicles that have three or more unpaid parking tickets. For most municipalities, the unpaid tickets must have accumulated over a period of ninety days. However, for Boiling Springs, Carolina Beach, Fayetteville and Wrightsville Beach, the unpaid tickets must have been issued on at least three separate days. In all cases, the ordinance has to provide for notice or warning to be put on the vehicle and immobilization through the wheel locks. In all but two cases, the ordinance may provide for an immobilization fee of not more than \$50.00.<sup>1</sup> The ordinance must also provide for towing, impoundment, and an appeal hearing. The cities are not responsible for any damage that may occur to immobilized illegally parked vehicles that result from unauthorized attempts to free or move the vehicle.

**BILL ANALYSIS:** House Bill 420 would allow the Town of Oak Island to enact an ordinance to allow for the use of wheel locks. Wheel locks could be used on illegally parked vehicles that have three or more unpaid and overdue parking tickets issued on at least three separate days. The Town could impose an immobilization fee of not more than \$50.

**BACKGROUND:** Several municipalities throughout North Carolina have authority to use wheel locks: Apex<sup>2</sup>, Asheville<sup>3</sup>, Boiling Springs<sup>4</sup>, Carolina Beach, Chapel Hill<sup>5</sup>, Charlotte<sup>6</sup>, Durham, Fayetteville<sup>7</sup>, Greensboro, Greenville<sup>8</sup>, Henderson, Hickory, Lenoir, Monroe, Raleigh, Salisbury<sup>9</sup>, Winston-Salem, Wilmington (central business district only), Wrightsville Beach, and the Town of Yadkinville.

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

*Cindy Avrette of the Research Division substantially contributed to this summary.*

H420-SMRW-64(e1) v2

<sup>1</sup> The fee may not exceed \$25 for the cities of Asheville and Henderson.

<sup>2</sup> Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, S.L. 1997-218, S.L. 2002-127, S.L. 2003-240, S.L. 2003-328, S.L. 2009-152 covers Apex, Durham, Greensboro, Hickory, Lenoir, Monroe, Raleigh, Wilmington, Winston-Salem, and Yadkinville.

<sup>3</sup> S.L. 1995-75 covers Asheville and Henderson.

<sup>4</sup> Section 1 of S.L. 2003-240, as amended by S.L. 2007-330 and S.L. 2010-50, covers Boiling Springs, Carolina Beach, Fayetteville, and Wrightsville Beach.

<sup>5</sup> The Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended by S.L. 1993-358.

<sup>6</sup> Chapter VI, Subchapter A, Article II of the Charter of the City of Charlotte, being Chapter 713 of the 1965 Session Laws, as amended by S.L. 2000-59 and S.L. 2001-88.

<sup>7</sup> Section 2 of S.L. 2010-50, applicable to Fayetteville only, requires notice to be sent to the registered owner by mail.

<sup>8</sup> S.L. 1993-609.

<sup>9</sup> S.L. 2003-130.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 480** A BILL TO BE ENTITLED AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY BOARD OF EDUCATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 480**

Short Title: Stanly County School Board Filing Period. (Local)

Sponsors: Representative Burr (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 29, 2011

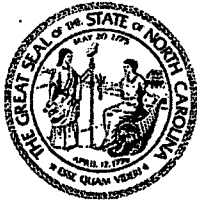
A BILL TO BE ENTITLED  
AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY  
BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 163-106 or anything in the plan of consolidation and merger of the Stanly County and Albemarle City school administrative units, candidates for the Stanly County Board of Education shall file notice of candidacy no earlier than the first Monday in July (except the next business day if the first Monday in July is July 4) and no later than 12:00 noon on the fourth Friday in July preceding the general election.

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





## HOUSE BILL 480: Stanly County School Board Filing Period

*2011-2012 General Assembly*

**Committee:** House Government  
**Introduced by:** Rep. Burr  
**Analysis of:** First Edition

**Date:** April 12, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 480 requires candidates for the Stanly County Board of Education to file notice of candidacy no later than the first Monday in July, or the next business day if that Monday is July 4<sup>th</sup>, and no later than 12:00 noon on the fourth Friday in July preceding the general election.*

**CURRENT LAW:** The Stanly County and Albemarle City Schools merged by an agreement dated September 30, 1996. Nine Board of Education members are elected on a non-partisan basis at even-numbered year general elections for four year terms. Seven members are elected from residency districts but are voted on by all county voters. Two members are elected at large from the county. Members from districts 1 through 5 were elected in 2000 and four years thereafter. Members from Districts 6, 7, and the two at-large seats were elected in 2002 and every four years thereafter.

There is not a provision in the 1996 merger plan concerning the filing period for Board of Education candidates. G.S. 163-106 provides that the date for filing a notice of candidacy in primary elections for county offices is no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary.

**BILL ANALYSIS:** House Bill 480 requires candidates for the Stanly County Board of Education to file notice of candidacy no later than the first Monday in July, or the next business day if that Monday is July 4<sup>th</sup>, and no later than 12:00 noon on the fourth Friday in July preceding the general election.

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

*H480-SMTH-16(e1) v2*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 481** A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF FILLING  
VACANCIES IN THE OFFICE OF SHERIFF OF STANLY COUNTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 481

Short Title: Stanly County Sheriff Vacancy. (Local)

Sponsors: Representative Burr (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 29, 2011

A BILL TO BE ENTITLED  
AN ACT TO CHANGE THE MANNER OF FILLING VACANCIES IN THE OFFICE OF  
SHERIFF OF STANLY COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 162-5.1 reads as rewritten:

**"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

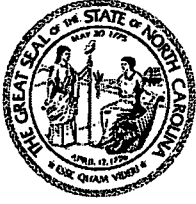
In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, ~~Stanly~~, Stokes, Surry, Transylvania, Wake, and Yancey."

**SECTION 2.** Vacancies in the office of Sheriff of Stanly County shall be filled in accordance with G.S. 162-5.

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





## HOUSE BILL 481: Stanly County Sheriff Vacancy

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Burr  
**Analysis of:** First Edition

**Date:** April 12, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 481 removes Stanly County from the requirement in G.S. 162-5.1 that county commissioners must fill sheriff vacancies by appointing the person recommended by the executive committee of the political party of the vacating sheriff.*

**CURRENT LAW:** Sheriffs in all 100 counties are elected in partisan elections. G.S. 162-5 and 162-5.1 provide alternative methods for filling sheriff vacancies. The default alternative (G.S. 162-5) is for the board of county commissioners to have discretion to make the appointment without being bound by the recommendation of the executive committee of party of the vacating sheriff. If a county is specifically enumerated in G.S. 162-5.1, the other alternative is for the board of county commissioners to be bound by the party recommendation, if it is made within 30 days of the occurrence of the vacancy. Currently, Stanly County is subject to G.S. 162-5.1.

**BILL ANALYSIS:** House Bill 481 would remove Stanly County from the list of counties that are bound by the party recommendation, and instead directs that vacancies are to be filled according to G.S. 162-5, which requires the coroner or chief deputy to perform the sheriff's duties until the first board of county commissioners following the vacancy, during which the board will elect a sheriff.

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

**BACKGROUND:** Currently, the appointing authority in the following counties is bound by the party recommendation: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Wake, and Yancey.

H481-SMTH-15(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 488** A BILL TO BE ENTITLED AN ACT EXTENDING THE WAIVER OF  
RETROACTIVITY PERTAINING TO THE ACQUISITION OF LAND BY THE TOWN OF  
NASHVILLE UNDER THE PARKS AND RECREATION TRUST FUND PROGRAM.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 488**

Short Title: PRTF/Extend Nashville Waiver. (Local)

Sponsors: Representative Collins (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 29, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT EXTENDING THE WAIVER OF RETROACTIVITY PERTAINING TO THE  
3 ACQUISITION OF LAND BY THE TOWN OF NASHVILLE UNDER THE PARKS  
4 AND RECREATION TRUST FUND PROGRAM.  
5 The General Assembly of North Carolina enacts:  
6       **SECTION 1.** Notwithstanding any provision of law to the contrary, in any case  
7 where a municipality participating in the Parks and Recreation Trust Fund Program  
8 administered by the Department of Environment and Natural Resources, North Carolina Parks  
9 and Recreation Authority, has been granted permission to acquire land before applying for a  
10 grant and the funding for the program is subsequently reduced during a fiscal year, the  
11 municipality's waiver of retroactivity under the Program as it pertains to the value of the land  
12 donated to the municipality shall be extended until the next full round of funding.  
13       **SECTION 2.** This act applies to the Town of Nashville only.  
14       **SECTION 3.** This act is effective when it becomes law.





## HOUSE BILL 488: PRTF/Extend Nashville Waiver

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Collins  
**Analysis of:** First Edition

**Date:** April 14, 2011  
**Prepared by:** Giles Perry  
Committee Counsel

**SUMMARY:** House Bill 488 would extend the duration of a waiver received by the Town of Nashville from the Parks and Recreation Authority (Authority) with respect to land acquired in anticipation of the town's application for a grant from the Parks and Recreation Trust Fund (PARTF), making the Town eligible to apply for a PARTF grant during the 2012 funding cycle. The waiver would otherwise expire in May 2011.

**CURRENT LAW:** The General Assembly established PARTF in 1994 to fund improvements in the State's park system, to fund grants for local governments, and to increase the public's access to the State's beaches. PARTF is the primary source of funding to build and renovate facilities in the State parks as well as to buy land for new and existing parks.

PARTF also provides grants up to \$500,000 to local governments to acquire land and develop parks and recreational projects that serve the general public. An applicant must match the grant dollar-for-dollar, 50% of the total cost of the project, and may contribute more than 50%.

Unless a waiver has been requested by an applicant in writing and approved by the Authority or its executive committee, projects for which a grant is sought (including acquisition of land) may not begin until the Department of Environment and Natural Resources and a grant recipient have signed an agreement.<sup>1</sup> Thus, a local government that wants to acquire land with the intention of applying for a PARTF grant in connection with that land needs a waiver to do so (without the waiver, the land cannot be included in the scope of a PARTF application and thus would not be eligible to be included in a project's reimbursable costs). Waivers may be granted only for land acquisition projects requiring action prior to the anticipated signing of an agreement. A waiver continues in effect for 18 months from the date of approval. A project receiving a waiver may not receive preferential treatment in funding decisions.

**BACKGROUND:** The Town of Nashville received a waiver from the Authority in December 2009 to acquire land in advance of submitting an application for a PARTF grant. Given the 18 month duration of such waivers provided for under the Administrative Code, the Town's waiver would be effective for PARTF's 2011 funding cycle but not for PARTF's 2012 funding cycle (the waiver expires in May 2011).

**BILL ANALYSIS:** The bill would extend the duration of the waiver received by the Town of Nashville from the Authority, which would otherwise expire in May 2011, making the Town eligible to apply for a PARTF grant in during the 2012 funding cycle for land already acquired (superseding the 18-month duration for such waivers provided under the Administrative Code).

The Authority has approved 18 waivers for other entities during the previous year.

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

H488-SMRI-13(e1) v2

<sup>1</sup> See 15A NCAC 12K .0106. The purpose of such a waiver is to give local governments the ability to acquire land when the land is available and apply for a grant a later date, recognizing that local governments cannot control when property is for sale by a land owner.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 536** A BILL TO BE ENTITLED AN ACT REQUIRING THE LINCOLN COUNTY BOARD OF EDUCATION TO REVISE ITS RESIDENCY DISTRICTS AFTER EACH CENSUS AS IF THEY WERE ELECTORAL DISTRICTS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 536**

Short Title: Lincoln School Board Districts. (Local)

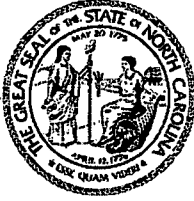
Sponsors: Representative Rhyne (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THE LINCOLN COUNTY BOARD OF EDUCATION TO REVISE  
3 ITS RESIDENCY DISTRICTS AFTER EACH CENSUS AS IF THEY WERE  
4 ELECTORAL DISTRICTS.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.** Section 3 of Chapter 876 of the 1973 Session Laws, as rewritten by  
7 S.L. 2002-22, reads as rewritten:  
8 "Sec. 3. (a) The newly constituted and established Lincoln County Board of Education  
9 shall consist of seven members, and each of said members shall be residents and qualified  
10 voters of the districts according to the membership allocations hereinafter made as follows:  
11 (1) North Brook Township,  
12 (2) The area of Howard's Creek Township outside the city limits of Lincolnton,  
13 (3) The area of Lincolnton Township outside the city limits of Lincolnton,  
14 (4) The area inside the city limits of Lincolnton,  
15 (5) The area of Ironton Township outside the city limits of Lincolnton, and  
16 (6) Catawba Springs Township.  
17 Each district shall each be entitled to one member on the Lincoln County Board of Education.  
18 For the purpose of this section, the city limits of the City of Lincolnton are as of the opening of  
19 candidate filing.  
20 One member shall be elected from the county at large, without regard to township.  
21 (b) The Lincoln County Board of Education shall revise the district boundaries set out  
22 in subsection (a) of this section after each federal census as provided by this subsection,  
23 beginning in 2011, so as to correct population imbalances among the districts. After revising  
24 district boundaries under this subsection, the board of education shall not revise them again  
25 until a new federal census of population is taken. The population of each district shall be within  
26 five percent (5%) of the ideal population, being one-sixth of the total population of the county."  
27 **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 536: Lincoln School Board Districts

*2011-2012 General Assembly*

**Committee:** House Government  
**Introduced by:** Rep. Rhyne  
**Analysis of:** First Edition

**Date:** April 13, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 536 would authorize the Lincoln County School Board to revise its residency districts for purposes of election after each federal decennial census.*

**CURRENT LAW:** In 1973, the Lincoln County Board of Education and the Lincoln City Board of Education were consolidated by local act of the General Assembly. The new board consisted of 7 members, with 6 residency districts based on townships within Lincoln County. The seventh member ran at large. In 2002, after the 2000 Census, the residency districts were revised by local act, with 6 residency districts and one at large.

**BILL ANALYSIS:** The bill would amend the local act consolidating the Lincoln County Board of Education to specifically authorize the Lincoln County Board of Education to revise its own residency districts after the federal decennial census, beginning in 2011. The bill would require the districts to be within 5% of the ideal population, which is 1/6 of the total population of Lincoln County.

The 2010 population Lincoln County is 78,265 people.

**EFFECTIVE DATE:** Effective when it becomes law.

*H536-SMST-21(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 539** A BILL TO BE ENTITLED AN ACT TO EXEMPT FLEA AND FARMERS' MARKETS IN ROWAN COUNTY FROM CERTAIN REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 539**

Short Title: Building Code/Webb Road Flea Market. (Local)

Sponsors: Representatives Steen and H. Warren (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

A BILL TO BE ENTITLED  
AN ACT TO EXEMPT FLEA AND FARMERS' MARKETS IN ROWAN COUNTY FROM  
CERTAIN REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE.

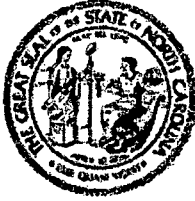
The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding any provision of the State Building Code or any public or local law to the contrary, including, but not limited to Article 9 of Chapter 143 of the General Statutes, requirements for temperature control set forth in section 1204.1 of the North Carolina Building Code, 2009 edition, and section 309.1 of the North Carolina Mechanical Code, 2009 edition, shall not apply to any buildings used to conduct flea markets, farmers' markets, or any similar events in which individual vendors rent spaces within a larger building or series of buildings in order to sell goods or agricultural products to the public, and the individual vendor spaces are open to the exterior areas surrounding the building during operating hours.

**SECTION 2.** This act applies to Rowan County only.

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





## HOUSE BILL 539: Building Code/Webb Road Flea Market

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	April 13, 2011
<b>Introduced by:</b>	Reps. Steen, H. Warren	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 539 provides that specified sections of the State Building Code and the North Carolina Mechanical Code shall not apply to buildings used to conduct flea markets, farmer's markets or other similar events in Rowan County.*

**CURRENT LAW:** Section 1204.1 of the North Carolina Building Code and Section 309.1 of the North Carolina Mechanical Code require interior spaces intended for human occupancy to be provided with active or passive space heating systems capable of maintaining a minimum temperature of 68 degrees F. There is an exception for interior spaces where the primary purpose is not associated with human comfort.

**BILL ANALYSIS:** House Bill 539 provides that Section 1204.1 Code and Section 309.1 of the North Carolina Mechanical Code requiring interior spaces intended for human occupancy to be provided with active or passive space heating systems capable of maintaining a minimum temperature of 68 degrees F. shall not apply to buildings used for flea markets, farmers' markets or similar events, where the individual vendor spaces are open to the exterior areas surrounding the building during operating hours. The bill applies only to Rowan County.

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

H539-SMRF-29(e1) v2



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 566** A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF THE TOWN OF GRANTSBORO TO FOUR YEARS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 566**

Short Title: Grantsboro Charter Amendment. (Local)

Sponsors: Representative Sanderson (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF  
3 THE TOWN OF GRANTSBORO TO FOUR YEARS.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Sections 3-3 and 3-4 of the Charter of the Town of Grantsboro, being  
6 S.L. 1997-446, read as rewritten:  
7 "Section 3-3. **Term of Office of Council Members.** Members of the Council are elected to  
8 ~~two-year terms in 1997 and biennially~~ four-year terms in 2011 and quadrennially thereafter.  
9 "Section 3-4. **Mayor; Term of Office.** The Mayor shall be elected by the qualified voters  
10 of the Town in ~~1997 and biennially thereafter for a two-year~~ 2011 and quadrennially thereafter  
11 for a four-year term."  
12 **SECTION 2.** This act is effective when it becomes law but does not affect any  
13 current two-year term of office.





## HOUSE BILL 566: Grantsboro Charter Amendment

*2011-2012 General Assembly*

**Committee:** House Government  
**Introduced by:** Rep. Sanderson  
**Analysis of:** First Edition

**Date:** April 11, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 566 is a local bill increasing from two years to four years the terms of office for the Mayor and the Council in the Town of Grantsboro.*

### **CURRENT LAW:**

The Town of Grantsboro Charter (Sections 3-3 and 3-4 of S.L. 1997-446) specifies the term of office for council members and the term of office for the mayor. Currently, the Mayor and Council Members are elected to two-year terms.

### **BILL ANALYSIS:**

House Bill 566 amends the Charter for the Town of Grantsboro to provide that beginning in 2011, Grantsboro Council Members and the Mayor will be elected quadrennially for four-year terms.

### **EFFECTIVE DATE:**

House Bill 566 would become effective when it becomes law, but provides that it does not affect any current two-year term of office.

*H566-SMSH-34(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 82** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

☒ 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 2011

S

1

SENATE BILL 82

Short Title: Town of Atkinson/Charter Amendment.

(Local)

Sponsors: Senator Rabon.

Referred to: State and Local Government.

February 21, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE  
3 QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS,  
4 TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE  
5 TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO  
6 TO FOUR YEARS AND STAGGERING THOSE TERMS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. The Charter of the Town of Atkinson, being Chapter 163 of the  
9 Private Laws of 1921, reads as rewritten:

10 "Section 1. That the inhabitants of the ~~town~~ Town of Atkinson shall be and continue as they  
11 have been heretofore, a body politic and corporate, and the corporation shall bear the name and  
12 style of "The Town of Atkinson," and under such name it may sue and be sued, plead and be  
13 impleaded, vested with the rights of property which may now belong or hereafter belong to the  
14 ~~said town~~ Town or possessed by it under any corporate name, and may acquire, hold for the  
15 purpose of its government and the welfare of its people and its improvement or otherwise all  
16 such estates as may be devised, bequeathed, conveyed or purchased with the power to contract  
17 and be contracted with and to convey or purchase both real and personal property, and shall  
18 have all powers and rights appertaining to the municipal welfare.

19 Sec. 2. That the ~~town~~ Town of Atkinson shall have the same ~~town~~ Town limits as laid out in  
20 its original charter, chapter one hundred and twenty-five, Private Laws of one thousand nine  
21 hundred and nine, ~~except that the said town shall be divided up into four wards denominated,~~  
22 ~~first, second, third, and fourth located as follows:~~

23 ~~First Ward—All that section of the town lying and being east of the Atlantic Coast~~  
24 ~~Line Railroad and south of Church Street.~~

25 ~~Second Ward—All that section of the town lying and being situated east of the~~  
26 ~~Atlantic Coast Line Railroad and north of Church Street.~~

27 ~~Third Ward—All that section of the town lying, and being situated west of the~~  
28 ~~Atlantic Coast Line Railroad and south of Church Street.~~

29 ~~Fourth Ward—All that section of the town lying and being west of the Atlantic~~  
30 ~~Coast Line Railroad and north of Church Street.~~ nine.

31 Sec 3. ~~That the officers of said town shall consist of four aldermen, a mayor and a town~~  
32 ~~marshal, one alderman to be elected from each ward by the qualified voters of their respective~~  
33 ~~wards or by a general election for all aldermen and mayor by the qualified voters of all wards at~~  
34 ~~a general election, and that such election shall be held on the first Tuesday after the first~~  
35 ~~Monday in May, one thousand nine hundred and twenty one, and every two years thereafter,~~  
36 ~~and that all elections held in the town of Atkinson shall be held in compliance with the~~  
37 ~~prevailing election laws governing "Municipal Elections."~~ The officers of the Town shall be



1 four Commissioners and the Mayor, who shall be elected according to the nonpartisan plurality  
2 method of election, as provided in G.S. 163-292. The Commissioners shall be elected in a  
3 multiseat contest, and the Mayor shall be elected separately. Except as provided in Section 3.1  
4 of this Charter, regular municipal elections shall be held in the Town every two years and shall  
5 be conducted in accordance with the uniform municipal elections laws of North Carolina.

6 Sec. 3.1. Except as provided otherwise in this section, the Commissioners shall be elected  
7 to four-year terms by the qualified voters of the entire Town, and the Mayor shall be elected to  
8 a two-year term by the qualified voters of the entire Town. In 2011, and biennially thereafter, a  
9 Mayor shall be elected separately from the Commissioners to a two-year term. In 2011, for the  
10 position of Commissioner, the two persons receiving the highest numbers of votes in a  
11 multiseat contest shall be elected to four-year terms, and the two persons receiving the next  
12 highest number of votes shall be elected to two-year terms. In 2013, and quadrennially  
13 thereafter, two persons shall be elected to four-year terms. In 2015, and quadrennially  
14 thereafter, two persons shall be elected to four-year terms.

15 Sec 4. That it shall be the duty of the mayor and ~~aldermen-commissioners of said town~~ the  
16 Town to make laws and ordinances for the regulation and government of ~~said town~~ the Town.

17 Sec 5. It shall be the duty of the officers of ~~said town~~ the Town to make such laws as  
18 necessary that will improve the well-being of the inhabitants of the ~~said town~~ Town and to  
19 make laws, and to raise revenue for the necessary expense of the ~~said town~~ Town and for the  
20 improvement of its streets and sidewalks and public buildings, to call elections when necessary  
21 to raise special revenue from the sale of bonds to meet the requirements and expenditures of the  
22 ~~said town~~ Town for any and all purposes.

23 Sec 6. That the ~~town~~ Town of Atkinson shall have the power and authority to own and  
24 control, purchase or sell, operate and contract in, all modern utilities such as electric power  
25 plants, public play-grounds, parks, hospitals, water-works, and to levy special taxes or sell  
26 bonds taxable against the property of the inhabitants of ~~said town~~ the Town, to improve streets,  
27 extend streets, condemn land of private persons for the purpose of street and sidewalk  
28 improvement, raise revenue for such purposes, to buy, take over and sell any telephone system  
29 for the benefit and convenience of the inhabitants of ~~said town~~ the Town.

30 Sec 7. That the ~~said town~~ Town shall have the right to call elections and hold elections at  
31 any regular meeting of the mayor and board of ~~aldermen-commissioners~~ for the purpose of the  
32 sale of bonds to raise revenue to purchase electric power plants, telephone systems,  
33 water-works, public play-grounds and parks when necessary for the welfare and improvement  
34 of the ~~said town~~ Town.

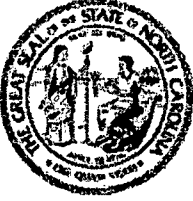
35 Sec 8. That no part of the former charter of the ~~town~~ Town of Atkinson is repealed or  
36 destroyed by this act, but the same is by this amendment amended and revised.

37 Sec 9. That the ~~said town~~ Town shall have all the rights, privileges and immunities  
38 conferred or hereafter to be conferred on towns and cities by chapter seventy-three of Revisal  
39 of North Carolina, and all acts amendatory or supplemental thereto, and by such acts as may  
40 hereafter be passed by the General Assembly with reference to towns and cities when the same  
41 is not inconsistent with this charter or within its provisions.

42 Sec 10. That all laws inconsistent or coming in conflict with the provisions of this act be  
43 and the same is hereby rescinded and repealed.

44 Sec 11. This act shall be in force and effect from and after its ratification."

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



## SENATE BILL 82: Town of Atkinson/Charter Amendment

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Rabon  
**Analysis of:** First Edition

**Date:** April 12, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *Senate Bill 82 would amend the Charter of the Town of Atkinson to allow the qualified voters of the entire town to elect the town officers, to change the name of the governing body, and to extend the term of office of the members of the governing body from two to four years.*

**CURRENT LAW:** The current Charter provides for the town to have four wards and for one alderman to be elected by each ward to serve a two year term.

**BILL ANALYSIS:** Senate Bill 82 would change the governing body to commissioners rather than aldermen, and would have the entire town elect all commissioners in a multi-seat election. The commissioners will ultimately serve 4 year terms with 2 commissioners being elected every 2 years. For 2011, the 2 candidates receiving the highest number of votes for commissioner will be elected to 4 year terms, and the 2 candidates receiving the next highest number of votes will be elected to 2 year terms.

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

S82-SMRW-68(e1) v1

*Susan Sitze of the Research Division substantially contributed to this summary.*

Research Division

O. Walker Reagan, Director

(919) 733-2578

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 532** A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 532**

**Short Title:**   Graham County/Cemetery Tax By General Law. (Local)

---

**Sponsors:**   Representative West (Primary Sponsor).  
                  For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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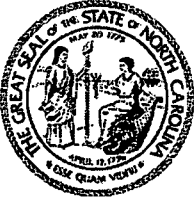
**Referred to:**   Government, if favorable, Finance.

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March 31, 2011

1                                   A BILL TO BE ENTITLED  
2   AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM  
3   COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW.  
4   The General Assembly of North Carolina enacts:  
5         **SECTION 1.** Section 9 of Chapter 797 of the 1957 Session Laws is repealed so  
6   that the general law applies.  
7         **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 532: Graham County/Cemetery Tax By General Law

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 13, 2011
<b>Introduced by:</b>	Rep. West	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 532 repeals the Session Law authorizing an ad valorem tax for the maintenance of cemeteries in Graham County so the general law will apply.*

### CURRENT LAW:

G.S. 153A-149(c) allows counties to levy property taxes, subject to a rate limitation, for specific purposes including the provision of cemeteries.<sup>1</sup> For the purposes listed in G.S. 153A-149(c), the county may levy property taxes up to a combined rate of \$1.50 on the \$100.00 appraised value of property subject to taxation.

Section 9 of Chapter 797 of the 1957 Session Laws authorized the Graham County Board of Elections, upon request from the cemetery commission, to call a special election for the purpose of submitting the question of a levy of an ad valorem tax for the maintenance of Graham County cemeteries. The rate provided was \$0.06 on the \$100 of real and personal property. If a majority of voters approve a tax for cemetery maintenance the tax was to be levied yearly and turned over the cemetery commission.

### BILL ANALYSIS:

House Bill 532 repeals Section 9 of Chapter 797 of the 1957 Session Laws so the general law applies.

**EFFECTIVE DATE:** House Bill 532 would become effective when it becomes law.

*Susan Barham contributed to this summary.*

H532-SMSH-42(e1) v2

<sup>1</sup> G.S. 153A-149(c)(5)  
Research Division

## VISITOR REGISTRATION SHEET

Government

Name of Committee

4/14/11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Joanne Stevens	NC Blueberry Council
Tommy Stevens	NCP
James Johnson	NCFIRE
MALLORY MARTIN	NC WILDLIFE
BRUCE THOMPSON	PARKER PDB
Heather Barnett	Williams Mullen
Julie Ventaloro	NC DENR
Bradley Bennett	"
Ben Hitchings	NC Planning Assoc.
Pammy Belf	School of Gov.
Charles O Jones	PT-RWA

# VISITOR REGISTRATION SHEET

Government

Name of Committee

4/14/11

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

SHERILL W SHAW	PTRWA
Brandon Smith	Rep. Melomax office
L Beuley	LAB
PHB	AL700
Cady Thomas	NCAR
Dave Simphi	CAGC
Henry Jones	Attorney - Raleigh
Christopher	Craig
Paul Per	NCHB
John B. Brown	Rep. Johnson
Karlinda	NC Lm

## VISITOR REGISTRATION SHEET

Government Committee  
Name of Committee

9/19/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Butch Gunnells	NCBA
Gordon Myers	NEWRC
Chase <del>Dick</del>	NEWRC
Henry Lancaster	LCA
Megan Neve	North Carolina Council of Churches
Lisa Martin	NC Home Builders Assoc.
Christo Bonbrue	CHPA
Matt Mathis	NC DWR
Jessi Hayes	NCHBA
John Kime	PTKWA
Arnold Dooner	P'Mont. Triad Regional Water Authority

Name of Committee	Date
<del>Government committee</del> <del>CONFEDERATE REFORM COMMITTEE</del>	<del>9/19/11</del> <del>MARCH 28, 2011</del>

**Date**[illegible]

Government committed  
~~JOINT REGULATORY REFORM COMMITTEE~~

April 14<sup>th</sup>, 2011

~~MARCH 28, 2011~~

**Date**[illegible]

House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GovernmentDATE: 4-14-11 Room: 643\*Name: Edward BlackmanCounty: ClevelandSponsor: Thom Tillis\*Name: Alec ViscountCounty: MecklenburgSponsor: Thom Tillis\*Name: Katie FerroCounty: MecklenburgSponsor: Felwell\*Name: Allen CrosbyCounty: MecklenburgSponsor: Bramley

\*Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

House Sgt-At Arms:Name: Bill Bass4. Name: Martha Harrison2. Name: Martha Parrish5. Name: Ken Kirby3. Name: Earl Coker

6. Name: \_\_\_\_\_



## **Government Committee Meeting**

**April 21, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 416 - Committee Report, original bill, bill summary**
- Attachment 3b: HB 292 – Committee Report, original bill, bill summary**
- Attachment 3c: HB 409 – Committee Report, original bill, bill summary**
- Attachment 3d: HB 516 – Committee Report, original bill, bill summary**
- Attachment 3e: SB 295 – Committee Report, original bill, bill summary**
- Attachment 3f: HB 565 – Committee Report, original bill, bill summary**
- Attachment 3g: HB 605 – Committee Report, original bill, bill summary**
- Attachment 3h: HB 352 – Committee Report, original bill, bill summary**
- Attachment 3i: HB 486 – Committee Report, original bill, bill summary**
- Attachment 3j: HB 511 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3k: HB 552 – Committee Report, proposed committee substitute, amendment, original bill, bill summary**
- Attachment 3l: HB 403 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3m: HB 367 – Committee Report, original bill, bill summary, handouts**
- Attachment 3n: HB 471 – Committee Report, original bill, amendment, bill summary, roll call vote**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

Attachment 1

### **Committee on Government**

**Thursday, April 21, 2011**

The House Committee on Government met on Thursday, April 21, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representative L. Brown, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, R. Brown, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Keever, Luebke, McGee, Mills, Mobley, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Giles Perry, Kara McCraw, Kory Goldsmith, Gerry Cohen, and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Representative Owens was recognized to present HB 416 Expand Joyce Creek District Board. Representative Setzer moved for a favorable report. The motion carried.

The following bills were presented as consent bills and all were voted on at one time: HB 292 Incorporate Rougemont, HB 409 Guilford Tech. May Lease Property; HB 516 Mount Airy Charter Amendments, SB 295 Marshville Charter Consolidation. Representative Setzer moved for a favorable report on all bills with all being re-referred to Finance. The motion carried.

Representative McElraft was recognized to present HB 565 Morehead City/Beaufort Boundary. Representative Setzer moved for a favorable report and re-referred to Finance. The motion carried.

Representative McElraft was recognized to present HB 605 Expand Setoff Debt Collection Act. Representative Cleveland moved for a favorable report and re-referred to Finance. The motion carried.

Representative Steen was recognized to present HB 352 Delay Kannapolis Annexation. Representative Setzer moved for a favorable report and re-referred to Finance. The motion carried.

Representative Steen was recognized to present HB 557 Exempt Rowan County/Local Match/HCCBG Funds. There was opposition presented by Mr. Dennis Streets with the NC Aging and Adult Services. Representative Steen asked for the bill to be pulled.

Representative Guice was recognized to present HB 486 Tryon Deannexation. Representative Setzer moved for a favorable report and re-referred to Finance.

Representative Sager was recognized to present HB 511 Goldsboro-Wayne Airport Authority. Representative Boles made a motion to accept the proposed committee substitute. Representative Cleveland moved for an unfavorable report to the original bill and a favorable report to the proposed committee substitute. The motion carried.

Representative Moffitt was recognized to present HB 552 Greater Asheville Reg. Airport Authority. Representative Brown moved to accept the proposed committee substitute. Representative Setzer moved for an unfavorable report to the original bill and a favorable to the proposed committee substitute. An amendment was presented. Representative Fisher moved for a favorable report to the amendment which will be rolled into a proposed committee substitute and be referred to Finance. The motion carried.

Representative Hamilton was recognized to present HB 403 Wilmington/Contributing Structures. Representative Floyd moved to accept the proposed committee substitute. Representative Floyd moved for an unfavorable report of the original bill with a favorable report of the proposed committee substitute. The motion carried.

Representative Bradley was recognized to present HB 367 Roanoke Rapids Deannexation. Representative Warren moved for a favorable report and re-referred to Finance. The motion carried.

Representative Moffitt was recognized to present HB 471 Buncombe County Commission Districts. Representative Keever had questions concerning the bill and spoke in opposition. Representative Setzer moved for a favorable report. Representative Keever requested an amendment for referendum in 2012. Representative Bordsen moved to approve the amendment. A roll call vote was requested. The amendment failed with 13 for and 14 in opposition. A show of hands vote was requested for the original motion for a favorable report. A second amendment was requested by Representative Fisher. The chair declined to accept the amendment. The motion carried with 15 voting yes and 12 in opposition.

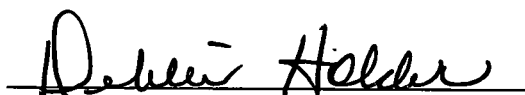
Representative Jones was recognized to present HB 510 Reidsville Election. Representative Cleveland moved for a favorable report. Representative Luebke noted that a number of members left the committee in protest (he assumes) because of the 2<sup>nd</sup> amendment on HB 471 not being allowed by the Chair. Representative Ingle set the vote aside for the April 28<sup>th</sup> meeting when the full committee would be present.

The Chair adjourned at 11:40 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. W. Ingle", written over a horizontal line.

Representative Dan Ingle, Co-Chair

A handwritten signature in black ink, appearing to read "Debbie Holder", written over a horizontal line.

Debbie Holder, Committee Clerk

## AGENDA

## HOUSE COMMITTEE ON GOVERNMENT

Thursday, April 21, 2011

Room 643

10:00 AM

## OPENING REMARKS

Representative Dan Ingle, Co-Chair  
Government Committee

## AGENDA ITEMS

CONSENT BILLS

HB 416 Expand Joyce Creek District Board.

Representative Owens, Jr.

CONSENT BILLS/RE-REFERRED TO FINANCE

HB 292 Incorporate Rougemont.

Representative Wilkins, Jr.

HB 409 Guilford Tech. May Lease Property.

Representative Jeffus

Representative Harrison

Representative Adams

Representative Faircloth, Jr.

HB 516 Mount Airy Charter Amendments.

Representative Stevens

HB 552 Greater Asheville Reg. Airport Authority.

Representative Moffitt

Representative McGrady

Representative Keever

Representative Fisher

SB 295 Marshville Charter Consolidation.

Senator Tucker

HB 565 Morehead City/Beaufort Boundary. (Finance)

Representative McElraft

HB 605 Expand Setoff Debt Collection Act.

Representative McElraft

HB 352 Delay Kannapolis Annexation. (Finance)

Representative Steen, II

HB 557 Exempt Rowan County/Local Match/HCCBG Funds.

Representative Steen, II

Representative Warren

HB 403 Wilmington/Contributing Structures. (PCS)

Representative Hamilton

**HB 367    Roanoke Rapids Deannexation. (*Finance*)**

**Representative Bradley, Jr.  
Representative Bryant**

**HB 471    Buncombe County Commission Districts.**

**Representative Moffitt**

**HB 486    Tryon Deannexation. (*Finance*)**

**Representative Guice**

**HB 510    Reidsville Elections.**

**Representative Jones, Jr.**

**HB 511    Goldsboro-Wayne Airport Authority. (PCS)**

**Representative Sager  
Representative Bell  
Representative LaRoque**

**HB 692    Increase Payment of Unclaimed Property Claims.  
(PCS)**

**Representative Hurley  
Representative Randleman**

**HB 718    Allow Atty/Child Supp Hear'g Officer/Alamance.  
(PCS) (*Judiciary*)**

**Representative Ingle  
Representative Bordsen**

**HB 523    CHANGE Winston-Salem/Forsyth Election  
Method.**

**Representative Folwell  
Representative McGee  
Representative Brown**

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 416** A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO EXPAND  
WATERSHED IMPROVEMENT COMMISSIONS FROM THREE TO FIVE MEMBERS.

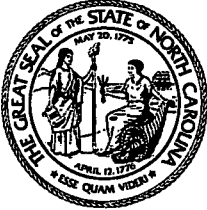
☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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





# HOUSE BILL 416: Expand Joyce Creek District Board

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Owens  
**Analysis of:** First Edition

**Date:** April 20, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 416 would allow the Camden County board of commissioners to expand the size of the Camden County watershed improvement commission from 3 to 5 members, if the board of county commissioners so opted.*

**CURRENT LAW:** Counties are authorized to call a special election to determine whether it be the will of the qualified voters of the county that they levy a watershed improvement tax to be used for the prevention of flood water and sediment damages, and for furthering the conservation, utilization and disposal of water and the development of water resources. The tax, if approved by the voters, is collected at the same time and in the same manner as the general county taxes are levied and collected, and cannot exceed 25¢ on each \$100.00 per valuation of property.

If the tax is authorized, the board of county commissioners may function as the oversight body, create a watershed improvement commission, or assign the responsibilities to the soil and water conservation district. If the county appoints a watershed improvement commission, that commission shall consist of 3 members, who serve 6 year staggered terms. The commission is to meet at least quarterly. Members receive a per diem of \$7.00 and necessary expenses for meetings.

**BILL ANALYSIS:** House Bill 461 would authorize the Camden County Board of Commissioners to expand any watershed improvement commission from 3 members to 5 members. Any new members appointed under this provision could serve initial terms not to exceed 6 years.

**EFFECTIVE DATE:** Effective when it becomes law.

H416-SMST-26(e1) v2



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 292** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF  
ROUGEMONT, SUBJECT TO A REFERENDUM.

☒ 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 2011

H

1

HOUSE BILL 292

---

Short Title: Incorporate Rougemont. (Local)

---

Sponsors: Representative Wilkins (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

---

Referred to: Government.

---

March 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** A Charter for the Town of Rougemont is enacted to read:

6 "CHARTER OF THE TOWN OF ROUGEMONT.

7 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of  
9 Rougemont are a body corporate politic under the name 'Town of Rougemont.' Under that  
10 name they shall have all the powers, duties, rights, privileges, and immunities conferred and  
11 imposed on cities by the general law of North Carolina.

12 "ARTICLE II. CORPORATE BOUNDARIES.

13 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries  
14 of the Town of Rougemont are as follows:

15 Beginning at the intersection of the Flat River and Red Mountain Road, thence in an easterly  
16 direction following the Flat River north and west to the northeast corner of PIN 190702, thence  
17 in a southerly direction along the eastern boundary of aforementioned parcel, thence in a  
18 westerly direction along the southern boundary of aforementioned parcel, thence in a northerly  
19 direction along the eastern boundary of PIN 190703, thence in a westerly direction along the  
20 northern boundaries of aforementioned parcel and PIN 190701 to the eastern boundary of PIN  
21 196596, thence in a northerly direction along the western boundary of PIN 190700, thence in  
22 an easterly direction along the northern boundary of aforementioned property to the Flat River,  
23 thence in a northerly, westerly, and southwesterly direction following the Flat River to the  
24 northeast corner of PIN 190725, thence in a southerly direction along the eastern boundary of  
25 aforementioned parcel, thence in a westerly direction following Bowen Road to its intersection  
26 with Moore's Mill Road, thence in a southerly direction along Moore's Mill Road to the  
27 northeast corner of PIN 190584, thence in a westerly direction along the northern boundary of  
28 aforementioned parcel, thence in a southerly direction along the western boundary of  
29 aforementioned parcel, thence in a westerly direction along the southern boundary of PIN  
30 190585, thence in a northerly direction along the western boundaries of PIN 190585, PIN  
31 190586, PIN 190717, PIN 190715, PIN 190714, PIN 190712, and PIN 190713 to the  
32 Durham/Person County line, thence in a westerly direction following the Durham/Person  
33 County line to the northwest corner of PIN 190783, thence in a southerly direction along the  
34 western boundaries of PIN 190783, PIN 190784, PIN 190785, PIN 190786, PIN 190787, and  
35 PIN 190788, thence in a westerly direction and along the northern boundaries of PIN 190788



\* H 2 9 2 - V - 1 \*

1 and PIN 190803, thence in a southerly direction along the eastern boundary of PIN 189591 to  
2 the northwest corner of PIN 189592, thence in an easterly direction along the northern  
3 boundary of PIN 189592, thence in a southerly direction along the eastern boundary of  
4 aforementioned parcel, thence in a westerly direction along the southern boundary of  
5 aforementioned parcel to PIN 189593, thence in a southerly direction along the eastern  
6 boundary of PIN 189593, thence in a westerly direction along the southern boundary of PIN  
7 189593 to the northwest corner of PIN 190804, thence in an easterly direction along the  
8 northern boundary of aforementioned property, thence in a southerly direction along the eastern  
9 boundary of aforementioned property, thence in a westerly direction along the southern  
10 boundary of aforementioned property, thence in a northwesterly direction along the western  
11 boundary of aforementioned property and the eastern boundary of PIN 190768, thence in a  
12 westerly direction along the southern boundary of PIN 189593 to Equestrian Chase, thence in a  
13 southerly direction along the western boundary of Equestrian Chase to the southeastern  
14 boundary of PIN 190812, thence in a southwesterly direction along the eastern boundary of  
15 aforementioned property, thence in a northerly direction along the western boundary of  
16 aforementioned property and PIN 189595 and continuing northerly along the southern boundary  
17 of PIN 189594 to PIN 189599, thence in an easterly direction along the eastern boundary of  
18 aforementioned parcel, thence in a northerly direction along the northern boundary of  
19 aforementioned parcel, thence in a westerly direction along the western boundaries of PIN  
20 189590 and PIN 189589 to Harris Mill Road, thence in a northerly direction along the eastern  
21 boundary of the Norfolk Southern Railroad right-of-way to the Durham/Person County line,  
22 thence in a westerly direction along the Durham/Person County line to the western right-of-way  
23 of U.S. Highway 501, thence in a southerly direction along the western right-of-way of U.S.  
24 Highway 501 to PIN 189580, thence in an easterly direction along the southern boundary of  
25 PIN 189580 to the northwest corner of PIN 189542, thence in a southerly direction along the  
26 western boundary of PIN 189542, thence in an easterly direction along the southern boundary  
27 of aforementioned parcel to the western boundary of right-of-way of U.S. Highway 501, thence  
28 in a southerly direction along the western boundary of U.S. Highway 501 right-of-way to the  
29 northeast corner of PIN 189662, thence in a westerly direction along the northern boundary of  
30 PIN 189662, thence in an easterly direction along the southern boundary of aforementioned  
31 parcel to the western boundary of the U.S. Highway 501 right-of-way, thence in a southerly  
32 direction along the western boundary of U.S. Highway 501 right-of-way to northeast corner of  
33 PIN 189657, thence in a southwesterly direction along the northern boundary of  
34 aforementioned parcel, thence in a southeasterly direction along the western boundary of  
35 aforementioned parcel, thence in a westerly direction along the northern boundary of PIN  
36 189656, thence in a southerly direction along the western boundaries of PIN 189656 and PIN  
37 189655, thence in a westerly direction along the northern boundaries of PIN 189654 and PIN  
38 189636, thence in a southerly direction along the western boundary of PIN 189636, thence in a  
39 westerly direction along the northern boundary of PIN 189653, thence in a northwesterly  
40 direction along the eastern boundary of PIN 189665, thence in a westerly direction along the  
41 northern boundary of aforementioned parcel, thence in a southerly direction along the western  
42 boundary of aforementioned parcel to the northern right-of-way of Bacon Road, thence in a  
43 westerly direction along the northern right-of-way of Bacon Road to the intersection of the  
44 southern section (between Bacon Road and Bill Poole Road) of Chambers Road, thence in a  
45 southerly direction along the western boundary of the right-of-way of Chambers Road to the  
46 northeast corner of PIN 189521, thence in a westerly direction along the northern boundary of  
47 the aforementioned parcel, thence in a southerly direction along the western boundary of  
48 aforementioned parcel, thence in an easterly direction along the southern boundary of  
49 aforementioned parcel to the western boundary of the Chambers Road right-of-way, thence in a  
50 southerly direction along the western boundary of the Chambers Road right-of-way to the  
51

1 northeast corner of PIN 189519, thence in a westerly direction along the northern boundary of  
2 the aforementioned parcel, thence in a southerly direction along the western boundary of  
3 aforementioned parcel, thence in a westerly direction along the northern boundary of PIN  
4 189517, thence in a southerly direction along the western boundary of aforementioned parcel,  
5 thence in an easterly direction along the southern boundary of aforementioned parcel to the  
6 western boundary of the Chambers Road right-of-way, thence in a southerly direction along the  
7 western boundary of the Chambers Road right-of-way to the northeast corner of PIN 189515,  
8 thence in a westerly direction along the northern boundary of aforementioned parcel, thence in  
9 a southerly direction along the eastern boundary of PIN 189511 to the northern boundary of the  
10 Cothran Road right-of-way, thence in a westerly direction along the northern boundary of the  
11 Cothran Road right-of-way to the southeast corner of PIN 189507, thence in a northerly  
12 direction along the eastern boundary of aforementioned parcel, thence in a westerly direction  
13 along the northern boundary of aforementioned parcel, thence in a southerly direction along the  
14 western boundary of aforementioned parcel and PIN 189484, thence in an easterly direction  
15 along the southern boundary of PIN 189484, thence in a southerly direction along the western  
16 boundaries of PIN 189483, PIN 189488, and PIN 189489 to the northern boundary of the Bill  
17 Poole Road right-of-way, thence in a southwesterly direction along the northern boundary of  
18 the Bill Poole Road right-of-way to its intersection with Rougemont Road, thence in a  
19 southerly direction along the western boundary of the Rougemont Road right-of-way to the  
20 southwest corner of PIN 189890, thence in an easterly direction along the southern boundary of  
21 aforementioned parcel, thence in a northerly direction along the eastern boundary of  
22 aforementioned parcel, thence in an easterly direction along the southern boundary of PIN  
23 189498, thence in a southeasterly direction along the western boundary of PIN 189494, thence  
24 in an easterly direction along the southern boundary of aforementioned parcel, thence in a  
25 northerly direction along the eastern boundaries of aforementioned parcel and PIN 189493,  
26 thence in an easterly direction along the southern boundaries of PIN 189885 and PIN 189886 to  
27 the western boundary of the Harris Road right-of-way, thence in a northerly direction along the  
28 western boundary of the right-of-way of Harris Road to the northern boundary of the Bill Poole  
29 Road right-of-way, thence in a northeasterly direction along the northern right-of-way of Bill  
30 Poole Road to the southeastern corner of PIN 189884, thence in a northwesterly direction along  
31 the eastern boundary of aforementioned parcel, thence in a southwesterly direction along the  
32 northern boundaries of aforementioned parcel to PIN 189879, thence in a northwesterly  
33 direction along the eastern boundary of aforementioned parcel, thence in a northerly direction  
34 along the western boundary of PIN 189848, thence in an easterly direction along the northern  
35 boundary of aforementioned parcel, thence in a southerly direction along the eastern boundary  
36 of aforementioned parcel, thence in a southwesterly direction along the southwest boundary of  
37 PIN 197183, thence in a southeasterly direction along the southwest boundary of  
38 aforementioned parcel and crossing Bill Poole Road, thence in a westerly direction along the  
39 southern right-of-way of Bill Poole Road to the western boundary of PIN 189847, thence in a  
40 southerly direction along the western boundary of aforementioned parcel, thence in an easterly  
41 direction along the southern boundary of aforementioned parcel and continuing in an easterly  
42 direction along the southern boundaries of parcels through PIN 189831 to the northwest corner  
43 of PIN 189830, thence in a southerly direction along the western boundary of aforementioned  
44 parcel, thence in an easterly direction along the southern boundary of aforementioned parcel to  
45 the western right-of-way of U.S. Highway 501, thence in a southerly direction along the  
46 western boundary of the U.S. Highway 501 right-of-way to PIN 189824, thence in a westerly  
47 direction along the northern boundary of aforementioned parcel, thence in a southerly direction  
48 along the eastern boundaries of PIN 189834, PIN 189835, and PIN 189867, thence in a  
49 southeasterly direction along the northern boundary of PIN 190517, thence in a southeasterly  
50 direction along the southwest boundary of PIN 190513, thence in a northeasterly direction  
51 along the southeast boundary of aforementioned parcel to the western right-of-way of U.S.

1 Highway 501, thence crossing U.S. Highway 501 and continuing along the southeastern  
2 boundary of PIN 190530, thence in a northwesterly direction along the northeast boundary of  
3 aforementioned parcel, thence in a southwesterly direction along the northwestern boundary of  
4 aforementioned parcel to the northeastern boundary of the U.S. Highway 501 right-of-way,  
5 thence in a northwesterly and then northerly direction along the eastern right-of-way of U.S.  
6 Highway 501 to the southwestern corner of PIN 189820, thence in a northeasterly direction  
7 along the southeastern boundary of aforementioned parcel to the western boundary of the  
8 Norfolk Southern Railroad right-of-way, thence in a southerly direction along the western  
9 boundary of the Norfolk Southern Railroad right-of-way to the southwest corner of PIN  
10 189793, thence in an easterly direction along the southern boundary of aforementioned parcel,  
11 thence in a southeasterly direction along the northeastern boundary of PIN 190625, thence in a  
12 southerly direction along the northeastern boundary of PIN 190512, thence in a southeasterly  
13 and then easterly direction along the northern boundary of aforementioned parcel to the  
14 southeast corner of PIN 190645, thence in a northerly direction along the eastern boundary of  
15 aforementioned parcel to the southern right-of-way of Lake Winds Trail, thence in an easterly  
16 direction along the southern right-of-way of Lake Winds Trail, thence in a southerly direction  
17 along the western boundary of PIN 190644, thence in an easterly direction along the southern  
18 boundary of aforementioned parcel and continuing in an easterly direction to the western  
19 right-of-way of Moore's Mill Road, thence in a northerly direction crossing Lake Winds Trail  
20 to the northeast corner of PIN 190663, thence in a westerly direction along the northern  
21 boundary of aforementioned parcel and continuing in a westerly direction to the northwest  
22 corner of PIN 190677, thence in a southerly direction along the western boundary of  
23 aforementioned parcel to the northern right-of-way of Lake Winds Trail, thence in a westerly  
24 direction along the northern right-of-way of Lake Winds Trail to the southeastern corner of PIN  
25 190665, thence in a northerly direction along the eastern boundary of aforementioned parcel,  
26 thence in a westerly direction along the northern boundary of aforementioned parcel and  
27 continuing to the northeastern boundary of PIN 190671, thence in a northerly direction and  
28 continuing to the northeast corner of PIN 190627 (located north of PIN 190628), thence in a  
29 westerly direction along the northern boundary of aforementioned parcel and continuing in a  
30 westerly direction to PIN 190697, thence in a northeasterly direction along the eastern  
31 boundary of aforementioned parcel, thence in a northwesterly direction along the northeastern  
32 boundary of aforementioned parcel, thence in a southwesterly direction along the northwestern  
33 boundary of aforementioned parcel, thence in a northwesterly direction along the eastern  
34 right-of-way of Lake Winds Trail, thence in a southwesterly direction crossing Lake Winds  
35 Trail and continuing to the northwest corner of PIN 190688, thence in a southeasterly direction  
36 along the western boundary of aforementioned parcel, thence in a westerly direction along the  
37 northern boundary of PIN 190627 (located west of PIN 190688) to the southeast corner of PIN  
38 189793, thence in a northerly direction along the eastern boundary of aforementioned parcel  
39 and continuing to the southwest corner of PIN 190638, thence in an easterly direction along the  
40 southern boundary of aforementioned parcel and continuing in an easterly direction to the  
41 northwest corner of PIN 190629, thence in a southerly direction along the western boundary of  
42 aforementioned parcel, thence in an easterly direction along the southern boundary of  
43 aforementioned parcel to the western right-of-way of Moore's Mill Road, thence in a northerly  
44 direction along the western right-of-way of Moore's Mill Road to the northwest corner of PIN  
45 190706, thence in an easterly direction along the northern boundary of aforementioned parcel,  
46 thence in a southerly direction along the eastern boundary of aforementioned parcel and  
47 continuing across Red Mountain Road along the western boundary of PIN 190587, thence in an  
48 easterly direction along the southern boundary of aforementioned parcel, thence in a northerly  
49 direction along the eastern boundary of aforementioned parcel, thence in an easterly direction  
50 along the southern boundary of PIN 190704 and continuing in an easterly direction to the Flat  
51 River, thence in a northerly and northeasterly direction along the Flat River to the bridge over

the Flat River on Red Mountain Road. PIN 190576 and PIN 189728 are located within the contiguous outer boundaries of the Town of Rougemont, but are excluded from the corporate boundaries of the Town.

#### "ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Rougemont is the Town Council, which shall consist of a Mayor and four members.

"Section 3.2. **Manner of Electing Town Council.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2011, the three candidates receiving the highest numbers of votes shall be elected to four-year terms and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2013, and quadrennially thereafter, two members shall be elected to four-year terms. In 2015, and quadrennially thereafter, three members shall be elected to four-year terms.

"Section 3.3. **Manner of Electing Mayor; Term of Office; Duties.** At the organizational meeting following each municipal election, the Town Council shall elect one of its members as Mayor, and the Mayor shall serve at the pleasure of the Town Council. The Mayor shall be the official head of Town government, shall preside at all meetings of the Town Council, shall have the right to vote only when there is an equal division on any question or matter before the Town Council, and shall exercise the powers and duties conferred by law or as directed by the Town Council.

"Section 3.4. **Residency Requirement.** Members of the governing body of the Town of Rougemont, whether elected or appointed, must be qualified voters who reside within the corporate limits of the Town in order to qualify to take, hold, and continue in office.

#### "ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

"Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter 163 of the General Statutes, with the first regular municipal election to be held on November 8, 2011.

"Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by the general law of North Carolina, local acts of the General Assembly, or as provided for in this Charter.

#### "ARTICLE V. ADMINISTRATION.

"Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town shall operate under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. **Town Attorney.** The Town 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, and perform other duties as required by law or as directed by the Town Council.

"Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall perform duties as required by law or as directed by the Town Council. The Town Clerk shall serve at the pleasure of the Town Council.

"Section 5.4. **Other Officers and Employees.** The Town Council may appoint other officers and positions as deemed appropriate, subject to the requirements of general law.

"Section 5.5. **Consolidation of Functions.** Where positions are not incompatible, the Town Council may combine in one person the powers and duties of two or more officers created or authorized by this Charter.

"Section 5.6. **Compensation for Mayor and Town Council Members.** The Mayor and members of the Town Council shall be reimbursed for ordinary and necessary expenses and

1 may receive salary and honoraria only upon a majority vote of the qualified voters of the Town  
2 who vote on the question in a special referendum.

3 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

4 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and  
5 fees authorized by general law. An affirmative vote equal to a majority of all the members of  
6 the Town Council shall be required to change the ad valorem tax from that rate established  
7 during the prior fiscal year.

8 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2011, the citizens  
9 and property in the Town of Rougemont shall be subject to municipal taxes levied for the year  
10 beginning July 1, 2011, and for that purpose the Town shall obtain from Durham County a  
11 record of property in the area herein incorporated which was listed for property taxes as of  
12 January 1, 2011.

13 "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2011-2012  
14 without following the timetable in the Local Government Budget and Fiscal Control Act, but  
15 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year  
16 2011-2012, ad valorem taxes may be paid at par or face amount within 90 days of the adoption  
17 of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360.

18 "Section 6.4. **Ad Valorem Taxes.** The Town Council shall not levy an ad valorem tax at a  
19 rate more than \$0.05/\$100.00 valuation, except for fire protection services, without the  
20 approval of the qualified voters of the Town of Rougemont. The election on the question of  
21 increasing the ad valorem tax rate shall be conducted in accordance with G.S. 160A-209.

22 "ARTICLE VII. ORDINANCES.

23 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of  
24 Rougemont is authorized to adopt such ordinances as the Town Council deems necessary for  
25 the governance of the Town.

26 "ARTICLE VIII. MISCELLANEOUS.

27 "Section 8.1. **Enlargement of Town Council.** The qualified voters of the Town of  
28 Rougemont may seek to enlarge the number of members of the Town Council by submitting a  
29 petition to that effect signed by twenty percent (20%) of the qualified voters. Upon the passage  
30 of a resolution as provided in G.S. 160A-102 or upon receipt of a valid petition, the Town  
31 Council shall immediately take steps as provided in Part 4 of Article 5 of Chapter 160A of the  
32 General Statutes to determine by referendum whether the number of members of the Town  
33 Council should be increased. If a majority of the votes cast in the referendum are in the  
34 affirmative, a special election shall be held at the earliest possible date to elect the additional  
35 members required to enlarge the Town Council to the number set forth in the referendum.

36 "Section 8.2. **Amendments to Charter.** The Town Council may propose and enact  
37 amendments to this Charter in accordance with Part 4 of Article 5 of Chapter 160A of the  
38 General Statutes. No amendment to this Charter shall become effective until public notice is  
39 given and a public hearing is held to receive comments on the proposed Charter amendment.  
40 Notwithstanding G.S. 160A-103, upon receipt of a referendum petition bearing the signatures  
41 and residence addresses of twenty percent (20%) of the qualified voters of the Town, the Town  
42 Council shall submit ordinances adopted under G.S. 160A-102 to a vote of the people.

43 "Section 8.3. **Provision of Services and Administration of Functions.** The Town Council  
44 may enter into agreements with other governmental bodies and private enterprises for the  
45 provision of services and administration of corporate functions in order to provide the services  
46 and administer the functions in the most efficient and cost-effective manner.

47 "Section 8.4. **Conflict of Interest.** No person, or a member of the person's immediate  
48 family, who is employed by or is an official of the Town of Rougemont shall do business with  
49 the Town unless the Town Council specifically approves the activity. All appointed officials of  
50 the Town must inform the Town Council of any conflicts of interest and the failure to so inform  
51 shall constitute grounds for immediate dismissal for cause. No official of the Town may accept

1 any gratuity from any business, person, or other official if the gratuity is related to his or her  
2 official duties.

3 "Section 8.5. **Nepotism.** No person who is an immediate family member of an elected  
4 official of the Town of Rougemont shall be appointed to or employed in a position within  
5 Town government unless the appointment or employment is approved by the entire Town  
6 Council.

7 "Section 8.6. **Annexation.** The Town of Rougemont shall not extend its boundaries into an  
8 adjoining county.

9 "Section 8.7. **Planning and Regulation of Development.** (a) Notwithstanding any other  
10 provision of this Charter or general law, including the provisions of Article 19 of Chapter 160A  
11 of the General Statutes, the Town shall not adopt any ordinance creating a planning agency,  
12 regulating or restricting the subdivision, zoning, or use of any land, or providing for building  
13 inspections. All planning duties, regulation of development, and building inspections within the  
14 jurisdiction of the Town shall be conducted as if the area was not in the corporate limits of any  
15 municipality.

16 (b) The provisions of subsection (a) of this section shall not apply if the County of Durham  
17 and the City of Durham, by amendment to their zoning ordinances, agree to allow the Town to  
18 adopt and enforce ordinances under Article 19 of Chapter 160A of the General Statutes.

19 "ARTICLE IX. SPECIAL PROVISIONS.

20 "Section 9.1. **Fire Protection.** The Town of Rougemont shall contract with the Bahama  
21 Volunteer Fire, Rescue, and EMS Company, Inc., to provide fire protection for the Town. The  
22 contract terms and amount paid by the Town of Rougemont to the Bahama Volunteer Fire,  
23 Rescue, and EMS Company, Inc., shall be mutually agreed upon and annually renewed by the  
24 Board of Directors of the Bahama Volunteer Fire, Rescue, EMS Company, Inc., and the Town  
25 Council.

26 "Section 9.2. **Safety Protection.** The Town of Rougemont shall contract with the Durham  
27 County Sheriff's Department to provide safety protection for the Town. The contract terms and  
28 amount paid by the Town of Rougemont to the Durham County Sheriff's Department shall be  
29 mutually agreed upon and annually renewed by the Durham County Commissioners and the  
30 Town Council."

31 **SECTION 2.** The Durham County Board of Elections shall conduct an election on  
32 November 8, 2011, for the purpose of submission to the qualified voters for the area described  
33 in Section 2.1 of the Charter of the Town of Rougemont the question of whether or not the area  
34 shall be incorporated as the Town of Rougemont. Registration for the election shall be  
35 conducted in accordance with G.S. 163-288.2.

36 **SECTION 3.** In the election, the question on the ballot shall be:

37 "[ ] FOR [ ] AGAINST

38 Incorporation of the Town of Rougemont."

39 **SECTION 4.** In the election, if a majority of the votes are cast "FOR Incorporation  
40 of the Town of Rougemont," Section 1 of this act shall become effective on the date that the  
41 Durham County Board of Elections certifies the results of the election. Otherwise, Section 1 of  
42 this act shall have no force and effect.

43 **SECTION 5.** At the same time as the election held under Section 2 of this act, the  
44 Durham County Board of Elections shall hold an election for the initial Town Council as  
45 provided in Articles III and IV of the proposed Charter of the Town of Rougemont. If the  
46 majority of votes is not cast "FOR Incorporation of the Town of Rougemont," the election of  
47 officers is null and void. The filing period for candidacies is the same as provided by  
48 G.S. 163-294.

49 **SECTION 6.** If the Charter of the Town of Rougemont, as enacted by Section 1 of  
50 this act, becomes effective, and the City of Durham and Durham County subsequently become  
51 a unified government under the provisions of any general or local law, the Town of



1 Rougemont's Charter shall be repealed and the Town shall comply with any and all  
2 requirements prescribed by the North Carolina General Assembly to ensure that the unified  
3 government of the City of Durham and Durham County assume all the powers, duties,  
4 functions, rights, privileges, and immunities authorized by general or local law over the area  
5 described in Section 2.1 of the Charter of the Town of Rougemont, as enacted by Section 1 of  
6 this act.

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



## HOUSE BILL 292: Incorporate Rougemont

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Wilkins  
**Analysis of:** First Edition

**Date:** April 19, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 292 incorporates the Town of Rougemont in Durham County, subject to a referendum.*

**CURRENT LAW:** Municipalities may be created by the General Assembly, with powers and duties it deems advisable, pursuant to Article VII, Section 1 of the North Carolina Constitution.

Rule 35.1(b) of the House Rules requires that a legislative proposal proposing incorporation must have attached to its bill jacket a report of the Joint Municipal Incorporations Commission prior to a favorable report by a committee of the House. Article 20 of Chapter 120 of the General Statutes creates the Joint Municipal Incorporation Commission and sets forth the criteria for review of a proposed incorporation.

**BILL ANALYSIS:** House Bill 292 would incorporate the Town of Rougemont in Durham County, subject to a referendum on November 8, 2011.

The proposed Charter of Rougemont includes standard incorporation provisions, and provides:

- A Town Council of four members and a Mayor. The Council members shall be elected on a nonpartisan at-large basis for staggered four year terms. The mayor is to be elected for a two year term. Salary for the Council members must be approved by referendum.
- The Mayor and Town Council may receive a salary only if approved by a majority of the town voters.
- Ad valorem taxes are limited to \$0.05/\$100, except for fire protection, unless approved by a majority of the town voters.
- Annexation into an adjoining county is prohibited.
- The Town shall not adopt any ordinance creating a planning agency, regulating or restricting the subdivision, zoning, or use of any land, or providing for building inspections, unless the County of Durham and the City of Durham, by amendment to their zoning ordinances, agree to allow the Town to adopt and enforce ordinances under Article 19 (Planning and Regulation of Development) of Chapter 160A of the General Statutes.
- The Town shall contract with the Bahama Volunteer Fire, Rescue, and EMS Company, Inc., to provide fire protection for the Town.
- The Town of Rougemont shall contract with the Durham County Sheriff's Department to provide safety protection for the Town.

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

**BACKGROUND:** The proposed incorporation of the Town of Rougemont received a favorable recommendation from the Joint Legislative Commission on Municipal Incorporation in its report, dated July 13, 2005, revised as to development only, May 30, 2007.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 409** A BILL TO BE ENTITLED AN ACT TO ALLOW GUILFORD TECHNICAL  
COMMUNITY COLLEGE TO LEASE A PORTION OF ITS PROPERTY TO THE NORTH  
CAROLINA CENTER FOR GLOBAL LOGISTICS.

☒ 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 2011**

**H**

**HOUSE BILL 409**

**1**

<b>Short Title:</b>	Guilford Tech. May Lease Property.	(Local)
<b>Sponsors:</b>	Representatives Jeffus, Harrison, Adams, and Faircloth (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<b>Referred to:</b>	Government, if favorable, Finance.	

March 21, 2011

A BILL TO BE ENTITLED  
AN ACT TO ALLOW GUILFORD TECHNICAL COMMUNITY COLLEGE TO LEASE A  
PORTION OF ITS PROPERTY TO THE NORTH CAROLINA CENTER FOR GLOBAL  
LOGISTICS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 115D-15, Article 12 of Chapter 160A of the General Statutes, Chapter 66 of the General Statutes, or any other provision of law, the board of trustees of Guilford Technical Community College may lease at private sale to The North Carolina Center for Global Logistics, LLC, a portion of its land and improvements now or hereafter located on the Donald W. Cameron Campus of Guilford Technical Community College. The terms and conditions of the lease shall be set by the board of trustees of Guilford Technical Community College and may include rental at less than fair market value. The lease shall not be subject to the prior approval of the State Board of Community Colleges.

**SECTION 2.** Notwithstanding G.S. 115D-15 or any other provision of law, the board of trustees of Guilford Technical Community College may use the proceeds of the lease for current operating expenses or for capital outlay purposes.

**SECTION 3.** G.S. 66-58(c) is amended by adding a new subdivision to read:  
"(c) The provisions of subsection (a) shall not prohibit:

...  
"(3f) The use of the personnel and facilities of Guilford Technical Community College, with the consent of the trustees of the college, in support of economic development through the operation of the Donald W. Cameron Campus of Guilford Technical Community College and its companion facilities as an event venue. Proceeds generated shall be used either to pay the operational costs of the college's facilities, to support the event venue, or to support the mission of the college."

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





## HOUSE BILL 409: Guilford Tech. May Lease Property

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 20, 2011
<b>Introduced by:</b>	Reps. Jeffus, Harrison, Adams, Faircloth	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 409 allows Guilford Technical Community College (GTCC) to lease a portion of its property to the NC Center for Global Logistics at less than market value, use the proceeds of the lease for current operating expenses or for capital outlay purposes, and, with the consent of the GTCC trustees, use the personnel and facilities at GTCC in support of economic development through the operation of the Donald W. Cameron Campos of GTCC and its companion facilities as an event venue.*

**CURRENT LAW:** G.S. 115D-15 governs the sale, lease, or exchange of property owned by a community college. The Board of Trustees of a community college may sell, exchange or lease property owned or held by the Board with the prior approval of the NC Community Colleges System Office.

Article 12 of G.S. Chapter 160A of the General Statutes authorizes a city to dispose of real or personal property by private sale when certain requirements are met.

G.S. 66-58 provides that units, departments, and agencies of State government may not engage in the sale of merchandise or services in competition with private enterprise. The statute also provides a number of exceptions to the general rule.

**BILL ANALYSIS:** Section 1 of House Bill 409 authorizes the board of trustees of Guilford Technical Community College (GTCC) to lease at private sale a portion of its land and improvements located on the Donald W. Cameron Campus to the North Carolina Center for Global Logistics. The terms and conditions of the lease may include rental at less than fair market value.

Section 2 of the bill provides that the proceeds of the lease may be used by the Board for current operating expenses or for capital outlay purposes.

Section 3 of the bill adds a new exception to the Umstead Act, which provides that agencies of State government may not engage in the sale of merchandise or services in competition with private enterprise. The exception would allow the use of the personnel and facilities at GTCC, with the consent of the Board, in support of economic development through the operation of the Donald W. Cameron Campus and its facilities as an event venue. Proceeds generated shall be used either to pay the operations cost of GTCC's facilities, to support the event venue, or to support the mission of the college.

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

**BACKGROUND:**

H409-SMRF-41(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 516** A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY.

☒ 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 2011

H

1

HOUSE BILL 516

Short Title: Mount Airy Charter Amendments. (Local)

Sponsors: Representative Stevens (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5.1 of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"Section 5.1. **Appointment, qualifications; term; compensation; oath.**

(a) The Board shall appoint a City Manager in accordance with Article IV of this Charter who shall be the administrative head of all departments of City government. The City Manager shall be appointed with regard to merit only and need not be a resident of the City when appointed. The Board may require the City Manager to reside within the City during the Manager's tenure of office. No Board member may be appointed or act as City Manager during the term for which the member was elected or within one year after the expiration of the member's term.

(b) Unless otherwise agreed upon by the Board and the City Manager, if the City Manager is involuntarily removed by the Board, except for good and just cause, the City Manager shall be forthwith paid any unpaid balance of ~~salary, salary and any accumulated and accrued job benefits, benefits, and salary for the three calendar months following the day of termination or for such other period as may be agreed upon in advance.~~

(c) Before entering upon the duties of office, the City Manager shall take and subscribe an oath to perform faithfully the duties of the office."

**SECTION 2.** Section 5.3 of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"Section 5.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief administrator, the City Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of the City, except the City Attorney and any other official whose appointment or removal is specifically vested in the Board by this Charter or general law. Neither the Board nor any of its members shall take part in the appointment or removal of department heads and employees in the administrative service of the City, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the City Attorney, the Board and its members shall deal with the administrative service solely through the City Manager, an acting City Manager, or an Interim City Manager, and neither the Board nor any of its members shall give any specific orders to any subordinates of the City Manager, an acting City Manager, or an Interim City Manager, either publicly or privately. The Board may communicate with any employee in any manner not inconsistent with the provisions of this section."



\* H 5 1 6 - V - 1 \*

1           **SECTION 3.** Article VI of the Charter of the City of Mount Airy, being Section 1  
2 of S.L. 2003-281, reads as rewritten:

3                           **"ARTICLE VI. PUBLIC CONTRACTS.**

4           **"Section 6.1. Award of Certain Contracts.**

5           (a) The City Manager may award, approve, and execute contracts or agreements of any  
6 kind or nature on behalf of the City when the amount of the contract or agreement does not  
7 exceed one hundred thousand dollars (\$100,000) if the Board has approved the appropriation in  
8 the annual budget for the current fiscal year for the ~~general~~-purpose specified in the contract or  
9 agreement. In addition, the City Manager, or the City Manager's duly authorized designee  
10 appointed in accordance with Section 5.2(a) of this Charter, may approve and execute  
11 amendments to contracts or agreements, including contracts initially approved solely by the  
12 Board when the amount in question does not exceed one hundred thousand dollars (\$100,000).

13           (b) The City Manager, upon specific authorization by the Board, may award, approve,  
14 and execute contracts for the acquisition of or the construction and installation of water and  
15 sewer lines that will eventually become a part of the City utility system, regardless of the  
16 amount in question, where the construction and installation was or shall be the sole  
17 responsibility and expense of another person, firm, or corporation.

18           **"Section 6.2. Procedures.**

19           (a) The City Manager shall, at or before the next regular meeting of the Board, report  
20 ~~within 45 days of the award of any contract described in Section 6.1 of this Charter, report such~~  
21 ~~award to the Board. Charter.~~ However, the City Manager shall not be required to report  
22 contracts in a minimum amount that may be set from time to time by the Board.

23           (b) In awarding, approving, and executing contracts described in this Article, the City  
24 Manager shall comply with all applicable provisions of this Charter and Article 8 of Chapter  
25 143 of the General Statutes. The City Manager may take any action that the Board is required  
26 or authorized to take under Article 8 of Chapter 143 of the General Statutes in making,  
27 approving, awarding, or executing contracts."

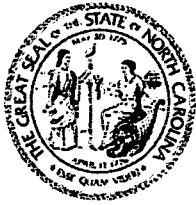
28           **SECTION 4.** Article VII of the Charter of the City of Mount Airy, being Section 1  
29 of S.L. 2003-281, reads as rewritten:

30                           **"ARTICLE VII. ACQUISITION OF PROPERTY.**

31           **"Section 7.1. Delegation to City Manager.** The Board may delegate authority to the City  
32 Manager to purchase real property, any interest in real property, or personal property provided  
33 that: (i) the Board shall have approved the appropriation for the purchase in the annual budget  
34 for the current fiscal year; and (ii) at the next regular meeting of the Board, the City Manager  
35 ~~the City Manager, within 45 days following the purchase~~ shall submit to the Board a written  
36 report setting forth the names of the persons or entities from whom the real property or interest  
37 in real property was purchased, a general description of the property or interest in property  
38 acquired, the purchase price paid, and the intended use of the property or interest in property."

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





## HOUSE BILL 516: Mount Airy Charter Amendments

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 20, 2011
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 516 amends the Charter for the City of Mount Airy as it pertains to: the salary paid to the City Manager upon involuntary termination; the Board's communication with employees; the specific authorization that the City Manager must have prior to awarding contracts; and the timing of certain requirements for the City Manager to report to the Board.*

**CURRENT LAW:** S.L. 2003-281 revised and consolidated the Charter of the City of Mount Airy.

**BILL ANALYSIS:** House Bill 516 makes the following amendments S.L. 2003-281 containing the Charter of the City of Mount Airy:

- Deletes language in the Charter that required the City Manager to be paid salary for three calendar months following the day of termination, or for such other period as may be agreed upon in advance, when the City Manager is involuntarily removed by the Board.
- Clarifies that the Board may communicate with any employee in any manner not inconsistent with other provisions. (The Charter provides that the Board and its members shall deal with the administrative service solely through the City Manager, an acting City Manager or an Interim City Manager, and neither the Board nor any of its members shall publicly or privately give any specific orders to any subordinates of the City Manager, an acting City Manager, or an Interim City Manager.)
- Clarifies that the City Manager must have "specific" authorization by the Board to award, approve and execute contracts for the acquisition of or the construction and installation of water and sewer lines that will eventually become a part of the City utility system where the construction and installation was or shall be the sole responsibility and expense of another person, firm, or corporation.
- Requires the City Manager to report on the award of contracts at or before the next regular meeting of the Board. (Currently the City Manager is required to report within 45 days of the award of any contract.)
- Requires the City Manager to report on the purchase of real property, any interest in real property, or personal property, at the next regular meeting of the Board. (Currently the City Manager is required to submit the report within 45 days following the purchase.)

**EFFECTIVE DATE:** House Bill 516 would become effective when it becomes law.

H516-SMSH-50(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 295** A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE  
CHARTER OF THE TOWN OF MARSHVILLE.

☒ 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 2011

S

1

SENATE BILL 295\*

Short Title:	Marshville Charter Consolidation.	(Local)
Sponsors:	Senator Tucker.	
Referred to:	State and Local Government.	

March 10, 2011

A BILL TO BE ENTITLED  
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
MARSHVILLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Marshville is revised and consolidated to read as follows:

**"THE CHARTER OF THE TOWN OF MARSHVILLE.**

**"ARTICLE I. INCORPORATION AND CORPORATE POWERS.**

"Section 1.1. **Incorporation.** The Town of Marshville shall continue to be a body politic and corporate under the name of "Town of Marshville." The term 'general law' is employed herein as defined in G.S. 160A-1.

**"ARTICLE II. CORPORATE BOUNDARIES.**

"Section 2.1. **Corporate Powers.** The Town shall have and continue to have all of the powers, duties, rights, privileges, and immunities conferred and imposed on towns and cities by the general law of North Carolina.

"Section 2.2. **Corporate Boundaries.** The corporate limits of the Town of Marshville shall be and continue to be those existing at the time of the ratification of this revised Charter, and as the same may be altered from time to time in accordance with general law.

**"ARTICLE III. GOVERNING BODY.**

"Section 3.1. **Structuring of Governing Body.** The Town Council, hereinafter referred to as the "Council," and the Mayor shall be the governing body of the town.

"Section 3.2. **Town Council; Composition; Terms of Office.** The qualified voters of the entire town shall elect the Council. The Council shall be composed of five members to serve staggered terms of four years and until their successors are elected and qualified. Three members shall be elected in 2011 and quadrennially thereafter for four-year terms and two members shall be elected in 2013 and quadrennially thereafter for four-year terms.

"Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the qualified voters of the town in 2011 and biennially thereafter for a term of two years and shall serve until a successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at meetings of the Council. The Mayor shall have the right to vote only when there is an equal division on any question or matter before the Council and shall exercise the powers and duties conferred by law and as directed by the Council.

"Section 3.4. **Mayor Pro Tempore.** In accordance with general law, the Council shall elect one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability.



1 "Section 3.5. **Meetings.** In accordance with general law, the Council shall establish a  
2 suitable time and place for its regular meetings. Special and emergency meetings may be held  
3 as provided by general law.

4 "Section 3.6. **Quorum; Voting.** Official actions of the Council and all votes shall be taken  
5 in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The  
6 quorum provisions of G.S. 160A-74 shall apply.

7 "Section 3.7. **Compensation; Qualifications for Office; Vacancies.** The compensation,  
8 qualifications, and filing of vacancies of the Mayor and members of the Council shall be in  
9 accordance with general law.

#### 10 "ARTICLE IV. ELECTIONS.

11 "Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in  
12 each odd-numbered year in accordance with the uniform municipal election laws of North  
13 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined by a  
14 plurality as provided in G.S. 163-292.

15 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda may be  
16 held only as provided by general law.

#### 17 "ARTICLE V. ADMINISTRATION.

18 "Section 5.1. **Council-Manager Form.** The Town of Marshville shall operate under a  
19 council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the  
20 General Statutes.

21 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed  
22 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the  
23 Town, advise Town officials, and perform other duties required by law or as the Council may  
24 direct.

25 "Section 5.3. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a  
26 journal of the proceedings of the Council, to maintain official records and documents, to give  
27 notice of meetings, and to perform such other duties required by law or as the Council may  
28 direct.

29 "Section 5.4. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all  
30 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such other  
31 duties as prescribed by law or assigned by the Council.

32 "Section 5.5. **Police Chief.** The Town Manager shall appoint a police chief to perform the  
33 duties of Chief of Police for the Town.

34 "Section 5.6. **Administrative Head Appointment.** The Town Manager may appoint other  
35 administration and department heads as permitted by Part 2 of Article 7 of Chapter 160A of the  
36 General Statutes.

37 "Section 5.7. **Other Appointments.** The Town may authorize other positions to be filled by  
38 appointment and organize the Town governance as deemed appropriate subject to requirements  
39 of general law.

#### 40 "ARTICLE VI. MISCELLANEOUS.

41 "Section 6.1. **Utility Billing and Termination.** The Town may provide that any fee  
42 imposed pursuant to G.S. 160A-314 for the purpose of G.S. 160A-311(2), 160A-311(3), and  
43 160A-311(6) may be billed together in one itemized statement. The Town Council may provide  
44 by ordinance the order in which partial payments are to be applied among services. In the case  
45 of nonpayment within a period of not less than 30 days, the town may terminate any or all such  
46 service for which full payment has not been made."

47 **SECTION 2.** This act does not affect the terms of office of the current Mayor and  
48 Town Council of the Town of Marshville.

49 **SECTION 3.** No action of proceeding by any nature (whether civil or criminal,  
50 judicial or administrative, or otherwise) pending at the effective date of this act by or against

1 the Town of Marshville or any of its departments or agencies shall be abated or otherwise  
2 affected by adoption of this act.

3 **SECTION 4.** The purpose of this act is to revise the Charter of the Town of  
4 Marshville and to consolidate herein certain acts concerning the property affairs and  
5 government of the Town.

6 **SECTION 5.** The following acts or portion of acts, having served the purposes for  
7 which they were enacted or having been consolidated into this act, are hereby repealed:

- 8 (1) Chapter 313 of the Private Laws of 1913.
- 9 (2) Chapter 243 of the Private Laws of 1933.
- 10 (3) Chapter 195 of the Private Laws of 1935.
- 11 (4) Chapter 124 of the Public-Local Laws of 1941.
- 12 (5) Chapter 652 of the 1973 Session Laws.
- 13 (6) Chapter 842 of the 1973 Session Laws.
- 14 (7) Chapter 978 of the 1987 Session Laws.
- 15 (8) S.L. 2000-62.

16 **SECTION 6.** This act does not affect the following:

- 17 (1) Chapter 854 of the Session Laws of 1951, relating to bird sanctuaries.
- 18 (2) S.L. 2006-171, relating to zoning.
- 19 (3) S.L. 2008-25, relating to violators of the Town's overgrown vegetation  
20 ordinance.

21 **SECTION 7.** All existing ordinances and resolutions of the Town of Marshville  
22 and all existing rules and regulations of departments or agencies of the Town of Marshville not  
23 inconsistent with the provisions of this act shall continue in full force and effect until repealed,  
24 modified, or amended.

25 **SECTION 8.** If any provision of this act or the application thereof to any person or  
26 circumstances is held invalid, such invalidity shall not affect other provisions or application of  
27 this act which can be given effect without the invalid provision or application, and to this end  
28 the provisions of this act are declared to be severable.

29 **SECTION 9.** This act is effective when it becomes law.



## SENATE BILL 295: Marshville Charter Consolidation

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Tucker  
**Analysis of:** First Edition

**Date:** April 20, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *Senate Bill 295 revises and consolidates the Charter of the Town of Marshville.*

[As introduced, this bill was identical to H290, as introduced by Rep. McGuirt, which is currently in House Government.]

**CURRENT LAW:** The Marshville Charter was last consolidated in 1913.

**BILL ANALYSIS:** Senate Bill 295 rewrites the Charter of the Town of Marshville. Under the charter the Town Council is to be composed of 5 members serving 4 year terms. The charter provides for a staggering of those terms. The mayor is to be elected every 2 years. Both the mayor and the council members are to be elected by the qualified voters of the entire Town.

The Town will operate under the Council-Manager form of government. The Town Council will appoint the Town Attorney. The Town Manager shall appoint the Town Clerk, Tax Collector, Police Chief, and other administration and department heads.

The act does not affect the terms of office of the current mayor and town council.

A number of local laws for the Town are repealed. Specifically retained are local laws making Marshville a bird sanctuary (S.L. 1951-854), permitting the Town to exercise extraterritorial jurisdiction within one mile of the Town limits without consent of the Union County commissioners (S.L. 2006-171) and providing for annual notice to chronic violators of the Town's overgrown vegetation ordinance (S.L. 2008-25).

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

S295-SMRW-83(e1) v1

*Barbara Riley of the Research Division substantially contributed to this summary.*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 565** A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BOUNDARY LINE AGREEMENT AND LIMIT THE EXTRATERRITORIAL JURISDICTION AND ANNEXATION AUTHORITY WHICH MAY BE EXERCISED BY THE TOWNS OF MOREHEAD CITY AND BEAUFORT.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 565**

Short Title: Morehead City/Beaufort Boundary. (Local)

Sponsors: Representative McElraft (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A BOUNDARY LINE AGREEMENT AND LIMIT THE  
3 EXTRATERRITORIAL JURISDICTION AND ANNEXATION AUTHORITY WHICH  
4 MAY BE EXERCISED BY THE TOWNS OF MOREHEAD CITY AND BEAUFORT.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. The Towns of Morehead City and Beaufort could have overlapping  
7 extraterritorial planning jurisdictions under the provisions of Article 19 of Chapter 160A of the  
8 General Statutes making a demarcation desirable beyond which the Towns shall not exercise  
9 such jurisdiction and the boundary beyond which the Towns may not annex.  
10 SECTION 2.(a) The boundary limiting the extraterritorial planning jurisdictions  
11 and authority to annex by the Towns of Morehead City and Beaufort is hereby established as  
12 follows:  
13 BEGINNING at Bulkhead Light ("IBH") in Beaufort Channel at the South end of the  
14 rock jetty at Radio Island, and runs thence with the centerline of Beaufort Channel as described  
15 in Chapter 721 of the Session Laws of 1967 to point 8 as shown on the Map entitled "Morehead  
16 City/Beaufort Channels Map" dated March 24, 2011, a copy of which is located in the offices  
17 of the Town Clerks of Morehead City and Beaufort, and said point having coordinates on the  
18 North Carolina Plane Grid System of Northing 359147.700 and Easting of 2697941.100, with a  
19 0.00 elevation; thence northeastwardly to a point formed by the intersection of two lines, the  
20 first being a line beginning at the southwest corner of the property of the United States of  
21 America as shown on the map thereof entitled "Annexation Map of the National Oceanic &  
22 Atmospheric Administration Facilities at Pivers Island – Beaufort, North Carolina" dated  
23 September 25, 2001, prepared by Bob M. Jones, Professional Land Surveyor, and recorded in  
24 Map Book 31, Page 171, Carteret County Registry and running thence with the extension of the  
25 South property line of the United States of America South 79° 54' 00" West, and the second line  
26 starting at the southeast corner of the property described in the deed from Jan Mitchell Hekhuis  
27 et ux to June Mitchell Phillips et ux dated June 6, 2007, recorded in Book 1232, Page 51,  
28 Carteret County Registry and running thence with the extension of the East property line of this  
29 tract or lot South 4° West; thence from said point of intersection North 4° East to the South  
30 right-of-way margin of Old Causeway Road (SR 1205); thence with that right-of-way margin  
31 eastwardly to its intersection with the western right-of-way margin of Pivers Island Road;  
32 thence with that margin extended northwardly to the centerline of present U.S. Highway 70;  
33 thence with the centerline of present U.S. Highway 70 eastwardly to a point in the West side of  
34 the marked Gallants Channel as shown on the said Map entitled Morehead City/Beaufort  
35 Channels (hereafter "Marked Channel"); thence with the West margin of the Marked Channel





1 to its intersection with a projection eastwardly of the southern outside margin of the structure of  
2 the proposed new highway bridge across Gallants Channel; thence southwestwardly with said  
3 margin to its intersection with the North right-of-way margin of present U.S. Highway 70;  
4 thence westwardly with said highway margin to its intersection with the northern outside  
5 margin of the structure of the said new highway bridge across Gallants Channel; thence with  
6 the said bridge margin eastwardly to its intersection with the West margin of the Marked  
7 Channel; thence with said margin of the Marked Channel to a point in a line running due West  
8 from the southwest corner of the Beaufort-Morehead City Airport property.

9 **SECTION 2.(b)** The Town of Beaufort shall not have authority to exercise any  
10 planning jurisdiction under G.S. 160A-360 nor to annex anything west of the boundary set out  
11 in subsection (a) of this section, and the Town of Morehead City shall not have authority to  
12 exercise any planning jurisdiction under G.S. 160A-360 nor to annex anything east of the  
13 boundary set out in subsection (a) of this section.

14 **SECTION 3.** This act does not make any annexation of any privately owned  
15 property.

16 **SECTION 4.** In the event that private property is hereafter acquired by a  
17 governmental unit within the corridor of Gallants Channel Bridge Project 3307, such property  
18 shall be added to the respective boundaries of either Morehead City or Beaufort in accordance  
19 with the boundary line established in Section 2(a) of this act by adoption of an ordinance of the  
20 respective Town, which shall be recorded under G.S. 160A-39 or G.S. 160A-51 as appropriate.

21 **SECTION 5.** Nothing in this act shall be interpreted as establishing extraterritorial  
22 planning jurisdictional areas for either Town, but only as establishing a boundary beyond which  
23 the two Towns may not exercise either extraterritorial planning jurisdiction or annexation  
24 authority.

25 **SECTION 6.** The western municipal limits of the Town of Beaufort shall be  
26 coterminous with the boundary described in Section 2(a) of this act and shall extend from the  
27 northern terminus of the boundary directly east to the southwest corner of the  
28 Beaufort-Morehead City Airport property.

29 **SECTION 7.** The municipal limits of the Town of Morehead City shall be  
30 coterminous with the boundary described in Section 2(a) of this act, and shall run from its  
31 northern terminus westwardly along a straight line passing 500 feet North of Phillips Island to a  
32 point in the present municipal limits of Morehead City, and shall run from the southern  
33 terminus of the boundary described in Section 2(a) of this act to the southwest corner of the  
34 property of the United States of America at the South end of Radio Island.

35 **SECTION 8.** Nothing in this act limits the authority of either Town to enter into  
36 mutual aid agreements or other interlocal agreements authorized by law.

37 **SECTION 9.** This act is effective when it becomes law.



## HOUSE BILL 565: Morehead City/Beaufort Boundary

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 20, 2011
<b>Introduced by:</b>	Rep. McElraft	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 565 establishes a boundary between the Towns of Morehead City and Beaufort limiting their extension of extraterritorial jurisdiction and annexation.*

**BILL ANALYSIS:** House Bill 565 makes the following changes:

- Establishes a described boundary line between the Towns of Morehead City and Beaufort beyond which the Towns shall not exercise extraterritorial jurisdiction and the boundary beyond which the Towns may not annex.
- Does not annex property, and does not establish extraterritorial jurisdiction for either town.
- Does not limit the authority of either Town to enter into mutual aid agreements or other interlocal agreements authorized by law.

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

H565-SMRW-81(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 605** A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 605**

Short Title:   Expand Setoff Debt Collection Act. (Public)

Sponsors:   Representative McElraft (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government.

April 5, 2011

A BILL TO BE ENTITLED  
AN ACT TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE  
DEBT SETOFF COLLECTION ACT.

The General Assembly of North Carolina enacts:

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

**"§ 105A-2. Definitions.**

The following definitions apply in this Chapter:

...

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

- a.   A county, to the extent it is not considered a State agency.
- b.   A municipality.
- c.   A water and sewer authority created under Article 1 of Chapter 162A of the General Statutes.
- d.   A regional joint agency created by interlocal agreement under Article 20 of Chapter 160A of the General Statutes between two or more counties, cities, or both.
- e.   A public health authority created under Part 1B of Article 2 of Chapter 130A of the General Statutes or other authorizing legislation.
- f.   A metropolitan sewerage district created under Article 5 of Chapter 162A of the General Statutes.
- g.   A sanitary district created under Part 2 of Article 2 of Chapter 130A of the General Statutes.
- h.   A regional solid waste management authority created under Article 22 of Chapter 153A of the General Statutes.

...."

**SECTION 2.** This act becomes effective January 1, 2011, and applies to income tax refunds determined on or after that date.





# HOUSE BILL 605: Expand Setoff Debt Collection Act

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. McElraft  
**Analysis of:** First Edition

**Date:** April 20, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 605 would expand the definition of local agency to include a regional solid waste management authority for purposes of the Debt Setoff Collection Act.*

**CURRENT LAW:** The Debt Setoff Collection Act was enacted to provide the Department of Revenue and claimant agencies a mechanism under which to identify debtors owing money to the State or a local government that also qualify for a NC income tax refund. Currently, the entities entitled to "setoff" a tax refund are a claimant agency, which is defined as a State agency or a local agency.

Local agencies are required to give written notice to the debtor of the intent to submit the debt for setoff, explaining the basis for the agency's claim, that the agency intends to apply the debtor's refund against the debt, and an administrative fee of \$15 will be charged.

Currently, local agencies include:

- A county
- A municipality
- A water and sewer authority
- A regional joint agency created by interlocal agreement under Article 20 of Chapter 160A of the General Statutes between two or more counties, cities, or both
- A public health authority
- A metropolitan sewerage district
- A sanitary district

**BILL ANALYSIS:** House Bill 605 would amend the definition of local agency to include a regional solid waste management authority created under Article 22 of Chapter 153A of the General Statutes. Under G.S. 153A-421, any two or more local government agencies can create a regional solid waste management authority by adopting substantially identical resolutions creating the authority, which is generally referred to as the authority's charter. According to G.S. 153A-422, the purpose of a regional solid waste management authority is to provide environmentally sound, cost effective management of solid waste, including storage, collection, transporting, separation, processing, recycling, and disposal of solid waste in order to protect public safety, health and welfare.

G.S. 153A-427 enumerates the powers of a regional solid waste management authority, including the power to set and collect reasonable fees and charges to offset operating costs, debt service, and capital reserve requirements of the authority.

**EFFECTIVE DATE:** This act is effective January 1, 2011, and applies to income tax refunds determined on or after that date.

H605-SMTH-18(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 352** A BILL TO BE ENTITLED AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY.

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

**(FOR JOURNAL USE ONLY)**

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 352

Short Title: Delay Kannapolis Annexation. (Local)

Sponsors: Representative Steen (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web.Site.

Referred to: Government, if favorable, Finance.

March 15, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO  
3 YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT  
4 TRACTS IN SOUTHERN ROWAN COUNTY.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. Section 2 of S.L. 2009-113 reads as rewritten:  
7 "SECTION 2. This act becomes effective September 30, ~~2011~~2013."  
8 SECTION 2. This act is effective when it becomes law.





## HOUSE BILL 352: Delay Kannapolis Annexation

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 11, 2011
<b>Introduced by:</b>	Rep. Steen	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 352 delays for two years the annexation by Kannapolis of the areas known as the Southland Development tracts.*

**CURRENT LAW:** S.L. 2009-113 provided for the annexation, effective September 30, 2011, of approximately 327 acres adjacent to I-85 in southern Rowan County into the City of Kannapolis, described as:

- First Tract East side Interstate 85, containing 296.86 acres more or less.
- Second Tract West side Interstate 85, containing 30.10 acres more or less.
- That section of Interstate 85 right-of-way located between the Third Tract and Sixth Tract as shown on the map entitled "Composite Map of GDRM Gateway, LLC."

Collectively, these tracts are known as the Southland Development properties.

**BILL ANALYSIS:** House Bill 352 delays these annexations for two years, to September 30, 2013.

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

H352-SMRW-63(e1) v1



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 486** A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED  
PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF TRYON.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 486**

Short Title: Tryon Deannexation. (Local)

Sponsors: Representative Guice (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 29, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
3 LIMITS OF THE TOWN OF TRYON.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** The following described property is removed from the corporate  
6 limits of the Town of Tryon:  
7 Tracts 1, 2, 5, and 6 as shown and delineated upon a plat entitled "Subdivision of  
8 Property of Blandina A. Shields, Tryon Township, Polk County, North Carolina," made by  
9 H.B. Frankenfield, Jr., Forest Engineer and Surveyor, dated November 19, 1963, and reference  
10 is hereby had to said plat in aid of the foregoing description, said plat being a matter of public  
11 record in the Office of the Register of Deeds for Polk County on Map Slide A-51, Page 191,  
12 referenced in Book 235, Page 1453, for full and complete metes and bounds descriptions of  
13 said tracts, pursuant to North Carolina General Statutes Section 47-30(g).  
14 **SECTION 2.** This act shall not affect the duty to pay taxes for any prior year and  
15 shall not eliminate any liens for taxes for prior years.  
16 **SECTION 3.** This act is effective when it becomes law.



\* H 4 8 6 - V - 1 \*



## HOUSE BILL 486: Tryon Deannexation

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Rep. Guice  
**Analysis of:** First Edition

**Date:** April 20, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 486 deannexes a described area from the Town of Tryon.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to add territory to their municipal limits by annexation.

The General Assembly has not enacted any method for municipalities to *deannex* property -- that power remains with the General Assembly.

**BILL ANALYSIS:** House Bill 486 deannexes four described tracts, listed in the bill, in the Town of Tryon.

The bill also that it shall not affect the duty to pay taxes for any prior year and shall not eliminate any liens for taxes for prior years.

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

H486-SMRW-79(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 511** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO CONVEY BY PRIVATE NEGOTIATION AND SALE ITS RIGHT, TITLE, AND INTEREST IN THE GOLDSBORO-WAYNE MUNICIPAL AIRPORT TO WAYNE COUNTY, DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, AND CREATING THE WAYNE AIRPORT AUTHORITY.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 511  
PROPOSED COMMITTEE SUBSTITUTE H511-PCS30307-RF-20**

Short Title:   Goldsboro-Wayne Airport Authority.

(Local)

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Sponsors:

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Referred to:

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March 30, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.  
3 The General Assembly of North Carolina enacts:  
4       **SECTION 1.** The Goldsboro-Wayne Airport Authority shall cease to exist at  
5 midnight on June 30, 2011, and all of its property shall become the property of Wayne County.  
6       **SECTION 2.** Nothing in this act shall be deemed to affect any pending litigation  
7 involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.  
8       **SECTION 3.** This act is effective when it becomes law.



\* H 5 1 1 - P C S 3 0 3 0 7 - R F - 2 0 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 511

Short Title: Goldsboro-Wayne Airport Authority. (Local)

Sponsors: Representatives Sager, Bell, and LaRoque (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 30, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO CONVEY BY PRIVATE  
3 NEGOTIATION AND SALE ITS RIGHT, TITLE, AND INTEREST IN THE  
4 GOLDSBORO-WAYNE MUNICIPAL AIRPORT TO WAYNE COUNTY,  
5 DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, AND  
6 CREATING THE WAYNE AIRPORT AUTHORITY.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes,  
9 the City of Goldsboro may convey by private negotiation and sale, with or without monetary  
10 consideration, under the terms and conditions it deems proper, any or all of its right, title, and  
11 interest in the property known as the Goldsboro-Wayne Municipal Airport, and described in  
12 Cabinet N at Slides 58G, 58H, and 58I of the Wayne County Register of Deeds Office, to  
13 Wayne County.

14 SECTION 2. Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006  
15 of the 1987 Session Laws and S.L. 1998-20, reads as rewritten:

16 "Section 1. Airport or landing field, for the purposes of this and the Sections following, is  
17 defined as any plot of land or water formally set aside, and designated as a place where aircraft  
18 may land or take off.

19 "Sec. 2. The governing ~~bodies~~ body of the ~~City of Goldsboro, and of the~~ County of Wayne  
20 ~~are-is~~ hereby authorized to ~~jointly~~ acquire, establish, construct, own, control, lease, equip,  
21 improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and  
22 other aircraft within the limits of ~~said the~~ County, and may use for such purpose or purposes  
23 any properties suitable therefor that are now or may at any time hereafter be ~~jointly~~ owned or  
24 controlled by ~~said City the~~ County.

25 "Sec. 3. Any lands acquired, owned, controlled, or occupied by ~~said City and the~~ County for  
26 the purposes enumerated in Section 2 hereof shall and are hereby declared to be acquired,  
27 owned, controlled and occupied for public purpose, and ~~said City and the~~ County shall have the  
28 right to acquire property for such purpose or purposes under the power of eminent domain as  
29 and for a public purpose.

30 "Sec. 4. Private property needed by the ~~said City and~~ County for an airport or landing field  
31 may be acquired by gift or devise or shall be acquired by purchase if ~~said City and the~~ County  
32 ~~are-is~~ able to agree with the owners on the terms thereof, and otherwise by condemnation, in  
33 the manner provided by law under which the ~~said City and~~ County ~~are-is~~ authorized to acquire  
34 real property for public purposes, other than street purposes, or if there be no such law, in the  
35 manner provided for and subject to the provisions of the condemnation law. The purchase



\* H 5 1 1 - V - 1 \*

1 price, or award, for property acquired for an airport or landing field may be paid for by  
2 appropriation of monies available therefor, or by the application of any funds derived by said  
3 ~~City or by said~~ the County from the sale of any lands now or heretofore or hereafter owned for  
4 airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the  
5 sale of bonds of ~~said City or of said~~ the County as the governing bodies of ~~such City and~~ the  
6 County shall determine.

7 "Sec. 5. The power to acquire lands by condemnation herein granted to the ~~said City and~~  
8 County for the purpose of such airport or landing field shall embrace the power to acquire by  
9 condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard or  
10 cemetery located or situate upon the lands found necessary to be acquired for such purpose; and  
11 in the event there are graves located upon such lands which may be necessary to be acquired by  
12 condemnation, it shall be lawful for ~~said City and~~ the County, after thirty days' notice to the  
13 surviving husband or wife, or next of kin of the deceased buried therein, or the person in  
14 control of such graves, if any are known, and if not known, then after publishing a notice once  
15 a week for four (4) weeks in a newspaper published in Wayne County, to open any such graves,  
16 and to take therefrom any dead body, or part thereof buried therein, and anything interred  
17 therewith, and to remove and reinter the same in some other cemetery or suitable place in the  
18 same county to be selected by the next of kin, or the welfare officer of the County or by the  
19 Clerk of the Superior Court of said County in the order named. Due care shall be taken to do  
20 said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes  
21 for reintering said remains. Due care shall also be taken to remove all tombstones and other  
22 markers from said graves, and to protect and replace all such tombstones or other markers so as  
23 to leave the new grave in as good condition as the former one. All of said work shall be done  
24 under the supervision and direction of the welfare officer of the County, if one, or his  
25 representatives, but if there is no welfare officer, then under the supervision and direction of the  
26 Clerk of the Superior Court of said County, or his representatives. All the expense connected  
27 with said work, including the actual expense of one of "next of kin" in attending to same, if one  
28 does attend, shall be borne by the ~~said City and~~ County doing or causing same to be done.

29 "Sec. 6. The governing ~~bodies of said City and County and each of them are~~ body of the  
30 County is hereby authorized to appropriate and use from the net proceeds derived by the ~~said~~  
31 ~~City or County~~ from the operation of any public utility, or from funds derived from any source  
32 other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the  
33 establishment and maintenance of any ~~airport in such proportion and upon such equal basis as~~  
34 ~~may be determined upon by a joint board to be appointed by the governing bodies of the said~~  
35 ~~City and County; provided airport.~~ However, nothing herein shall be construed to permit the  
36 governing ~~bodies of said City or~~ body of the County to issue bonds under the provisions of this  
37 Act without a vote of the people.

38 "Sec. 7. The ~~joint board~~ to be appointed by the governing ~~bodies of the said City and~~ body  
39 of the County shall be appointed as follows:

40 ~~Said City shall be entitled to have three (3) representatives on said board and the~~  
41 ~~representatives shall be appointed biennially by a majority of the governing body of the said~~  
42 ~~City, at the first regular meeting in January. Said representatives shall hold office from their~~  
43 ~~appointment until their successors are appointed and qualified and until the first regular~~  
44 ~~meeting of the governing body in the second January thereafter, when successors shall be~~  
45 ~~appointed.~~

46 ~~Said~~ The County shall be entitled to have ~~three (3)~~ six representatives on ~~said the~~ the board and  
47 the representatives shall be appointed biennially by a majority of the board of county  
48 commissioners of said County at the first regular meeting in January. ~~Said The~~ Said representatives  
49 shall hold office from their appointment until their successors are appointed and qualified and  
50 until the first regular meeting of the board of county commissioners in the second January  
51 thereafter, when successors shall be appointed. The ~~said board~~ so appointed by the governing

1 ~~bodies of the City and~~ body of the County shall be known as the "~~Goldsboro-Wayne Airport~~  
2 ~~Authority~~". "Wayne Airport Authority." Upon the occurrence of any vacancy on ~~said the~~ board,  
3 ~~said the~~ vacancy shall be filled within sixty (60) days after notice thereof by a majority of the  
4 governing body of the ~~City or County which has a vacancy within its representation.~~ County.

5 "Sec. 8. The board, appointed as herein provided by the governing ~~bodies of said City and~~  
6 ~~County,~~ body of the County shall act in an administrative capacity and it is hereby authorized  
7 and empowered:

8 (a) To establish, construct, control, lease, maintain, improve, operate and regulate joint  
9 airports and landing fields established under the provisions of this Act; to have complete  
10 authority over any airport or landing field ~~jointly~~-acquired, established, or constructed by ~~said~~  
11 ~~City and County represented on said board.~~ the County.

12 (b) (1) To adopt, repeal, amend, readopt rules, regulations, laws and ordinances not  
13 inconsistent with this Act, for its own government, management and  
14 operation; and

15 (2) To adopt, repeal, amend and readopt rules, regulations and ordinances with  
16 respect to traffic on and use of streets, alleys, driveways, roadways, parking  
17 areas, crosswalks and safety areas (not included in the public road system of  
18 the State of North Carolina) located within the territorial limits of the lands  
19 comprising the ~~Goldsboro-Wayne Airport,~~ Wayne County Airport, including  
20 by way of illustration but not in limitation of the authority herein granted,  
21 the establishment of routes of traffic, the regulation of speed, the location of  
22 parking areas, the regulation and prohibition of parking and standing in  
23 designated areas and on said streets, driveways, alleys and roadways, the  
24 prohibition of obstruction thereof, the prohibition of vehicles and pedestrians  
25 on the aprons, ramps, taxiways, runways and other designated parts of the  
26 Airport.

27 (3) To adopt, repeal, amend and readopt rules, regulations, and ordinances with  
28 respect to the use of the Airport and its facilities by the public, including by  
29 way of illustration but not in limitation of the authority granted, the Terminal  
30 Building, the ramps, aprons, hangars, taxiways, runways, water plants and  
31 shops, and to prohibit the use of, occupation of, or trespass upon any part  
32 thereof.

33 (c) To lease real or personal property under the supervision of or administered by the  
34 Authority, without the joinder in the lease agreements of the owning ~~units of local government,~~  
35 ~~to wit, the County of Wayne and the City of Goldsboro,~~ unit of local government, to wit, the  
36 County of Wayne, for purposes that the board considers advantageous or conducive to the  
37 development of the Airport and that are not inconsistent with the grants and agreements under  
38 which the Airport is held by the owning units of local government. The term of a lease to ~~the~~  
39 ~~City of Goldsboro, Wayne County,~~ Wayne County or Wayne Community College may not  
40 exceed 50 years. The term of a lease to any other lessee may not exceed 20 years.

41 (d) To contract with persons, firms or corporations for terms not to exceed twenty (20)  
42 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled  
43 flights, and any other airplane activities, not inconsistent with said grant agreements under  
44 which the airport property is held by the owning municipal corporations, and to charge and  
45 collect reasonable and adequate fees, charges and rents for the use of such property or for  
46 services rendered in the operation thereof.

47 (e) To operate, own, control, regulate, lease or grant to others the right to operate any  
48 airport premises, restaurants, apartments, hotels, motels, tracks, motion picture shows, cafes,  
49 soda fountains, or other businesses, amusements or concessions for a term not exceeding  
50 twenty (20) years, as may appear to said Authority advantageous or conducive to the  
51 development of said Airport.



(f) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the Airport is held; to lease the same for a term or terms not to exceed twenty (20) years, to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

(g) To expend funds appropriated from time to time by ~~said City and County, jointly or severally, for joint airport~~ the County for airport purposes, and to appropriate and expend for airport purposes funds received by it from fees, charges, rents and dues arriving out of the operation of said Airport, the facilities, improvements and concessions located thereat or operated thereon.

(h) To enter into contracts and to pledge the credit of the said Airport Authority to the extent herein authorized; provided, however, that neither said Airport Authority nor the individual members thereof shall have authority to pledge the credit of or contract for the ~~City of Goldsboro or the~~ County of Wayne.

(i) To contract and deal with the Federal Aviation Authority of the United States Government and any other representative or agency of said government relating to the grading, constructing, equipping, improving, maintaining and operation of airports and landing fields acquired under the authority of this Act.

"Sec. 9. A majority of the ~~Goldsboro-Wayne~~ Wayne County Airport Authority members shall control its decisions. Each member of the Authority, including the chairman, shall have one vote. The Authority shall elect annually in April, from among its members, a chairman, a vice chairman, a secretary and treasurer. In the absence of rules of the Authority in respect thereof, the Authority shall meet at such places and times as the chairman shall designate. Each member of said Authority shall take an oath of office to faithfully perform his duties. All members of said Authority shall serve without compensation.

"Sec. 10. The ~~Goldsboro-Wayne~~ Wayne County Airport Authority shall in no case be liable for damages for injuries to persons or property caused by or growing out of fueling, refueling or servicing any airplane at said Airport, or from falling, exploding and burning airplanes. Members of said Authority shall not be personally liable in any manner for their acts as members of the Authority, except for misfeasance or malfeasance.

"Sec. 11. The Authority shall operate under a budget on a fiscal year basis from July 1 to June 30, and shall make its requests for appropriations from the ~~City of Goldsboro and the~~ County of Wayne in the same manner as that provided under the Fiscal Control Act, and shall maintain complete and adequate records of all receipts and disbursements to be audited and reported thereon at least annually to the ~~City of Goldsboro and~~ County of Wayne as required by the aforesaid Fiscal Control Act. The treasurer shall furnish bond in some surety company authorized to do business in North Carolina, in the amount to be fixed by the Wayne County Board of ~~Commissioners and the Board of Aldermen of the City of Goldsboro.~~ Commissioners.

"Sec. 12. It is hereby declared to be the policy of the State of North Carolina to promote, encourage and develop air transportation, service and facilities in connection with the commerce of the United States and to foster and preserve air transportation; and the area including the County of Wayne ~~and the City of Goldsboro~~ is hereby declared to be an area which should be developed in connection with the interior of the State of North Carolina and other states and it is hereby declared to be necessary and desirable and in the public interest of the entire State that there shall be established air transportation facilities in such area in accordance with the provisions of the Acts of Congress and the laws of this State. The ~~joint~~ Authority established pursuant to the provisions of this Act shall be regarded as performing an essential governmental function in undertaking the construction, maintenance and operation of the facilities herein provided for and in carrying out the provisions of this Act, and shall be required to pay no taxes or assessments upon any of the property acquired or used by it for such

1 purposes. Except as herein specifically otherwise provided, the provisions of Chapter 63 of the  
2 General Statutes of North Carolina shall be applicable to the joint Authority herein established.  
3 To the extent that G.S. 63-53 requires that the ~~Goldsboro-Wayne~~ Wayne County Airport  
4 Authority follow the provisions of G.S. 160A-272, G.S. 160A-272 shall be applied by  
5 substituting 'the maximum term provided in Section 8 of this act' for '10 years' in each place  
6 those words and figures appear.

7 "Sec. 13. All rules, regulations and ordinances adopted pursuant to the authority of this Act  
8 shall be recorded in the proceedings of the ~~Goldsboro-Wayne~~ Wayne County Airport Authority  
9 and a true copy of all such rules, regulations and ordinances, certified under the hand of the  
10 secretary and the seal of the Authority, shall be filed with the Board of County Commissioners  
11 of ~~Wayne County and the Board of Aldermen of the City of Goldsboro~~ County.

12 The ~~Goldsboro-Wayne~~ Wayne County Airport Authority shall cause to be posted at  
13 appropriate places on the ~~Goldsboro-Wayne~~ Wayne County Airport, notice to the public of  
14 applicable rules, regulations and ordinances pertaining to the ~~Goldsboro-Wayne~~ Wayne County  
15 Airport.

16 Any person violating any rule, regulation or ordinance adopted pursuant to Section 8 (b) (2)  
17 and (b) (3) shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine  
18 not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

19 "Sec. 14. This Act shall apply only to ~~the City of Goldsboro and the County of Wayne~~.

20 "Sec. 15. If any part or parts of this Act shall be held to be unconstitutional, such  
21 unconstitutionality shall not affect the validity of the remaining parts of this Act. The General  
22 Assembly expressly declares that it would have passed the remaining parts of this Act, if it had  
23 known that such part or parts thereof would be declared unconstitutional.

24 "Sec. 16. This Act shall take effect from and after its ratification."

25 **SECTION 3.** The Goldsboro-Wayne Airport Authority shall cease to exist at  
26 midnight on June 30, 2011, and all of its property shall become the property of Wayne County.

27 **SECTION 4.** Nothing in this act shall be deemed to affect any pending litigation  
28 involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.

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



## HOUSE BILL 511: Goldsboro-Wayne Airport Authority

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Sager, Bell, LaRoque  
**Analysis of:** PCS to First Edition  
H511-CSRF-20

**Date:** April 20, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *The proposed committee substitute dissolves the Goldsboro-Wayne Airport Authority effective June 30, 2011. The original bill made changes to the underlying legislation for the Airport Authority that had been previously enacted as S.L.2010-76.*

**CURRENT LAW:** Chapter 927 of the 1963 Session Laws, as further amended, created the Goldsboro-Wayne Airport Authority. Goldsboro's interest in the Airport Authority was terminated in S.L. 2010-76, and the Airport Authority became the Wayne County Airport Authority.

**BILL ANALYSIS:** Apparently some concern remained after the enactment of S.L. 2010 as to whether the Goldsboro-Wayne Airport Authority had been dissolved. The provisions of House Bill 511 specifically dissolve the Goldsboro-Wayne Airport Authority effective June 30, 2011. The provides that the dissolution does not affect any pending litigation.

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

H511-SMRF-44(CSRF-20) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 552** A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.

☒ 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 2011**

**H**

**D**

**HOUSE BILL 552  
PROPOSED COMMITTEE SUBSTITUTE H552-PCS50304-LBf-41**

Short Title: Greater Asheville Reg. Airport Authority.

(Local)

Sponsors:

Referred to:

March 31, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT  
3 AUTHORITY.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. This act shall be known and may be cited as the "Greater Asheville  
6 Regional Airport Authority Act."  
7 SECTION 2. There is hereby created the Greater Asheville Regional Airport  
8 Authority, which shall be a body corporate and politic, having the powers, authority, and  
9 jurisdiction hereinafter enumerated and such other and additional powers and authority as shall  
10 be conferred upon it by future acts of the General Assembly.  
11 SECTION 3. Unless the context requires otherwise, the following definitions apply  
12 throughout this act to the defined words and phrases and their cognates:  
13 (1) "Airport facilities" means airport facilities of all kinds, including, but not  
14 limited to, landing fields, hangars, fixed base operations, shops, restaurants  
15 and catering facilities, terminals, buildings, and parking facilities and all  
16 other facilities necessary, beneficial, and/or helpful for the landing, taking  
17 off, operating, servicing, repairing, and parking of aircraft, the loading,  
18 unloading, and handling of cargo and mail, express and freight, and the  
19 accommodation, convenience, and comfort of crews and passengers,  
20 together with related transportation facilities, all necessary, beneficial,  
21 and/or helpful appurtenances, machinery, and equipment, and all lands,  
22 properties, rights, easements, and franchises relating thereto and considered  
23 necessary, beneficial, and/or helpful by the Authority in connection  
24 therewith.  
25 (2) "ARAA member" means a member of the Asheville Regional Airport  
26 Authority in existence when this act becomes law.  
27 (3) "Authority" means the Greater Asheville Regional Airport Authority created  
28 by this act or, if such Authority is abolished, the authority, board, body,  
29 commission, or other entity succeeding to the principal functions thereof.  
30 (4) "Member" means an individual who is appointed to the Authority as  
31 provided by this act.  
32 SECTION 4.(a) The Authority shall consist of seven members, (i) one of whom  
33 must have experience in aviation, (ii) one of whom must have experience in travel and tourism,  
34 and (iii) one of whom must have experience in one or more of marketing, business



development, or economic development. In addition, the appointing authorities are encouraged to appoint members who, when practical, have experience in logistics, construction and/or facilities management, law, accounting and/or finance. The seven members shall be appointed as follows:

- (1) Two shall be registered voters of the City of Asheville appointed by the Asheville City Council.
- (2) Two shall be registered voters of the County of Buncombe appointed by the Board of Commissioners of Buncombe County.
- (3) Two shall be registered voters of the County of Henderson appointed by the Board of Commissioners of Henderson County.
- (4) One shall be appointed by majority vote of the other six members.

**SECTION 4.(a1)** No person holding any elected public office may be a member of the Authority, provided that if an ARAA member also holds an elective public office when this act becomes effective, that member may serve as a member of the Authority until the completion of the term of elective office and until a successor is appointed and qualified.

**SECTION 4.(b)** No person who, at the time of appointment, is transacting business with the Authority or who is reasonably expected to transact business with the Authority, or is an employee, agent, or consultant of an entity transacting or expecting to transact business with the Authority, may be appointed as a member of the Authority, provided this sentence does not apply to a person who is an employee of a public utility which is the sole available supplier for the Authority. No person who, at the time of appointment, is an employee or agent of or consultant to the Authority may be appointed as a member of the Authority.

**SECTION 4.(c)** Members of the Authority shall serve four-year terms and may serve up to a total of two successive four-year terms. A member may not be reappointed to the Authority except after a lapse of four years following the most recent term served. In the event a member is appointed to fill an unexpired term, and at least two years of the unexpired term remain to be served, such appointment shall be counted in applying the two-term limit, otherwise it shall not be counted. Notwithstanding the foregoing, those individuals serving as ARAA members as of the effective date of this act may continue to serve as members of the Authority until the completion of their respective then current terms and until their successors are appointed and qualified. In the event an ARAA member resigns or is removed, the appointing authority under the agreement between the County of Buncombe and the City of Asheville shall forthwith appoint a replacement ARAA member to complete the unexpired term. Thereafter, and with respect to the four ARAA members whose terms expire June 30, 2012, the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County each shall appoint one member of the Authority, and the other members shall appoint, by majority vote, the fourth member. With respect to the three ARAA members whose terms expire June 30, 2014, the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County each shall appoint one member of the Authority.

**SECTION 4.(d)** Any vacancy occurring among the membership of the Authority shall be filled within 60 days after notice thereof by appointment of the appointing authority of a member to serve for the remainder of the unexpired term.

**SECTION 4.(e)** Members of the Authority and their successors shall take and subscribe to an oath of office before an officer authorized to administer oaths, which oath shall be filed with the Authority.

**SECTION 4.(f)** Any member of the Authority may be suspended or removed from office by that member's appointing authority for cause affecting that member's duties and responsibilities as a member; for misfeasance, malfeasance, or nonfeasance in office; or for conduct tending to undermine any decisions of the Authority, or conduct exposing the Authority to liability for damages.

1           **SECTION 4.(g)** Members of the Authority shall not be personally liable, in any  
2 manner, for their acts or omissions as members of the Authority, except for malfeasance.

3           **SECTION 4.(h)** Each member may continue to serve until a successor has been  
4 duly appointed and qualified, but not for more than 60 days.

5           **SECTION 5.(a)** The organization and business of the Authority shall be conducted  
6 as provided in this act.

7           **SECTION 5.(b)** Members of the Authority shall constitute the governing board of  
8 the Authority and may, among other things and from time to time, adopt suitable bylaws; not  
9 inconsistent with the provisions of this act.

10          **SECTION 5.(c)** The Authority shall appoint from its members a chair, vice-chair,  
11 and such other officers as it may from time to time deem necessary, beneficial, and/or helpful  
12 for the orderly conduct of its business. The term of office of the chair and vice-chair is two  
13 years, and a chair and vice-chair may not serve more than two successive two-year terms.

14          **SECTION 5.(d)** Each member of the Authority, including the chair, shall have one  
15 vote. A majority of the members of the Authority shall constitute a quorum, and all actions of  
16 the Authority shall be determined by a majority vote of all the members, that is four votes in  
17 favor.

18          **SECTION 5.(e)** The Authority shall hold meetings at least monthly at such times  
19 and places as it from time to time may designate and at such other times on the call of the chair  
20 or by four members of the Authority. Notice of meetings shall be provided as required by  
21 Article 33C of Chapter 143 of the General Statutes. A monthly meeting of the Authority may  
22 be cancelled if it is determined by the chair or four members that such meeting is not required.

23          **SECTION 5.(f)** Members may receive payment or reimbursement for travel,  
24 lodging, and meal expenses incurred in transacting business on behalf of the Authority.  
25 Members may also receive free parking at any airport owned, leased, subleased, or controlled  
26 by the Authority, which members may use for official and nonofficial purposes during the  
27 respective member's term of office.

28          **SECTION 5.(g)** The fiscal year of the Authority shall begin on July 1 and end on  
29 June 30. On or before May 15 of each year, the Authority shall prepare and adopt a proposed  
30 budget for the next ensuing fiscal year and deliver copies of such proposed budget to the  
31 Buncombe and Henderson County Boards of Commissioners and the Asheville City Council.

32          **SECTION 5.(h)** All meetings and closed sessions of the Authority shall be  
33 conducted in accordance with Article 33C of Chapter 143 of the General Statutes as it may be  
34 amended or in accordance with any successor statute.

35          **SECTION 6.(a)** The Authority shall constitute a body, both corporate and politic,  
36 and shall have the power and authority to do the following:

- 37           (1) Adopt and from time to time revise an official seal.
- 38           (2) Maintain an office or offices at such place or places as it may designate  
39               within Buncombe or Henderson Counties only.
- 40           (3) Purchase, acquire, develop, establish, construct, own, control, lease, equip,  
41               improve, administer, maintain, operate, and/or regulate airports and/or  
42               landing fields for the use of airplanes and other aircraft and all facilities  
43               incidental thereto, within the limits of Buncombe and/or Henderson  
44               Counties; and for any of such purposes, purchase, acquire, own, develop,  
45               hold, lease, sublease, and operate real and/or personal property.
- 46           (4) Purchase real and personal property.
- 47           (5) Sue and be sued in the name of the Authority, to acquire by purchase or  
48               otherwise and to hold lands for the purpose of constructing, maintaining,  
49               and/or helpful operating any airport within the limits of said counties, and to  
50               make such contracts and to hold such personal property as may be necessary,  
51               beneficial, and/or helpful for the exercise of the powers of the Authority.

- 1 The Authority may acquire by purchase or otherwise any existing lease,  
2 sublease, leasehold right, or other interest in any existing airport facility  
3 located in the Counties of Buncombe and/or Henderson.
- 4 (6) Charge and collect fees, royalties, rents, and/or other charges, including fuel  
5 flowage fees, for the use and/or occupancy of property owned, leased,  
6 subleased, or otherwise controlled or operated by the Authority or for  
7 services rendered in the operation thereof.
- 8 (7) Make all reasonable rules, regulations, and policies as it may from time to  
9 time deem to be necessary, beneficial, or helpful for the proper maintenance,  
10 use, occupancy, operation, and/or control of any airport or airport facility  
11 owned, leased, subleased, or controlled by the Authority; provide and  
12 enforce civil and criminal penalties for the violation of such rules,  
13 regulations, and/or policies; provided that such rules, regulations, policies,  
14 and penalties are not in conflict with any applicable law, rule, or regulation  
15 of the State of North Carolina, the United States, or any agency, department,  
16 or subdivision of either of them, including the rules and regulations of the  
17 Federal Aviation Administration.
- 18 (8) Sell, exchange, lease, sublease, or otherwise dispose of, any property, real or  
19 personal, belonging to the Authority, or grant easements over, through,  
20 under, or across any real property belonging to the Authority, or donate to  
21 another governmental entity within this State or to the United States any  
22 surplus, obsolete, or unused personal property; provided that Article 12 of  
23 Chapter 160A of the General Statutes does not apply and is not applicable to  
24 any such sale, exchange, lease, sublease, grant, donation, or other  
25 disposition.
- 26 (9) Purchase such insurance and insurance coverages as the Authority may from  
27 time to time deem to be necessary, beneficial, or helpful.
- 28 (10) Maintain and/or operate any airport or landing field jointly with any county  
29 or counties adjoining either the County of Buncombe or the County of  
30 Henderson or both of them and/or with other aviation/airport authority or  
31 authorities operating under authorization from one or more adjoining  
32 counties and/or any municipality located therein.
- 33 (11) Deposit, invest, and/or reinvest any of its funds as provided by the Local  
34 Government Finance Act for the deposit or investment of unit funds.
- 35 (12) Issue revenue bonds and/or refunding bonds pursuant to the Local  
36 Government Revenue Bond Act.
- 37 (13) Purchase any of its outstanding bonds or notes.
- 38 (14) Operate, own, lease, sublease, control, regulate, and/or grant to others the  
39 right to operate on any airport premises restaurants, snack bars and vending  
40 machines, food and beverage dispensing outlets, rental car services, catering  
41 services, novelty shops, insurance sales, advertising media, merchandising  
42 outlets, motels, hotels, barber shops, automobile parking and storage  
43 facilities, automobile service stations, garage service facilities, motion  
44 picture shows, personal service establishments, and/or all other types of  
45 facilities as may be directly or indirectly related to the maintenance and/or  
46 furnishing of the public commercial and/or general aviation airport facilities.
- 47 (15) Accept grants of money and/or materials or property of any kind for any  
48 existing or future airport facilities from the State of North Carolina, the  
49 United States, or any agency, department, or subdivision of either of them,  
50 including the Federal Aviation Administration, or from any private agency,  
51 entity, or individual, upon such terms and conditions as may be imposed,



and enter into contracts and grants agreements with the Federal Aviation Administration, or any successor or successors thereof, and/or with the State of North Carolina or any of its agencies, departments, or subdivisions in the capacity of sponsor or cosponsor of any airport development project involving the acquisition, construction, development, reconstruction, improvement, extension, enlargement, or equipment of any existing or future airport facilities.

(16) Employ and fix the compensation of an airport director, who shall serve at the pleasure of the Authority and who shall manage the affairs of the Authority under the supervision of the Authority.

(17) Employ, or provide for the employment of, such employees, including law enforcement officers, as the Authority may from time to time deem to be necessary, beneficial, or helpful. All such employees shall be employees at will, and no such employee shall have a defined or definite term of employment or an expectation of continued employment or an expectation of continued indefinite employment.

(18) Employ, hire, retain, or contract with, such accountants, auditors, agents, engineers, attorneys, and other persons and entities whose services may from time to time be deemed by the Authority to be necessary, beneficial, or helpful.

(19) Make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and/or estimates of cost and revenues as the Authority may from time to time deem necessary, beneficial, or helpful, and prepare and adopt a comprehensive plan or plans for the location, construction, improvement, and development of any project.

(20) Undertake and/or enter into leases, subleases, agreements, easements, and contracts, and/or grant concessions, with respect to alternative energy, energy conservation, energy reduction, and/or renewable energy activities, programs, projects, and/or ventures, and the administration, construction, development, enlargement, equipment, improvement, maintenance, management, operation, regulation, and/or repair thereof.

(21) Exercise all of the powers conferred by Chapter 63 of the General Statutes or any successor Chapter or law. In addition, this act shall be broadly construed to include any additional and supplementary powers and authority that may be reasonably necessary, beneficial, helpful, incidental, or expedient to carrying out or performing any express power or authority provided by this act or Chapter 63 of the General Statutes; provided that no such additional or supplementary power may be contrary to any applicable constitutional provision, law, rule, or regulation of this State, the United States, or any agency, department, or subdivision of either of them, including the Federal Aviation Administration.

**SECTION 6.(b)** The Authority has the same exemptions with respect to payment of taxes and license fees as provided for municipal corporations by the laws of the State of North Carolina.

**SECTION 7.(a)** The Authority is hereby authorized and empowered to acquire from the Counties of Buncombe and Henderson and the City of Asheville, by agreement therewith, and such Counties and City may grant and convey, either by gift or for such consideration as it may be deemed wise, any real and/or personal property which it now owns or may hereafter acquire, and which may be necessary, beneficial, or helpful for the construction, development, operation, and/or maintenance of any airport or facilities of same located in the Counties of Buncombe or Henderson. If the airport ceases to operate or if the

1 Authority is dissolved, any applicable real property of the Counties of Buncombe or Henderson  
2 or the City of Asheville conveyed or transferred to the Authority under this act shall revert to  
3 the grantor.

4 **SECTION 7.(b)** The County of Buncombe, the County of Henderson, and the City  
5 of Asheville shall transfer to the Authority within 90 days after enactment of this act all its  
6 right, title, and interest to the property known as the Asheville Regional Airport, except if  
7 approval of a federal agency is required, then within 90 days of that approval.

8 **SECTION 7.(c)** Private property needed by the Authority for any airport, landing  
9 field, or facility may be acquired by the Authority by gift, devise, or private purchase. Aviation  
10 easements needed by the Authority for any airport, landing field, or facility may likewise be  
11 acquired by gift, devise, or private purchase. Unless the power of eminent domain is required  
12 by federal law or federal regulation, Chapter 40A of the General Statutes does not apply to the  
13 Authority, and it may not exercise the power of eminent domain. If a federal law or federal  
14 regulation does require the Authority to have the power to exercise eminent domain, it may  
15 only do so for public use for an airport purpose or purposes, and any eminent domain  
16 proceeding must be authorized jointly by all of the three appointing authorities.

17 **SECTION 7.(d)** Any lands acquired, owned, controlled, or occupied by the  
18 Authority shall and/or are hereby declared to be acquired, owned, controlled, and occupied for  
19 a public purpose.

20 **SECTION 7.(e)** The Authority is not authorized to levy any tax.

21 **SECTION 8.** The Authority shall make annual reports to the Buncombe County  
22 Board of Commissioners, the Asheville City Council, and the Henderson County Board of  
23 Commissioners setting forth a summary of its general operations and transactions conducted by  
24 it pursuant to this act. The Authority shall be regarded as the corporate instrumentality and  
25 agent for Buncombe and Henderson Counties and the City of Asheville for the purpose of  
26 developing aviation facilities in the Counties of Buncombe and Henderson, but it shall have no  
27 power to pledge the credit of the Counties of Buncombe or Henderson or the City of Asheville,  
28 or to impose any obligation upon those counties, or the City of Asheville, except and when  
29 such power is expressly granted by statute.

30 **SECTION 9.** All rights, powers, and authority given to the counties and/or  
31 municipalities by the statutes of North Carolina, which may now be in effect, or which may be  
32 enacted in the future, relating to the development, operation, maintenance, regulation, and/or  
33 control of municipal or other governmental airports and the regulations of aircraft are hereby  
34 vested in the Authority.

35 **SECTION 10.** The Authority is hereby expressly authorized to make and enter into  
36 contracts, leases, subleases, conveyances, and other agreements with any political subdivision,  
37 agency, department, or instrumentality of this State, any agency, department, or subdivision of  
38 the United States, or any other legal entity or person for the purpose of carrying out the  
39 provisions of this act.

40 **SECTION 11.** The powers and authority of the Authority created by this act shall  
41 be construed liberally in favor of the Authority. No listing of powers and/or authority included  
42 in this act is intended to be exclusive or restrictive, and the specific mention of, or failure to  
43 mention, any particular power or authority in this act shall not be construed as limiting in any  
44 way the general powers and authority of the Authority as stated in Section 6 of this act or  
45 elsewhere in this act. It is the intent of this act to grant the Authority full power, authority, and  
46 right to exercise all powers and authority necessary, beneficial, helpful, incidental, or expedient  
47 for the effective operation and conduct of the Authority. It is further intended that the Authority  
48 should have all implied powers and authority necessary, beneficial, helpful, incidental, or  
49 expedient to carrying out the express powers and authority and the express purposes for which  
50 the Authority is created. The fact that this act specifically states that the Authority possesses a

1 certain power or authority does not mean or imply that the Authority must exercise such power  
2 unless this act specifically so requires.

3       **SECTION 12.** G.S. 66-58(a) does not apply to the Greater Asheville Regional  
4 Airport Authority or a lessee or sublessee of the Greater Asheville Regional Airport Authority.

5       **SECTION 13.** If any provision of this act or its application is held invalid, the  
6 invalidity does not affect other provisions or applications of this act that can be given effect  
7 without the invalid provisions or application, and to this end the provisions of this act are  
8 severable.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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

H. B. No. SS2

DATE \_\_\_\_\_

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

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

COMMITTEE SUBSTITUTE ✓

(to be filled in by  
Principal Clerk)

Rep. ) \_\_\_\_\_  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 2, line 59-12

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting these lines to read:

4 "(4) One shall be appointed by  
5 a majority vote of the other  
6 six members"

7 \_\_\_\_\_  
8 \_\_\_\_\_  
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19 \_\_\_\_\_

SIGNED Susan C. [Signature]

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 552**

Short Title: Greater Asheville Reg. Airport Authority. (Local)

Sponsors: Representatives Moffitt, McGrady, Keever, and Fisher (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT  
3 AUTHORITY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act shall be known and may be cited as the "Greater Asheville  
6 Regional Airport Authority Act."

7 SECTION 2. There is hereby created the Greater Asheville Regional Airport  
8 Authority, which shall be a body corporate and politic, having the powers and jurisdiction  
9 hereinafter enumerated and such other and additional powers as shall be conferred upon it by  
10 future acts of the General Assembly.

11 SECTION 3.(a) Unless the context requires otherwise, the following definitions  
12 apply throughout this act to the defined words and phrases and their cognates.

13 SECTION 3.(b) "Airport facilities" means airport facilities of all kinds, including,  
14 but not limited to, landing fields, hangars, shops, restaurants and catering facilities, terminals,  
15 buildings, and parking facilities and all other facilities necessary or desirable for the landing,  
16 taking off, operating, servicing, repairing, and parking of aircraft, the unloading and handling  
17 of mail, express and freight, and the accommodation, convenience, and comfort of passengers,  
18 together with related transportation facilities, all necessary appurtenances, machinery, and  
19 equipment, and all lands, properties, rights, easements, and franchises relating thereto and  
20 considered necessary or convenient by the Airport Authority in connection therewith.

21 SECTION 3.(c) "Authority" means the Greater Asheville Regional Airport  
22 Authority created by this act or, if such Authority is abolished, the board, body, or commission  
23 succeeding to the principal functions thereof.

24 SECTION 4.(a) The Authority shall consist of seven members of whom:

- 25 (1) Two shall be registered voters of the City of Asheville appointed by the  
26 Asheville City Council. One appointment must have experience with the  
27 travel and tourism industry and one appointment must have experience in  
28 finance and accounting.
- 29 (2) Two shall be registered voters of the County of Buncombe appointed by the  
30 Board of Commissioners of Buncombe County. One appointment must have  
31 experience in aviation and one must have experience in marketing and  
32 business development.
- 33 (3) Two shall be registered voters of the County of Henderson appointed by the  
34 Board of Commissioners of Henderson County. One appointment must have



\* H 5 5 2 - V - 1 \*

1 experience in either or both of construction or facilities, and one  
2 appointment must have experience with logistics.

3 (4) One shall be appointed by the other six members to serve a four-year term.

4 **SECTION 4.(a1)** No person holding any elected public office may be a member of  
5 the Authority.

6 **SECTION 4.(b)** A person who, at the time of the appointment, is transacting  
7 business with the Authority or who is reasonably expected to transact business with the  
8 Authority may not be appointed as a member of the Authority, provided this sentence does not  
9 apply to a public utility which is the sole available supplier. A person who, at the time of the  
10 appointment, is an employee, agent, or consultant to the Authority may not be appointed as a  
11 member of the Authority.

12 **SECTION 4.(c)** Of the initial members each appointed by the Asheville City  
13 Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners  
14 of Henderson County, one member shall serve a term of two years, and one member shall serve  
15 a term of four years. All succeeding members of the Authority shall serve four-year terms.  
16 Members of the Authority may serve up to a total of two successive four-year terms. Initial  
17 terms begin July 1, 2011.

18 **SECTION 4.(d)** Any vacancy occurring among the membership of the Authority  
19 shall be filled by appointment of the appointing authority of a member to serve for the  
20 unexpired term thereof, such appointment to be made within 60 days after notice of the vacancy  
21 thereof.

22 **SECTION 4.(e)** Each of the members and his or her successor so appointed shall  
23 take and subscribe to an oath of office before an officer authorized to administer oaths and file  
24 certified copies of the same with the authority.

25 **SECTION 4.(f)** Any appointed member of the Authority may be suspended or  
26 removed from office by his or her respective appointing body for cause affecting his or her  
27 ability to perform his or her duties as a member; for misfeasance, malfeasance, or nonfeasance  
28 in office; or for violating his or her duty to avoid conduct tending to undermine decisions of the  
29 Authority, exposing the Authority to liability for damages, injuring the good name of the  
30 Authority, or disturbing the well-being of the Authority's staff or employees.

31 **SECTION 4.(g)** Members of the Authority shall not be personally liable, in any  
32 manner, for their acts as members of the Authority, except for misfeasance or malfeasance.

33 **SECTION 4.(h)** All duly appointed members of the Authority shall serve as such  
34 members until their respective successors have been duly appointed, qualified, and sworn in the  
35 manner set forth above.

36 **SECTION 5.(a)** The organization and business of the Authority shall be conducted  
37 as provided in this act.

38 **SECTION 5.(b)** The members of the Authority, for the purpose of doing business,  
39 shall constitute a board of directors, which may adopt suitable bylaws, not inconsistent with the  
40 provisions of this act, for its management.

41 **SECTION 5.(c)** The Authority shall appoint from its voting members a chairman,  
42 vice-chairman, and other officers as it may deem necessary for the orderly conduct of its  
43 business.

44 **SECTION 5.(d)** Each member of the Authority, including the chairman, shall have  
45 one vote. A majority of the duly appointed and qualified members of the Authority shall  
46 constitute a quorum.

47 **SECTION 5.(e)** The Authority shall hold meetings at least monthly at such times  
48 and places as it from time to time may designate and at such other times on the call of the  
49 chairman or by four voting members of the Authority, provided at least five days' notice is  
50 given. The Authority may cancel a monthly meeting if it is determined by the chairman or four  
51 voting members that a monthly meeting is not required.

1           **SECTION 5.(f)** The members of the Authority may receive annual compensation  
2 to be determined jointly by the three appointing authorities, but not to exceed two thousand  
3 dollars (\$2,000) per year. Members may also receive paid travel, lodging, and meal expenses  
4 incurred in transacting business on behalf of the Authority. Members may also receive parking,  
5 either daily or extended, during the term in which they serve.

6           **SECTION 5.(g)** The fiscal year of the Authority shall begin July 1 and end June  
7 30. On or before May 15 of each calendar year, the Authority shall prepare and adopt a  
8 proposed budget for the next ensuing fiscal year and file copies of such proposed budget with  
9 the Buncombe and Henderson County Boards of Commissioners and the Asheville City  
10 Council.

11           **SECTION 5.(h)** All meetings of the Authority shall be conducted in accordance  
12 with Article 33C of Chapter 143 of the General Statutes.

13           **SECTION 6.(a)** The Authority shall constitute a body, both corporate and politic,  
14 and shall have the power and authority to do the following:

- 15           (1) Adopt an official seal and alter the same at its pleasure.
- 16           (2) Maintain an office at such place or places as it may designate within  
17 Buncombe or Henderson Counties only.
- 18           (3) Purchase, acquire, establish, construct, own, control, lease, equip, improve,  
19 maintain, operate, and regulate airports or landing fields for the use of  
20 airplanes and other aircraft and all facilities incidental to the operation of  
21 such airports or landing fields, within the limits of Buncombe and  
22 Henderson Counties; and for any of such purposes, to purchase, acquire,  
23 own, hold, lease, and operate real or personal property.
- 24           (4) Purchase real or personal property.
- 25           (5) Sue or be sued in the name of the Authority, to acquire by purchase and to  
26 hold lands for the purpose of constructing, maintaining, or operating any  
27 airport within the limits of said counties, and to make such contracts and to  
28 hold such personal property as may be necessary for the exercise of the  
29 powers of the Authority. The Authority may acquire by purchase, or  
30 otherwise, any existing lease, leasehold right, or other interest in any existing  
31 airport facility located in the counties of Buncombe and Henderson.
- 32           (6) Charge and collect reasonable and adequate fees, royalties, rents, or other  
33 charges, including fuel flowage fees, for the use of property owned, leased,  
34 or otherwise controlled or operated by the Authority or for services rendered  
35 in the operation thereof.
- 36           (7) Make all reasonable rules and regulations as it deems necessary for the  
37 proper maintenance, use, operation, and control of any airport or airport  
38 facilities owned, leased, or controlled by the Authority; to provide penalties  
39 for the violation of such rules and regulations; provided said rules and  
40 regulations and penalties be not in conflict with the laws of the State of  
41 North Carolina and the rules and regulations of the Federal Aviation  
42 Administration.
- 43           (8) Sell, or otherwise dispose of, any property, real or personal, belonging to the  
44 Authority.
- 45           (9) Purchase such insurance as the Authority shall deem necessary.
- 46           (10) The Authority is further authorized and fully empowered to maintain and  
47 operate any airport or landing field jointly with any adjoining county or  
48 counties or jointly with other aviation/airport authorities operating under  
49 authorization from one or more adjoining counties of the municipalities  
50 therein.

- 1 (11) Deposit or invest and reinvest any of its funds as provided by the Local  
2 Government Finance Act, as it may be amended from time to time, for the  
3 deposit or investment of unit funds.
- 4 (12) Issue revenue bonds and/or refunding bonds pursuant to the provision of the  
5 Local Government Revenue Bond Act.
- 6 (13) Purchase any of its outstanding bonds or notes.
- 7 (14) Operate, own, lease, control, regulate, or grant to others the right to operate  
8 on any airport premises, restaurants, snack bars and vending machines, food  
9 and beverage dispensing outlets, rental car services, catering services,  
10 novelty shops, insurance sales, advertising media, merchandising outlets,  
11 motels, hotels, barber shops, automobile parking and storage facilities,  
12 automobile service stations, garage service facilities, motion picture shows,  
13 personal service establishments, and all other types of facilities as may be  
14 directly or indirectly related to the maintenance and furnishing of the public  
15 commercial and general aviation airport facilities.
- 16 (15) Accept grants of money or materials or property of any kind for any airport  
17 facilities from any federal or State agency, political subdivision, or other  
18 public body or from any private agency or individual, upon such terms and  
19 conditions as may be imposed, and to enter into contracts and grants  
20 agreements with the Federal Aviation Administration, or any successor or  
21 successors thereof, and with the State of North Carolina or any of its  
22 agencies, in the capacity of sponsor or cosponsor of any airport development  
23 project involving the acquisition, construction, reconstruction, improvement,  
24 extension, enlargement, or equipment of any airport facilities owned or  
25 operated by the Authority, pursuant to any federal or State law providing for  
26 aid to airports.
- 27 (16) Employ and fix the compensation of an airport director who shall manage  
28 the affairs of the Authority under the supervision of the Authority. Such  
29 managing director may be given any title suitable to the Authority. The  
30 Authority may also employ such agents, engineers, attorneys, and other  
31 persons whose services may be deemed by the Authority to be necessary.
- 32 (17) Make or cause to be made such surveys, investigations, studies, borings,  
33 maps, plans, drawings, and estimates of cost and revenues as the Authority  
34 may deem necessary and may prepare and adopt a comprehensive plan or  
35 plans for the location, construction, improvement, and development of any  
36 project.
- 37 (18) Exercise all of the powers conferred by Chapter 63 of the General Statutes.

38 **SECTION 6.(b)** The authority has the same exemptions in respect to payment of  
39 taxes and license fees as provided for municipal corporations by the laws of the State of North  
40 Carolina.

41 **SECTION 7.(a)** The Authority is hereby authorized and empowered to acquire  
42 from the Counties of Buncombe and Henderson and the City of Asheville, by agreement  
43 therewith, and such counties and cities are hereby authorized and empowered to grant and  
44 convey, either by gift or for such consideration as it may be deemed wise, any real or personal  
45 property which it now owns or may hereafter be acquired, and which may be necessary for the  
46 construction, operation, and maintenance of any airport or facilities of same located in the  
47 Counties of Buncombe or Henderson. If the airport ceases to operate or if the airport authority  
48 is dissolved, any real property of the Counties of Buncombe or Henderson or the City of  
49 Asheville conveyed to the authority under this act shall revert to the grantor.

50 **SECTION 7.(b)** The City of Asheville, the County of Buncombe, and the County  
51 of Henderson shall transfer to the Authority within 90 days after enactment of this act all its



1 right, title, and interest to the property known as the Asheville Regional Airport, except if  
2 approval of a federal agency is required, then within 90 days of that approval.

3 **SECTION 7.(c)** Private property needed by the Authority for any airport, landing  
4 field, or facilities of same may be acquired by gift or devise, or by private purchase. Aviation  
5 easements needed by the Authority for any airport, landing field, or facilities of same may  
6 likewise be acquired by gift, devise, or private purchase. Unless the power of eminent domain  
7 is required by federal law or federal regulation, Chapter 40A of the General Statutes does not  
8 apply to the Authority, and it may not exercise the power of eminent domain. If a federal law or  
9 federal regulation does require the Authority to have the power to exercise eminent domain, it  
10 may only do so for public use for airport purposes, and any eminent domain proceeding must  
11 be authorized jointly by all of the three appointing authorities.

12 **SECTION 7.(d)** Any lands acquired, owned, controlled, or occupied by the  
13 Authority shall and are hereby declared to be acquired, owned, controlled, and occupied for a  
14 public purpose.

15 **SECTION 7.(e)** The Authority is not authorized to levy any tax.

16 **SECTION 8.** The Authority shall make annual reports to the Buncombe County  
17 Board of Commissioners, the City of Asheville City Council, and the Henderson County Board  
18 of Commissioners setting forth the operations and transactions conducted by it pursuant to this  
19 act. The Authority shall be regarded as the corporate instrumentality and agent for Buncombe  
20 and Henderson Counties and the City of Asheville for the purpose of developing aviation  
21 facilities in the Counties of Buncombe and Henderson, but it shall have no power to pledge the  
22 credit of the Counties of Buncombe or Henderson or the City of Asheville, or any subdivision  
23 thereof, or to impose any obligation upon those counties, or the City of Asheville, or any  
24 subdivision thereof, except and when such power is expressly granted by statute.

25 **SECTION 9.** All rights and powers given to the counties or municipalities by the  
26 statutes of North Carolina, which may now be in effect, or may be enacted in the future,  
27 relating to the development, regulation, and control of municipal airports and the regulations of  
28 aircraft are hereby vested in the said Authority.

29 **SECTION 10.** The Authority is hereby expressly authorized to make and enter into  
30 contracts, leases, conveyances, and other agreements with any political subdivision, agency, or  
31 instrumentality of the State, any federal agencies, legal entities, and persons for the purpose of  
32 carrying out the provisions of this act.

33 **SECTION 11.** The powers of the Authority created by this act shall be construed  
34 liberally in favor of the Authority. No listing of powers included in this act is intended to be  
35 exclusive or restrictive, and the specific mention of, or failure to mention, particular powers in  
36 this act shall not be construed as limiting in any way the general powers of the Authority as  
37 stated in Section 6 of this act. It is the intent of this act to grant the Authority full power and  
38 right to exercise all authority necessary for the effective operation and conduct of the  
39 Authority. It is further intended that the Authority should have all implied powers necessary or  
40 incidental to carrying out the expressed powers and the expressed purposes for which the  
41 Authority is created. The fact that this act specifically states that the Authority possesses a  
42 certain power does not mean that the Authority must exercise such power unless this act  
43 specifically so requires.

44 **SECTION 12.** If any provision of this act or its application is held invalid, the  
45 invalidity does not affect other provisions or applications of this act that can be given effect  
46 without the invalid provisions or application, and to this end the provisions of this act are  
47 severable.

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



## HOUSE BILL 552: Greater Asheville Reg. Airport Authority

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 20, 2011
<b>Introduced by:</b>	Reps. Moffitt, McGrady, Keever, Fisher	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	H552-CSLB-41		

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**SUMMARY:** *House Bill 552 (PCS) creates the Greater Asheville Regional Airport Authority.*

**CURRENT LAW:** Under current law, the Asheville Airport is governed by the Asheville Regional Airport Authority, created by interlocal agreement, and governed by a Board from Asheville and Buncombe County.

**BILL ANALYSIS:** House Bill 552 (PCS) creates a Greater Asheville Regional Airport Authority to succeed the current Airport Authority.

The bill:

- Provides for a seven member board, with two from Asheville, two from Buncombe County, two from Henderson County, and one appointed by those members.
- Provides for current Authority members to continue to serve until the completion of their terms.
- Sets out the powers of the Authority.
- Requires the City of Asheville, Buncombe County, and Henderson County to transfer the Asheville Airport property to the newly created Authority.

**EFFECTIVE DATE:** When it becomes law.

H552-SMRW-82(CSLB-41) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 403** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON TO APPLY THE CITY'S DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES LOCATED IN NATIONAL REGISTER HISTORIC DISTRICTS WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 403  
PROPOSED COMMITTEE SUBSTITUTE H403-PCS30306-RW-20**

Short Title:   Wilmington/Contributing Structures.

(Local)

Sponsors:

Referred to:

March 21, 2011

A BILL TO BE ENTITLED  
AN ACT AUTHORIZING THE CITY OF WILMINGTON TO APPLY THE CITY'S  
DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES  
LOCATED OUTSIDE LOCAL HISTORIC DISTRICTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding the provisions of G.S. 160A-400.14 or any other provision of law, the City of Wilmington may apply its demolition by neglect ordinances to contributing structures located outside the local historic district within the central business district. The City may modify and revise its demolition by neglect ordinances as necessary to implement this section and to further its intent.

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



\* H 4 0 3 - P C S 3 0 3 0 6 - R W - 2 0 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 403**

Short Title:   Wilmington/Contributing Structures. (Local)

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Sponsors:   Representative Hamilton (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to:   Government.

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March 21, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF WILMINGTON TO APPLY THE CITY'S  
3 DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES  
4 LOCATED IN NATIONAL REGISTER HISTORIC DISTRICTS WITHIN THE CITY'S  
5 CENTRAL BUSINESS DISTRICT.  
6 The General Assembly of North Carolina enacts:  
7       **SECTION 1.** Notwithstanding the provisions of G.S. 160A-400.14 or any other  
8 provision of law, the City of Wilmington may apply its demolition by neglect ordinances to  
9 contributing structures located in National Register Historic Districts within the City's Central  
10 Business District. The City may modify and revise its demolition by neglect ordinances as  
11 necessary to implement this section and to further its intent.  
12       **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 403: Wilmington/Contributing Structures

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Hamilton  
**Analysis of:** PCS to First Edition  
H403-CSRF-19

**Date:** April 20, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *The proposed committee substitute for House Bill 403 provides that the City of Wilmington may apply the city's demolition by neglect ordinances to contributing structures outside the local historic district within the central business district. The original bill allowed application of the ordinances to contributing structures located in National Register Historic Districts within the central business district.*

**CURRENT LAW:** G.S. 160A-400.14 provides that an application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a building, structure or site within a district may not be denied, unless the building or structure is determined by the State Historic Preservation Officer as having Statewide significance per the criteria of the National Register of Historic Places. If a property is so categorized, the application may be denied except in cases of extreme hardship or where the owner would be permanently deprived of all beneficial uses or return from the property.

The effective date of a certificate of appropriateness may be delayed for up to 365 days during which time the preservation commission may negotiate with the owner to try to find ways to preserve the property.

**BILL ANALYSIS:** The proposed committee substitute for House Bill 403 provides that the City of Wilmington may apply the city's demolition by neglect ordinances to contributing structures outside the local historic district within the central business district.

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

H403-SMRF-42(CSRF-19) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 367** A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN PARCELS  
PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 367\***

**Short Title:** Roanoke Rapids Deannexation. (Local)

**Sponsors:** Representatives Bradley and Bryant (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

March 16, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A  
3 LEGISLATIVE ANNEXATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The following properties, which were annexed to the City of  
6 Roanoke Rapids by S.L. 2005-9, are removed from the corporate limits of the City of Roanoke  
7 Rapids, referenced below by Halifax County Tax Office Parcel ID:

8 1203642  
9 1203645  
10 1203646  
11 1203647  
12 1203649  
13 1203650  
14 1203658  
15 1203228  
16 1203400  
17 1203401  
18 1203402  
19 1203403  
20 1203404  
21 1203405  
22 1203406  
23 1203409  
24 1203438  
25 1203439  
26 1203591  
27 1220045  
28 1220049

29 **SECTION 2.** The City of Roanoke Rapids may exercise all the powers granted by  
30 Article 19 of Chapter 160A of the General Statutes in areas removed from the corporate limits  
31 by Section 1 of this act.

32 **SECTION 3.** This act is effective June 30, 2011.







## HOUSE BILL 367: Roanoke Rapids Deannexation

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 19, 2011
<b>Introduced by:</b>	Reps. Bradley, Bryant	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 367 deannexes a described area from the City of Roanoke Rapids.*

[As introduced, this bill was identical to S313, as introduced by Sen. Jones, which is currently in Rules and Operations of the Senate.]

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to add territory to their municipal limits by annexation.

The General Assembly has not enacted any method for municipalities to *deannex* property -- that power remains with the General Assembly.

**BILL ANALYSIS:** House Bill 367 deannexes 21 parcels, listed in the bill, in the City of Roanoke Rapids.

The bill provides that the City may exercise planning and zoning authority over the parcels deannexed.

**EFFECTIVE DATE:** This act is effective July 30, 2011.

H367-SMRW-75(e1) v1



# City of Roanoke Rapids

Office of the Mayor - Emery G. Doughtie

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Roanoke Rapids, N. C. 27870

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April 14, 2011

**REPRESENTATIVE GLEN BRADLEY**

N.C. HOUSE OF REPRESENTATIVES

49<sup>th</sup> DISTRICT

The Honorable Glen Bradley  
49<sup>th</sup> District Representative  
300 N. Salisbury Street, Room 536  
Raleigh, North Carolina 27603-5925

536 LEGISLATIVE OFFICE BUILDING  
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DISTRICT ADDRESS:  
144 RIDGEWOOD ROAD  
YOUNGSVILLE, NC 27596  
(919) 728-0449  
REP@NC49.ORG

**Reference: S313 & H367—Roanoke Rapids De-Annexation**

Dear Representative Bradley:

At the April 12, 2011 regular meeting of the Roanoke Rapids City Council, action was taken to support legislation (S313 & H367) for the de-annexation of the Brandy Creek/Wallace Fork community.

Thank you for your consideration and for all you do for our community.

Sincerely,

Emery G. Doughtie  
Mayor

cc: [illegible]

cc: [illegible]



**REPRESENTATIVE GLEN BRADLEY**

N.C. HOUSE OF REPRESENTATIVES

49<sup>th</sup> DISTRICT

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## City Council talks of de-annexation near Carolina Crossroads

Posted: Thursday, June 3, 2010 12:00 am

By Roger Bell

The Daily Herald Staff Writer

**ROANOKE RAPIDS** — On April 19, 2005, the City of Roanoke Rapids grew larger with the annexation of Brandy Creek and Wallace Forks near Carolina Crossroads. However, members of city council feel the annexation was done unfairly, and hope to one day downsize that area from city control.

"They didn't get to vote on it," stated Roanoke Rapids Mayor Emery Doughtie. "It was involuntary. Those people weren't treated right."

"I was told one morning and advised that the subdivision area along Wallace Forks had been annexed in an act of the General Assembly," recalled Councilman Greg Lawson, who was Roanoke Rapids Police Chief in 2005. "I was challenged to go out there and meet with those folks and tell them they were now in the city limits."

Lawson recalls most people in the area weren't too happy with being annexed. "The manner in which it was done, with no warning and no input from them; they were very upset that they hadn't known about it."

Of course, with the Carolina Crossroads entertainment district being in the same area, there was another impact felt by the new city residents.

"Through the development of Carolina Crossroads," Lawson said, "their property taxes went up tremendously."

Doughtie agrees with Lawson's assessment. While building values in the area didn't seem affected by the change, Doughtie produced numbers from three parcels in Brandy Creek which showed dramatic increases in land value between 2006 and 2007, increases which would lead to punishing changes in taxes.

One of the parcels showed the land valued at \$16,930 in 2006 and in 2007 the same parcel of land was valued at \$78,270. Another parcel had the land valued at \$11,710 in 2006, but in 2007 the same parcel of land had a \$93,090 value. The third parcel rose from \$8,120 in value in 2006, and jumped to \$41,870 in 2007.

"So those residents," Doughtie illustrated, "were paying, say, 62 cents per \$100 one day, then they're annexed and suddenly they're paying another 63 cents per \$100. Then in 2007, that same property owner is paying \$1.25 per \$100, but he's paying it on \$93,090."

While the three parcels have seen land values go down to 2006 levels, those previous increases, some officials feel, presented a bit too much for the residents.

"I wouldn't want my taxes to go up whatever percentage theirs went up," Councilwoman Suetta Scarbrough stated. "Nobody wants that."

Doughtie feels many at the time believed residents in the area would leave. "When all this happened everybody felt those few people would roll up their shades and move out of there," Doughtie, who was not mayor at the time, said. "But for people out there, that's home. For people that money isn't the most important thing, they didn't move."

"There were some (residents) who wanted to sell their properties to the developer," recalled Mayor Pro Tem Carl Ferebee, the most senior member of council and one of only two current council members serving at the time of the annexation — the other being Ernest Bobbitt. "At the time it was projected to be growing a little differently. Some people were okay with that and some were not," Ferebee shared.

Former Roanoke Rapids Mayor Drewery Beale remembers the annexation and feels the residents in the area benefitted from it. "It was a unanimous decision by the House and Senate," Beale said. "We approached them and told them what we thought was going to happen and how much the land was going to be worth."

While Beale admits citizen input was not sought for the annexation, he believes the benefits the area received, in the form of police protection, fire protection and other city services, helped the area tremendously.

"They had one fire hydrant out there and we took it over," Beale recalled. "We put fire hydrants in, we turned the street lights on; we reworked the roads — we didn't pave the roads, but we worked on them — and gave them garbage pickup right in front of their homes."

"Even if you involuntarily annex," Doughtie countered, "you still have to give them the chance to voice their opinion."

Members of council seem to agree with Doughtie. "The Carolina Crossroads concept, while a great idea, there it gets back to the public and these folks were never informed about 'Hey, we're going to annex you in,'" Lawson said. "The way it was done created negativity toward the city and its government and it created hard feelings. I don't know anybody who would think that was fair."

"Hindsight says it could have been done differently," Ferebee stated. "We probably could have done it differently."

"I think it was unfairly done," Scarbrough said.

"I believe the residents of that particular neighborhood feel as if they were caught up in the Randy Parton Theatre debacle," stated Councilman Ed Liverman. "Obviously if the theater concept would have had immediate success, things would probably appear quite differently."

Given the circumstances under which the area came into city control, and given the circumstances in which the entertainment district finds itself, many on Council feel the area would be better served if the city de-annexed it.

"Under the circumstances, I have to support their efforts to de-annex," Lawson said. "These people are having to pay taxes they can't afford. A lot of folks out there are elderly and on fixed incomes and a lot of them are just hard-working folks trying to make it."

"I know we'll lose tax money, but we also won't have to provide services out there," Doughtie stated. "It's the right thing to do."

"I am for de-annexing them," Scarbrough said. "Getting them back to where they were."

Because annexation was done by the General Assembly, it will take an act by the General Assembly to undo it.

Find out what residents have to say about the deannexation of Brandy Creek and Wallace Forks in Sunday's edition of The Daily Herald.

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**REPRESENTATIVE GLEN BRADLEY**  
N.C. HOUSE OF REPRESENTATIVES  
49<sup>th</sup> DISTRICT

536 LEGISLATIVE OFFICE BUILDING  
300 N SALISBURY STREET  
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GLEN.BRADLEY@NCLEG.NET

DISTRICT ADDRESS:  
144 RIDGEWOOD ROAD  
YOUNGSVILLE, NC 27596  
(919) 728-0449  
REP@NC49.ORG

**TO:** Representative Glen Bradley  
Representative Angela Bryant  
Senator Ed Jones

**FROM:** Peter Gilbert, UNC Center for Civil Rights

**DATE:** April 20, 2011

**RE:** De-annexation of Brandy Creek/Wallace Fork Community

---

## **I. BACKGROUND INFORMATION**

### ***Brandy Creek/Wallace Fork Community***

- Annexed into corporate limits of Roanoke Rapids in 2005 via legislative annexation (House Bill 446/SL 2005-9)
- Following annexation, Rock River Falls, LLC, purchased 32 parcels of land for development from Water Properties/Anne Marie Edwards; families living on those parcels were forced to move out of community.
- Approximately 21 families remain; it is a predominantly low-income, African American community.
- Property was re-valued in 2007.
  - Residents experienced a 695% - 1446% increase in property taxes during the 2007 revaluation (an average increase of 772%).
- Property revaluation in 2010 corrected the 2007 inflated valuation.

## **II. THE CASE FOR DEANNEXATION**

### ***Equity Considerations***

- When seeking the support and vote of NC legislators, the legislative annexation of the Brandy Creek/Wallace Fork community was incorrectly characterized as a "voluntary annexation."
  - Characterization of annexation as voluntary gives the impression that property owners have requested the annexation and are willing participants in the process.
  - However, residents of the Brandy Creek/Wallace Fork community did not learn of the annexation until several days after passage of House Bill 446.
- Residents experienced an unjustified 695% - 1446% increase in property taxes during the 2007 revaluation (an average increase of 772%).

- **Average Percentage Increase in Property Values 2006-2007**
  - i. Roanoke Rapids: 34%
  - ii. County: 19%
  - iii. Area adjacent to Brandy Creek but not annexed: 33%
  - iv. Brandy Creek: 772%
- Development plans and drawings of the future Roanoke Rapids entertainment district did not incorporate the homes of the Brandy Creek/Wallace Fork community, leading to the conclusion residents were to sell their homes and move elsewhere. Due to the financial troubles of the theater as well as the downturn in the economy, the larger entertainment district has remained mostly vacant leaving these families in an undesirable area of town and unable to sell their homes. De-annexation would provide residents with relief from property taxes while the city of Roanoke Rapids works to correct the situation and build momentum for the entertainment and shopping district. Once the area is primed for development, private developers may again become interested in purchasing property in the area.

***Economic Impact: Roanoke Rapids***

- FY 2010-2011 Budget: \$13,683,273.00 (general fund)
- Property Tax Revenue for 2010: \$6,570,985
- Property Tax Revenue from Brandy Creek community: \$6,990.92
  - Represents 0.05% of the general fund
  - Represents 0.11% of anticipated property tax revenue
- Additional savings to City from discontinuation of municipal services (solid waste, street maintenance, and street lighting)

***Economic Impact: Brandy Creek/Wallace Fork Community***

- Average property value: \$53,349.52
- Average savings of \$332.90/year/family with removal of Roanoke Rapids property tax

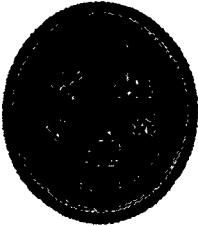
## Excerpt from April 12, 2011 City Council Minutes

### Support of De-Annexation of the Brandy Creek/Wallace Fork Community

Councilman Lawson stated under the circumstances in which the people in this community were annexed, he feels it would be right for the City Council to support the House and Senate Bills that have been introduced to de-annex this community.

Motion was made by Councilman Lawson and seconded by Mayor Pro Tem Ferebee to support legislation to de-annex the Brandy Creek/Wallace Fork Community.

Upon being put to a vote, Councilman Lawson, Mayor Pro Tem Ferebee, Councilwoman Scarbrough and Councilman Bobbitt voted in favor of the motion. Councilman Liverman voted against the motion. Mayor Doughtie declared the motion carried by a 4 to 1 vote.



*Lisa B. Vincent*, MMC, City Clerk

**City of Roanoke Rapids**

P. O. Box 38

Roanoke Rapids, N. C. 27870

[lvincent@roanokerapidsnc.com](mailto:lvincent@roanokerapidsnc.com)


(252) 533-2840

(252) 537-1139--Fax

(252) 533-2809--Fax

*The best and most beautiful things in this world cannot be seen or even heard, but must be felt with the heart. - Helen Keller*

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49<sup>th</sup> DISTRICT

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**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 471** A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 471

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

H471-AST-14 [v.1]

Page 1 of 1

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

Date \_\_\_\_\_, 2011

Representative Kever

1 moves to amend the bill on page 1, lines 31- 33 by rewriting those lines to read:  
2

3 "SECTION 2. . Section 1 of this act become effective only if approved by the  
4 qualified voters of the County of Buncombe in a referendum. The election shall be conducted  
5 by the Buncombe County Board of Elections in the 2012 general election. The question on the  
6 ballot shall be:

7 "[ ] FOR [ ] AGAINST

8 Amendment to increase the size of the county commissioners board from 5 to 7  
9 members and establish electoral districts."

10 SECTION 3. If a majority of the votes cast are in favor of the question, Sections 1  
11 of this act become effective on the first Monday in December of 2014, and the 2014 election  
12 shall be conducted as provided therein.

13 SECTION 4. This act is effective when it becomes law."  
14

SIGNED

Daisy Kever  
Amendment Sponsor

SIGNED

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

ADOPTED

FAILED

TABLED



\* H 4 7 1 - A S T - 1 4 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 471**

Short Title:	Buncombe County Commission Districts.	(Local)
<hr/>		
Sponsors:	Representative Moffitt (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY  
FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF  
ALL BUT THE CHAIR BY DISTRICTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 936, Session Laws of 1963, as amended by referendum under G.S. 153A-58 to increase the size to four members plus the separately elected chairman, as amended by Chapter 129 of the 1983 Session Laws to provide for a board of five members which elects its own chairman, and as amended again by referendum in 1984 under G.S. 153A-58 to provide for four members plus the separately elected chairman, is rewritten to read:

"Section 1.(a) The Board of Commissioners of Buncombe County shall consist of six members plus the chairman.

(b) In 2012 and quadrennially thereafter, the chairman shall be elected separately by all the qualified voters of Buncombe County.

(c) In 2012, two commissioners shall be elected from each of the three House of Representatives Districts in Buncombe County. In each district the person receiving the highest number of votes is elected to a four-year term, and the person receiving the second highest number of votes is elected to a two-year term. In 2014 and biennially thereafter, one commissioner shall be elected from each district for a four-year term. Each member shall reside in and represent one of the districts, and only the qualified voters of that district are eligible to vote for that district seat. The districts shall be numbered 1, 2, and 3 and shall correspond to the numerical order of the three house districts.

(d) If after the 2020 or subsequent censuses Buncombe County is not entitled to exactly three House of Representatives districts, the Board of Commissioners of Buncombe County may redistrict the three county commissioner districts in accordance with G.S. 153A-22, but in doing so shall only deviate from the boundaries of the three House of Representatives districts to the extent necessary to account as appropriate either for (i) areas of Buncombe County not in one of those three house districts or (ii) areas in another county or counties located in one or more of the three house districts."

**SECTION 2.** Section 1 of this act becomes effective on the first Monday in December of 2012, and the 2012 election shall be conducted as provided therein. This act is effective when it becomes law.



\* H 4 7 1 - V - 1 \*



# HOUSE BILL 471: Buncombe County Commission Districts

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Moffitt  
**Analysis of:** First Edition

**Date:** April 20, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *House Bill 471 would expand the Board of Commissioners of Buncombe County from five to seven members and would provide for the election of all but the chair by districts.*

**CURRENT LAW:** In 1984, Buncombe County elected by referendum to provide for four county commissioners plus a separately elected chairman, as authorized by G.S. 153A-58, which provides for optional structures for county boards of commissioners. The commissioners are elected for four-year terms.

**BILL ANALYSIS:** House Bill 471 increases the number of commissioners to six members plus the chairman. The bill provides that the chairman be elected at-large in 2012, and every four years thereafter. In addition, the bill requires that two county commissioners be elected in 2012 from each of the three State House of Representatives districts in Buncombe County. The person winning the highest number of votes is elected to a four-year term, and the person receiving the second highest number of votes is elected to a two-year term. In 2014 and every two years thereafter, one commissioner would be elected from each district for a four-year term.

House Bill 471 also provides that if after the 2020 Census or any subsequent census, Buncombe County is not entitled to exactly three State House of Representatives districts, the Board of Commissioners would redistrict the districts in accordance with State law. However, the districts could only deviate from the boundaries of the three House of Representatives districts to account for either 1) areas of Buncombe County not in one of the three House districts, or 2) areas in another county or counties located in one or more of the House districts.

**EFFECTIVE DATE:** This act becomes effective on the first Monday in December of 2012, and the 2012 election shall be conducted as provided therein.

*H471-SMTH-19(e1) v2*

# ROLL CALL VOTE

13 14 = 27 (TOTAL)  
YES NO

HB# 471  
SB# \_\_\_\_\_

## HOUSE STANDING COMMITTEE ON GOVERNMENT

House Subcommittee on \_\_\_\_\_

YES	NO	MEMBER	YES	NO	MEMBER
_____	_____	BROWN, Larry	_____	<input checked="" type="checkbox"/>	HAGER, Mike
_____	<input checked="" type="checkbox"/>	INGLE, Dan	_____	<input checked="" type="checkbox"/>	HURLEY, Pat B.
_____	<input checked="" type="checkbox"/>	BOLES, James L.	_____	<input checked="" type="checkbox"/>	JONES, Bert
_____	_____	LANGDON, James H.	_____	_____	JUSTICE, Carolyn H.
_____	<input checked="" type="checkbox"/>	WARREN, Harry	<input checked="" type="checkbox"/>	_____	KEEVER, Patsy
<input checked="" type="checkbox"/>	_____	ADAMS, Alma	<input checked="" type="checkbox"/>	_____	LUEBKE, Paul
<input checked="" type="checkbox"/>	_____	ALEXANDER, Martha	_____	_____	McGEE, William C. "Bill"
_____	_____	BARNHART, Jeff	_____	_____	MILLS, Grey
<input checked="" type="checkbox"/>	_____	BORDSEN, Alice	<input checked="" type="checkbox"/>	_____	MOBLEY, Annie W.
_____	<input checked="" type="checkbox"/>	BRADLEY, Glen	_____	<input checked="" type="checkbox"/>	MOFFITT, Tim D.
_____	<input checked="" type="checkbox"/>	BRANDON, Marcus	<input checked="" type="checkbox"/>	_____	MOORE, Rodney W.
_____	_____	BROWN, Rayne	<input checked="" type="checkbox"/>	_____	PARFITT, Diane
_____	_____	BURR, Justin P.	_____	_____	PARMON, Earline W.
_____	<input checked="" type="checkbox"/>	CLEVELAND, George G.	_____	<input checked="" type="checkbox"/>	SETZER, Mitchell S.
_____	<input checked="" type="checkbox"/>	COLLINS, Jeff	_____	_____	
<input checked="" type="checkbox"/>	_____	COTHAM, Tricia Ann	_____	_____	
_____	_____	EARLE, Beverly M.	_____	_____	
_____	<input checked="" type="checkbox"/>	FAIRCLOTH, John	_____	_____	
<input checked="" type="checkbox"/>	_____	FISHER, Susan C.	_____	_____	
<input checked="" type="checkbox"/>	_____	FLOYD, Elmer	_____	_____	
_____	_____	FOLWELL, Dale	_____	_____	
_____	<input checked="" type="checkbox"/>	FRYE, Phillip	_____	_____	
<input checked="" type="checkbox"/>	_____	GILL, Rosa U.	_____	_____	
<input checked="" type="checkbox"/>	_____	GOODMAN, Ken	_____	_____	
_____	_____	GUICE, W. David	_____	_____	

## VISITOR REGISTRATION SHEET

Government  
Name of Committee

4-21-2011  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Peter Gilbert	UNC Center for Civil Rights Chapel Hill
David Cranford	AAAC
Heather Barnett	Williams Muller
Amy Baom	NCACC
Alison Kiser	PPCNC
Patsy Johnson	PPCNC
MARK DOROSTA	UNC Center for Civil Rights
Janet Jones	NCA
Larry Seckner	Clark Lytle Geduldig
Keenick	NCum
Sobari	DSJ

# VISITOR REGISTRATION SHEET

Government

Name of Committee

4-21-2011

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

<u>JB Hayes</u>	<u>NC HBA</u>
<u>Suzanne Beasley</u>	<u>SEANC</u>
<u>Mitch Leonard</u>	<u>SEANC</u>
<u>Carl Howell</u>	<u>DST</u>
<u>Penny Guffie</u>	<u>School of Gov.</u>
<u>Sandra Chestnut</u>	<u>DHHS</u>
<u>Judy McAarn</u>	<u>DHHS</u>
<u>Brenda K. Rossini</u>	<u>DOJ</u>
<u>Alan P. Ke</u>	<u>GTCC</u>
<u>C. DAVID HAUSER</u>	<u>NC CENTER FOR GLOBAL LOGISTICS.</u>
<u>Kathleen Patterson</u>	<u>NC Center for Global Logistics</u>

# VISITOR REGISTRATION SHEET

Government

Name of Committee

4-21-2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jason Sheffield

DST

Pennis W. Streets

NC Div. of Aging and Adult Services - OHHS

Allen Martin

DST

Kelly Chamber

AF's Office

BJ Miller

Moses Cove

Mark McCune

Carolina's Healthcare System

Shirley Baum

210 Wallace Park Rd RRNC 27870

Ruth Hampton

238 Main Ave RRNC 27870

Joyce Hickaday

386 Walker Park Rd Roanoke Rapids NC 27870

Mildred Patterson

87 Brandy Creek Dr Roanoke Rapids NC 27870

Louise G. Williams

350 Wallace Park Rd Roanoke Rapids NC 27870

Brandy Creek, Wallace Park Rd  
Concerned Citizens Comm.

Government

04-21-2011

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

**FIRM OR AGENCY AND ADDRESS**

LLPP

# New Home Builders

NCS Longway  
Roe Adams

Rep. Adams



House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GovernmentDATE: 4/21/2011 Room: 643\*Name: Micaiah RawlingsCounty: WakeSponsor: Hall\*Name: Mary Frances FosterCounty: ClevelandSponsor: T. MooreName: Erin WilsonCounty: ClevelandSponsor: T. Moore\*Name: Demery MoodyCounty: ClevelandSponsor: Kelly Alexander\*Name: Alnee WardCounty: WakeSponsor: Rep. RossHouse Sgt-At Arms:1 Name: Bill MacRae4. Name: Champ Claris2. Name: Garland Shepherd

5. Name: \_\_\_\_\_

3. Name: R.L. Carter

6. Name: \_\_\_\_\_

# **Government Committee Meeting**

**May 5, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 150 - Committee Report, original bill, bill summary**
- Attachment 3b: HB 804 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3c: HB 411 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3d: SB 118 – Committee Report, original bill, bill summary**
- Attachment 3e: SB 212 – Committee Report, original bill, bill summary**
- Attachment 3f: SB 244 – Committee Report, original bill, actuarial note, bill summary**
- Attachment 3g: HB 207 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3h: HB 208 – Committee Report, original bill, bill summary**
- Attachment 3i: HB 371 – Committee Report, original bill, bill summary**
- Attachment 3j: HB 558 – Committee Report, original bill, bill summary**
- Attachment 3k: HB 213 – Committee Report, original bill, bill summary**
- Attachment 3l: HB 214 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3m: HB 692 – Committee Report, proposed committee substitute, original bill, bill summary, handouts**
- Attachment 3n: HB 150 – Committee Report, original bill, proposed committee substitute, bill summary, roll call vote**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

**Minutes****Committee on Government****Thursday, May 5, 2011 .**

The House Committee on Government met on Thursday, May 5, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Folwell, Gill, Goodman, Guice, Hager, Hurley, Jones, Justice, Keever, Luebke, McGee, Mills, Mobley, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Theresa Matula, Giles Perry, Gerry Cohen, Erika Churchill, Barbara Riley and Stanley Moore.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Representative Jones was recognized to speak on HB 510 Reidsville Elections. This bill was put on hold at the end of the last meeting for a vote to be taken at the next meeting. Representative Cleveland made a motion at the April 21<sup>st</sup> meeting for a favorable report. He once again moved for a favorable report. The motion carried.

Representative Daughtry was recognized to speak on HB 804 Johnston Memorial Hospital Not in LGERS. Representative Cotham moved for the acceptance of the proposed committee substitute. Representative Cleveland moved for and unfavorable report of the original bill and a favorable report of the proposed committee substitute and be referred to the Committee of State Personnel. The motion carried.

Representative Howard was recognized to speak on HB 411 Iredell Correctional Facility/DOT Storage. Representative Frye submitted an amendment. Representative Collins moved to approve the amendment. There was a proposed committee substitute which Representative Cleveland moved for the acceptance of. Representative Setzer moved for an unfavorable report to the original bill and a favorable report to a new proposed committee substitute which would include the amendment, unfavorable to the original bill and be referred to Finance. The motion carried.

Senator Preston was recognized to speak on SB 118 Downtown Service District Definition. Representative Fisher moved for a favorable report and be referred to Finance. The motion carried.

Representative Justice was recognized to speak on SB 212 Cemeteries/Survey Stamp. Representative Floyd moved for a favorable report. The motion carried.

**Representative McGee was recognized to speak on SB 244 Fire and Rescue-Survivor's Benefit. Representative Fisher moved for a favorable report and refer to State Personnel. The motion carried.**

**Representative McGee was recognized to speak on HB 207 Local Development for Winston-Salem. Representative Ingle moved for acceptance of a proposed committee substitute. Representative Parmon moved for an unfavorable report to the original bill and a favorable report for the proposed committee substitute. The motion carried.**

**The next items on the agenda were the consent bills. HB 208 Acquiring by Right-Condemnation of Property; HB 371 Winston-Salem/Informal Bids Electronically; HB 558 Forsyth/Winston-Salem Zoning Amendments. Representative Parmon moved for a favorable report on all bills. The motion carried.**

**Representative Ingle was recognized to speak on HB 213 Alamance/Orange 9% Boundary. Representative Cleveland moved for a favorable report and be referred to Finance. The motion carried.**

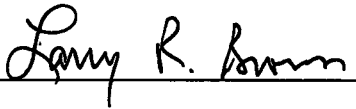
**Representative Ingle was recognized to speak on HB 214 Alamance/Orange Boundary. Representative Faircloth moved to accept the proposed committee substitute. Representative Collins moved for an unfavorable report to the original bill and a favorable report to the proposed committee substitute and be referred to Finance. The motion carried.**

**Representative Hurley was recognized to speak on HB 692 Increase Payment of Unclaimed Property Claims. Representative Warren moved to accept the proposed committee substitute. Representative Fisher moved for and unfavorable report to the original bill and a favorable report to the proposed committee substitute. Tony Solari with the NC Department of State Treasurer spoke on the different ways they try to reach out to the public regarding the escheats program. The motion carried.**

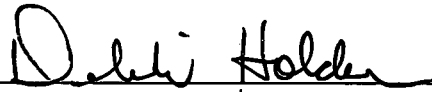
**Representative Blust was recognized to speak on HB 150 Update State Auditor's Duties. Representative Guice moved for acceptance of the proposed committee substitute that also changed the bill name to Change to Greensboro Charter Amendment. Representative Adams offered an amendment, which was moved for acceptance by Representative Collins. The amendment was accepted. Denise Turner, the Assistant City Manager of Greensboro spoke in favor of the bill. Representative Adams spoke on the amendment she offered. Representative Folwell moved for an unfavorable report to the original bill but favorable to the new proposed committee substitute which included Representative Adams' amendment. The motion carried.**

**The Chair adjourned at 11:10 AM.**

**Respectfully submitted,**

A handwritten signature in cursive script, reading "Larry R. Brown", positioned above a horizontal line.

**Representative Larry Brown, Co-Chair**

A handwritten signature in cursive script, reading "Debbie Holder", positioned above a horizontal line.

**Debbie Holder, Committee Clerk**

## AGENDA

## HOUSE COMMITTEE ON GOVERNMENT

Thursday, May 5, 2011

Room 643

10:00 AM

## OPENING REMARKS

Representative Larry Brown, Co-Chair  
Government Committee

## AGENDA ITEMS

CONSENT BILLS WITH NO REFERRAL

HB 208	Acquiring by Right-Condemnation of Property.	Representative McGee Representative Womble Representative Parmon
HB 371	Winston-Salem/Informal Bids Electronically.	Representative Parmon Representative Womble Representative L. Brown
HB 558	Forsyth/Winston-Salem Zoning Amendments.	Representative Womble Representative Parmon Representative L. Brown

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HB 510	Reidsville Elections.	Representative Jones, Jr.
SB 118	Downtown Service District Definition. (Finance)	Senator Preston
SB 120	New Bern Charter Amendments. (PCS)	Senator Preston
SB 212	Cemeteries/Survey Stamp.	Senator Rabon
SB 244	Fire and Rescue/Survivor's Benefit.	Senator Brunstetter
HB 411	Iredell Correctional Facility/DOT Storage. (PCS) (Finance)	Representative Howard
HB 804	Johnston Memorial Hospital Not in LGERS. (PCS)	Representative Daughtry
HB 207	Local Development for Winston-Salem. (PCS)	Representative McGee Representative Womble Representative Parmon

**HB 213 Alamance/Orange 9% Boundary. (Finance)**

**Representative Ingle  
Representative Bordsen  
Representative Insko  
Representative Faison**

**HB 214 Alamance/Orange Boundary. (PCS) (Finance)**

**Representative Ingle  
Representative Bordsen  
Representative Insko  
Representative Faison**

**HB 523 CHANGE Winston-Salem/Forsyth  
Election Method.**

**Representative Folwell  
Representative McGee  
Representative L. Brown**

**HB 692 Increase Payment of Unclaimed Property Claims.  
(PCS)**

**Representative Hurley  
Representative Randleman**

**HB 150 Update State Auditor's Duties.(PCS w/Title  
Change to Greensboro Charter Amendment)**

**Representative L. Brown**

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 510** A BILL TO BE ENTITLED AN ACT TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER, SUBJECT TO A REFERENDUM.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 510

Short Title: Reidsville Elections. (Local)

Sponsors: Representative Jones (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 30, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER,  
3 SUBJECT TO A REFERENDUM.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Effective with respect to elections held on or after January 1, 2013,  
6 Section 3.4 of the Charter of the City of Reidsville, being Chapter 957, Session Laws of 1989,  
7 as rewritten by Chapter 306 of the 1993 Session Laws, reads as rewritten:  
8 "Section 3.4. **Time of City Elections.** Elections for Mayor and City Council Members shall  
9 be ~~in October four weeks before the Tuesday after~~ on the Tuesday after the first Monday in  
10 November. In years in which the Mayor is being elected, the runoff for Mayor, if necessary,  
11 shall be on the fourth Tuesday after the first Monday in November thereafter."  
12 **SECTION 2.** Section 1 of this act becomes effective only if approved by the  
13 qualified voters of the City of Reidsville in a referendum. The election shall be conducted by  
14 the Rockingham County Board of Elections on October 11, 2011, the date of the next  
15 municipal election in the City of Reidsville. The question on the ballot shall be:  
16 "[ ] FOR [ ] AGAINST  
17 Amendment of the Charter of the City of Reidsville to provide that the municipal  
18 general election shall be in November beginning in 2013."  
19 **SECTION 3.** If a majority of the votes cast are in favor of the question, Section 1  
20 of this act becomes effective as provided therein. Otherwise, Section 1 of this act does not  
21 become effective.  
22 **SECTION 4.** This act is effective when it becomes law.



\* H 5 1 0 - V - 1 \*



## HOUSE BILL 510: Reidsville Elections

*2011-2012 General Assembly*

**Committee:** House Government  
**Introduced by:** Rep. Jones  
**Analysis of:** First Edition

**Date:** April 27, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 510 changes the time for election of the Mayor and City Council of Reidsville to November, subject to a referendum.*

**CURRENT LAW:** Under the current charter of the City of Reidsville, elections for mayor and the city council are held in October four weeks before the Tuesday after the first Monday in November.

**BILL ANALYSIS:** House Bill 510 amends the Charter of the City of Reidsville to change the time of elections for the mayor and city council to the Tuesday after the first Monday in November, subject to a referendum on October 11, 2011,

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

*H510-SMRW-80(e1) v-1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 804** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT JOHNSTON MEMORIAL HOSPITAL AUTHORITY IS NOT AN EMPLOYER UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

☒ 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 STATE PERSONNEL.

**(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 2011**

**H**

**D**

**HOUSE BILL 804  
PROPOSED COMMITTEE SUBSTITUTE H804-PCS90099-LL-10**

Short Title: Johnston Memorial Hospital Not in LGERS.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE JOHNSTON MEMORIAL HOSPITAL AUTHORITY TO  
FREEZE ITS PARTICIPATION AS AN EMPLOYER UNDER THE LOCAL  
GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Johnston Memorial Hospital Authority may elect to discontinue its participation as an employer in the Local Governmental Employees' Retirement System as defined in G.S. 128-21 for any and all employees hired on or after October 1, 2011. Johnston Memorial Hospital Authority's Board of Trustees shall communicate their decision and provide to the Retirement Systems Division of the State Treasurer's Office copies of any Board action relating to this election. Johnston Memorial Hospital Authority will continue to report the payroll of employees and remit the employee and employer contributions on all employees employed as of September 30, 2011, until such time as none exist.

**SECTION 2.** This act becomes effective September 30, 2011.



\* H 8 0 4 - P C S 9 0 0 9 9 - L L - 1 0 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 804

Short Title: Johnston Memorial Hospital Not in LGERS. (Public)

Sponsors: Representative Daughtry (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site..

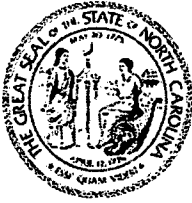
Referred to: Government.

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT JOHNSTON MEMORIAL HOSPITAL AUTHORITY IS  
3 NOT AN EMPLOYER UNDER THE LOCAL GOVERNMENTAL EMPLOYEES'  
4 RETIREMENT SYSTEM.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. Johnston Memorial Hospital Authority is not an employer as defined  
7 in G.S. 128-21.  
8 SECTION 2. This act is effective when it becomes law.



\* H 8 0 4 - V - 1 \*



## HOUSE BILL 804: Johnston Memorial Hospital Not in LGERS

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Daughtry  
**Analysis of:** PCS to First Edition  
H804-CSLL-10

**Date:** May 4, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *The Proposed Committee Substitute for House Bill 804 allows the Johnston Memorial Hospital Authority to discontinue participation in the Local Governmental Employees' Retirement System for employees hired on or after October 1, 2011.*

### CURRENT LAW:

G.S. 128-21(11) defines a Local Governmental Employees' Retirement System employer as any county, incorporated city or town, the board of alcoholic control of any county or incorporated city or town, the North Carolina League of Municipalities, and the State Association of County Commissioners. "Employer" shall also mean any separate, juristic political subdivision of the State as may be approved by the Board of Trustees upon the advice of the Attorney General.

### BILL ANALYSIS:

The Proposed Committee Substitute for House Bill 804 allows the Johnston Memorial Hospital Authority to elect to discontinue its participation as an employer in the Local Governmental Employees' Retirement System (LGERS) for employees hired on or after October 1, 2011.

The Board of Trustees for the Johnston Memorial Hospital Authority is required provide notification of their decision and copies of any Board action related to this election to the Retirement Systems Division of the State Treasurer's Office.

For employees of Johnston Memorial Hospital Authority employed as of September 30, 2011 and participating in the LGERS, the Authority is required to continue payroll reporting and remitting employee and employer contributions.

**EFFECTIVE DATE:** House Bill 804 would become effective September 30, 2011.

H804-SMSH-67(CSLL-10) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 411** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE IREDELL COUNTY SHERIFF MAY LEASE THE FORMER IREDELL CORRECTIONAL FACILITY FROM THE DEPARTMENT OF TRANSPORTATION FOR ONE DOLLAR UPON THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS BY THE IREDELL COUNTY SHERIFF TO THE DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE NEWTON STORAGE FACILITY FOR THE DEPARTMENT OF TRANSPORTATION.

☒ 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.

\_\_\_\_\_. 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 2011**

**H**

**D**

**HOUSE BILL 411  
PROPOSED COMMITTEE SUBSTITUTE H411-PCS70211-RW-32**

Short Title: Iredell Correctional Facility/DOT Storage.

(Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE IREDELL COUNTY SHERIFF MAY LEASE THE FORMER IREDELL CORRECTIONAL FACILITY FROM THE DEPARTMENT OF TRANSPORTATION FOR ONE DOLLAR A YEAR FOR THIRTY YEARS UPON THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS BY THE IREDELL COUNTY SHERIFF TO THE DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE NEWTON STORAGE FACILITY FOR THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Iredell County Sheriff's Department shall pay to the Department of Transportation the sum of seventy-five thousand dollars (\$75,000) to be used by the Department to renovate the Department's facility in Newton.

**SECTION 2.** The Department of Transportation shall lease to the Iredell County Sheriff the buildings requested by the Sheriff of Iredell County at the former Iredell Correctional Facility located on NC Highway 21 for the sum of one dollar (\$1.00) a year for 30 years.

**SECTION 3.** The Sheriff of Iredell County shall use the facilities for housing inmates and shall be responsible for all upgrades and services at the buildings leased by the Sheriff of Iredell County at the former Iredell Correctional Facility to ensure compliance with the State and federal laws regarding inmate care and custody.

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





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 411**

Short Title:	Iredell Correctional Facility/DOT Storage.	(Public)
Sponsors:	Representative Howard (Primary Sponsor).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government, if favorable, Finance.	

March 22, 2011

**A BILL TO BE ENTITLED**

**AN ACT TO PROVIDE THAT THE IREDELL COUNTY SHERIFF MAY LEASE THE FORMER IREDELL CORRECTIONAL FACILITY FROM THE DEPARTMENT OF TRANSPORTATION FOR ONE DOLLAR UPON THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS BY THE IREDELL COUNTY SHERIFF TO THE DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE NEWTON STORAGE FACILITY FOR THE DEPARTMENT OF TRANSPORTATION.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The Sheriff of Iredell County shall pay to the Department of Transportation the sum of seventy-five thousand dollars (\$75,000) to be used by the Department to renovate the Department's facility in Newton.

**SECTION 2.** The Department of Transportation shall lease to the Iredell County Sheriff the buildings requested by the Sheriff of Iredell County at the former Iredell Correctional Facility located on N.C. Highway 21 for the sum of one dollar (\$1.00) a year.

**SECTION 3.** The Sheriff of Iredell County shall use the facilities for housing inmates and shall be responsible for all upgrades and services at the buildings leased by the Sheriff of Iredell County at the former Iredell Correctional Facility to ensure compliance with the State and federal laws regarding inmate care and custody.

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





## HOUSE BILL 411: Iredell Correctional Facility/DOT Storage

2011-2012 General Assembly

**Committee:** House Government, if favorable, Finance  
**Introduced by:** Rep. Howard  
**Analysis of:** PCS to First Edition  
H411-CSMA-9

**Date:** April 27, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 411 sets out an agreement with DOT and Iredell County Sheriff concerning lease of the former Iredell County Correctional Facility.*

**BILL ANALYSIS:** House Bill 411 (PCS) provides that:

- The Sheriff of Iredell County pay DOT \$75,000, to be used by DOT to renovate DOT's facility in Newton.
- DOT shall lease to the Iredell County Sheriff the buildings requested by the Sheriff of Iredell County at the former Iredell Correctional Facility located on N.C. Highway 21 for the sum of \$1.00 a year for 30 years.
- The Sheriff of Iredell County shall use the facilities for housing inmates and shall be responsible for all upgrades and services at the buildings leased by the Sheriff of Iredell County at the former Iredell Correctional Facility to ensure compliance with the State and federal laws regarding inmate care and custody.

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

*H411-SMRW-98(CSMA-9) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 118** A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF  
DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW.

☒ 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 \_\_\_\_\_.





## SENATE BILL 118: Downtown Service District Definition

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 27, 2011
<b>Introduced by:</b>	Sen. Preston	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *Senate Bill 118 expands the list of examples of improvements authorized in a municipal service district for downtown revitalization to include public buildings, restrooms, docks, visitor centers, and tourism facilities.*

**CURRENT LAW:** Under current law, Article 23 of Chapter 160A of the General Statutes, a city council may define a municipal service district for downtown revitalization, in order to finance, with property taxes or bonds, improvements in the district.

A wide variety of projects are currently authorized within downtown revitalization municipal service districts, including:

*--improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights of way and easements therefor, the construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on street and off street, and other improvements intended to relieve traffic congestion in the central city, improve pedestrian and vehicular access thereto, reduce the incidence of crime therein, and generally to further the public health, safety, welfare, and convenience by promoting the economic health of the central city or downtown area.*

*--the provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city, in order to revitalize a downtown area and further the public health, safety, welfare, and convenience.*

*--promotion and developmental activities (such as sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area) designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience.*

**BILL ANALYSIS:** Senate Bill 118 expands the list of examples of improvements authorized in a municipal service district for downtown revitalization to include public buildings, restrooms, docks, visitor centers, and tourism facilities.

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

SI18-SMRW-95(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 212** A BILL TO BE ENTITLED AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES.

☒ 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 2011**

**S**

**1**

**SENATE BILL 212**

Short Title: Cemeteries/Survey Stamp. (Public)

Sponsors: Senators Rabon; Bingham, Blake, Brunstetter, Daniel, Davis, Forrester, Harrington, Hise, Hunt, Jackson, Jones, Newton, Pate, Preston, Rouzer, Stevens, Tillman, Tucker, and Walters.

Referred to: State and Local Government.

March 7, 2011

A BILL TO BE ENTITLED  
AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A  
CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL  
SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 161-14 is amended by adding a new subsection to read:

"(e) Notwithstanding subsection (a) of this section, the register of deeds shall immediately register a written instrument presented to him or her for registration that meets the following requirements: (i) the instrument is a portion of a map of a cemetery that was divided into sections based upon race, (ii) the other portion of the map of a cemetery was properly registered in the office of the register of deeds, and (iii) the unregistered portion of the map does not have the surveyor's stamp or seal and original signature affixed."

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





## SENATE BILL 212: Cemeteries/Survey Stamp

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen: Rabon  
**Analysis of:** First Edition

**Date:** April 27, 2011  
**Prepared by:** Barbara Riley  
Committee Counsel

**SUMMARY:** *Senate Bill 212 is a public bill that would allow the register of deeds to register a map of a cemetery that lacks a surveyor's stamp or seal and the original signature of the surveyor under certain circumstances.*

**CURRENT LAW:** After the register of deeds has determined that all statutory and locally adopted prerequisites for recording have been met, the register of deeds must immediately register all written instruments presented for registration. Maps attached to deeds or other instruments and submitted for recording must meet certain requirements. Such a map must either (i) have the original signature of a registered land surveyor and the surveyor's seal as approved by the State Board of Registration for Professional Engineers and Land Surveyors or (ii) be a copy of a map, already on file in the public records, that is certified by the custodian of the public record to be a true and accurate copy of a map bearing an original personal signature and original seal. The presence of the original personal signature and seal constitutes a certification that the map conforms to the standards of practice for land surveying in North Carolina, as defined in the rules of the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. A map that does not comply with (i) or (ii) above can be recorded for illustrative purposes only if certain criteria are met.

**BILL ANALYSIS:** Senate Bill 212 would provide that the register of deeds must immediately register a written instrument presented for registration that meets all of the following requirements:

1. The instrument is part of a map of a cemetery that was divided into sections based on race.
2. The other part of the map of a cemetery was properly registered with the register of deeds.
3. The unregistered part of the map does not have the surveyor's stamp or seal and original signature affixed.

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

**BACKGROUND:** The Burgaw Cemetery was deeded to the Town of Burgaw in the late 1800's by a railroad company. In the 1920s, maps of the cemeteries and plots were drawn. At that time, the cemetery was divided into sections based on race. The section for whites was recorded with the register of deeds, but the section for African Americans was not recorded. The surveyor's seal had been removed from the African American section making it ineligible for recording. Recently, a citizen challenged his deed because he believed that the Town had not executed the deed properly. The Town believed that the only way to correct this issue was to complete a costly survey of the cemetery. On January 28, 2011, the Board of Commissioners voted unanimously to seek legislation that would resolve this issue by allowing the recording of the unregistered part of the map without the surveyor's seal. Senate Bill 212 was drafted as a public bill because the North Carolina Constitution (Article II, Section 24 (1)(f)) prohibits local acts relating to cemeteries.

*Brad Krehely, counsel to Senate State and Local Government, substantially contributed to this summary.*

S212-SMRF-50(e1) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578



Atchman 3f

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 244** A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY.

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

**(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 2011

S

2

SENATE BILL 244

Pensions & Retirement and Aging Committee Substitute Adopted 3/31/11

Short Title: Fire and Rescue/Survivor's Benefit.

(Public)

Sponsors:

Referred to:

March 8, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF  
3 FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE  
4 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE  
5 KILLED IN THE LINE OF DUTY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 128-21 is amended by adding two new subdivisions to read:

8 "(7b) "Firefighter" means a person (i) who is a full-time paid employee of an  
9 employer that participates in the Local Governmental Employees'  
10 Retirement System and maintains a fire department certified by the North  
11 Carolina Department of Insurance and (ii) who is actively serving in a  
12 position with assigned primary duties and responsibilities for the prevention,  
13 detection, and suppression of fire.

14 (7c) "Rescue squad worker" means a person (i) who is a full-time paid employee  
15 of an employer that participates in the Local Governmental Employees'  
16 Retirement System and maintains a rescue squad or emergency medical  
17 services team certified by the North Carolina Department of Insurance or the  
18 Department of Health and Human Services and (ii) who is actively serving  
19 in a position with assigned primary duties and responsibilities for the  
20 alleviation of human suffering and assistance to persons who are in  
21 difficulty, who are injured, or who become suddenly ill, by providing proper  
22 and efficient care or emergency medical services."

23 SECTION 2. G.S. 128-27(m) reads as rewritten:

24 "(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the  
25 beneficiary designated to receive a return of accumulated contributions shall have the right to  
26 elect to receive in lieu thereof the reduced retirement allowance provided by Option two of  
27 subsection (g) above computed by assuming that the member had retired on the first day of the  
28 month following the date of his death, provided that all four of the following conditions apply:

29 (1) a. The member had attained such age and/or creditable service to be  
30 eligible to commence retirement with an early or service retirement  
31 allowance, or

32 b. The member had obtained 20 years of creditable service in which  
33 case the retirement allowance shall be computed in accordance with  
34 G.S. 128-27(b21)(1)b. or G.S. 128-27(b21)(2)c., notwithstanding the  
35 requirement of obtaining age 50, or

36 b1. The member was a law enforcement officer who had obtained 15  
37 years of service as a law enforcement officer and was killed in the



1 line of duty, or the member was a firefighter or a rescue squad  
2 worker who had obtained 15 years of service as a firefighter or a  
3 rescue squad worker and was killed in the line of duty, in which ease  
4 cases the retirement allowance shall be computed in accordance with  
5 G.S. 128-27(b21)(1)b., notwithstanding the requirement of obtaining  
6 age 50.

7 c. Repealed by Session Laws 2010-72, s. 2(b), effective July 1,  
8 2010.

9 (2) At the time of the member's death, one and only one beneficiary is eligible to  
10 receive a return of his accumulated contributions.

11 (3) The member had not instructed the Board of Trustees in writing that he did  
12 not wish the provisions of this subsection apply.

13 (4) The member had not commenced to receive a retirement allowance as  
14 provided under this Chapter.

15 For the purpose of this benefit, a member is considered to be in service at the date of his  
16 death if his death occurs within 180 days from the last day of his actual service. The last day of  
17 actual service shall be determined as provided in subsection (1) of this section. Upon the death  
18 of a member in service, the surviving spouse may make all purchases for creditable service as  
19 provided for under this Chapter for which the member had made application in writing prior to  
20 the date of death, provided that the date of death occurred prior to or within 60 days after  
21 notification of the cost to make the purchase.

22 For the purpose of calculating this benefit, any terminal payouts made after the date of  
23 death that meet the definition of compensation shall be credited to the month prior to the month  
24 of death. These terminal payouts do not include salary or wages paid for work performed  
25 during the month of death."

26 **SECTION 3.** This act becomes effective July 1, 2011, and applies to beneficiaries  
27 of firefighters and rescue squad workers killed in the line of duty on or after that date.

STATE  
GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Actuarial Note

RETIREMENT

**BILL NUMBER:** Senate Bill 244 (First Edition)  
**SHORT TITLE:** Fire and Rescue/Survivor's Benefit.  
**SPONSOR(S):** Senator Brunstetter

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**FUNDS AFFECTED:** Local funds for the Local Governmental Employees' Retirement System

**SYSTEM OR PROGRAM AFFECTED:** Local Governmental Employees' Retirement System.

**EFFECTIVE DATE:** July 1, 2011

**BILL SUMMARY:** Amends the Local Governmental Employees' Retirement System to provide a survivor's alternate benefit for any firefighter or rescue squad worker who obtained at least 15 years of creditable service and is killed in the line of duty. Provides that such benefits must be computed in accordance with G. S. 128.27(b21)(1)b. in the Local Governmental Employees' Retirement System, notwithstanding the requirement that the member reach age 50.

**ESTIMATED IMPACT ON LOCAL GOVERNMENTS:** Both the Retirement System Actuary, Buck Consultants, and the General Assembly Actuary, Hartman & Associates, agree that the cost is less than 0.01% of total payroll as a result of the enactment of this bill

**ASSUMPTIONS AND METHODOLOGY:** **Local Governmental Employees' Retirement System:** The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 2009 actuarial valuation of the fund. The data included 123,398 active members with an annual payroll of \$5.2 billion, 46,557 retired members in receipt of annual pensions totaling \$795.8 million and actuarial value of assets equal to \$17.7 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25% which includes inflation of 3%, (b) projected salary increases between 4.25% to 8.55% which includes inflation of 3.5%, (c) RP-2000 Mortality tables for retirees are set forward two years for male general employees, firemen and law enforcement and unadjusted for female general employees, (d) RP-2000 Mortality tables for disabled retirees are set back six years for males and set forward one year for females, (e) RP-2000 Mortality tables for active employees are set forward two years for male general employees, firemen and law enforcement officers and unadjusted for female general employees, (f) rates of separation from active service based on System experience. The actuarial cost method used was the frozen entry age. Gains and losses are reflected in the normal rate. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

**SOURCES OF DATA:** Buck Consultants  
Hartman & Associates, LLC

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910. The above information is provided in accordance with North Carolina General Statute 120-114 and applicable rules of the North Carolina Senate and House of Representatives.

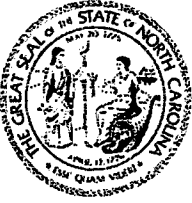
**PREPARED BY:** Stanley Moore

**APPROVED BY:** Marilyn Chism, Director  
Fiscal Research Division

**DATE:** March 16, 2011



**Signed Copy Located in the NCGA Principal Clerk's Offices**



## SENATE BILL 244: Fire and Rescue/Survivor's Benefit

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Brunstetter  
**Analysis of:** Second Edition

**Date:** April 27, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *Senate Bill 244 would amend the laws governing the Local Governmental Employees' Retirement System (LGERS) to allow the beneficiary of a firefighter or rescue squad worker who had at least 15 years of service and who was killed in the line of duty to elect the survivor's alternate benefit.*

**CURRENT LAW:** Under the current law, when a member of the Local Governmental Employees' Retirement System (LGERS) dies in service, the member's primary beneficiary is entitled to choose to receive a survivor's alternate benefit in lieu of a return of the member's accumulated contributions. The survivor's alternate benefit is determined by computing the amount the beneficiary would have received if the member had retired and selected a joint and survivor option to provide for the continuation of the member's reduced retirement allowance throughout the life of the beneficiary. In order to receive the benefit, all of the following must apply:

1. The member was:
  - o eligible to retire and receive a full or early retirement allowance; or
  - o had 20 years of creditable service, but was not yet 50 years of age, and therefore not eligible for early retirement, in which case, the benefit is computed based on the early retirement formula; or
  - o was a law enforcement officer, who dies in the line of duty having obtained 15 years of service.
2. The member had only one beneficiary eligible to receive a return of contributions.
3. The member had not given written instructions to the Board opposing the application of this benefit.
4. The member had not yet begun to receive a retirement allowance.

**BILL ANALYSIS:** Senate Bill 244 would amend the law pertaining to the LGERS to provide that in the case of a firefighter or rescue squad worker who dies in the line of duty having obtained 15 years of service, the member's beneficiary would be entitled to select the survivor's alternate benefit. The benefit would be computed based on the early retirement formula.

**EFFECTIVE DATE:** Senate Bill 244 would become effective July 1, 2011 and apply to beneficiaries of firefighters and rescue squad workers killed in the line of duty on or after that date.

**BACKGROUND:** S.L. 2009-109 made a similar change to provide that in the case of a law enforcement officer who dies in the line of duty having obtained 15 years of service, the officer's beneficiary would be entitled to select the survivor's alternate benefit. The benefit is computed based on the early retirement formula.

*Karen Cochrane-Brown substantially contributed to this summary.  
S244-SMSH-59(e2) v2*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 207** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHANGES TO  
LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 207  
PROPOSED COMMITTEE SUBSTITUTE H207-PCS70193-MC-1

Short Title: Local Development for Winston-Salem.

(Local)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE CERTAIN CHANGES TO LOCAL DEVELOPMENT FOR THE  
CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act applies to the City of Winston-Salem only.

**SECTION 2.** G.S. 158-7.1(h) reads as rewritten:

**"§ 158-7.1. Local development.**

...  
(h) Each economic development agreement entered into between a private enterprise and a city or county shall clearly state their respective responsibilities under the agreement. Each agreement shall contain provisions regarding remedies for a breach of those responsibilities on the part of the private enterprise. These provisions shall include a provision requiring the recapture of sums appropriated or expended by the city or county upon the occurrence of events specified in the agreement. ~~Events~~ By way of illustration and not limitation, events that ~~would~~ require the city or county to recapture funds ~~would~~ include the creation of fewer jobs than specified in the agreement, a lower capital investment than specified in the agreement, and failing to maintain operations at a specified level for a period of time specified in the agreement."

**SECTION 3.** This act is effective when it becomes law and applies to economic development activities undertaken on or after that date.



\* H 2 0 7 - P C S 7 0 1 9 3 - M C - 1 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 207

Short Title: Local Development for Winston-Salem. (Local)  
Sponsors: Representatives McGee, Womble, and Parmon (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.  
Referred to: Government.

March 3, 2011

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE CERTAIN CHANGES TO LOCAL DEVELOPMENT FOR THE  
CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to the City of Winston-Salem only.

SECTION 2. G.S. 158-7.1 reads as rewritten:

"§ 158-7.1. Local development.

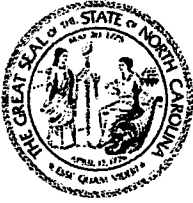
...  
(c) Any appropriation or expenditure pursuant to subsection (b) of this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose. A project authorized pursuant to this section is not subject to Article 8 of Chapter 143 of the General Statutes if city funds constitute no more than fifty percent (50%) of the total costs of the economic development project for which funds are appropriated pursuant to this section. Federal funds available for loan to private developers in connection with an economic development project are not city funds for purposes of this subsection.

...  
(h) Each economic development agreement entered into between a private enterprise and a city or county shall clearly state their respective responsibilities under the agreement. Each agreement shall contain provisions regarding remedies for a breach of those responsibilities on the part of the private enterprise. These provisions shall include a provision requiring the recapture of sums appropriated or expended by the city or county upon the occurrence of events specified in the agreement. Events ~~By way of illustration and not limitation, events~~ ~~that would~~ require the city or county to recapture funds ~~would~~ include the creation of fewer jobs than specified in the agreement, a lower capital investment than specified



1 in the agreement, and failing to maintain operations at a specified level for a period of time  
2 specified in the agreement."

3 **SECTION 3.** This act is effective when it becomes law and applies to economic  
4 development activities undertaken on or after that date.



## HOUSE BILL 207: Local Development for Winston-Salem

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. McGee, Womble, Parmon  
**Analysis of:** PCS to First Edition  
H207-CSMC-1

**Date:** April 26, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 207 is a local bill regarding an economic development agreement between the City of Winston Salem and a private enterprise to provide that the City is required to recapture funds appropriated or expended by the City upon the occurrence of certain events, but does not limit the recapture of funds to only those listed events. (The Proposed Committee Substitute keeps the above language in the bill, but removes other language previously included.)*

### CURRENT LAW:

Economic Development Projects - G.S. 158-7.1 authorizes counties and cities to conduct activities related to local development including: aiding and encouraging the location of manufacturing enterprises, industrial and commercial plants in their area; undertaking specific economic development activities; conducting public hearings regarding an appropriation or expenditure for a development activity; leasing or conveying real property interests; and anticipating tax revenues and local economy stimulations. G.S. 158-7.1 also provides that appropriations and expenditures are subject to the Local Government Budget and Fiscal Control Acts, sets limits on the local development activities, and provides remedies for breach of economic development responsibilities.

G.S. 158-7.1(h) requires each economic development agreement entered into between a private enterprise and a city or county to clearly state respective responsibilities under the agreement and to contain provisions regarding remedies for a breach of those responsibilities on the part of the private enterprise. The provisions must include a requirement for the recapture of sums appropriated or expended by the city or county upon the occurrence of events specified in the agreement. Current law provides that events that would require the city or county to recapture funds would include the creation of fewer jobs than specified in the agreement, a lower capital investment than specified in the agreement, and failing to maintain operations at a specified level for a period of time specified in the agreement.

**BILL ANALYSIS:** House Bill 207 amends G.S. 158-7.1(h) pertaining to economic development agreements entered into between a private enterprise and the City of Winston-Salem. The Bill amends G.S. 158-7.1(h) as it applies to Winston-Salem to remove potential limitations on the range of events for which the City is allowed to recapture funds appropriated or extended. The language in this bill provides that by way of illustration, but not limitation, events that require the City to recapture funds include:

- the creation of fewer jobs than specified in the agreement
- a lower capital investment than specified in the agreement, and
- failing to maintain operations at a specified level for the period of time specified in the agreement.

**EFFECTIVE DATE:** House Bill 207 would become effective when it becomes law and apply to economic development activities undertaken on or after that date.

H207-SMSH-62(CSMC-1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 208** A BILL TO BE ENTITLED AN ACT TO PROVIDE THE CITY OF WINSTON-SALEM THE RIGHT TO ACQUIRE POSSESSION AND TITLE OF LAND CONDEMNED FOR PUBLIC TRANSPORTATION PROJECTS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 208**

**Short Title:**   Acquiring by Right-Condernation of Property. (Local)

**Sponsors:**   Representatives McGee, Womble, and Parmon (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:**   Government.

March 3, 2011

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE THE CITY OF WINSTON-SALEM THE RIGHT TO ACQUIRE  
POSSESSION AND TITLE OF LAND CONDEMNED FOR PUBLIC  
TRANSPORTATION PROJECTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 40A-42(a)(1) reads as rewritten:

"(a) (1) Standard Provision. – When a local public condemnor is acquiring property 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), (2), (3), (4), (5), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(1), (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 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 upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

**SECTION 2.** This act applies to the City of Winston-Salem only.

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





## HOUSE BILL 208: Acquiring by Right-Condemnation of Property

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. McGee, Womble, Parmon  
**Analysis of:** First Edition

**Date:** April 27, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *House Bill 208 changes the time when title and right of possession vests for a public transportation related condemnation by the City of Winston-Salem.*

**CURRENT LAW:** Under current law, all cities have the right to condemn property for a variety of purposes including public transportation systems. (G.S. 40-3 (b)(2)). For condemnations for public transportation, title to the property specified in the complaint, together with the right to immediate possession, vests in the city:

- 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 city to condemn the property; or
- Upon the failure of the owner to file an answer within the 120 day time period; or
- Upon the disbursement of the deposit.

**BILL ANALYSIS:** House Bill 208 changes the time when title and right of possession vests for a public transportation related condemnation by the City of Winston-Salem. House Bill 208 provides that title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemner upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A 41. This method is commonly referred to as "quick take."

**EFFECTIVE DATE:** This act applies to the City of Winston Salem only, and is effective when it becomes law.

H208-SMRW-96(e1) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 371** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 371**

Short Title:	Winston-Salem/Informal Bids Electronically.	(Local)
Sponsors:	Representatives Parmon, Womble, and L. Brown (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 17, 2011

A BILL TO BE ENTITLED  
AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS  
ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN  
LETTING CONTRACTS ON INFORMAL BIDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-131(a) reads as rewritten:

"(a) All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of thirty thousand dollars (\$30,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, local school administrative unit, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, local school administrative unit, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection until the contract has been awarded. Under the provisions of this subsection, a county, city, town, or other subdivision of this State may receive bids electronically in addition to or instead of paper bids. Procedures for receipt of electronic bids for contracts that are subject to the requirements of this section shall be designed to ensure the security, authenticity, and confidentiality of the bids to at least the same extent as is provided for with sealed paper bids."

**SECTION 2.** This act applies to the City of Winston-Salem only.

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



\* H 3 7 1 - V - 1 \*





## HOUSE BILL 371: Winston-Salem/Informal Bids Electronically

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	April 27, 2011
<b>Introduced by:</b>	Reps. Parmon, Womble, L. Brown	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 371 would allow the City of Winston-Salem to receive bids under the informal bidding statutes electronically in addition to or in place of paper bids.*

**CURRENT LAW:** G.S. 143-131 requires an informal bidding process for contracts for construction or repair work, or for the purchase of apparatus, supplies, materials, or equipment, costing \$30,000 or more but less than the formal bidding threshold of \$500,000.

G.S. 143-129.9 provides that a county or city may use alternative methods of bidding, including the receipt of electronic bids in addition to or instead of paper bids for the purchase of *goods*. Electronic bids for contracts that must be formally bid under G.S. 143-129 must ensure the security, authenticity, and confidentiality of the bids to at least the same extent as is provided for with sealed paper bids.

**BILL ANALYSIS:** House Bill 371 allows the City of Winston-Salem to receive bids under the informal bidding statutes electronically in addition to or in place of paper bids. Procedures shall be designed for the receipt of electronic bids to ensure the security, authenticity and confidentiality of the bids to the same extent as provided for sealed paper bids.

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

H371-SMRF-48(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 558** A BILL TO BE ENTITLED AN ACT TO AMEND THE ENABLING LAWS  
RELATING TO CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND THE  
CITY OF WINSTON-SALEM.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 558**

Short Title: Forsyth/Winston-Salem Zoning Amendments. (Local)

Sponsors: Representatives Womble, Parmon, L. Brown, and McGee (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE ENABLING LAWS RELATING TO CITY-COUNTY  
PLANNING AND ZONING IN FORSYTH COUNTY AND THE CITY OF  
WINSTON-SALEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 24 of Chapter 677 of the 1947 Session Laws, as amended by S.L. 2008-41 and S.L. 2010-62, reads as rewritten:

"SEC. 24. Violations, Penalty, Abatement, and Notice of Lis Pendens. – Any person, firm or corporation who may violate any of the provisions of the zoning ordinance of the City of Winston-Salem, North Carolina, within the one mile area surrounding the corporate limits of the City of Winston-Salem, or within the three mile area surrounding such city limits if the board of county commissioners shall have approved such zoning provisions, shall, upon conviction, be fined not more than five hundred dollars (\$500) or imprisoned not more than thirty (30) days; any person, firm or corporation who shall continue to violate or shall permit any land, structure or building to continue to exist or to be used in violation of the zoning ordinance of the City of Winston-Salem, pursuant to the authority given by this Act, or who shall cause, permit or continue to exist any occupancy or use of any land, structure or building in violation of any of said ordinances, resolutions, regulations or restrictions for as long as five days after notice of such violation, issued by the Building Inspector or Administrative Officer of the City of Winston-Salem, or his designee, and served upon him by any police officer of the City of Winston-Salem or by any police officer of Forsyth County, or by personal service, by registered or certified mail in conjunction with regular mail and posting, shall be guilty of a separate offense for each day he permits such violation to continue after the expiration of five days from such notice, and shall be punished as above set forth. If the regular mail is not returned within 10 days of its mailing, and the certified or registered mail is returned refused or unclaimed, service by regular mail shall be deemed sufficient. If regular mail is used, a notice of the violation shall be posted in a conspicuous place on the premises in violation.

Pursuant to this section, the Building Inspector or Administrative Officer or that person's designee is authorized to summarily abate any violation that continues to exist after the expiration of the notice period provided by this section. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the abatement action occurred. A lien established pursuant to this section shall have the same priority and be collected as unpaid ad valorem taxes. The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. This secondary lien established



1 pursuant to this section is inferior to all prior liens and shall be collected as a money judgment.  
2 This section does not apply if the person in default can show that the violation was created  
3 solely by the actions of another.

4 Furthermore, the Building Inspector or Administrative Officer or that person's designee is  
5 authorized to provide, upon the issuance of a notice of violation, for the filing of a notice of lis  
6 pendens in the office of the Clerk of Superior Court of Forsyth County. When a notice of lis  
7 pendens and a copy of the notice of violation are filed with the Clerk of Superior Court, it shall  
8 be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From  
9 the date and time of indexing, the notice of violation shall be binding upon the successors and  
10 assigns of the owner or owners of the premises in violation. A copy of the notice of lis pendens  
11 shall be served upon the owner or owners of the premises in violation at the time of filing in  
12 accordance with the procedure for serving the notice of violation set forth herein. The notice of  
13 lis pendens shall remain in full force and effect until cancelled. The Building Inspector or  
14 Administrative Officer or that person's designee may authorize the cancellation of the notice of  
15 lis pendens upon compliance with the notice of violation, and receipt of such cancellation, the  
16 Clerk of Superior Court shall cancel the notice of lis pendens.

17 The Building Inspector or Administrative Officer, or that person's designee, may notify a  
18 chronic violator of the City's zoning ordinance that, if the violator's property is found to be in  
19 violation of the zoning ordinance, the City shall, without further notice in the calendar year in  
20 which notice (hereinafter 'chronic violator notice') is given, take action to remedy the violation,  
21 and the expense of the action shall become a lien upon the property and shall be collected as  
22 unpaid taxes. The chronic violator notice shall be served by registered or certified mail in  
23 conjunction with regular mail and posting. If regular mail is not returned in 10 days, and the  
24 registered or certified mail is returned refused or unclaimed, service by regular mail shall be  
25 deemed sufficient. A 'chronic violator' is a person who owns property whereupon, during the  
26 18-month period prior to the issuance of the chronic violator notice, the City took remedial  
27 action at least three times under the City's zoning ordinance."

28 SECTION 2. This act applies to the City of Winston-Salem only.

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



## HOUSE BILL 558: Forsyth/Winston-Salem Zoning Amendments

2011-2012 General Assembly

<b>Committee:</b>	House Government	<b>Date:</b>	April 27, 2011
<b>Introduced by:</b>	Reps. Womble, Parmon, L. Brown, McGee	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 558 authorizes the City of Winston-Salem to provide notice to chronic violators of the City's zoning ordinance, that the City will remedy further violations of the ordinance for the next calendar year without additional notice.*

**CURRENT LAW:** Winston-Salem's zoning ordinance provides penalties of fines and imprisonment for violation of the ordinance within the city or its extraterritorial jurisdiction. The ordinance has a notice requirement, and continued violation for any day more than 5 days after the notice is a separate penalty for each day.

The zoning ordinance authorizes the building inspector or administrative officer of the City of Winston-Salem to summarily abate any violation of the zoning ordinance that continues after the expiration of the 5 day notice period of the violation. The cost of the abatement action is assessed against the person in default. If not paid, the cost becomes a lien against the property where the abatement occurred. It also is a lien against any other real property owned by the person in default within the jurisdiction of the zoning ordinance, except the person's primary residence. The lien has the same priority as unpaid ad valorem taxes. A person could be exempted from the costs of the abatement action and the lien if they show that the violation was created solely by the actions of another.

In addition, the current law provides for the filing of a notice of lis pendens with the Forsyth County clerk of court. Once filed, the notice of violation is binding on the successors and assigns to the property. The lis pendens may be cancelled when and if the person complies with the notice of violation.

**BILL ANALYSIS:** House Bill 558 provides that the City of Winston-Salem may notify a chronic violator of the City's zoning ordinance that if he or she is found in violation, the City may without further notice in the calendar year in which the chronic violator notice is given, take action to remedy the violation. The expense of the action will become a lien on the property and collected as unpaid taxes.

The chronic violator notice shall be served by registered or certified mail in conjunction with regular mail and posting. If regular mail is not returned, but the certified or registered mail is returned refused or unclaimed, the service by regular mail will be sufficient.

A "chronic violator" is one who owns the property on which, during the 18 month period prior to the issuance of the chronic violator notice, the City took remedial action at least 3 times under the zoning ordinance.

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

**BACKGROUND:** Chronic violator provisions have been enacted Statewide for overgrown vegetation ordinances, and in several jurisdictions for public nuisance ordinances.

H558-SMRF-49(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 213** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

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

**(FOR JOURNAL USE ONLY)**

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

1

**H**

**HOUSE BILL 213\***

Short Title:	Alamance/Orange 9% Boundary.	(Local)
Sponsors:	Representatives Ingle, Bordsen, Insko, and Faison (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government, if favorable, Finance.	

March 3, 2011

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO  
2 RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON  
3 BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY  
4 SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE  
5 COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849  
6 SURVEY ESTABLISHING ALAMANCE COUNTY.  
7  
8 The General Assembly of North Carolina enacts:  
9  
10 **SECTION 1.** The historic boundary line forming Alamance County from Orange  
11 County was described and surveyed in 1849. In the subsequent 160 years, this line became  
12 uncertain, resulting in unintentional modifications to the boundary line affecting taxation,  
13 school attendance, zoning maps, and elections within and among Alamance County, Orange  
14 County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18(a) entitled  
15 "Uncertain or Disputed Boundary," both county boards of commissioners passed resolutions  
16 (Alamance County, December 17, 2007, and Orange County, January 18, 2008) to request that  
17 North Carolina Geodetic Survey (NCGS) perform a preliminary resurvey and present a  
18 proposed map for consideration by both counties.  
19 **SECTION 2.** The Alamance County Board of Commissioners agreed, by vote on  
20 April 21, 2008, and the Orange County Board of Commissioners on May 20, 2008, to approve  
21 authorizing NCGS to conduct the preliminary survey and the placing of monuments by NCGS  
22 consistent with their research to form a boundary baseline. On July 8, 2010, the North Carolina  
23 General Assembly enacted S.L. 2010-61, which enabled Alamance County and Orange County  
24 to transition properties between the two counties for the purpose of recommending to the North  
25 Carolina General Assembly a mutually agreed upon boundary line between the two counties.  
26 **SECTION 3.** Following an extended process pursuant to the terms of S.L.  
27 2010-61, Alamance County and Orange County have agreed upon and have recommended the  
28 General Assembly, through a separate local act, establish and adopt ninety-one percent (91%)  
29 of the boundary line separating Alamance County and Orange County.  
30 **SECTION 4.** The Alamance County and Orange County Boards of Commissioners  
31 require further time to determine the most appropriate location of the final nine percent (9%) of  
32 the boundary line separating Alamance County and Orange County in order to make a final  
33 recommendation to the General Assembly. The Alamance County Board of Commissioners at  
34 its regular meeting December 6, 2010, and the Orange County Board of Commissioners at its  
regular meeting December 14, 2010, mutually agreed upon ninety-one percent (91%) of the



boundary line. The remaining nine percent (9%) portion of the boundary line not described and approved by the county commissioners at their respective meetings December 6, 2010, and December 14, 2010, shall be resurveyed as set out in Section 5(b) of this act.

**SECTION 5.(a)** The Alamance County and Orange County Boards of Commissioners may review the remaining nine percent (9%) of the boundary separating the two counties and shall determine, in their discretion, the most appropriate location for a boundary line separating the two counties along the remaining nine percent (9%) of the boundary area. The Boards of Commissioners shall make the determination of the most appropriate location for a boundary line on or before October 31, 2011.

**SECTION 5.(b)** Alamance County and Orange County shall cause areas within the nine percent (9%) of the boundary area to be surveyed for purposes of locating a boundary line. The counties shall not be responsible for the costs of such surveys where owners of property located within the remaining nine percent (9%) of the boundary area request their property, or any portion thereof, be located within a specific county. All such surveys shall be completed by January 31, 2012. A lien in the form of a tax lien under Chapter 105 of the General Statutes may be placed on an owner's property to recover the costs of any surveys for which the counties have advanced funds, and said lien may be enforced under the laws available for the collection of taxes. A lien for this purpose may also be placed on any property involved in a transition in whole or in part from one county to the other pursuant to S.L. 2010-61 or any other local act regarding the establishment of the Alamance County/Orange County boundary line.

**SECTION 5.(c)** The Alamance County and Orange County Boards of Commissioners shall, prior to the reconvening of the 2011 Regular Session of the General Assembly in 2012, submit a recommendation in the form of a local bill for the location of a final boundary line along the remaining nine percent (9%) of the area separating the two counties.

**SECTION 5.(d)** All owners of property within the remaining nine percent (9%) of the boundary area shall be notified in writing via first class United States mail not less than 30 days prior to a public hearing being conducted

**SECTION 5.(e)** Any such owners of property shall have the right to address the Alamance County and Orange County Boards of Commissioners regarding the status of their property located within the nine percent (9%) area, as that status relates to the Alamance County/Orange County boundary, at any public regularly scheduled meeting at which public comment is traditionally accepted.

**SECTION 6.** The establishment of a county boundary line is, pursuant to Section 1 of Article VII of the North Carolina Constitution, the responsibility of the North Carolina General Assembly. Further, it is vital to the State of North Carolina and all affected local governments that county boundary lines be fixed and any uncertainty as to the location of county boundary lines be resolved. For this reason and in the interest of justice, neither Alamance County nor Orange County, nor any agent, employee, or appointed or elected official, shall be liable to any individual, group, organization, for-profit or not-for-profit business entity of any kind, of governmental entity or agency of any type or kind for any damages, costs, fees, or fines, and no court action shall be maintained against said counties, agents, employees, or officials for any recommendation, act, failure to act, or conduct related to S.L. 2010-61, any pending local bill which subsequently becomes law related to the location of the Alamance County/Orange County Boundary Line, this act, or the adoption of a fixed boundary line separating the two counties. Effective upon this act becoming law, Alamance County and Orange County, their officials, employees, and agents are released from all liability for any claims made, and no court action shall be maintained against said counties, officials, employees, and agents for any act or failure to act pursuant to the terms of this act or S.L. 2010-61, and no further relief shall be granted or cause of action sustained except as provided herein.



1           **SECTION 7.** Pending the establishment of a final boundary line separating  
2 Alamance County and Orange County, the two counties shall maintain, in the nine percent  
3 (9%) boundary area, the currently recognized boundary line for all governmental purposes,  
4 including, but not limited to, taxation, elections, emergency services, zoning, and education.

5           **SECTION 8.** This act is effective when it becomes law.



## HOUSE BILL 213: Alamance/Orange 9% Boundary

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance.	<b>Date:</b>	April 27, 2011
<b>Introduced by:</b>	Reps. Ingle, Bordsen, Insko, Faison	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 213 would authorize Alamance County and Orange County to recommend the location of 9% of the common boundary between the two counties subsequent to the 2010/2011 resurvey of the historic common boundary line as described in the 1849 survey establishing Alamance County.*

[As introduced, this bill was identical to S200, as introduced by Sens. Gunn, Kinnaird]

### BILL ANALYSIS:

**Section 1** notes that the historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the subsequent 160 years, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections.

**Section 2** notes that both boards of commissioners authorized the North Carolina Geodetic Survey (NCGS) to conduct a preliminary resurvey. Through the passage of S.L. 2010-61, the General Assembly enabled Alamance County and Orange County to transition properties between the two counties and to recommend a mutually agreed upon boundary line between the two counties.

**Section 3** explains that the counties have agreed upon and have recommended that the General Assembly, through a separate local act, establish and adopt 91% of the boundary line separating the counties. Senate Bill 201 addresses this issue.

**Section 4** notes that the boards need more time to determine the most appropriate location of the final 9% of the boundary line. The boards mutually agreed on 91% of the boundary line. The remaining 9% of the boundary line not described and approved by the county commissioners at their respective meetings must be resurveyed as set out in Section 5(b) of this act.

**Section 5.(a)** provides that the boards may review the remaining 9% of the boundary separating the counties and shall determine, in their discretion, the most appropriate location for a boundary line separating the two counties along the remaining 9% of the boundary area. The boards must make the determination of the most appropriate location for a boundary line on or before October 31, 2011.

**Section 5.(b)** requires Alamance County and Orange County to have areas within the 9% of the boundary area to be surveyed. The counties are not responsible for the costs of the surveys where owners of property located within the remaining nine percent (9%) of the boundary area request that their property be located within a specific county. All surveys must be completed by January 31, 2012. A tax lien may be placed on an owner's property to recover the costs of any surveys for which the counties have advanced funds, and the lien may be enforced under the laws available for the collection of taxes.

**Section 5.(c)** provides that the boards must, prior to the reconvening of the 2011 Regular Session of the General Assembly in 2012, submit a recommendation in the form of a local bill for the location of a final boundary line along the 9% of the area separating the two counties.

# House Bill 213

Page 2

**Section 5.(d)** provides that all owners of property within the remaining 9% of the boundary area must be notified in writing via first class United States mail not less than 30 days prior to a public hearing being conducted.

**Section 5.(e)** provides that the property owners will have the right to address the Alamance County and Orange County Boards of Commissioners regarding the status of their property located within the 9% area at any regularly scheduled meeting at which public comment is accepted.

**Section 6** gives immunity to the counties, their agents, employees, and elected or appointed officials from suits in connection with local bills related to the location of the boundary line. It also releases the same individuals from all liability for any claims made against them for any act or failure to act pursuant to the terms of this act or S.L. 2010-61.

**Section 7** provides that pending the establishment of a final boundary line, the two counties must maintain, in the 9% boundary area, the currently recognized boundary line for all governmental purposes, including taxation, elections, emergency services, zoning, and education.

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

*H213-SMRW-94(e1) v2*

*Brad Krehely of the Research Division substantially contributed to this summary.*

A. Bachman 3 L

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 214** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61.

☒ 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 2011**

**H**

**D**

**HOUSE BILL 214\*  
PROPOSED COMMITTEE SUBSTITUTE H214-PCS50338-RW-27**

Short Title: Alamance/Orange Boundary.

(Local)

Sponsors:

Referred to:

March 3, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE  
3 COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS  
4 OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH  
5 CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE  
6 CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY  
7 BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING  
8 ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW  
9 2010-61.  
10 The General Assembly of North Carolina enacts:  
11 **SECTION 1.** The historic boundary line forming Alamance County from Orange  
12 County was described and surveyed in 1849. In the subsequent 160 years, this line became  
13 uncertain, resulting in unintentional modifications to the boundary line affecting taxation,  
14 school attendance, zoning maps, and elections within and among Alamance County, Orange  
15 County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18, entitled  
16 "Uncertain or Disputed Boundary," both county commissions passed resolutions (Alamance  
17 County, December 17, 2007, and Orange County, January 18, 2008) to request that North  
18 Carolina Geodetic Survey (NCGS) perform a preliminary resurvey and present a proposed map  
19 for consideration by both counties.  
20 **SECTION 2.** The Alamance County Board of Commissioners agreed by vote on  
21 April 21, 2008, and Orange County on May 20, 2008, to approve authorizing NCGS to conduct  
22 the preliminary survey and the placing of monuments by NCGS consistent with their research  
23 to form a boundary baseline. On July 8, 2010, the North Carolina General Assembly enacted  
24 S.L. 2010-61, which enabled Alamance County and Orange County to transition properties  
25 between the two counties for the purpose of recommending to the North Carolina General  
26 Assembly a mutually agreed upon boundary line between the two counties.  
27 **SECTION 3.** Section 3 of S.L. 2010-61 reads as rewritten:  
28 **"SECTION 3.** In the 160 years since the initial survey of the Alamance County/Orange  
29 County boundary line, Alamance and Orange Counties have entered into multiple taxing  
30 agreements that have resulted in properties being taxed in one county by the adjoining county.  
31 Other situations have arisen in which children of one county attend school in the adjoining  
32 county and voters in one county have voted in the adjoining county. The General Assembly  
33 recognizes the difficulties in addressing these issues and authorizes Alamance County and



1 Orange County to maintain the current taxing, elections, education, and any other recognized  
2 government functions in place until July 1, 2011-2012."

3 SECTION 4. Section 4 of S.L. 2010-61 reads as rewritten:

4 "SECTION 4.(a) ~~On and after July 1, 2011, all papers, documents, and instruments~~  
5 ~~required or permitted to be filed or registered that involve residents and property located in~~  
6 ~~areas affected by the resurvey of the boundary line that previously may have been recorded in~~  
7 ~~the adjoining counties shall be recorded in the county to which the property has been annexed.~~  
8 Except as otherwise provided in this act, on and after January 1, 2012, all papers, documents,  
9 and instruments required or permitted to be filed or registered, involving residents and property  
10 in areas affected by the resurvey of the boundary line, that previously may have been recorded  
11 in the adjoining counties shall be recorded in the county to which the property has been  
12 reassigned by this act.

13 "SECTION 4.(b) All public records related to residents and property located in areas  
14 affected by the resurvey of the boundary line that were filed or recorded prior to July 1, 2011,  
15 in the adjoining counties shall remain in those respective adjoining counties where filed or  
16 recorded, and such records shall be valid public records as to the property and persons  
17 involved, even though they are recorded in an adjoining county which is a county where the  
18 property is no longer located as evidenced by the 2008 North Carolina Geodetic Survey and the  
19 subsequent partial resurvey pursuant to Section 7 of this act.

20 "SECTION 4.(c) ~~On and after July 1, 2011, all real and personal property located in areas~~  
21 ~~affected by the resurvey of the boundary line that was subject to ad valorem taxation on~~  
22 ~~January 1, 2011, shall be subject to ad valorem taxes in the county to which the property is~~  
23 ~~annexed for the fiscal year beginning July 1, 2011, to the same extent as it would have been had~~  
24 ~~it been correctly recognized by the tax departments of each county on January 1, 2011, except~~  
25 ~~as hereinafter provided with respect to classified registered motor vehicles. On July 1, 2011, the~~  
26 ~~tax administrators of the adjoining counties shall transfer to the respective county tax assessors~~  
27 ~~the ad valorem tax listings and valuations for all real and personal property subject to ad~~  
28 ~~valorem taxation in areas affected by the resurvey of the boundary line, except classified motor~~  
29 ~~vehicles that were registered in the adjoining counties prior to July 1, 2011. For the fiscal year~~  
30 ~~that begins July 1, 2011, all real and personal property located in areas affected by the resurvey~~  
31 ~~of the boundary line that was subject to ad valorem taxation in that area on January 1, 2011,~~  
32 ~~shall be assessed and taxed as follows:~~

- 33 (1) ~~The ad valorem property taxes assessed on all classified registered motor~~  
34 ~~vehicles registered or listed in adjoining counties between January 1, 2011,~~  
35 ~~and June 30, 2011, shall be collected by the appropriate adjoining county tax~~  
36 ~~collector, and all such taxes shall be retained by that adjoining county. The~~  
37 ~~taxes on all classified registered motor vehicles registered after June 30,~~  
38 ~~2011, shall be assessed and collected by the county tax department in the~~  
39 ~~county to which the real property wherein the classified registered motor~~  
40 ~~vehicles are situated has been annexed.~~
- 41 (2) ~~The values established by the particular adjoining county tax administrator~~  
42 ~~on all personal property other than classified registered motor vehicles shall~~  
43 ~~be used by the county tax assessor without adjustment in computing taxes~~  
44 ~~due for the fiscal year beginning July 1, 2011. All such taxes shall be~~  
45 ~~assessed and collected by the appropriate county tax department.~~
- 46 (3) ~~For the interim time period between the annexation of properties into their~~  
47 ~~respective counties and until such time as the next regularly scheduled~~  
48 ~~reevaluation period, Alamance County and Orange County may select either~~  
49 ~~of two methods of valuating the property annexed into their respective~~  
50 ~~county by this act. The selection of either method by a county shall not give~~

any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:

- a. ~~The values established by the adjoining counties' tax administrators on all real property formerly taxed in their respective county shall be adjusted by the appropriate county tax assessor by applying the difference between one hundred percent (100%) of such values and the appropriate county median ratio, as established by the Sales Assessment Ratio Study compiled by the North Carolina Department of Revenue as of January 1, 2012. The taxes determined by applying this method will be collected and retained by the appropriate county tax collector. The value of such property shall then be revalued according to the regularly scheduled revaluation period for each county.~~
- b. ~~The values established by the adjoining counties' tax administrators on all real property formerly taxed in their respective county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.~~

(4) ~~Beginning January 1, 2012, all property in areas affected by the resurvey of the boundary line that is subject to ad valorem taxation shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.~~

(5) ~~The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2011, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for their costs and expenses, including attorneys' fees, incurred in connection with such appeals.~~

(6) ~~Any unpaid taxes or tax liens for the fiscal year ending June 30, 2011, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including (i) the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375 and (ii) the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County tax administrators shall supply one another with a list of unpaid taxes as of July 1, 2011. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county, including accrued interest. The provisions of G.S. 105-352(d) shall not apply to: those areas in an adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line that shall forthwith be properly listed and taxed in the county to which they have been annexed; and those areas within each county that were in the past improperly listed and taxed by the adjoining county due to uncertainty as to the exact location of the true historic Alamance County/Orange County boundary line. Under the discovery process, each county may waive any interest and penalties accrued for tax years 2006-2011 in its sole discretion.~~

1 "SECTION 4.(c) On and after January 1, 2012, all real and personal property in areas  
2 affected by the resurvey of the boundary line which was subject to ad valorem taxation on  
3 January 1, 2012, shall be subject to ad valorem taxes in the county to which the property is  
4 reassigned for the fiscal year beginning July 1, 2012, to the same extent as it would have been  
5 had it been correctly recognized by the tax departments of each county on March 1, 2012,  
6 except as hereinafter provided with respect to classified registered motor vehicles. On July 1,  
7 2011, the adjoining county tax administrators shall transfer to the respective county tax  
8 assessors the ad valorem tax listings and valuations for all real and personal property subject to  
9 ad valorem taxation in areas affected by the resurvey of the boundary line except classified  
10 motor vehicles which were registered in the adjoining counties prior to July 1, 2011. For the  
11 fiscal year which begins July 1, 2011, all real and personal property in areas affected by the  
12 resurvey of the boundary line which was subject to ad valorem taxation in that area on January  
13 1, 2012, shall be assessed and taxed as follows:

14 (1) The ad valorem property taxes assessed on all classified registered motor  
15 vehicles registered or listed in adjoining counties between January 1, 2011,  
16 and March 1, 2012, shall be collected by the appropriate adjoining county  
17 tax collector, and all such taxes shall be retained by that adjoining county.  
18 The taxes on all classified registered motor vehicles registered after March 1,  
19 2012, shall be assessed and collected by the county tax department in the  
20 county to which the real property wherein the classified registered motor  
21 vehicles are situated has been reassigned.

22 (2) The values established by the particular adjoining county tax administrator  
23 on all personal property other than classified registered motor vehicles shall  
24 be used by each county tax assessor without adjustment in computing taxes  
25 due for the fiscal year beginning July 1, 2012. All such taxes shall be  
26 assessed and collected by the appropriate county tax department.

27 (3) For the interim time period between the reassignment of properties into their  
28 respective counties and until such time as the next regularly scheduled  
29 revaluation period, Alamance County and Orange County may select either  
30 of two methods of valuating the property reassigned into their respective  
31 counties by this act. The selection of either method by a county shall not  
32 give any individual or entity grounds for challenging such temporary  
33 valuation. Such methods are delineated as follows:

34 a. The values established by the adjoining county tax administrators on  
35 all real property formerly taxed in their county shall be adjusted by  
36 the appropriate county tax assessor by applying the difference  
37 between one hundred percent (100%) of such values and the  
38 appropriate county median ratio, as established by the Sales  
39 Assessment Ratio Study compiled by the North Carolina Department  
40 of Revenue as of January 1, 2009. The taxes determined by applying  
41 this method will be collected and retained by the appropriate county  
42 tax collector. The value of such property shall then be revalued  
43 according to the regularly scheduled revaluation period for each  
44 county.

45 b. The values established by the adjoining county tax administrators on  
46 all real property formerly taxed in their county shall be adopted by  
47 the appropriate county tax assessor upon the transition of property to  
48 the adjoining county. The valuation of such property shall then be  
49 revalued according to the regularly scheduled revaluation period for  
50 each county.



- (4) Beginning January 1, 2013, all property in areas affected by the resurvey of the boundary line which is subject to ad valorem taxation, shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.
- (5) The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2013, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for their costs and expenses, including attorneys' fees, incurred in connection with such appeals.
- (6) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2012, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375 and the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County Tax Administrators shall supply one another with a list of unpaid taxes for properties in areas of the boundary line affected by the resurveys for the tax year 2011 on or before July 1, 2012. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county, including accrued interest. The provisions of G.S. 105-352(d) shall not apply to (i) those areas in the adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line that shall forthwith be properly listed and taxed in the county to which they have been reassigned by this act and (ii) those areas within each county that were in the past improperly listed and taxed by the adjoining counties due to uncertainty as to the exact location of the true historic Alamance County/Orange County boundary line.

"SECTION 4.(d) No cause of action, including criminal actions, involving persons or property located in areas affected by the resurvey of the boundary line that is pending on July 1, ~~2011, 2012,~~ shall be abated, and such actions shall continue in the appropriate adjoining county. In no event shall a defense to a criminal act be maintained where such defense alleges a lack of jurisdiction due to any act or failure to act related to the adjustment of the boundary line by this act, regardless of when such criminal act is alleged to have been committed.

"SECTION 4.(e) The board of elections of each adjoining county shall, effective July 1, ~~2011, 2012,~~ transfer the voter registration records pertaining to persons residing in areas affected by the resurvey of the boundary line and located in either county to the adjoining county's board of elections, and thereafter the registered voters so transferred shall be validly registered to vote in that adjoining county.

"SECTION 4.(f) The Jury Commission of each adjoining county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the resurvey of the boundary line, said revised jury lists to be effective July 1, ~~2011, 2012.~~

"SECTION 4.(g) The areas affected by the resurvey of the boundary line and located in each county shall be transferred into the appropriate superior court district, district court district, and prosecutorial district. The areas affected by the resurvey of the boundary line shall remain in the same congressional district, the same State House of Representatives district, and the same State Senate district.

"SECTION 4.(h) Any cause of action relating to taxation as it is currently exercised by the counties along or near the Alamance County/Orange County boundary, or any other cause of

1 action related in any way to the Alamance County/Orange County boundary or properties  
2 affected by changes in the boundary, is stayed, and no new cause of action relating to these  
3 matters shall be commenced until ratification of the official line by the North Carolina General  
4 Assembly. Thereafter, causes of action related to the taxation of property shall be defended as  
5 described in subdivision (5) of Section 4(c) of this act."

6 **SECTION 5.(a)** Any properties affected by S.L. 2010-61 or this act and which are  
7 subject to taxation under G.S. 105-274 and which were taxed by both the Alamance County  
8 and Orange County taxing authorities on or after January 1, 2007, are hereby granted the  
9 following relief:

10 (1) Property owners of any such dually taxed properties may, pursuant to the  
11 terms of G.S. 105-381, demand refund and/or release of taxes paid to the  
12 county from which their property, or portion thereof, was transitioned.

13 (2) Any claim for relief pursuant to this section and under the terms of  
14 G.S. 105-381 may be made for taxes assessed January 1, 2007, through  
15 December 31, 2011. All such claims for relief must be made in writing to the  
16 county from which the affected property was transitioned on or before  
17 February 28, 2012. Should a claim for relief pursuant to this section not be  
18 made by February 28, 2012, such claim is waived, and no further relief shall  
19 be granted pursuant to this or any other act. Alamance County and Orange  
20 County shall not grant refunds or releases pursuant to this section for any  
21 claims made after February 28, 2012, and are released from all liability, and  
22 no court action shall be maintained for any such claims made for any act or  
23 failure to act pursuant to this section.

24 **SECTION 5.(b)** The provisions of this section shall apply only to properties  
25 transitioned or reassigned from one county to the other, in whole or in part, by the resurveys of  
26 individual qualifying properties pursuant to S.L. 2010-61 and this act.

27 **SECTION 5.(c)** For purposes of this section only, the term "property owner" shall  
28 include any builder or developer that paid property taxes on real property to both counties and  
29 subsequently sold said property or that as part of an escrow agreement in which the buyer of  
30 such property paid taxes to one county and the builder or developer who sold the property paid  
31 taxes on the same piece of property to the adjoining county.

32 **SECTION 5.(d)** The taxing authorities of Alamance County and Orange County  
33 shall notify property owners affected by this section of the terms of this section within 30 days  
34 after this act becomes law. Such notice shall be by United States mail at the mailing address to  
35 which any tax bills were previously submitted. No other notice is or shall be required.

36 **SECTION 6.** Section 6 of S.L. 2010-61 reads as rewritten:

37 ~~"SECTION 6. Any child who was a resident of any area annexed by this act on its date of~~  
38 ~~ratification reassigned by this act on its date of enactment and who was a student in the Orange~~  
39 ~~County or Alamance County school system during the 2009-2010 or 2010-2011 school year~~  
40 ~~2010-2011 or 2011-2012 school year, and the siblings of any such person, may attend school in~~  
41 ~~the same school system as their siblings without necessity of a release or payment of tuition. in~~  
42 ~~the same school system previously attended without necessity of a release or payment of~~  
43 ~~tuition.~~ Any such student, while attending the Orange County school system, shall be  
44 considered a resident of Orange County for all public school purposes, including transportation,  
45 athletics, and funding formulas. Any such student, while attending the Alamance County  
46 school system, shall be considered a resident of Alamance County for all public school  
47 purposes, including transportation, athletics, and funding formulas. Notice must be given to all  
48 affected school systems by the parent or guardian in order to exercise the privilege granted by  
49 this section."

50 **SECTION 7.** The establishment of a county boundary line is, pursuant to Section 1  
51 of Article VII of the North Carolina Constitution, the responsibility of the General Assembly.

1 Further, it is vital to the State of North Carolina and all affected local governments that county  
2 boundary lines be fixed and any uncertainty as to the location of county boundary lines be  
3 resolved. For this reason and in the interest of justice, neither Alamance County nor Orange  
4 County, nor any agent, employee, or appointed or elected official thereof, shall be liable to any  
5 individual, group, organization, for-profit or not-for-profit business entity of any kind, or  
6 governmental entity or agency of any type or kind, for any damages, costs, fees, or fines, and  
7 no court action shall be maintained against said counties, officials, employees, and agents for  
8 any recommendation, act, failure to act, or conduct related to S.L. 2010-61 or this act and/or the  
9 adoption of a fixed boundary line separating the two counties. Except as set out in Section 5 of  
10 this act, and effective upon enactment of this act, Alamance County and Orange County and  
11 their officials, employees, and agents are released from all liability for any claims made, and no  
12 court action shall be maintained against said officials, employees, and agents for any act or  
13 failure to act pursuant to the terms of this act or S.L. 2010-61, and no further relief shall be  
14 granted or cause of action sustained except as provided herein.

15 **SECTION 8.** Section 8 of S.L. 2010-61 reads as rewritten:

16 "SECTION 8. Alamance County and Orange County shall cause areas of the boundary line  
17 to be resurveyed in areas where property owners have met the established administrative  
18 criteria to be assigned to a specific county and in areas where for practical or other reasons the  
19 ~~North Carolina Geodetic Survey line is not reasonable or is unduly burdensome, county but~~  
20 shall not bear the cost of such resurveys. The costs of the resurveys shall be the responsibility  
21 of the transitioned properties' owners."

22 **SECTION 9.** Except as amended by this act, S.L. 2010-61 continues in full force  
23 and effect. In the case of any conflict between this act and S.L. 2010-61, this act controls to the  
24 extent of the conflict.

25 **SECTION 10.** Pursuant to Section 1 of Article VII of the North Carolina  
26 Constitution, any boundary line between Alamance County and Orange County previously  
27 surveyed, recognized, adopted, described, utilized, or ratified is modified as set forth herein  
28 upon ratification of this act.

29 **SECTION 11.** Pursuant to Section 1 of Article VII of the North Carolina  
30 Constitution, the official boundary line between Alamance County and Orange County, as  
31 described and approved by the Alamance County Board of Commissioners at its regular  
32 meeting December 6, 2010, and the Orange County Board of Commissioners at its regular  
33 meeting December 14, 2010, is hereby formally recognized and adopted by the North Carolina  
34 General Assembly. The nine percent (9%) portion of the boundary line not described and  
35 approved by the county commissioners shall be resurveyed pursuant to separate local  
36 legislation.

37 **SECTION 12.** Upon completion of the resurveys in compliance with this act, a  
38 complete description of the resurveyed line shall be filed in the office of the Register of Deeds  
39 of Alamance County, the office of the Register of Deeds of Orange County, and the Secretary  
40 of State, as provided in G.S. 153A-18(a).

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 214\***

Short Title: Alamance/Orange Boundary. (Local)

Sponsors: Representatives Ingle, Bordsen, Insko, and Faison (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 3, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE  
3 COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS  
4 OF THE TRANSITIONED PROPERTIES AS AUTHORIZED BY THE NORTH  
5 CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE  
6 CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY  
7 BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING  
8 ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW  
9 2010-61.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** The historic boundary line forming Alamance County from Orange  
12 County was described and surveyed in 1849. In the subsequent 160 years, this line became  
13 uncertain resulting in unintentional modifications to the boundary line affecting taxation,  
14 school attendance, zoning maps, and elections, within and among Alamance County, Orange  
15 County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18(a) entitled  
16 "Uncertain or Disputed Boundary," both county commissions passed resolutions (Alamance  
17 County, December 17, 2007, and Orange County, January 18, 2008) to request that North  
18 Carolina Geodetic Survey (NCGS) perform a preliminary resurvey and present a proposed map  
19 for consideration by both counties.

20 **SECTION 2.** The Alamance County Board of Commissioners agreed, by vote on  
21 April 21, 2008, and Orange County on May 20, 2008, to approve authorizing NCGS to conduct  
22 the preliminary survey and the placing of monuments by NCGS consistent with their research  
23 to form a boundary baseline. On July 8, 2010, the North Carolina General Assembly enacted  
24 S.L. 2010-61, which enabled Alamance County and Orange County to transition properties  
25 between the two counties for the purpose of recommending to the North Carolina General  
26 Assembly a mutually agreed upon boundary line between the two counties.

27 **SECTION 3.** Section 3 of S.L. 2010-61 reads as rewritten:

28 "SECTION 3. In the 160 years since the initial survey of the Alamance County/Orange  
29 County boundary line, Alamance and Orange Counties have entered into multiple taxing  
30 agreements that have resulted in properties being taxed in one county by the adjoining county.  
31 Other situations have arisen in which children of one county attend school in the adjoining  
32 county and voters in one county have voted in the adjoining county. The General Assembly  
33 recognizes the difficulties in addressing these issues and authorizes Alamance County and



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1 Orange County to maintain the current taxing, elections, education, and any other recognized  
2 government functions in place until July 1, 2011, 2012."

3 SECTION 4. Section 4 of S.L. 2010-61 reads as rewritten:

4 ~~"SECTION 4.(a) On and after July 1, 2011, all papers, documents, and instruments~~  
5 ~~required or permitted to be filed or registered that involve residents and property located in~~  
6 ~~areas affected by the resurvey of the boundary line that previously may have been recorded in~~  
7 ~~the adjoining counties shall be recorded in the county to which the property has been annexed.~~  
8 Except as otherwise provided in this act, on and after January 1, 2012, all papers, documents,  
9 and instruments required or permitted to be filed or registered, involving residents and property  
10 in areas affected by the resurvey of the boundary line, which previously may have been  
11 recorded in the adjoining counties, shall be recorded in the county to which the property has  
12 been reassigned by this act.

13 "SECTION 4.(b) All public records related to residents and property located in areas  
14 affected by the resurvey of the boundary line that were filed or recorded prior to July 1, 2011,  
15 in the adjoining counties shall remain in those respective adjoining counties where filed or  
16 recorded, and such records shall be valid public records as to the property and persons  
17 involved, even though they are recorded in an adjoining county which is a county where the  
18 property is no longer located as evidenced by the 2008 North Carolina Geodetic Survey and the  
19 subsequent partial resurvey pursuant to Section 7 of this act.

20 ~~"SECTION 4.(c) On and after July 1, 2011, all real and personal property located in areas~~  
21 ~~affected by the resurvey of the boundary line that was subject to ad valorem taxation on~~  
22 ~~January 1, 2011, shall be subject to ad valorem taxes in the county to which the property is~~  
23 ~~annexed for the fiscal year beginning July 1, 2011, to the same extent as it would have been had~~  
24 ~~it been correctly recognized by the tax departments of each county on January 1, 2011, except~~  
25 ~~as hereinafter provided with respect to classified registered motor vehicles. On July 1, 2011, the~~  
26 ~~tax administrators of the adjoining counties shall transfer to the respective county tax assessors~~  
27 ~~the ad valorem tax listings and valuations for all real and personal property subject to ad~~  
28 ~~valorem taxation in areas affected by the resurvey of the boundary line, except classified motor~~  
29 ~~vehicles that were registered in the adjoining counties prior to July 1, 2011. For the fiscal year~~  
30 ~~that begins July 1, 2011, all real and personal property located in areas affected by the resurvey~~  
31 ~~of the boundary line that was subject to ad valorem taxation in that area on January 1, 2011,~~  
32 ~~shall be assessed and taxed as follows:~~

33 (1) ~~The ad valorem property taxes assessed on all classified registered motor~~  
34 ~~vehicles registered or listed in adjoining counties between January 1, 2011,~~  
35 ~~and June 30, 2011, shall be collected by the appropriate adjoining county tax~~  
36 ~~collector, and all such taxes shall be retained by that adjoining county. The~~  
37 ~~taxes on all classified registered motor vehicles registered after June 30,~~  
38 ~~2011, shall be assessed and collected by the county tax department in the~~  
39 ~~county to which the real property wherein the classified registered motor~~  
40 ~~vehicles are situated has been annexed.~~

41 (2) ~~The values established by the particular adjoining county tax administrator~~  
42 ~~on all personal property other than classified registered motor vehicles shall~~  
43 ~~be used by the county tax assessor without adjustment in computing taxes~~  
44 ~~due for the fiscal year beginning July 1, 2011. All such taxes shall be~~  
45 ~~assessed and collected by the appropriate county tax department.~~

46 (3) ~~For the interim time period between the annexation of properties into their~~  
47 ~~respective counties and until such time as the next regularly scheduled~~  
48 ~~reevaluation period, Alamance County and Orange County may select either~~  
49 ~~of two methods of valuating the property annexed into their respective~~  
50 ~~county by this act. The selection of either method by a county shall not give~~

any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:

a. ~~The values established by the adjoining counties' tax administrators on all real property formerly taxed in their respective county shall be adjusted by the appropriate county tax assessor by applying the difference between one hundred percent (100%) of such values and the appropriate county median ratio, as established by the Sales Assessment Ratio Study compiled by the North Carolina Department of Revenue as of January 1, 2012. The taxes determined by applying this method will be collected and retained by the appropriate county tax collector. The value of such property shall then be revalued according to the regularly scheduled revaluation period for each county.~~

b. ~~The values established by the adjoining counties' tax administrators on all real property formerly taxed in their respective county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.~~

(4) ~~Beginning January 1, 2012, all property in areas affected by the resurvey of the boundary line that is subject to ad valorem taxation shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.~~

(5) ~~The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2011, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for their costs and expenses, including attorneys' fees, incurred in connection with such appeals.~~

(6) ~~Any unpaid taxes or tax liens for the fiscal year ending June 30, 2011, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including (i) the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375 and (ii) the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County tax administrators shall supply one another with a list of unpaid taxes as of July 1, 2011. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county, including accrued interest. The provisions of G.S. 105-352(d) shall not apply to: those areas in an adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line that shall forthwith be properly listed and taxed in the county to which they have been annexed; and those areas within each county that were in the past improperly listed and taxed by the adjoining county due to uncertainty as to the exact location of the true historic Alamance County/Orange County boundary line. Under the discovery process, each county may waive any interest and penalties accrued for tax years 2006-2011 in its sole discretion.~~

"SECTION 4.(c) On and after January 1, 2012, all real and personal property in areas affected by the resurvey of the boundary line, which was subject to ad valorem taxation on January 1, 2012, shall be subject to ad valorem taxes in the county to which the property is reassigned for the fiscal year beginning July 1, 2012, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on March 1, 2012, except as hereinafter provided with respect to classified registered motor vehicles. On July 1, 2011, the adjoining county tax administrators shall transfer to the respective county tax assessors the ad valorem tax listings and valuations for all real and personal property subject to ad valorem taxation in areas affected by the resurvey of the boundary line except classified motor vehicles which were registered in the adjoining counties prior to July 1, 2011. For the fiscal year which begins July 1, 2011, all real and personal property in areas affected by the resurvey of the boundary line, which was subject to ad valorem taxation in that area on January 1, 2012, shall be assessed and taxed as follows:

- (1) The ad valorem property taxes assessed on all classified registered motor vehicles registered or listed in adjoining counties between January 1, 2011, and March 1, 2012, shall be collected by the appropriate adjoining county tax collector, and all such taxes shall be retained by that adjoining county. The taxes on all classified registered motor vehicles registered after March 1, 2012, shall be assessed and collected by the county tax department in the county to which the real property wherein the classified registered motor vehicles are situated has been reassigned.
- (2) The values established by the particular adjoining county tax administrator on all personal property other than classified registered motor vehicles shall be used by each county tax assessor without adjustment in computing taxes due for the fiscal year beginning July 1, 2012. All such taxes shall be assessed and collected by the appropriate county tax department.
- (3) For the interim time period between the reassignment of properties into their respective counties and until such time as the next regularly scheduled revaluation period, Alamance County and Orange County may select either of two methods of valuating the property reassigned into their respective counties by this act. The selection of either method by a county shall not give any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:

  - a. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adjusted by the appropriate county tax assessor by applying the difference between one hundred percent (100%) of such values and the appropriate county median ratio, as established by the Sales Assessment Ratio Study compiled by the North Carolina Department of Revenue as of January 1, 2009. The taxes determined by applying this method will be collected and retained by the appropriate county tax collector. The value of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
  - b. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.

- (4) Beginning January 1, 2013, all property in areas affected by the resurvey of the boundary line, which is subject to ad valorem taxation, shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.
- (5) The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2013, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for their costs and expenses, including attorneys' fees, incurred in connection with such appeals.
- (6) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2012, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375, and the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County Tax Administrators shall supply one another with a list of unpaid taxes for properties in areas of the boundary line affected by the resurveys for the tax year 2011 on or before July 1, 2012. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county, including accrued interest. The provisions of G.S. 105-352(d) shall not apply to (i) those areas in the adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line, that shall forthwith be properly listed and taxed in the county to which they have been reassigned by this act and (ii) those areas within each county that were in the past improperly listed and taxed by the adjoining counties due to uncertainty as to the exact location of the true historic Alamance County/Orange County boundary line.

"SECTION 4.(d) No cause of action, including criminal actions, involving persons or property located in areas affected by the resurvey of the boundary line that is pending on July 1, ~~2011~~, 2012, shall be abated, and such actions shall continue in the appropriate adjoining county. In no event shall a defense to a criminal act be maintained where such defense alleges a lack of jurisdiction due to any act or failure to act related to the adjustment of the boundary line by this act regardless of when such criminal act is alleged to have occurred.

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"SECTION 4.(f) The Jury Commission of each adjoining county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the resurvey of the boundary line, said revised jury lists to be effective July 1, ~~2011~~, 2012.

"SECTION 4.(g) The areas affected by the resurvey of the boundary line and located in each county shall be transferred into the appropriate superior court district, district court district, and prosecutorial district. The areas affected by the resurvey of the boundary line shall remain in the same congressional district, the same State House of Representatives district, and the same State Senate district.

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12 county from which their property, or portion thereof, was transitioned.

13 (2) Any claim for relief pursuant to this section and under the terms of  
14 G.S. 105-381 may be made for taxes assessed January 1, 2007, through  
15 December 31, 2011. All such claims for relief must be made in writing to the  
16 county from which the affected property was transitioned on or before  
17 February 28, 2012. Should a claim for relief pursuant to this section not be  
18 made by February 28, 2012, such claim is waived, and no further relief shall  
19 be granted pursuant to this or any other act. Alamance County and Orange  
20 County shall not grant refunds or releases pursuant to this section for any  
21 claims made after February 28, 2012, and are released from all liability, and  
22 no court action shall be maintained for any such claims made for any act or  
23 failure to act pursuant to this section.

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25 transitioned or reassigned from one county to the other, in whole or in part, by the resurveys of  
26 individual qualifying properties pursuant to S.L. 2010-61 and this act.

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28 include any builder or developer that paid property taxes on real property to both counties and  
29 subsequently sold said property or that, as part of an escrow agreement in which the buyer of  
30 such property paid taxes to one county and the builder or developer who sold the property, paid  
31 taxes on the same piece of property to the adjoining county.

32 **SECTION 5.(d)** The taxing authorities of Alamance County and Orange County  
33 shall notify property owners affected by this section of the terms of this section within 30 days  
34 after this act becomes law. Such notice shall be by United States mail at the mailing address to  
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37 ~~"SECTION 6. Any child who was a resident of any area annexed by this act on its date of~~  
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39 ~~County or Alamance County school system during the 2009-2010 or 2010-2011 school year~~  
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41 ~~the same school system as their siblings without necessity of a release or payment of tuition. in~~  
42 ~~the same school system previously attended without necessity of a release or payment of~~  
43 ~~tuition.~~ Any such student, while attending the Orange County school system, shall be  
44 considered a resident of Orange County for all public school purposes, including transportation,  
45 athletics, and funding formulas. Any such student, while attending the Alamance County  
46 school system, shall be considered a resident of Alamance County for all public school  
47 purposes, including transportation, athletics, and funding formulas. Notice must be given to all  
48 affected school systems by the parent or guardian in order to exercise the privilege granted by  
49 this section.

50 **SECTION 7.** The establishment of a county boundary line is, pursuant to Section 1  
51 of Article VII of the North Carolina Constitution, the responsibility of the General Assembly.

Further, it is vital to the State of North Carolina and all affected local governments that county boundary lines be fixed and any uncertainty as to the location of county boundary lines be resolved. For this reason and in the interest of justice, neither Alamance County nor Orange County, nor any agent, employee, or appointed or elected official thereof, shall be liable to any individual, group, organization, for-profit or not-for-profit business entity of any kind, governmental entity or agency of any type or kind, for any damages, costs, fees, or fines, and no court action shall be maintained against said counties, officials, employees, and agents, for any recommendation, act, failure to act, or conduct related to S.L. 2010-61 or this act and/or the adoption of a fixed boundary line separating the two counties. Except as set out in Section 5 of this act, and effective upon enactment of this act, Alamance County and Orange County, their officials, employees, and agents, are released from all liability for any claims made, and no court action shall be maintained against said officials, employees, and agents, for any act or failure to act pursuant to the terms of this act or S.L. 2010-61 and no further relief shall be granted or cause of action sustained except as provided herein.

**SECTION 8.** Section 8 of S.L. 2010-61 reads as rewritten:

**"SECTION 8.** Alamance County and Orange County shall cause areas of the boundary line to be resurveyed in areas where property owners have met the established administrative criteria to be assigned to a specific county ~~and in areas where for practical or other reasons the North Carolina Geodetic Survey line is not reasonable or is unduly burdensome.~~ county, but shall not bear the cost of such resurveys. The costs of the resurveys shall be the responsibility of the transitioned properties' owners."

**SECTION 9.** Except as amended by this act, S.L. 2010-61 continues in full force and effect. In case of any conflict between this act and S.L. 2010-61, this act controls to the extent of the conflict.

**SECTION 10.** Pursuant to Section 1 of Article VII of the North Carolina Constitution, any boundary line between Alamance County and Orange County previously surveyed, recognized, adopted, described, utilized, or ratified is modified as set forth herein upon ratification of this act.

**SECTION 11.** Pursuant to Section 1 of Article VII of the North Carolina Constitution, the official boundary line between Alamance County and Orange County, as described and approved by the Alamance County Board of Commissioners at its regular meeting December 6, 2010, and the Orange County Board of Commissioners at its regular meeting December 14, 2010, is hereby formally recognized and adopted by the North Carolina General Assembly. The nine percent (9%) portion of the boundary line not described and approved by the county commissioners shall be resurveyed pursuant to separate local legislation.

**SECTION 12.** Upon completion of the resurveys in compliance with this act, a complete description of the resurveyed line shall be filed in the office of the Register of Deeds of Alamance County, the office of the Register of Deeds of Orange County, and the Secretary of State, as provided in G.S. 153A-18(a).

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



## HOUSE BILL 214: Alamance/Orange Boundary

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	April 27, 2011
<b>Introduced by:</b>	Reps. Ingle, Bordsen, Insko, Faison	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	PCS to First Edition H214-CSRW-27		Committee Counsel

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**SUMMARY:** *House Bill 214 would establish the common boundary between Alamance County and Orange County after the 2010/2011 resurveys of the transitioned properties and would amend S.L. 2010-61, which enabled changes in the historic boundary line.*

*The Proposed Committee Substitute makes technical changes.*

[As introduced, this bill was identical to S201, as introduced by Sens. Gunn, Kinnaird]

### BILL ANALYSIS:

**Section 1** notes that the historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the subsequent 160 years, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections.

**Section 2** notes that both boards of commissioners authorized the North Carolina Geodetic Survey (NCGS) to conduct a preliminary resurvey. Through the passage of S.L. 2010-61, the General Assembly enabled Alamance County and Orange County to transition properties between the two counties and to recommend a mutually agreed upon boundary line between the two counties.

**Section 3** provides that Alamance County and Orange County may maintain their current taxing, elections, education, and other government functions until July 1, 2012 (was July 1, 2011).

**Section 4** makes a number of changes to S.L. 2010-61. It extends the time by which papers and documents must be recorded in the county to which the property has been reassigned to January 1, 2012 (was July 1, 2011) and extends a number of other dates. It also prohibits defenses to criminal acts alleging a lack of jurisdiction based on adjustment of the boundary line.

**Section 5.(a)** provides certain relief for property owners which were taxed by both Alamance and Orange County taxing authorities. The owners may demand refund and/or release of taxes paid from the county from which their property was transitioned. Claims for relief may be made for taxes assessed from January 1, 2007, through December 31, 2011 if certain procedures are followed.

**Section 5.(b)** specifies that this section applies only to properties transitioned from one county to the other by resurveys of properties.

**Section 5.(c)** provides an expanded definition of "property owner" for this section only.

**Section 5.(d)** provides that taxing authorities of Orange and Alamance Counties must notify property owners affected by this section within 30 days after the act becomes law. The notice is to be sent by United States mail to the mailing address to which previous tax bills were sent.

**Section 6** provides that if a child was a resident of any area reassigned by this act and that child was a student in Orange County or Alamance County during the 2010-2011 or 2011-2012 school year, then the child may attend school in the same system as their siblings.

# House PCS 214

Page 2

**Section 7** gives immunity to the counties, their agents, and elected or appointed officials from suits in connection with local bills related to the location of the boundary line.

**Section 8** provides that Alamance and Orange Counties will not bear the costs of resurveys in areas where property owners have met the criteria to be assigned to a specific county; the costs are the responsibility of the transitioned property owners.

**Section 9** clarifies that S.L. 2010-61 remains in effect, but that the present bill controls if there is a conflict.

**Section 10** provides that pursuant to the North Carolina Constitution, any boundary line previously utilized is modified as provided in this act.

**Section 11** provides that the boundary line approved by the commissioners of Alamance County and Orange County are adopted by the General Assembly. It further provides that the 9% portion of the boundary line, which was not approved by the county commissioners, must be resurveyed pursuant to another local bill (House Bill 213/Senate Bill 201).

**Section 12** provides when the resurveys have been finished, a complete description of the resurveyed land must be filed with the Registers of Deeds in Alamance and Orange Counties and with the Secretary of State.

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

*H214-SMRW-93(CSRW-27) v2*

*Brad Krehely of the Research Division substantially contributed to this summary*

Attadmet 3 m

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 692** A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.

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

**(FOR JOURNAL USE ONLY)**

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

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/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 2011

H

D

HOUSE BILL 692  
PROPOSED COMMITTEE SUBSTITUTE H692-PCS50313-SH-14

Short Title: Increase Payment of Unclaimed Property Claims.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN  
3 ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE  
4 REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 116B-6 is amended by adding a new subsection to read:

7 "(j) Data Sharing. – On or before February 1 of each year, the North Carolina Division  
8 of Motor Vehicles, the North Carolina Department of Revenue, and the North Carolina  
9 Employment Security Commission shall provide to the Treasurer, for the Treasurer's  
10 confidential use, information to facilitate locating owners of unclaimed property. The Treasurer  
11 may not use any information obtained pursuant to this section for any purpose except for  
12 locating owners of unclaimed property."

13 SECTION 2. G.S. 116B-52(11) reads as rewritten:

14 "(11) "Property" means (i) tangible personal property physically located in a safe  
15 deposit box or other safekeeping depository held by a financial institution  
16 within this State or (ii) a fixed and certain interest in intangible property that  
17 is held, issued, or owed in the course of a holder's business, or by a  
18 government, governmental subdivision, agency, or instrumentality, and all  
19 income or increments therefrom. The term includes property that is referred  
20 to as or evidenced by:

- 21 a. Money, a check, draft, deposit, interest, or dividend;  
22 b. Credit balance, customer's overpayment, gift certificate, security  
23 deposit, refund, credit memorandum, unpaid wage, unused ticket,  
24 mineral proceeds, or unidentified remittance;  
25 c. Stock or other evidence of ownership of an interest in a business  
26 association;  
27 d. A bond, debenture, note, or other evidence of indebtedness;  
28 e. Money deposited to redeem stocks, bonds, coupons, or other  
29 securities, or to make distributions;  
30 f. An amount due and payable under the terms of an annuity or  
31 insurance policy, including policies providing life insurance,  
32 property and casualty insurance, workers' compensation insurance, or  
33 health and disability insurance; and



- g. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits."

**SECTION 3.** G.S. 116B-53(c)(13) reads as rewritten:

"(13) Wages or other compensation for personal services, ~~two years~~ one year after the compensation becomes payable."

**SECTION 4.** G.S. 116B-60 reads as rewritten:

**"§ 116B-60. Report of abandoned property; certification by holders with tax return.**

(a) A holder of property presumed abandoned shall make a report to the Treasurer concerning the property. Holders reporting 50 or more property owner records shall file the report in an electronic format prescribed by ~~the National Association of Unclaimed Property Administrators and approved by the~~ Treasurer. Holders reporting less than 50 property owner records may file the report electronically. Holders reporting electronically may file an electronically signed affidavit in order to comply with subsection (f) of this section.

(b) ~~The~~ For amounts due to the apparent owner of property of the value of fifty dollars (\$50.00) or more, the report must be verified and must contain: must contain the following, if known by the holder:

(1) ~~A description of the property; Except with respect to a traveler's check or money order, full name, last known address, social security number or taxpayer identification number, date of birth, drivers license or state identification number, and e-mail address of each person who, from the records of the holder of the property, appears to be the apparent owner of the property.~~

(2) ~~Except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property of the value of fifty dollars (\$50.00) or more; A description of the property, the identification number, if any, and the property amount.~~

(3) ~~An aggregated amount of items valued under fifty dollars (\$50.00) each;~~

(4) ~~In the case of an amount of fifty dollars (\$50.00) or more held or owing under an annuity or a life or endowment insurance policy, the full name and last known address address, social security number or taxpayer identification number, date of birth, drivers license or state identification number, and e-mail address of the annuitant or insured and of the beneficiary; beneficiary.~~

(5) ~~The date, if any, on which the property became payable, demandable, or returnable, and the date of the last transaction or communication with the apparent owner with respect to the property; and property.~~

(6) ~~Other information that the Treasurer by rule prescribes as necessary for the administration of this Chapter.~~

(b1) Amounts due an apparent owner less than fifty dollars (\$50.00) may be reported in an aggregate amount without furnishing any of the information required by subsection (b) of this section.

(c) If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

(d) The report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year, but a report with respect to a life insurance company must be filed before May 1 of each year for the calendar year next preceding.

1 (e) Before the date for filing the report, the holder of property presumed abandoned  
2 may request the Treasurer to extend the time for filing the report. A request for an extension for  
3 filing a report shall be accompanied by an extension processing fee of ten dollars (\$10.00). The  
4 Treasurer may grant the extension for good cause. The holder, upon receipt of the extension,  
5 may make an interim payment on the amount the holder estimates will ultimately be due, which  
6 terminates the accrual of additional interest on the amount paid.

7 (f) The holder of property presumed abandoned shall file with the report an affidavit  
8 stating that the holder has complied with G.S. 116B-59.

9 (f1) Any holder who has intangible property due to be reported with a cumulative value  
10 of two hundred fifty dollars (\$250.00) or less in a single reporting year shall not be required to  
11 report the property in that year but shall report the property in any year when the value or  
12 aggregate value exceeds two hundred fifty dollars (\$250.00).

13 (g) Every business association holding property presumed abandoned under this  
14 Chapter shall certify the holding in the income tax return required by Chapter 105 of the  
15 General Statutes. The certification shall be a part of the tax return with which it is filed. If the  
16 business association is not required to file an income tax return under Chapter 105, the  
17 certification shall be made in the form and manner required by the Secretary of Revenue. The  
18 information appearing on the certification is not privileged or confidential, and this information  
19 shall be furnished by the Secretary of Revenue to the Escheat Fund on October 1 of each year,  
20 or if this date shall fall on a weekend or holiday, on the next regular business day."

21 **SECTION 5.** G.S. 116B-65(a) reads as rewritten:

22 "(a) Except as otherwise provided in this section, the Treasurer, within three years after  
23 the receipt of abandoned property, shall sell it to the highest bidder at public sale at a location  
24 in the State which in the judgment of the Treasurer affords the most favorable market for the  
25 property. The Treasurer may decline the highest bid and reoffer the property for sale if the  
26 Treasurer considers the bid to be insufficient. The Treasurer need not offer the property for sale  
27 if the Treasurer considers that the probable cost of sale will exceed the proceeds of the sale. ~~A~~  
28 ~~sale held under this section must be preceded by a single publication of notice, at least three~~  
29 ~~weeks before sale, in a newspaper of general circulation in the county in which the property is~~  
30 ~~to be sold. The Treasurer shall give reasonable notice of the sale as he or she deems appropriate~~  
31 ~~and cost-effective, but, at a minimum, notice must be published at least two times a year in a~~  
32 ~~major newspaper in the State's major media markets.~~ The Treasurer is not required to sell  
33 money unless it is a collector's species having value greater than the face value of the money as  
34 cash."

35 **SECTION 6.** This act becomes effective October 1, 2011.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 692

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Short Title:    Increase Payment of Unclaimed Property Claims. (Public)

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Sponsors:    Representatives Hurley and Randleman (Primary Sponsors).  
                 For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to:   Finance.

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April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN  
ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE  
REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116B-6 is amended by adding a new subsection to read:

"(j) Data Sharing. – On or before February 1 of each year, the North Carolina Division of Motor Vehicles, the North Carolina Department of Revenue, and the North Carolina Employment Security Commission shall provide to the Treasurer, for the Treasurer's confidential use, information to facilitate locating owners of unclaimed property. The Treasurer may not use any information obtained pursuant to this section for any purpose except for locating owners of unclaimed property."

**SECTION 2.** G.S. 116B-52(11) reads as rewritten:

"(11) "Property" means (i) tangible personal property physically located in a safe deposit box or other safekeeping depository held by a financial institution within this State or (ii) a fixed and certain interest in intangible property that is held, issued, or owed in the course of a holder's business, or by a government, governmental subdivision, agency, or instrumentality, and all income or increments therefrom. The term includes property that is referred to as or evidenced by:

- a. Money, a check, draft, deposit, interest, or dividend;
- b. Credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;
- c. Stock or other evidence of ownership of an interest in a business association;
- d. A bond, debenture, note, or other evidence of indebtedness;
- e. Money deposited to redeem stocks, bonds, coupons, or other securities, or to make distributions;
- f. An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and
- g. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance,



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retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits."

**SECTION 3.** G.S. 116B-53(c)(13) reads as rewritten:

"(13) Wages or other compensation for personal services, ~~two years~~ one year after the compensation becomes payable."

**SECTION 4.** G.S. 116B-60 reads as rewritten:

**"§ 116B-60. Report of abandoned property; certification by holders with tax return.**

(a) A holder of property presumed abandoned shall make a report to the Treasurer concerning the property. Holders reporting 50 or more property owner records shall file the report in an electronic format prescribed by ~~the National Association of Unclaimed Property Administrators and approved by the Treasurer.~~ Holders reporting less than 50 property owner records may file the report electronically. Holders reporting electronically may file an electronically signed affidavit in order to comply with subsection (f) of this section.

(b) ~~The~~ For amounts due to the apparent owner of property of the value of fifty dollars (\$50.00) or more, the report must be verified and ~~must contain:~~ must contain the following, if known by the holder:

(1) ~~A description of the property; Except with respect to a traveler's check or money order, full name, last known address, social security number or taxpayer identification number, date of birth, drivers license or state identification number, and e-mail address of each person who, from the records of the holder of the property, appears to be the apparent owner of the property.~~

(2) ~~Except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property of the value of fifty dollars (\$50.00) or more; A description of the property, the identification number, if any, and the property amount.~~

(3) ~~An aggregated amount of items valued under fifty dollars (\$50.00) each;~~

(4)(3) ~~In the case of an amount of fifty dollars (\$50.00) or more held or owing under an annuity or a life or endowment insurance policy, the full name and last known address address, social security number or taxpayer identification number, date of birth, drivers license or state identification number, and e-mail address of the annuitant or insured and of the beneficiary; beneficiary.~~

(5)(4) ~~The date, if any, on which the property became payable, demandable, or returnable, and the date of the last transaction or communication with the apparent owner with respect to the property; and property.~~

(6)(5) ~~Other information that the Treasurer by rule prescribes as necessary for the administration of this Chapter.~~

(c) Amounts due an apparent owner less than fifty dollars (\$50.00) may be reported in an aggregate amount without furnishing any of the information required by subsection (b) of this section.

(e)(d) ~~If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.~~

(d)(e) ~~The report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year, but a report with respect to a life insurance company must be filed before May 1 of each year for the calendar year next preceding.~~

(e)(f) ~~Before the date for filing the report, the holder of property presumed abandoned may request the Treasurer to extend the time for filing the report. A request for an extension for~~

1 filing a report shall be accompanied by an extension processing fee of ten dollars (\$10.00). The  
2 Treasurer may grant the extension for good cause. The holder, upon receipt of the extension,  
3 may make an interim payment on the amount the holder estimates will ultimately be due, which  
4 terminates the accrual of additional interest on the amount paid.

5 (f)(g) The holder of property presumed abandoned shall file with the report an affidavit  
6 stating that the holder has complied with G.S. 116B-59.

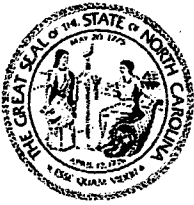
7 (h) Any holder who has intangible property due to be reported with a cumulative value  
8 of two hundred fifty dollars (\$250.00) or less in a single reporting year shall not be required to  
9 report the property in that year, but shall report the property in any year when the value or  
10 aggregate value exceeds two hundred fifty dollars (\$250.00).

11 (g)(i) Every business association holding property presumed abandoned under this  
12 Chapter shall certify the holding in the income tax return required by Chapter 105 of the  
13 General Statutes. The certification shall be a part of the tax return with which it is filed. If the  
14 business association is not required to file an income tax return under Chapter 105, the  
15 certification shall be made in the form and manner required by the Secretary of Revenue. The  
16 information appearing on the certification is not privileged or confidential, and this information  
17 shall be furnished by the Secretary of Revenue to the Escheat Fund on October 1 of each year,  
18 or if this date shall fall on a weekend or holiday, on the next regular business day."

19 **SECTION 5.** G.S. 116B-65(a) reads as rewritten:

20 "(a) Except as otherwise provided in this section, the Treasurer, within three years after  
21 the receipt of abandoned property, shall sell it to the highest bidder at public sale at a location  
22 in the State which in the judgment of the Treasurer affords the most favorable market for the  
23 property. The Treasurer may decline the highest bid and reoffer the property for sale if the  
24 Treasurer considers the bid to be insufficient. The Treasurer need not offer the property for sale  
25 if the Treasurer considers that the probable cost of sale will exceed the proceeds of the sale. ~~A~~  
26 ~~sale held under this section must be preceded by a single publication of notice, at least three~~  
27 ~~weeks before sale, in a newspaper of general circulation in the county in which the property is~~  
28 ~~to be sold. The Treasurer shall give reasonable notice of the sale as he or she deems appropriate~~  
29 ~~and cost-effective, but at a minimum, notice must be published at least annually in two~~  
30 ~~newspapers having general circulation in the State.~~ The Treasurer is not required to sell money  
31 unless it is a collector's species having value greater than the face value of the money as cash."

32 **SECTION 6.** This act becomes effective October 1, 2011.



## HOUSE BILL 692: Increase Payment of Unclaimed Property Claims

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Hurley, Randleman  
**Analysis of:** PCS to First Edition  
H692-CSSH-14

**Date:** April 26, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 692 amends the escheat and unclaimed property laws to facilitate the sharing of data from State agencies to the Treasurer; to require reports of abandoned property to provide more information; to amend the reporting requirements based on the dollar value of the property, and to change the notice requirements prior to the sale of abandoned property. (The Proposed Committee Substitute makes technical changes to the numbering/lettering of the statute in Section 4 and changes the notice requirement for public sale in Section 5.)*

### BILL ANALYSIS:

**Section 1** of House Bill 692 amends G.S. 116B-6 to add a subsection pertaining to data sharing as it relates to escheats and abandoned property. G.S. 116B-6(j) would require that on or before February 1 of each year, the Division of Motor Vehicles, Department of Revenue, and Employment Security Commission must provide to the Treasurer for confidential use, information to facilitate locating owners of unclaimed property. The Treasurer is prohibited from using this information for any purpose except locating owners of unclaimed property.

**Section 2** amends the definition of "property" in G.S. 116B-52(11) to specify that tangible personal property must be physically located in a safe deposit box or other safekeeping depository held by a financial institution within the State.

**Section 3** amends G.S. 116B-53(c)(13) to decrease the amount of time that must lapse, from two years to one year after compensation becomes payable, before it is presumed that wages or other compensation for personal services is abandoned if unclaimed by the apparent owner.

**Section 4** of the Proposed Committee Substitute makes technical corrections to the lettering and numbering of subsections and subdivisions in G.S. 116B-60. Amendments to G.S. 116B-60 are provided below.

- Holders reporting 50 or more owners of property presumed abandoned must file the report in an electronic format prescribed by the Treasurer, rather than a format prescribed by the National Association of Unclaimed Property Administrators and approved by the Treasurer.
- Amends G.S. 116B-60(b) to provide that for property valued at \$50 or more, the report of abandoned property must contain the following if known by the holder:
  - Except for traveler's check or money order, reports should also contain a date of birth, drivers license or state identification number, and email address of each person who appears to be the apparent owner of the property.
  - Specifies that reports providing a description of the property should also contain the identification number, if any, and the property amount.
  - Provides that for an amount held or owing under an annuity or a life or endowment insurance policy, the report must also include the social security number or taxpayer

# House PCS 692

Page 2

identification number, date of birth, drivers license or state identification number, and email address of the annuitant or insured and of the beneficiary.

- Adds a new subsection to specify that amounts due an apparent owner less than \$50 may be reported in an aggregate amount without furnishing any of the more detailed information listed above.
- Adds a new subsection to provide that any holder who has intangible property due to be reported with a cumulative value of \$250 or less in a single reporting year will not be required to report the property in that year, but must report the property in a year when the value or aggregate value exceeds \$250.

**Section 5** of the bill amends G.S. 116B-65 regarding the public sale of abandoned property to delete the requirement for publication of a notice in a newspaper of general circulation in the county in which the property is to be sold. Instead, the Treasurer would be required to give reasonable notice of the sale as he or she deems appropriate and cost-effective but, at a minimum, notice must be published at least two times a year in a major newspaper in the State's major media markets.

**EFFECTIVE DATE:** House Bill 692 would become effective October 1, 2011.

*H692-SMSH-60(CSSH-14) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 150** A BILL TO BE ENTITLED AN ACT TO UPDATE THE STATE AUDITOR'S STATUTE IN ORDER TO STANDARDIZE AUDITEE RESPONSE TIMES, CLARIFY THE TIMING OF WHEN THE STATE AUDITOR CAN REFER INFORMATION TO APPROPRIATE AUTHORITIES, CLARIFY THE FACT THAT NO UPDATES ARE REQUIRED TO BE GIVEN ON FRAUD INVESTIGATIONS, UPDATE DESCRIPTION OF AUDITOR ACCESS PER CHANGES IN TECHNOLOGY, AND REMOVING THE STATE AUDITOR FROM AN EX OFFICIO DUTY.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 150  
PROPOSED COMMITTEE SUBSTITUTE H150-PCS30326-SH-18

Short Title: Greensboro Charter Amendments.

(Local)

Sponsors:

Referred to:

February 22, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO.  
3 The General Assembly of North Carolina enacts:  
4 SECTION 1. Section 4.21 of the Charter of the City of Greensboro, being Chapter  
5 1137 of the Session Laws of 1959, reads as rewritten:  
6 "Sec. 4.21. City Attorney; Appointment, Compensation, Powers, and Duties. ~~Powers~~  
7 ~~and Duties of the City Attorney.~~  
8 (a) The city council shall appoint the city attorney, who shall hold office at the pleasure  
9 of the city council and shall receive such compensation as it may fix.  
10 (b) The city attorney shall (1) serve as legal advisor to the city council, the city manager  
11 and all city departments, officers and agencies; (2) represent as counsel the city, its officers,  
12 agents, or employees, in any legal action arising out of or connected with the proper functions  
13 of the city, its officers, agents, or employees, unless disqualified to so act; (3) approve as to  
14 form all ordinances and resolutions, including initiated or referred ordinances, prior to their  
15 introduction."  
16 SECTION 2. Section 4.111 of the Charter of the City of Greensboro, being  
17 Chapter 1137 of the 1959 Session Laws, as amended by Section 6 of Chapter 74 of the 1967  
18 Session Laws; Section 7 of Chapter 142 of the 1969 Session Laws; Section 17 of Chapter 213  
19 of the 1973 Session Laws; Section 4 of Chapter 159 of the 1981 Session Laws; Section 1 of  
20 Chapter 6 of the 1993 Session Laws; and Section 1 of S.L. 2003-134, reads as rewritten:  
21 "Section 4.111. Contract procedures.  
22 All contracts, except as otherwise provided for in this Charter, shall be authorized and  
23 approved by the Council and reduced to writing in order to be binding upon the City. All  
24 contracts and all ordinances or resolutions authorizing the same shall be drawn by the City  
25 Attorney or shall be approved by him before authorization by the Council. A contract for the  
26 purchase of apparatus, supplies, materials or equipment ~~or a contract for the performance of~~  
27 ~~services~~ may be approved, awarded and executed by the city manager on behalf of the city  
28 provided that the City Council shall have approved a sufficient appropriation in the annual  
29 budget for the current fiscal year. A contract for the performance of services may be approved,  
30 awarded, and executed by the City Manager on behalf of the city, as provided by an ordinance  
31 duly adopted by the City Council. A contract for construction or demolition may be approved,  
32 awarded and executed by the City Manager on behalf of the City when the amount of such  
33 contract does not exceed three hundred thousand dollars (\$300,000); provided that the City  
34 Council shall have approved a sufficient appropriation in the Annual Budget for the current



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1 fiscal year for the general purposes specified under the contract. Before any such contract is  
2 awarded, the City Manager shall comply with all other requirements set forth in G.S. 143-129,  
3 and G.S. 143-131, and said contract shall be subject to the approval of the City Attorney. Any  
4 person aggrieved by an award made pursuant to this Section may appeal to the City Council by  
5 filing notice thereof with the City Clerk immediately following a decision granting such  
6 award."

7           **SECTION 3.** Section 1 of this act becomes effective December 1, 2011. The  
8 remainder of this act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 150

Short Title: Update State Auditor's Duties. (Public)

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Sponsors: Representative L. Brown (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Government.

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February 22, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO UPDATE THE STATE AUDITOR'S STATUTE IN ORDER TO  
3 STANDARDIZE AUDITEE RESPONSE TIMES, CLARIFY THE TIMING OF WHEN  
4 THE STATE AUDITOR CAN REFER INFORMATION TO APPROPRIATE  
5 AUTHORITIES, CLARIFY THE FACT THAT NO UPDATES ARE REQUIRED TO BE  
6 GIVEN ON FRAUD INVESTIGATIONS, UPDATE DESCRIPTION OF AUDITOR  
7 ACCESS PER CHANGES IN TECHNOLOGY, AND REMOVING THE STATE  
8 AUDITOR FROM AN EX OFFICIO DUTY.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 147-64.6(c)(13) reads as rewritten:

11 "(c) The Auditor shall be responsible for the following acts and activities:

12 ...  
13 (13) At the conclusion of an audit, the Auditor or ~~his~~ the Auditor's designated  
14 representative shall discuss the audit with the official whose office is subject  
15 to audit and submit necessary underlying facts developed for all findings and  
16 recommendations which may be included in the audit report. ~~On audits of~~  
17 ~~economy and efficiency and program results, the auditee's written response~~  
18 ~~shall be included in the final report if received within 30 days from receipt of~~  
19 ~~the draft report.~~

20 ...."

21 SECTION 2. G.S. 147-64.6(d) reads as rewritten:

22 "(d) Reports and Work Papers. – The Auditor shall maintain for 10 years a complete file  
23 of all audit reports and reports of other examinations, investigations, surveys, and reviews  
24 issued under the Auditor's authority. Audit work papers and other evidence and related  
25 supportive material directly pertaining to the work of the Auditor's office shall be retained  
26 according to an agreement between the Auditor and State Archives. To promote  
27 intergovernmental cooperation and avoid unnecessary duplication of audit effort, and  
28 notwithstanding the provisions of G.S. 126-24, pertinent work papers and other supportive  
29 material related to ~~issued audit audits reports and investigations pursuant to this section~~ may be,  
30 at the discretion of the Auditor and unless otherwise prohibited by law, made available for  
31 inspection by duly authorized representatives of the State and federal government who desire  
32 access to and inspection of such records in connection with some matter officially before them,  
33 including criminal investigations.

34 Except as provided in this section, or upon an order issued in Wake County Superior Court  
35 upon 10 days' notice and hearing finding that access is necessary to a proper administration of



\* H 1 5 0 - V - 1 \*

1 justice, audit work papers and related supportive material shall be kept confidential, including  
2 any interpretations, advisory opinions, or other information or materials furnished to or by the  
3 State Ethics Commission under this section."

4 **SECTION 3.** G.S. 147-64.6B(a) reads as rewritten:

5 "(a) The Auditor shall provide various means, including a telephone hotline, electronic  
6 mail, and Internet access to receive reports of allegations of improper governmental activities.  
7 The Auditor shall periodically publicize the hotline telephone number, electronic mail address,  
8 Internet Web site address, and any other means by which the Auditor may receive reports of  
9 allegations of improper governmental activities. Individuals who make a report under this  
10 section may choose to remain anonymous until the individual affirmatively consents to having  
11 his or her identity disclosed. Information concerning investigative decisions, actions, and  
12 dispositions is considered confidential and may be disclosed only for the purpose of gathering  
13 additional information for, or in furtherance of, an investigation pursuant to this section."

14 **SECTION 4.** G.S. 147-64.7(a) is amended by adding a new subdivision to read:

15 "(a) Access to Persons and Records. –

16 ...  
17 (3a) Authority and access granted under this section shall include information  
18 stored, modified, or transferred in an electronic format on any type data  
19 storage or processing device. Ready access shall include the delivery of any  
20 passwords, user identification, encryption keys and access control devices,  
21 and any other tools necessary to obtain access to the data stored therein.  
22 Ready access shall also include the authority to obtain a forensic image of  
23 any data storage device either on-site or by removal of the device or devices  
24 from the premises for imaging off-site.

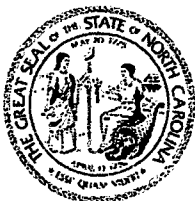
25 ...."

26 **SECTION 5.** G.S. 135-43.4(b) reads as rewritten:

27 "(b) The Committee on Actuarial Valuation of Retired Employees' Health Benefits shall  
28 consist of ~~five~~ four members serving ex officio, as follows:

- 29 (1) The State Budget Officer, who shall serve as the Chair;  
30 (2) ~~The State Auditor;~~  
31 (3) The State Controller;  
32 (4) The State Treasurer; and  
33 (5) The Executive Administrator ~~for of the Teachers' and the State Employees'~~  
34 ~~Comprehensive Major Medical Plan State Health Plan for Teachers and~~  
35 ~~State Employees."~~

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



## HOUSE BILL 150: Greensboro Charter Amendments

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. L. Brown  
**Analysis of:** PCS to First Edition  
H150-CSLB-44

**Date:** April 27, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *The Proposed Committee Substitute for House Bill 150 amends the Charter of the City of Greensboro to specify that the City Council appoints and specifies the compensation for the city attorney, and to change the city manager's authority for approving, awarding, and executing a contract for the performance of services.*

### BILL ANALYSIS:

**Section 1** of the PCS for HB 150 amends Section 4.21 of the Charter of the City of Greensboro to specify that the city attorney is appointed and serves at the pleasure of the City Council. The City Council also determines the salary for the city attorney.

**Section 2** of the PCS for HB 150 amends Section 4.111 of the Charter which pertains to contract procedures. The amendments remove the city manager's authority to approve, award, and execute a contract for the performance of services on behalf of the city, provided that the City Council approved a sufficient appropriation in the annual budget. Language is added to the Charter to specify that a contract for the performance of services may be approved, awarded, and executed by the City Manager on behalf of the city, as provided by an ordinance duly adopted by the City Council.

**EFFECTIVE DATE:** House Bill 150 would become effective when it becomes law.

H150-SMSH-65(CSLB-44) v1

## VISITOR REGISTRATION SHEET

GOVERNMENT

5/5/11

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

CHARLES ELLIOTT	Johnston Health Services, Inc
Lew Staley	" "
Eddie Klein	" "
Lachelle Pulliam	DML Wainwright's Office
Kim Hibbard	NCLM
Kelli Kikura	" "
Emily Grimm	MWC
David Cranford	AIA NC
Kevin FitzGerald	VNC
Paul Anders	PTFD NC
Blum	D.C. Home Company

# VISITOR REGISTRATION SHEET

GOVERNMENT

Name of Committee

5-5-4

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Henry Jones	Attorney Raleigh
W. Gordon Pope	DLC & Assoc
H. H. Tison	NCHRA
B. J. Milke	Moses Cove
Sam Sost	Wm
Kevin Penn	NCACC
Laura DeV-	WCSR.
Denise Turner	CITY of ASD
Angela Carr	WS
Lee Hy	W-5
E. L. rad Loftr	ND

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

05-05-2011  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Dana Foster</u>	<u>City of Charlotte</u>
<u>Chuck Starling</u>	<u>SEAR</u>
David Starling	NCDST
<u>Debra Bryan</u>	<u>NCDST</u>
<u>Steve Toole</u>	<u>NCDST</u>
<u>Kelly Chambers</u>	<u>AC's Office</u>
<u>Kay Emanuel</u>	<u>Legislative Reporting Services</u>
<u>W. Ford Smith</u>	<u>Liddle</u>
<u>Carl Howell</u>	<u>DST</u>
<u>Lynn Harris</u>	<u>NCDL</u>

# VISITOR REGISTRATION SHEET

GOVERNMENT  
Name of Committee

5/5/11  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Rick Zechini	Progress Energy
Yipko 2	NCPHA
JB Hayes	NCAABA
Fred Burgess	Smith Moore Leathers
Samuel Laughlin	NS

3

House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GovernmentDATE: 5-5-11 Room: 643\*Name: Ben VossCounty: WakeSponsor: Hager\*Name: Austin TeagueCounty: LenoirSponsor: LaRogueName: Callie HeislerCounty: MecklenburgSponsor: Brawley\*Name: Tate HeislerCounty: MecklenburgSponsor: Brawley

\*Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

House Sgt-At Arms:1. Name: Bill Bass4. Name: Garland Sheppard2. Name: Bob Rossi5. Name: Todd Batchelor3. Name: Young Bae (Bay)

6. Name: \_\_\_\_\_



**2011-2012**

**HOUSE  
GOVERNMENT**

**MINUTES**

# **Government Committee Meeting**

**May 12, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 523 - Committee Report, proposed committee substitute, original bill, bill summary, handouts, roll call vote**
- Attachment 3b: HB 528 – Committee Report, original bill, bill summary**
- Attachment 3c: HB 864 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3d: HB 573 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

**Minutes****Committee on Government****Thursday, May 12, 2011**

The House Committee on Government met on Thursday, May 12, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representative L. Brown, Co-Chair, Representatives Boles, Langdon, and Warren, Vice-Chairs, Representatives Adams, Alexander, Barnhart, Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Folwell, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Justice, Luebke, McGee, Mills, Mobley, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Giles Perry, Barbara Riley, Gerry Cohen, and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Representative Folwell was recognized to introduce HB 523 CHANGE Winston-Salem/Forsyth Election Method. Representative Burr was recognized for the acceptance of a proposed committee substitute. Representative Justice moved for an unfavorable report of the original bill and a favorable report of the proposed committee substitute. A roll call vote was taken with 21 in favor and 13 in opposition. The motion carried.

Representative McGrady was recognized to introduce HB 472 City/County Electronic Notice. Representative Cleveland was recognized for the acceptance of a proposed committee substitute. Representative Stam and Representative Jackson spoke on the bill. John Bussan with the NC Press Association spoke in opposition. Rick Thames, the Editor of the Charlotte Observer spoke in opposition. Kevin Leonard with the County Commissioners Association spoke in support of the bill. Doug Harris, the Assistant City Manager of Salisbury spoke in support of the bill. Representative Jones sent forth an amendment, followed by a second amendment. The second amendment was accepted. Representative Cleveland moved for an unfavorable report to the original bill and favorable to the proposed committee substitute which would include the amendment by Representative Jones. A roll call vote was taken with 10 in favor and 21 in opposition. The motion failed.

Representative Ingle announced HB 442 Cornelius Design-Build and Investments and HB 256 Incorporate Lakes James had been pulled from the agenda for today.

Representative Dixon was recognized to introduce HB 528 Duplin Elections. Representative Setzer moved for a favorable report. The motion carried.

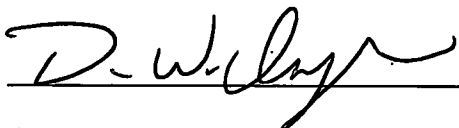
Representative Crawford was recognized to introduce HB 864 Modify Butner Tax Remittance. Representative Boles moved for the acceptance of a proposed committee substitute. Representative Cotham moved for an unfavorable report to the original bill and favorable to the proposed committee substitute, and be referred to Finance. The motion carried.

Representative Avila was recognized to introduce HB 573 Raleigh Deannexation. Representative Langdon moved for the acceptance of a proposed committee substitute. Representative Setzer moved for an unfavorable report to the original bill and favorable to the proposed committee substitute, and be referred to Finance. The motion carried.

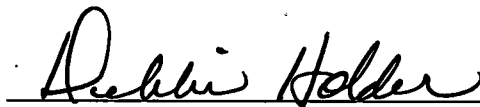
Representative Ingle adjourned the meeting at 11:50.

The Chair adjourned at 11:40 AM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Ingle", written over a horizontal line.

Representative Dan Ingle, Co-Chair

A handwritten signature in dark ink, appearing to read "Debbie Holder", written over a horizontal line.

Debbie Holder, Committee Clerk

**AGENDA**

**HOUSE COMMITTEE ON GOVERNMENT**

**Thursday, May 12, 2011**

**Room 643**

**10:00 AM**

**OPENING REMARKS**

**Representative Dan Ingle, Co-Chair  
Government Committee**

**AGENDA ITEMS**

**HB 472 City/County Electronic Notice. (PCS)**

**Representative McGrady  
Representative Stam  
Representative Owens, Jr.  
Representative Jackson**

**HB 528 Duplin Elections.**

**Representative Dixon**

**HB 442 Cornelius Design-Build and Investments. (PCS)**

**Representative Moore**

**HB 573 Raleigh Deannexation. (PCS) (Finance)**

**Representative Avila**

**HB 864 Modify Butner Tax Remittance. (Finance)**

**Representative Crawford, Jr.**

**HB 256 Incorporate Lake James. (PCS) (Finance)**

**Representative Blackwell**

**HB 523 CHANGE Winston-Salem/Forsyth Election  
Method. (PCS)**

**Representative Folwell  
Representative McGee  
Representative L. Brown**

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 523** A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

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

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 523  
PROPOSED COMMITTEE SUBSTITUTE H523-PCS70217-TC-17

Short Title: Change Winston-Salem/Forsyth Election Method.

(Local)

Sponsors:

Referred to:

March 31, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM  
3 AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY  
4 BOARD OF EDUCATION.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1.(a) G.S. 163-279(b), which is applicable only to the City of  
7 Winston-Salem, is repealed.  
8 SECTION 1.(b) Paragraphs 1 and 2 of Section 12A of Chapter 232 of the Private  
9 Laws of 1927, as amended by Chapter 53, Session Laws of 1965, read as rewritten:  
10 "1. Election of Mayor. ~~On the same day that the regular biennial general election for county~~  
11 ~~officials is held in 1966, and quadrennially thereafter, there shall be elected a mayor, who shall~~  
12 ~~be a resident of the City of Winston-Salem. The time for election of mayor shall be as provided~~  
13 ~~in Section 12J. The mayor shall be a resident of the City of Winston-Salem. All persons voting~~  
14 ~~for mayor shall cast their ballot in the respective wards in which said voters reside, and the~~  
15 ~~person receiving the highest number of the aggregate of the votes of all the wards for the office~~  
16 ~~of mayor shall be declared elected. It is the intent and purpose of this Section that the mayor~~  
17 ~~elected in 1965 shall serve for a term expiring on the first Monday in December, 1966, and that~~  
18 ~~the mayors elected in 1966, and quadrennially thereafter, Except as provided in Section 12J, the~~  
19 ~~mayor shall serve for terms of four years commencing on the first Monday in December~~  
20 ~~following the election.~~  
21 2. Election of Alderman-City Council. ~~On the same day that the regular biennial general~~  
22 ~~election for county officials is held in 1966, and quadrennially thereafter, The time for election~~  
23 ~~of city council members shall be as provided in Section 12J. there There shall be elected eight~~  
24 ~~alderman-council members for the City of Winston-Salem, who shall hold their office until~~  
25 ~~their successors are qualified, of whom one shall be elected from North Ward, one from~~  
26 ~~Northeast Ward, one from East Ward, One from Southeast Ward, one from South Ward, one~~  
27 ~~from Southeast Ward, one from West Ward, and one from Northwest Ward. Each alderman~~  
28 ~~council member shall be a resident of the ward in which he is elected, and he shall be elected~~  
29 ~~by the qualified voters of his the council member's ward only. It is the intent and purpose of~~  
30 ~~this Section that the alderman elected in 1965 shall serve for terms expiring on the first Monday~~  
31 ~~in December, 1966, and that the alderman elected in 1966, and quadrennially thereafter, Except~~  
32 ~~as provided in Section 12J, city council members shall serve for terms of four years~~  
33 ~~commencing on the first Monday on December following the election."~~



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1           **SECTION 1.(c)** Section 12B of Chapter 232 of the Private Laws of 1927, as  
2 amended by Chapter 13, Session Laws of 1965, reads as rewritten:

3           "Sec. 12B. Primary elections.

4           1. Generally. Primary elections to nominate candidates of each qualified political party for  
5 mayor and for members of the ~~board of alderman~~ city council shall be held as needed and shall  
6 be conducted in the same manner and pursuant to the same statutes, rules, and regulations as  
7 other primary elections for local offices conducted under the provisions of Article ~~XIX-23~~ of  
8 Chapter 163 of the General Statutes of North Carolina, except that to the extent such statutes,  
9 rules, and regulations differ from or conflict with the provisions of the Charter of the City of  
10 Winston-Salem, the latter shall control. A "qualified political party" shall be one which was  
11 qualified as a political party at the preceding gubernatorial election as defined by General  
12 Statute ~~163-144, 163-96~~. The persons receiving the highest number of votes of their respective  
13 parties shall be deemed to be the nominees of their said respective parties and for said offices;  
14 provided, that no one shall participate in such election except duly qualified voters who affiliate  
15 with the political party in whose primary ~~he the voter~~ seeks to vote. In the event of a tie vote  
16 between two or more candidates, all of whom received the same highest vote for party  
17 nomination, the city executive committee or other duly constituted administrative body of the  
18 political party of said candidates shall determine which shall be the nominee.

19           2. Time of holding. ~~The primary in 1965 shall be held at a date to be fixed by the board of~~  
20 ~~elections, which date shall be not later than the second Tuesday before the general municipal~~  
21 ~~election in 1965, and in 1966 and biennially thereafter the primary shall be held on the same~~  
22 ~~day as the regular biennial primary election for county officials. The time for holding primaries~~  
23 shall be as provided in Section 12J.

24           3. Notice of candidacy to be filed; pledge. Every candidate for selection as the nominee of  
25 any political party for the office of mayor or member of the ~~board of alderman~~ city council shall  
26 file with the secretary of the board of elections ~~by twelve o'clock Noon on the third Friday~~  
27 ~~before such primary election is to be held in 1965, and by twelve o'clock Noon on or before the~~  
28 ~~Friday preceding the sixth Saturday before such primary election is to be held in 1966 and~~  
29 ~~thereafter, a notice of his the candidate's~~ candidacy and pledge in the following form, the  
30 blanks being properly filled in and the same signed by the candidate:

31           'I hereby file my notice as a candidate for the nomination as  
32 ..... In the primary election to be held on the ..... day of  
33 ....., ..... I affiliate with the ..... party, and I  
34 hereby pledge myself to abide by the results of said primary, and to support in the next general  
35 municipal election all candidates nominated by the ..... party."

36           **SECTION 1.(d)** The Charter of the City of Winston-Salem, being Chapter 232 of  
37 the Private Laws of 1927, is amended by adding a new section to read:

38           "Sec. 12J. Time of Election; Terms.

39           (a) In 2013, the primary and election for mayor and council members shall be held on  
40 the dates provided in G.S. 163-279(a)(2).

41           (b) The terms of the mayor and council members of the City of Winston-Salem elected  
42 in 2013 expire at the organizational meeting after the 2016 regular municipal election.

43           (c) Notwithstanding G.S. 163-279, in 2016 and quadrennially thereafter, primaries and  
44 elections for mayor and city council shall be held at the same time as for county officers as  
45 provided in G.S. 163-1."

46           **SECTION 2.(a)** Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as  
47 amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991  
48 Session Laws, and by S.L. 2009-72, reads as rewritten:

49           "(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County  
50 Board of Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the general  
51 election in each even-numbered year as terms expire. ~~The names of the candidates shall be~~



1 ~~printed on the ballot without reference to any party affiliations. The nonpartisan primary and~~  
2 ~~election method shall be used with the results determined as provided in G.S. 163-294, and the~~  
3 ~~primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except~~  
4 ~~as provided by this act, the election shall be conducted in accordance with the applicable~~  
5 ~~provisions of Chapters 115C and 163 of the General Statutes. Candidates shall file their notice~~  
6 ~~of candidacy with the county board of elections under the same schedule provided by~~  
7 ~~G.S. 163-106(e). Candidates for election to the Winston-Salem/Forsyth County Board of~~  
8 ~~Education shall be nominated at the same time and in the same manner as other county officers.~~  
9 Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of  
10 filing notice of candidacy, certify in writing the exact location of that candidate's residence and  
11 that the candidate is a bona fide resident thereof."

12 **SECTION 2.(b)** Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as  
13 rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws,  
14 and by S.L. 2009-72, reads as rewritten:

15 "(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth  
16 County Board of Education shall be composed of nine members. In the 2010 election, nine  
17 persons shall be elected to the Winston-Salem/Forsyth County Board of Education for  
18 four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on  
19 the first Monday in December of 2014. In 2010:2014:

- 20 (1) Two persons shall be elected from District 1. ~~The person receiving the~~  
21 ~~highest number of votes is elected to a four-year term, and the person~~  
22 ~~receiving the next highest number of votes is elected to a two-year term.~~  
23 (2) Four persons shall be elected from District 2. ~~The two persons receiving the~~  
24 ~~two highest numbers of votes are elected to a four-year term, and the two~~  
25 ~~persons receiving the two next highest numbers of votes are elected to~~  
26 ~~two-year terms.~~  
27 (3) Three members shall be elected at large from all of Forsyth County. ~~The~~  
28 ~~person receiving the highest number of votes is elected to a four-year term,~~  
29 ~~and the two persons receiving the two next highest numbers of votes are~~  
30 ~~elected to two-year terms.~~

31 Successors to those elected in 2010:2014 shall serve four-year terms.

32 For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district  
33 seats, only residents of the district shall be eligible to be candidates and only qualified voters of  
34 the district shall be eligible to vote.

35 The districts as established for the purpose of this subparagraph are for the 2010 election  
36 those established under G.S. 115C-37(i), which are subject to change for the election in  
37 2012:2014 after the return of the 2010 census."

38 **SECTION 3.** This act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 523

Short Title: CHANGE Winston-Salem/Forsyth Election Method. (Local)

Sponsors: Representatives Folwell, McGee, and L. Brown (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM  
3 AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY  
4 BOARD OF EDUCATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 163-279(b) reads as rewritten:

7 "(b) Notwithstanding the provisions of subsection (a), (a) of this section, the next regular  
8 municipal ~~primary and election~~ primaries and elections in Winston-Salem shall be held at the  
9 time of the primary and election for county officers in ~~1974, 2012 and quadrennially thereafter,~~  
10 ~~and officers elected at that time shall serve terms of office expiring on the first Monday in~~  
11 ~~December, 1977, at the organizational meeting of the city council after the general~~  
12 ~~election. Beginning in 1977, municipal primaries and elections in Winston-Salem shall be held~~  
13 ~~at the time provided in this section."~~

14 SECTION 1.(b) The terms of the mayor and council members of the City of  
15 Winston-Salem elected in 2009 expire at the organizational meeting after the 2012 regular  
16 municipal election held in accordance with Section 1(a) of this act.

17 SECTION 2.(a) Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as  
18 amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991  
19 Session Laws, and by S.L. 2009-72 reads as rewritten:

20 "(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County  
21 Board of Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the general  
22 election in each even-numbered year as terms expire. ~~The names of the candidates shall be~~  
23 ~~printed on the ballot without reference to any party affiliations. The nonpartisan primary and~~  
24 ~~election method shall be used with the results determined as provided in G.S. 163-294, and the~~  
25 ~~primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except~~  
26 as provided by this act, the election shall be conducted in accordance with the applicable  
27 provisions of Chapters 115C and 163 of the General Statutes. ~~Candidates shall file their notice~~  
28 ~~of candidacy with the county board of elections under the same schedule provided by~~  
29 ~~G.S. 163-106(e). Candidates for election to the Winston-Salem/Forsyth County Board of~~  
30 ~~Education shall be nominated at the same time and in the same manner as other county officers.~~  
31 ~~Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of~~  
32 ~~filing notice of candidacy, certify in writing the exact location of that candidate's residence and~~  
33 ~~that the candidate is a bona fide resident thereof."~~



1           **SECTION 2.(b)** Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as  
2 rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws,  
3 and by S.L. 2009-72, reads as rewritten:

4           "(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth  
5 County Board of Education shall be composed of nine members. In the 2010 election, nine  
6 persons shall be elected to the Winston-Salem/Forsyth County Board of Education for  
7 four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on  
8 the first Monday in December of 2014. In 2010-2014:

9           (1) Two persons shall be elected from District 1. ~~The person receiving the~~  
10 ~~highest number of votes is elected to a four year term, and the person~~  
11 ~~receiving the next highest number of votes is elected to a two year term.~~

12           (2) Four persons shall be elected from District 2. ~~The two persons receiving the~~  
13 ~~two highest numbers of votes are elected to a four year term, and the two~~  
14 ~~persons receiving the two next highest numbers of votes are elected to~~  
15 ~~two year terms.~~

16           (3) Three members shall be elected at large from all of Forsyth County. ~~The~~  
17 ~~person receiving the highest number of votes is elected to a four year term,~~  
18 ~~and the two persons receiving the two next highest numbers of votes are~~  
19 ~~elected to two year terms.~~

20           Successors to those elected in ~~2010-2014~~ shall serve four-year terms.

21           For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district  
22 seats, only residents of the district shall be eligible to be candidates and only qualified voters of  
23 the district shall be eligible to vote.

24           The districts as established for the purpose of this subparagraph are for the 2010 election  
25 those established under G.S. 115C-37(i), which are subject to change for the election in  
26 ~~2012-2014~~ after the return of the 2010 census."

27           **SECTION 3.** This act becomes effective July 1, 2011.



# HOUSE BILL 523: CHANGE Winston-Salem/Forsyth Election Method

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Reps. Folwell, McGee, L. Brown  
**Analysis of:** PCS to First Edition  
H523-CSTC-17

**Date:** May 12, 2011  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *House Bill 523 would change the time to hold municipal primaries and elections in Winston-Salem from odd-numbered years to even-numbered years when county offices are elected. HB 523 would also change the election for the Winston-Salem/Forsyth Board of Education from nonpartisan to partisan, and remove the staggered terms of office of the 9 board members so that all members are elected every 4 years.*

## CURRENT LAW:

**Winston-Salem Municipal Elections:** G.S. 163-279(a) requires that municipal primaries and elections be held in odd years and that for partisan municipal races, the election be held on the Tuesday after the 1<sup>st</sup> Monday in November, the 1<sup>st</sup> primary be held on the 2<sup>nd</sup> Tuesday after Labor Day, and the 2<sup>nd</sup> primary, if required, be held on the 4<sup>th</sup> Tuesday before the election.

G.S. 163-279 was enacted in 1971 to make conduct of municipal elections uniform and repealed provisions in local laws inconsistent with the act. Prior to 1971, the Winston-Salem Charter, as modified by S.L. 1965-53, had provided for municipal offices to be elected on the same day as the regular biennial elections for county officials. G.S. 163-279(b) provided that Winston-Salem could conduct its next regular municipal primary election in 1974 at the same time as elections of county officers, but that, beginning in 1977, municipal primaries and elections would be held as the time provided in G.S. 163-279(a).

**Winston-Salem-Forsyth Board of Education Elections:** The Winston-Salem Board of Education consists of 9 members elected in nonpartisan elections to staggered terms of office of 4 years. 3 of the members are elected at-large, 2 are elected from District 1 by the voters of that district, and 4 are elected from District 3 by the voters of that district. S.L. 2009-72 required that, for school board members elected in 2010, of the 2 members elected from District 1, the person receiving the highest number of votes will serve a 4-year term, and the person receiving the second-highest number of votes will serve a 2-year term. Of the 4 members elected from District 2, the 2 persons receiving the 2 highest number of votes will serve 4-year terms and the 2 persons receiving the 2 next highest number of votes will serve 2-year terms. Of the 3 at-large candidates, the person receiving the highest number of votes will serve a 4 year term, and the 2 persons receiving the 2 next highest number of votes will serve 2-year terms.

## BILL ANALYSIS:

### Winston Salem Municipal Elections:

**Section 1.(a):** Would repeal G.S. 163-279(b) requiring Winston-Salem municipal elections to occur in odd years.

**Section 1.(b) and Section 1.(b):** Amends the Winston-Salem City Charter to remove outdated and conflicting language providing for municipal elections every four years beginning in 1966, and updating terminology and statutory references.

**Section 1.(d):** Amends the Winston-Salem City Charter by adding a new section which requires the Winston-Salem municipal elections to occur in 2013 as required by G.S. 163-279(a). The terms of the mayor and city council members elected in 2013 would expire at the organizational meeting following the 2016 election. The Winston-Salem municipal elections would next be held in 2016 and every 4 years thereafter.

### Winston Salem/Forsyth Board of Education Elections:

**Section 2.(a):** Would elect the Winston-Salem/Forsyth Board of Education through partisan elections.

# House PCS 523

Page 2

**Section 2.(b).** Would eliminate the staggered terms for Board of Education members created in 2009, and would extend the terms of those elected to 2-year terms in 2010 to 4-year terms. Would provide for the next election of Board of Education members in 2014.

**EFFECTIVE DATE:** HB 523 would become effective July 1, 2011.

*H523-SMTC-23(CSTC-17) v2*

HB523



*City of Winston-Salem*

OFFICE OF THE MAYOR

POST OFFICE BOX 2511 • WINSTON-SALEM, NC 27102

J. ALLEN JOINES  
MAYOR

May 05, 20110

Representative Dale Folwell  
Speaker Pro-Tempore  
Legislative Office Building  
Raleigh, North Carolina 27603

Dear Speaker Pro-Tempore:

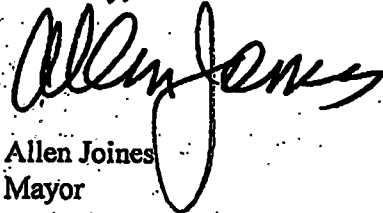
I appreciate your meeting with council Member Clark and me regarding your bill to change the City election cycle.

I am writing to advise you that a majority of the City council of the City of Winston-Salem supports an amendment to your bill that will change the 2013 elections of the Winston-Salem Mayor and City Council as follows:

"The next regular municipal primary and election in Winston-Salem shall be held at the time of the primary and election held under G.S. 163-1 in 2013. Subsequent thereto, regular municipal primaries and elections in Winston-Salem shall be held at the time of the primary and election held under G.S. 163-1 in 2016 and quadrennially thereafter."

Please let me know if you wish to discuss this. I will be willing to meet with you at your convenience, either here or in Raleigh.

Sincerely,

  
Allen Joines  
Mayor

cc: City Council  
Lee Garrity  
Angela Carmon

[pal]



SPEAKER PRO TEMPORE  
DALE R. FOLWELL  
N.C. HOUSE OF REPRESENTATIVES  
74<sup>TH</sup> DISTRICT

301 LEGISLATIVE OFFICE BUILDING  
300 N. SALISBURY STREET  
RALEIGH, NC 27603-5925

RALEIGH: (919) 733-5787  
WINSTON-SALEM: (336) 748-0656  
FAX: (919) 754-3219  
DALE.FOLWELL@NCLEG.NET

101 NORTH MAIN STREET • WINSTON-SALEM, NORTH CAROLINA 27101  
PHONE 336-727-2058 • FAX 336-748-3241 • allenj@cityofws.org

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**RESOLUTION OF THE  
WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION  
IN RESPONSE TO HOUSE BILL 833,  
WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD ELECTIONS.**

WHEREAS, on April 23, 2009, a committee of the North Carolina House of Representatives voted to calendar House Bill 833, Winston-Salem/Forsyth County School Board Elections;

WHEREAS, House Bill 833 seeks to amend Section 2(a)(5)(III) of Chapter 112, Session Laws of 1961, as amended by Chapter 466, Session Laws of 1985, and by Section 2 of Chapter 696 of the 1991 Session Laws, to require elections to the Winston-Salem/Forsyth County Board of Education on a non-partisan basis at the time of the general election in each even numbered year as terms expire;

WHEREAS, House Bill 833 if passed, further staggers elections to the Winston-Salem/Forsyth County Board of Education such that the highest voter getter from District 1, the two highest vote getters from District 2 and the highest vote getter from the At-Large District shall be elected to a four (4) year term, and the remaining elected members shall be elected to a two (2) year term, with successors to those persons elected in 2010 to serve four (4) year terms;

WHEREAS, House Bill 833, if passed, potentially changes the precincts composing District 1 and District 2 such that they will be established for the 2010 election based upon the criteria set forth in N.C.G.S. § 115C-37(i), and are subject to change for the 2012 elections after the return of the 2010 Census;

WHEREAS, the Winston-Salem/Forsyth County Board of Education opposes passage of HB 833 and requests the Forsyth County legislative delegation oppose House Bill 833, Winston-Salem/Forsyth County School Board Elections.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE WINSTON- SALEM/ FORSYTH COUNTY BOARD OF EDUCATION that, it opposes passage of House Bill 833, Winston-Salem/Forsyth County School Board Elections.

Adopted by the Winston-Salem/Forsyth County Board of Education; this the 28th day of April, 2009.

By: Donny C. Lambeth  
Donny C. Lambeth, Chairperson

Attest: Donald L. Martin, Jr.  
Donald L. Martin, Jr., Superintendent

# ROLL CALL VOTE

21 YES 13 NO = 34 (TOTAL)

HB# 523  
SB#

## HOUSE STANDING COMMITTEE ON GOVERNMENT

House Subcommittee on

YES	NO	MEMBER	YES	NO	MEMBER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROWN, Larry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGER, Mike
<input type="checkbox"/>	<input type="checkbox"/>	INGLE, Dan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HURLEY, Pat B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BOLES, James L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JONES, Bert
<input checked="" type="checkbox"/>	<input type="checkbox"/>	LANGDON, James H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JUSTICE, Carolyn H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	WARREN, Harry	<input type="checkbox"/>	<input type="checkbox"/>	KEEVER, Patsy
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ADAMS, Alma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LUEBKE, Paul
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ALEXANDER, Martha	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGEE, William C. "Bill"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BARNHART, Jeff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MILLS, Grey
<input type="checkbox"/>	<input type="checkbox"/>	BORDSEN, Alice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOBLEY, Annie W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADLEY, Glen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOFFITT, Tim D.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BRANDON, Marcus	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOORE, Rodney W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROWN, Rayne	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PARFITT, Diane
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BURR, Justin P.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PARMON, Earline W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLEVELAND, George G.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SETZER, Mitchell S.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	COLLINS, Jeff	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	COTHAM, Tricia Ann	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	EARLE, Beyerly M.	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FAIRCLOTH, John	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FISHER, Susan C.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FLOYD, Elmer	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FOLWELL, Dale	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FRYE, Phillip	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	GILL, Rosa U.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GOODMAN, Ken	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	GUICE, W. David	<input type="checkbox"/>	<input type="checkbox"/>	



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 528** A BILL TO BE ENTITLED AN ACT TO ADD AN ADDITIONAL MEMBER TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY, AND TO CONFIRM THAT NORMAL REDISTRICTING REQUIREMENTS APPLY TO THOSE UNITS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 528**

Short Title: Duplin Elections. (Local)

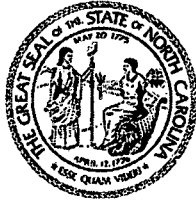
Sponsors: Representative Dixon (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD AN ADDITIONAL MEMBER TO THE DUPLIN COUNTY BOARD OF  
3 EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY, AND  
4 TO CONFIRM THAT NORMAL REDISTRICTING REQUIREMENTS APPLY TO  
5 THOSE UNITS.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Section 1 of Chapter 966 of the 1987 Session Laws reads as  
8 rewritten:  
9 "Section 1. ~~Except as provided in Section 4 of this act following the 1988 elections the~~  
10 Effective the first Monday in December of 2012, the Duplin County Board of Commissioners  
11 and Board of Education shall each consist of ~~six~~ seven members elected in partisan ~~elections~~  
12 elections, one each from the six districts described in Section 8-8, and one from the county at  
13 large. Only voters who reside in a district may vote in the party primaries and general elections  
14 for that district."  
15 SECTION 2. Section 5 of Chapter 966 of the 1987 Session Laws reads as  
16 rewritten:  
17 "Sec. 5. In 1990 and every four years thereafter, one commissioner each shall be elected  
18 from Districts II and III. In 1992 and every four years thereafter, one commissioner each shall  
19 be elected from Districts I, IV, V and VI. In 2012 and every four years thereafter, one  
20 commissioner shall be elected at large."  
21 SECTION 3. Section 6 of Chapter 966 of the 1987 Session Laws reads as  
22 rewritten:  
23 "Sec. 6. In 1988 and every four years thereafter, three members shall be elected to the  
24 Board of Education, one each from Districts I, V and VI. The three other members of the Board  
25 of Education shall be elected in 1990 and every four years thereafter. In those years one  
26 member each shall be elected from Districts II, III and IV. In 2012 and every four years  
27 thereafter, one member shall be elected at large."  
28 SECTION 4. G.S. 153A-22 applies to the Duplin County Board of Commissioners.  
29 G.S. 115C-37(i) applies to the Duplin County Board of Education.  
30 SECTION 5. This act is effective when it becomes law.





## HOUSE BILL 528: Duplin Elections

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Rep. Dixon  
**Analysis of:** First Edition

**Date:** May 11, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *House Bill 528 amends S.L. 1987-966, which embodied a federal court ordered method of electing the Board of Education and the County Commissioners in Duplin County. The bill would add an additional at large member to the Board of Education and to the Board of County Commissioners.*

**CURRENT LAW:** In 1988, as a result of the Voting Rights Act lawsuit NAACP v. Duplin County, the U.S. District Court for the Eastern District of North Carolina ordered that both the county commissioners and the school board of Duplin County must be elected from the same set of six districts. Two of the districts were majority black, and the remaining four were majority white. Only the voters who lived in the district could vote for a district representative. So each of the six school board members and each of the six county commissioners represent the voters in one district.

After the court order, the General Assembly enacted S.L. 1987-966, placing the contents of the court order in a session law.

**BILL ANALYSIS:** The bill provides for the election of a 7<sup>th</sup> member to the Duplin County Board of County Commissioners and Board of Education. The additional member would be elected at large so that the districts set forth in the court order would not have to be redrawn.

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

Duplin County is not covered by Section 5 of the Voting Rights Act, the bill could be implemented without federal preclearance. However, due to the fact that the bill amends the earlier federal court order, the possibility remains that the changes set out in the bill will require approval by the US District Court for the Eastern District of North Carolina.

H528-SMST-37(e1) v1

Barbara Riley contributed to this summary.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 864** A BILL TO BE ENTITLED AN ACT TO MODIFY THE REMITTANCE OF TAXES  
BASED ON VALUATION OF PROPERTY IN THE BUTNER FIRE AND POLICE PROTECTION  
DISTRICT.

☒ 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 2011

H

D

HOUSE BILL 864  
PROPOSED COMMITTEE SUBSTITUTE H864-PCS80226-SH-21

Short Title: Modify Butner Tax Remittance.

(Public)

Sponsors:

Referred to:

April 18, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE REMITTANCE OF TAXES BASED ON VALUATION OF  
3 PROPERTY IN THE BUTNER FIRE AND POLICE PROTECTION DISTRICT.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Section 1(b) of Chapter 830 of the 1983 Session Laws, as rewritten  
6 by Section 43.3 of S.L. 2005-276, reads as rewritten:  
7 "(b) The territorial jurisdiction set forth in subsection (a) of this section shall constitute  
8 the Butner Fire and Police Protection District. The tax collectors of Durham and Granville  
9 Counties shall annually collect a tax of twenty-five cents (25¢) per one hundred dollars  
10 (\$100.00) valuation of all real and personal property in the portions of said district in their  
11 respective counties from year to year which tax shall be collected as county taxes are collected  
12 and shall remit the same to the State Treasurer for deposit ~~in the General Fund~~ to the account  
13 for the Department of Crime Control and Public Safety, Butner Public Safety Division."  
14 SECTION 2. G.S. 122C-408(c) reads as rewritten:  
15 "§ 122C-408. Butner Public Safety Division of the Department of Crime Control and  
16 Public Safety; jurisdiction; fire and police district.  
17 ...  
18 (c) The contract between the Town of Butner and the Department of Crime Control and  
19 Public Safety shall provide that:  
20 (1) The Butner Public Safety Division of the Department of Crime Control and  
21 Public Safety shall provide the same level of service to the incorporated area  
22 known as the Town of Butner as provided to those areas of the Town of  
23 Butner served by Butner Public Safety on January 1, 2007;  
24 (2) The Town of Butner shall pay to the State Treasurer, on or before May 1 of  
25 each year, for deposit to the account for the Department of Crime Control  
26 and Public Safety, Butner Public Safety Division, in in the General Fund an  
27 amount equal to the amount that actually would have been collected from  
28 real and personal property ad valorem taxes due January 5, 2007, in the area  
29 incorporated as the Town of Butner effective July 1, 2007, assuming a tax of  
30 twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all  
31 real and personal property in said area increased effective July 1 of each year  
32 by the increase in the percentage change in the Consumer Price Index  
33 published by the U.S. Department of Labor, Bureau of Labor Statistics, for  
34 the southeast region, all urban consumers (or if that data shall no longer be



\* H 8 6 4 - P C S 8 0 2 2 6 - S H - 2 1 \*

- 1 available, the closest equivalent substitute then in publication by the United  
2 States Government) for the previous year ended December 31<sup>st</sup>;  
3 (3) If additional areas are added to the incorporated limits of the Town of  
4 Butner, the payments due under the contract shall be increased by an amount  
5 equal to the amount that actually would have been collected from real and  
6 personal property ad valorem taxes due January 5 of the year of  
7 incorporation of such area if said incorporation occurs on or before May 1 or  
8 the amount collected for the preceding year if said incorporation occurs prior  
9 to May 1 of the then current year assuming a tax of twenty-five cents (25¢)  
10 per one hundred dollars (\$100.00) valuation of all real and personal property  
11 in said area and increased yearly as set out above; and  
12 (4) The Town of Butner and the Department of Crime Control and Public Safety  
13 may by mutual agreement modify the amounts required to be paid by the  
14 Town of Butner pursuant to subdivisions (2) and (3) of this subsection."

15 **SECTION 3. G.S. 122C-411 reads as rewritten:**

16 **"§ 122C-411. Fire protection contracts.**

17 The Department of Crime Control and Public Safety may contract with industries in the  
18 vicinity of Butner to provide fire protection to those industries. Those contracts shall provide  
19 for a payment by any contracting industry calculated on the basis of ~~twenty~~ twenty-five cents  
20 ~~(20¢)~~ (25¢) per one hundred dollars (\$100.00) of assessed valuation."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 864**

Short Title:   Modify Butner Tax Remittance. (Public)

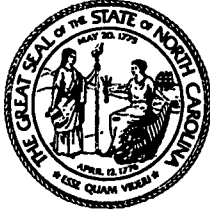
Sponsors:   Representative Crawford (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

April 18, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE REMITTANCE OF TAXES BASED ON VALUATION OF  
3 PROPERTY IN THE BUTNER FIRE AND POLICE PROTECTION DISTRICT.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** Section 1(b) of Chapter 830 of the 1983 Session Laws, as rewritten  
6 by Section 43.3 of S.L. 2005-276, reads as rewritten:  
7       "(b) The territorial jurisdiction set forth in subsection (a) of this section shall constitute  
8 the Butner Fire and Police Protection District. The tax collectors of Durham and Granville  
9 Counties shall annually collect a tax of twenty-five cents (25¢) per one hundred dollars  
10 (\$100.00) valuation of all real and personal property in the portions of said district in their  
11 respective counties from year to year which tax shall be collected as county taxes are collected  
12 and shall remit the same to the ~~State Treasurer for deposit in the General Fund.~~ Town of Butner  
13 for deposit."  
14       **SECTION 2.** Section 2 of Chapter 830 of the 1983 Session Laws reads as  
15 rewritten:  
16       "Sec. 2. The purpose of this act is to partially fund the expenses of the Town of  
17 Butner in providing fire protection in the Butner Fire and Police Protection District."  
18       **SECTION 3.** This act is effective when it becomes law.





## HOUSE BILL 864: Modify Butner Tax Remittance

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	May 12, 2011
<b>Introduced by:</b>	Rep. Crawford	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to First Edition		Committee Staff
	H864-CSSH-21		

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**SUMMARY:** *The Proposed Committee Substitute for House Bill 864 requires Durham and Granville County property taxes collected on property in the Butner Fire and Police Protection District to be remitted to the State Treasurer for deposit to the account for the Department of Crime Control and Public Safety, Butner Public Safety Division; it also requires the Town of Butner to remit property tax funds collected for the area incorporated as the Town of Butner to the State Treasurer for deposit to the account of the Department of Crime Control and Public Safety, Butner Public Safety Division; and it increases the charges allowed for fire protection contracts.*

**BACKGROUND:** Chapter 830 of the 1983 Session Laws established the Butner Fire and Police Protection District and authorized the tax collectors of Durham and Granville Counties to annually collect a tax of twenty cents (20¢) per one hundred dollars (\$100) valuation of all real and personal property in the portions of the district that are in the respective counties and to remit the funds to the State Treasurer for deposit in the General Funds. The stated purpose of the act was to partially fund the expenses of the Butner Fire and Police Protection District. Section 43.3 of S.L. 2005-276 increased the tax rate to twenty-five cents (25¢) per one hundred dollars (\$100) valuation.

S.L. 2007-269 incorporated the Town of Butner and transferred certain assets previously held by the State to the Town. Section 6 amended G.S. 122C-408 to provide that the Secretary of Crime Control and Public Safety must contract with the Town of Butner to provide fire and police protection to the areas within the incorporated limits of the Town of Butner. Section 6 also added G.S. 122C-408(c) regarding the contract between the Town of Butner and the Department of Crime Control and Public Safety for services. Section 14 removed the territory within the corporate limits of the Town from the Butner Police and Fire Protection District.

**BILL ANALYSIS:** Section 1 of the Proposed Committee Substitute for House Bill 864 amends Section 1(b) of Chapter 830 of the 1983 Session Laws, as rewritten by Section 43.3 of S.L. 2005-276, to require the taxes for property covered in the Butner Fire and Police Protection District to be remitted to the State Treasurer for deposit to the account of the Department of Crime Control and Public Safety, Butner Public Safety Division, rather than the General Fund.

Section 2 makes a conforming change to G.S. 122C-408(c) to specify that the funds the Town of Butner pays the State Treasurer shall be deposited to the account of the Department of Crime Control and Public Safety, Butner Public Safety Division, rather than the General Fund.

Section 3 amends G.S. 122C-411 which allows the Department of Crime Control and Public Safety to contract with industries in the vicinity of Butner to provide fire protection to those industries. Current law allows contracts to provide for a payment by any contracting industry calculated on the basis of 20¢ per \$100 assessed valuation. The PCS amends the amount to 25¢ per \$100 assessed valuation.

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

H864-SMSH-74(CSSH-21) v6



Attachment 3 d

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 573** A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH PART OF THE RIGHT-OF-WAY OF THE HIGHWAY 98 BYPASS IN WAKE FOREST TOWNSHIP, AS REQUESTED BY THE CITY OF RALEIGH.

☒ 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.

\_\_\_\_\_ 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 2011**

**H**

**D**

**HOUSE BILL 573  
PROPOSED COMMITTEE SUBSTITUTE H573-PCS80227-RWx-35**

Short Title: Raleigh/Wake Forest Boundary.

(Local)

Sponsors:

Referred to:

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO REMOVE FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND ANNEX TO THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST PART OF THE RIGHT-OF-WAY OF THE HIGHWAY 98 BYPASS IN WAKE FOREST TOWNSHIP, AS REQUESTED BY THOSE MUNICIPALITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** The corporate limits of the City of Raleigh are reduced by removing the following described area:

BEGINNING at a corner in the southeastern right-of-way of Old NC 98 (State Road (SR) 1967), said point identified on Sheet 8 of NCDOT Project R-2809A as -Y2- 21+20/20 (65.62') (Right) and common with the northern corner of the "50' Average Width Natural Protective Yard" of Cedar Grove Phase 2 at Wakefield Plantation as described in Book of Maps 2005 Page 858, Wake County Registry (WCR), thence at a right angle from said corner N 33° 58' 18" W 100.62 Feet to a point in the old southeastern right-of-way of the Old NC 98 Highway, said point being on the Annexation Ordinance (1995)-700 line, thence following said right-of-way along said line, N 68° 47' 19" E 110.08 Feet more or less, thence leaving said right-of-way and following a line common with Book of Maps 1997 Page 124 WCR; S 61° 36' 37" E 1384.65 Feet to a point, thence following a line common with the Town of Wake Forest Line (Annexation Ordinance # 88-32) and Book of Maps 1989 Page 1633 WCR and Book of Maps 1990 Page 1192 WCR; S 61° 38' 39" E 481.00 Feet, thence S 54° 25' 06" E 420.20 Feet, thence S 54° 24' 58" E 1554.66 Feet to a point inside the right-of-way of NC 98 (Dr. Calvin Jones Highway), thence leaving the aforementioned ordinance lines and following Sheet 11 of NCDOT project R-2809A; West by North 85 Feet more or less to a point identified as -L- (R-2809B) 31+80/23.000 (75.46') (Right), said point being in the southwestern right-of-way of NC 98 (Dr. Calvin Jones Highway) thence following Book of Maps 2000 Page 2220 along said right-of-way N 81° 16' 23" W 131.18 Feet, thence along a curve to the right with a Radius of 1369.98 Feet, a Length of 486.87 Feet; and a chord of N 72° 05' 08" W 484.32 Feet, thence N 58° 50' 33" W 129.00 Feet to a corner with the southeastern right-of-way of Wakefield Plantation Drive, thence crossing said drive and following Book of Maps 2000 Page 871-872; N 58° 50' 33" W 87.03 Feet, thence N 57° 16' 24" W 1.12 Feet to a corner with the northwestern right-of-way of Wakefield Plantation Drive, said corner being a "Control Corner" in the northeastern corner of Cedar Grove Phase I Wakefield Plantation as described in Book of Maps 2004 Page 1249, thence following said reference, N 57° 14' 57" W 1639.82 Feet, thence following Book of Maps 2005 Page 858; N 57° 14' 57" W 596.53 Feet, thence N 54° 53'



\* H 5 7 3 - P C S 8 0 2 2 7 - R W X - 3 5 \*

1 45" W 323.91 Feet, thence along a curve the right with a Radius of 1371.39 Feet, a Length of  
2 276.32 Feet and a Chord of N 44° 30' 52" W 275.85 Feet, thence N 72° 21' 29" W 90.25 Feet to  
3 the Point of BEGINNING, containing 21 Acres more or less and located in Wake Forest  
4 Township, Wake County.

5 **SECTION 2.** The corporate limits of the Town of Wake Forest are increased by  
6 adding the territory described in Section 1 of this act.

7 **SECTION 3.** This act becomes effective June 30, 2011.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 573**

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Short Title:   Raleigh Deannexation. (Local)

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Sponsors:   Representative Avila (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to:   Government, if favorable, Finance.

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March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO REMOVE FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH  
PART OF THE RIGHT-OF-WAY OF THE HIGHWAY 98 BYPASS IN WAKE FOREST  
TOWNSHIP, AS REQUESTED BY THE CITY OF RALEIGH.

The General Assembly of North Carolina enacts:

**SECTION 1.** The corporate limits of the City of Raleigh are reduced by removing  
the following described area:

BEGINNING at a corner in the southeastern right-of-way of Old NC 98 (State Road (SR)  
1967), said point identified on Sheet 8 of NCDOT Project R-2809A as -Y2- 21+20/20 (65.62')  
(Right) and common with the northern corner of the "50' Average Width Natural Protective  
Yard" of Cedar Grove Phase 2 @ Wakefield Plantation as described in Book of Maps 2005  
Page 858, Wake County Registry (WCR), thence at a right angle from said corner N 33 ° 58'  
18" W 100.62 Feet to a point in the old southeastern right-of-way of the Old NC 98 Highway,  
said point being on the Annexation Ordinance (1995)-700 line, thence following said  
right-of-way along said line, N 68 ° 47' 19" E 110.08 Feet more or less, thence leaving said  
right-of-way and following a line common with Book of Maps 1997 Page 124 WCR; S 61 ° 36'  
37" E 1384.65 Feet to a point, thence following a line common with the Town of Wake Forest  
Line (Annexation Ordinance # 88-32) and Book of Maps 1989 Page 1633 WCR and Book of  
Maps 1990 Page 1192 WCR; S 61 ° 38' 39" E 481.00 Feet, thence S 54 ° 25' 06" E 420.20  
Feet, thence S 54 ° 24' 58" E 1554.66 Feet to a point inside the right-of-way of NC 98 (Dr.  
Calvin Jones Highway), thence leaving the aforementioned ordinance lines and following Sheet  
11 of NCDOT project R-2809A; West By North 85 Feet more or less to a point identified as  
-L- (R-2809B) 31+80/23.000 (75.46') (Right), said point being in the southwestern  
right-of-way of NC 98 (Dr. Calvin Jones Highway) thence following Book of Maps 2000 Page  
2220 along said right-of-way N 81 ° 16' 23" W 131.18 Feet, thence along a curve to the right  
with a Radius of 1369.98 Feet, a Length of 486.87 Feet, and a chord of N 72 ° 05' 08" W  
484.32 Feet, thence N 58 ° 50' 33" W 129.00 Feet to a corner with the southeastern right-of-way  
of Wakefield Plantation Drive, thence crossing said drive and following Book of Maps 2000  
Page 871-872; N 58 ° 50' 33" W 87.03 Feet, thence N 57 ° 16' 24" W 1.12 Feet to a corner with  
the northwestern right-of way of Wakefield Plantation Drive, said corner being a "Control  
Corner" in the northeastern corner of Cedar Grove Phase I Wakefield Plantation as described in  
Book of Maps 2004 Page 1249, thence following said reference, N 57 ° 14' 57" W 1639.82  
Feet, thence following Book of Maps 2005 Page 858; N 57 ° 14' 57" W 596.53 Feet, thence N  
54 ° 53' 45" W 323.91 Feet, thence along a curve the right with a Radius of 1371.39 Feet, a  
Length of 276.32 Feet and a Chord of N 44 ° 30' 52" W 275.85 Feet, thence N 72 ° 21' 29" W



1 90.25 Feet to the Point of BEGINNING, containing 21 Acres more or less and located in Wake  
2 Forest Township, Wake County.

3 **SECTION 2.** This act becomes effective June 30, 2011.



## HOUSE BILL 573: Raleigh/Wake Forest Boundary

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	May 11, 2011
<b>Introduced by:</b>	Rep. Avila	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	PCS to First Edition H573-CSLBx-45		Committee Counsel

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**SUMMARY:** *House Bill 573 (proposed committee substitute) removes 21 acres from the City of Raleigh and adds the area to the Town of Wake Forest.*

**CURRENT LAW:** Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to add territory to their municipal limits by annexation.

The General Assembly has not enacted any method for municipalities to remove an area from its limits - that power remains with the General Assembly.

**BILL ANALYSIS:** House Bill 573 deannexes a described 21 acre area from the City of Raleigh, and adds the same area to the Town of Wake Forest

**EFFECTIVE DATE:** This act is effective June 30, 2011..

H573-SMRW-114(CSLBx-45) v1

Attachment 4

## VISITOR REGISTRATION SHEET

Government

5-12-2011

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Denise Foreman	Wake County
Ten Saylor	Newspaper Interest
Jim Warren	Town of Buteau/Hope/Hicksham
Todd F. Allen	Publisher The Wake Forest Weekly
Clellie Allen	Assoc. Publisher The Wake Forest Weekly
JEAN SAUMAIRE	NC DJDP
Sheria Reid	SOB
Erica Nelson	NC CEP

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

05-12-2011  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Greg Anderson	Salisbury Post
KATE FETZER	FSP
Chris Kallian	Nelson Mullins
Wayne Howard	BPS/CCPS
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Danny Dunn	Montgomery Herald
Charles Broadwell	The Fayetteville Observer
HAL TANNER III	The Goldsboro News-Argo
John K. Cooke Jr.	The Daily Reflector (Greenville)
Mark Wilson	Cooke Communications
Paul Maurer	The Times-News (Burlington)



## VISITOR REGISTRATION SHEET

Government

Name of Committee

05-12-2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rip Woodin	Rocky Mount Telegram
Rick Thames	Charlotte Observer/NCPA
ORAL GUARLES	The N <sup>o</sup> 7 O
Felicia Gressette	News + Observer
Nancy Wykle	The Herald-Sun
Bern Gale	NCPA
Tim Dearman	Statesville Record & Landmark
Charles Marshall	Brooks Pierce
John Bussan	NC Press Assn
Chris Valeri	Lawyer's Weekly - Petersburg Times
Susan Banks	Wake Courier

# VISITOR REGISTRATION SHEET

*Government*

Name of Committee

*05-12-2011*

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Ethel Collins	
Dave Ferson	City of Charlotte
Lee Garrity	City of Winston-Salem
Angela T. Carmon	Angela T. Carmon
Reston Jones	Rep. Dale Folwell
Chris Anderson	
Etherine Davis	Electric Cities
Bruce Evin	Lake James
Paul Braun	Lake James
Robert Lee	Lake James
Erre Jenkins	Lake James
Milo Bailey	Electric Cities

# VISITOR REGISTRATION SHEET

Government

Name of Committee

05-12-2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jim Powers	LAKE JAMES OPPOSITION
Coa Whitworth	Lake James opposition
Kenny Anke	visitor
Bishop Ha Green	Lake James. Opposed -
Forrest Rutterford	Lake James - opp
Ava Suran	Lake James - Nebo NC
Fred Byrd	Smith Moore
Lachelle Pulliam	DMZ Wainwright's Office
Joy Hichs	NCEA

House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GOVERNMENTDATE: 5-12-11Room: 643\*Name: Jaleel GrahamCounty: CumberlandSponsor: Speaker Tillis\*Name: Cortez ThompsonCounty: WAKESponsor: Speaker TillisName: ROBERT PARKERCounty: ORANGESponsor: Speaker Tillis\*Name: Alesha SatterwhiteCounty: WakeSponsor: Speaker Tillis

\*Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

House Sgt-At Arms:1 Name: LARRY ELLIOTT4 Name: WAYNE DAVIS2 Name: BILL BASS

5 Name: \_\_\_\_\_

3 Name: EARL COKER

6 Name: \_\_\_\_\_

# **Government Committee Meeting**

**May 19, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: SB 120 - Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3b: SB 145 – Committee Report, original bill, bill summary**
- Attachment 3c: SB 297 – Committee Report, original bill, bill summary**
- Attachment 3d: HB 877 – Committee Report, original bill, bill summary, roll call vote**
- Attachment 3e: HB 36 - Committee Report, proposed committee substitute, original bill, handout**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, May 19, 2011**

The House Committee on Government met on Thursday, May 19, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Langdon and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Folwell, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Justice, Keever, Luebke, McGee, Mills, Mobley, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Giles Perry, Barbara Riley, Kelly Quick and Ben Stanley.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Senator Preston was recognized to speak on SB 120 New Bern Charter Amendments. Representative Moffitt moved to accept the proposed committee substitute. Representative McGee moved for an unfavorable report to the original bill and a favorable report of the proposed committee substitute. The motion carried.

Representative Spear was recognized to speak on SB 145 Southern Shores Canal Dredging/Maintenance. Representative Alexander moved for a favorable report and is referred to Finance. The motion carried.

Senator McKissick was recognized to speak on SB 297 Durham/Small Business Enterprise. Representative Parmon moved for a favorable report and referred to Finance. The motion carried.

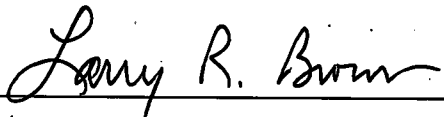
Representative Folwell was recognized to speak on HB 877 Check Off Donation: Government Funding. Canaan Huie from the NC Department of Revenue addressed some concerns the Department has with the bill as far as listing it on the tax return. He is also concerned with the administrative burdens that may take place in the future. Representative Warren moved for a favorable report. A roll-call vote was called for. The motion carried with 23 in favor and 11 in opposition.

Representative Cleveland was recognized to speak on HB 36 Public Contracts/Illegal Immigrants. Representative Ingle moved for the acceptance of a proposed committee substitute. Ron Woodard from NC Listen spoke in support of the bill. Irene Godinez with the Latin American Association in Charlotte spoke in opposition. William Gheen with the Americans for Legal Immigration spoke in favor of the bill. Representative Setzer moved for favorable report of the proposed committee substitute and

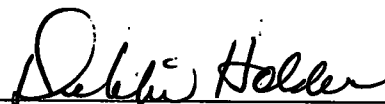
unfavorable report of the original and be referred to Judiciary A. A show of hands vote was taken with 19 in favor and 14 in opposition. The motion carried.

The Chair adjourned at 11:30 AM.

Respectfully submitted,

Handwritten signature of Larry R. Brown in cursive script, written over a horizontal line.

Representative Larry Brown, Co-Chair

Handwritten signature of Debbie Holder in cursive script, written over a horizontal line.

Debbie Holder, Committee Clerk

**AGENDA**

**HOUSE COMMITTEE ON GOVERNMENT**

**Thursday, May 19, 2011**

**Room 643**

**10:00 AM**

**OPENING REMARKS**

**Representative Larry Brown, Co-Chair  
Government Committee**

**AGENDA ITEMS**

<b>SB 120</b>	<b>New Bern Charter Amendments. (PCS)</b>	<b>Senator Preston</b>
<b>SB 145</b>	<b>Southern Shores Canal Dredging/Maintenance. (Finance)</b>	<b>Senator White</b>
<b>SB 297</b>	<b>Durham/Small Business Enterprise. (Finance)</b>	<b>Senator McKissick Senator Atwater</b>
<b>HB 557</b>	<b>Exempt Rowan County/Local Match/HCCBG Funds.</b>	<b>Representative Steen, II Representative Warren</b>
<b>HB 877</b>	<b>Check Off Donation: Government Funding.</b>	<b>Representative Stevens Representative Blust Representative Folwell Representative Cleveland</b>
<b>HB 36</b>	<b>Public Contracts/Illegal Immigrants. (PCS) (Judiciary A)</b>	<b>Representative Warren Representative Cleveland Representative Folwell</b>

**ADJOURNMENT**



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 120** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill -1.

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 120  
State and Local Government Committee Substitute Adopted 3/22/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S120-CSSH-15 [v.1]

4/27/2011 4:00:43 PM

Short Title: New Bern Charter Amendments.

(Local)

Sponsors:

Referred to:

February 24, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO  
3 THE MAYOR AND MAYOR PRO TEM.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Section 6 of the Charter of the City of New Bern, being Chapter 1281  
6 of the 1957 Session Laws, as amended by Chapter 266 of the 1983 Session Laws, Section 4 of  
7 Chapter 64 of the 1985 Session Laws, and Section 1 of S.L. 2000-42, reads as rewritten:  
8 "Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of December the  
9 board of aldermen shall choose one of its members as mayor pro tem to serve for a term of one  
10 year. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city  
11 or be prevented by sickness or other cause from attending to the duties of ~~his~~ the office and ~~he~~  
12 the mayor pro tem shall possess all the rights and powers of the mayor during the continuance  
13 of such vacancy, absence or disability. The mayor shall preside at meetings of the board of  
14 aldermen and shall exercise such other powers and perform such other duties as are or may be  
15 conferred and imposed upon ~~him~~ the mayor by the general laws of North Carolina, by this  
16 Charter and the ordinances of the city. The ~~Mayor~~ mayor shall have the right to vote on ~~a~~ any  
17 question before the board of ~~aldermen only in the case of a tie~~ aldermen and shall do so as if the  
18 mayor were a member of the board. ~~He~~ The mayor shall be recognized as the head of the city  
19 government for all ceremonial purposes, by the courts for serving civil processes, and by the  
20 Governor for purposes of military law. For the purposes of Sections 8, 9, and 10 of this Charter,  
21 the mayor shall be considered to be an elected member of the board of aldermen."  
22 SECTION 2. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

2

SENATE BILL 120  
State and Local Government Committee Substitute Adopted 3/22/11

Short Title: New Bern Charter Amendments.

(Local)

Sponsors:

Referred to:

February 24, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO  
3 THE MAYOR AND MAYOR PRO TEM.

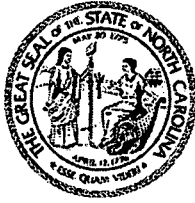
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 6 of the Charter of the City of New Bern, being Chapter 1281  
6 of the 1957 Session Laws, as amended by Chapter 266 of the 1983 Session Laws, Section 4 of  
7 Chapter 64 of the 1985 Session Laws, and Section 1 of S.L. 2000-42, reads as rewritten:

8 "Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of December the  
9 board of aldermen shall choose one of its members as mayor pro tem to serve for a term of one  
10 year. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city  
11 or be prevented by sickness or other cause from attending to the duties of his office and he shall  
12 possess all the rights and powers of the mayor during the continuance of such vacancy, absence  
13 or disability. The mayor shall preside at meetings of the board of aldermen and shall exercise  
14 such other powers and perform such other duties as are or may be conferred and imposed upon  
15 him by the general laws of North Carolina, by this Charter and the ordinances of the city. The  
16 ~~Mayor~~ mayor shall have the right to vote on ~~a~~ any question before the board of ~~aldermen only~~  
17 ~~in the case of a tie.~~ aldermen and shall do so as if he were a member of the board. He shall be  
18 recognized as the head of the city government for all ceremonial purposes, by the courts for  
19 serving civil processes, and by the Governor for purposes of military law. For the purposes of  
20 Sections 8, 9, and 10 of this Charter, the mayor shall be considered to be an elected member of  
21 the board of aldermen."

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





## SENATE BILL 120: New Bern Charter Amendments

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Preston  
**Analysis of:** PCS to Second Edition  
S120-CSSH-15

**Date:** April 27, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *Senate Bill 120 would amend the Charter of the City of New Bern to specify that the mayor has the right to vote on any question before the board of alderman and to be considered an elected member of the board for other purposes specified in the Charter. (The Proposed Committee Substitute makes gender neutral references to the mayor.)*

### BILL ANALYSIS:

Senate Bill 120 would amend Section 6 of the Charter of the City of New Bern to allow the mayor to vote on any question before the board of aldermen as if the mayor were a member of the board. Currently, the Charter only allows the mayor to vote in the event of a tie. (See Background for history.)

Additionally, the Bill would allow the mayor to be considered a member of the board for the purposes of Sections 8, 9 & 10 of the Charter, which pertain to the establishment of quorum, the adoption of ordinances, and the adoption of emergency measures. (See Background for history).

**EFFECTIVE DATE:** Senate Bill 120 would become effective when it becomes law.

**BACKGROUND:** Chapter 266 of the 1983 Session Laws amended Section 6, pertaining to the Mayor and the Mayor Pro Tem, of the Charter of the City of New Bern, to provide that, "The Mayor shall have the right to vote on any question before the board of alderman, and shall do so as if he were a member of the board."

Chapter 64 of the 1985 Session Laws added the following to Section 6 of the Charter, "For the purposes of Sections 8, 9, and 10 of this act, the mayor shall be considered to be an elected member of the board of aldermen."

S.L. 2000-42 amended Section 6 of the Charter of the City of New Bern to provide that the Mayor has the right to vote on a question before the board of aldermen only in case of a tie. This Session Law also amended Section 6 of the Charter to remove the provisions allowing the mayor to be considered an elected member of the board of aldermen for purposes of Sections 8, 9, and 10 of the Charter.

*Susan Sitze substantially contributed to this summary.*

S120-SMSH-64(CSSH-15) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 145** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS.

☒ 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 2011

S

1

SENATE BILL 145

Short Title: Southern Shores Canal Dredging/Maintenance. (Local)

Sponsors: Senator White.

Referred to: State and Local Government.

February 28, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL  
3 DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION  
4 PROJECTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 7 of S.L. 2004-104 as rewritten by S.L. 2005-47 and S.L.  
7 2005-90 reads as rewritten:

8 "SECTION 7. This act applies only within the municipal boundaries of the Towns of  
9 Emerald Isle, Holden Beach, and ~~Ocean Isle Beach.~~ Ocean Isle Beach, and Southern Shores."

10 SECTION 2.(a) This section applies only to the Town of Southern Shores.

11 SECTION 2.(b) Sections 1 through 4 of S.L. 2004-104 as amended by Section 1 of  
12 S.L. 2007-335 reads as rewritten:

13 "SECTION 1. Fee-Supported Canal Dredging and Maintenance District. – A municipality  
14 by resolution may create a fee-supported canal dredging and maintenance district for all  
15 properties that are contiguous to a canal within the corporate limits.

16 "SECTION 2. Imposition of Annual Fees. – A municipality may impose annual fees for  
17 the dredging and maintenance of canals, both natural and concrete, within the corporate limits.  
18 The governing board shall establish the fees on or before July 1 each year.

19 "SECTION 3. Fees. – The fees imposed by the municipality may not exceed the cost of  
20 providing for the dredging and maintenance of the canals within the municipality. The fees  
21 shall be imposed on owners of each dwelling unit or parcel of property that could or does  
22 benefit from water access through the canal system ~~on the island~~ within the municipality's  
23 corporate limits, and shall be made on the basis of one of the following:

24 (1) The frontage abutting the project at an equal rate per foot of frontage.

25 (2) Per unit or parcel of property.

26 "SECTION 4. Billing of Fees. – The municipality may include a fee imposed under this  
27 section on the property tax bill for each parcel of property lying within the municipal limits on  
28 which the fee is imposed. Said fee shall be collected in the same manner as provided for in the  
29 General Statutes for the collection of ad valorem taxes, and remedies available by statute for  
30 the collection of taxes shall apply to the collection of the canal dredging and maintenance fees."

31 SECTION 3. Section 3 of Chapter 725 of the 1985 Session Laws reads as  
32 rewritten:

33 "Sec. 3. This act applies to the ~~Town of~~ Towns of Southern Shores and Sunset Beach  
34 only."

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





## SENATE BILL 145: Southern Shores Canal Dredging/Maintenance

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	May 18, 2011
<b>Introduced by:</b>	Sen. White	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *Senate Bill 145 is a local act that would allow the Town of Southern Shores to impose a canal dredging and maintenance fee and to assess for navigation projects.*

**BILL ANALYSIS:** The General Assembly authorized the Town of Ocean Isle Beach to create a fee-supported canal dredging district in 2004<sup>1</sup>, and it granted similar authority to the Towns of Emerald Isle and Holden Beach in 2005.<sup>2</sup> Sections 1 and 2 of this bill would allow the Town of Southern Shores to impose a canal dredging and maintenance fee. Specifically, the bill would allow the Town of Southern Shores to do the following:

- Create a fee-supported canal dredging and maintenance district for all properties that are contiguous to a canal within its corporate limits.
- Impose annual fees for the dredging and maintenance of canals, both natural and concrete, on or before July 1 of each year. The fees may not exceed the cost of providing for the dredging and maintenance of the canals. The fees must be imposed on owners that could or do benefit from water access through the canal system within the municipality's corporate limits. The fees may be imposed on the property tax bill and collected in the same manner as ad valorem taxes.
- Abolish the district whenever there is no longer a need for it.
- Establish a capital reserve fund. If a capital reserve fund is established to build up funds to provide the service, the Town may delay providing the service until sufficient funds have accumulated (but not for longer than five years).

G.S. 160A-238 allows a city to make special assessments for beach erosion control or flood and hurricane protection. In 1985, the General Assembly authorized the Town of Sunset Beach to impose an assessment for navigation projects<sup>3</sup> as well. Section 3 would extend the authority to impose a special assessment for navigation projects to the Town of Southern Shores. To impose a special assessment, the Town would need to follow the procedures set forth in Article 10 of Chapter 160A: it must adopt a preliminary resolution, hold a public hearing, adopt an assessment resolution, determine the total costs of the project, prepare a preliminary assessment roll, hold a public hearing, and affirm the assessment roll.

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

*Brad Krehely and Cindy Avrette of the Research Division substantially contributed to this summary.*

SI45-SMRW-128(e1) v1

<sup>1</sup> S.L. 2004-104.

<sup>2</sup> S.L. 2005-47 and S.L. 2005-90.

<sup>3</sup> The term would include dredging and bulkheading canals. S.L. 1985-725.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 297** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN CITY CONTRACTS.

☒ 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 2011**

S

1

**SENATE BILL 297**

Short Title:	Durham/Small Business Enterprise.	(Local)
Sponsors:	Senators McKissick and Atwater.	
Referred to:	Commerce.	

March 10, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE  
3 THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO  
4 PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO  
5 ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN  
6 CITY CONTRACTS.  
7 The General Assembly of North Carolina enacts:  
8       **SECTION 1.** Article 8 of Chapter VI of the Charter of the City of Durham, being  
9 Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to  
10 read as follows:  
11       "Sec. 84.5. Small Business Enterprise Program. (a) The City may establish a race and  
12 gender neutral small business enterprise program to promote the development of small  
13 businesses in the Durham Metropolitan Statistical Area, and to enhance opportunities for small  
14 businesses to participate in City contracts. The City may define the term 'small business  
15 enterprise' as appropriate and consistent with the City's contracting practices. The City may  
16 establish bid and proposal specifications that include subcontracting goals and good faith  
17 efforts requirements to enhance participation by small business enterprises in City contracts.  
18 Notwithstanding the provisions of G.S. 143-129 and G.S. 143-131, the City may consider a  
19 bidder's efforts to comply with small business enterprise program requirements in its award of  
20 City contracts and, if a bidder is determined to have failed to comply with the requirements, the  
21 City may, within its discretion, refuse to award a contract to the bidder.  
22       (b) The small business enterprise program authorized by this section is intended to  
23 supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-135.5. Any  
24 goals or efforts established to achieve minority and women business participation consistent  
25 with the requirements of G.S. 143-128.2, 143-131, or 143-135.5 shall take precedence over  
26 goals for small business enterprise participation established under the program authorized by  
27 this section. A small business enterprise program established pursuant to this section shall be  
28 deemed consistent with the public policy of the State of North Carolina to promote and utilize  
29 small and underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and  
30 143-135.5."  
31       **SECTION 2.** If any provision of this act or its application is held invalid, the  
32 invalidity does not affect other provisions or applications of this act that can be given effect  
33 without the invalid provisions or applications, and to this end the provisions of this act are  
34 severable.  
35       **SECTION 3.** This act is effective when it becomes law.





## SENATE BILL 297: Durham/Small Business Enterprise

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	May 18, 2011
<b>Introduced by:</b>	Sens. McKissick, Atwater	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *Senate Bill 297 would amend Durham's City Charter to allow the City to establish a small business enterprise program to promote the development of small businesses in the Durham Metropolitan Statistical Area.*

[As introduced, this bill was identical to H434, as introduced by Reps. Luebke, Hall, Michaux, Wilkins, which is currently in Rules, Calendar, and Operations of the House.]

**CURRENT LAW:** Pursuant to G.S. 143-129 and G.S. 143-131, local governments must award contracts to the lowest responsive, responsible bidder. Formal bidding requirements apply to contracts for the purchase of apparatus, supplies, materials and equipment costing \$90,000 or more and to construction or repair contracts costing \$500,000 or more. Informal bidding applies to contracts for the purchase of apparatus, supplies, materials and equipment costing \$30,000 or more, but less than \$90,000, and to construction or repair contracts costing \$30,000 or more, but less than \$500,000. However, Section 84 of the Durham Charter requires that the City use formal bidding for all contracts for the purchase of apparatus, supplies, materials and equipment costing more than \$5,000.

G.S. 143-128.2 encourages minority business participation in public construction projects through setting a 10% participation goal. G.S. 143-131 and G.S. 143-135.5 encourage local governments to use small, minority, physically handicapped and women contractors in construction contracts.

**BILL ANALYSIS:** Senate Bill 297 is a local act that amends the Charter of the City of Durham to allow the City to establish a small business enterprise program to promote the development of small businesses in the Durham Metropolitan Statistical Area. The City may define the term "small business enterprise and establish bid and proposal specifications to enhance those businesses' participation in City contracts. The City could consider a bidder's compliance with the small business enterprise program requirements in its award of a City contract and may refuse to award a contract to a bidder that does not comply with the requirements. The program is intended to supplement and not replace existing contracting requirements and is deemed to be consistent with the public policy of the State to promote and utilize small and underutilized business enterprises.

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

**BACKGROUND:** The United States Census Bureau defines a Metropolitan Statistical Area (MSA) as a Core Based Statistical Area having at least one urbanized area of 50,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties. A MSA is a geographical region with a relatively high population density at its core and close economic ties throughout the area. MSAs are not legally incorporated as a city or town would be, nor are they legal administrative divisions like counties. The Durham MSA is comprised of Durham, Orange, Person and Chatham counties.

*Kory Goldsmith, counsel to Senate Commerce, substantially contributed to this summary.*

S297-SMRF-72(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 877** A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS TO THE STATE OF NORTH CAROLINA FOR GOVERNMENTAL SERVICES.

☒ 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 2011

H

1

HOUSE BILL 877

Short Title: Check Off Donation: Government Funding. (Public)

Sponsors: Representatives Stevens, Blust, Folwell, and Cleveland (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 3, 2011

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO  
MAKE DONATIONS TO THE STATE OF NORTH CAROLINA FOR  
GOVERNMENTAL SERVICES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 9 of Chapter 105 of the General Statutes is amended by  
adding a new section to read:

**"§ 105-269.7. Contribution by individual for governmental support.**

An individual entitled to a refund of income taxes under Part 2 of Article 4 of this Chapter may elect to contribute all or part of the refund to one or more of the departments listed in this section or to the General Fund of the State of North Carolina to be used for governmental services, spending, and appropriations. The Secretary shall provide appropriate language and space on the individual income tax form in which to make the election. The Secretary shall include in the income tax instructions an explanation that the contributions will be remitted according to the election and used by the State for the provision of governmental services. The election becomes irrevocable upon filing the individual's income tax return for the taxable year. The Secretary shall transmit the contributions made pursuant to this section to the State Treasurer to be remitted to the named departments or deposited into the General Fund, as elected on the return. Contributions may be made to one or more of the following:

- (1) The Department of Cultural Resources.
- (2) The Department of Health and Human Services.
- (3) The Department of Public Instruction.
- (4) The Department of Public Safety.
- (5) The General Fund of the State of North Carolina.
- (6) The University of North Carolina."

**SECTION 2.** This act becomes effective for taxable years beginning on or after  
January 1, 2012.





## HOUSE BILL 877: Check Off Donation: Government Funding

2011-2012 General Assembly

<b>Committee:</b>	House Government	<b>Date:</b>	May 17, 2011
<b>Introduced by:</b>	Reps. Stevens, Blust, Folwell, Cleveland	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**SUMMARY:** *House Bill 877 requires the Secretary of the Department of Revenue to provide taxpayers an opportunity on the individual income tax form to elect to contribute all or part of an income tax refund to the General Fund of the State of North Carolina, or to the University of North Carolina, and/or to the following Departments: Cultural Resources, Health and Human Services, Public Instruction, Public Safety.*

**CURRENT LAW:** Currently in North Carolina, taxpayer's may apply a refund of income taxes to a future estimated tax liability (G.S. 105-269.4) and may contribute a refund (G.S. 105-269.5) to the Wildlife Conservation Account (G.S. 143-247.2) to be used for wildlife management, protection and preservation.

**BILL ANALYSIS:** House Bill 877 would amend Article 9, Chapter 105, adding G.S. 105-269.7, to allow an individual to contribute an income tax refund to the General Fund of the State of North Carolina to be used for governmental services, spending, and appropriations, or to one or more of the following:

- Department of Cultural Resources,
- Department of Public Instruction,
- University of North Carolina.
- Department of Health and Human Services,
- Department of Public Safety

The election is irrevocable once the tax return is filed.

The bill would require the Secretary of the Department of Revenue to:

- Provide appropriate language and space on the individual income tax form for the contribution.
- Include instructions and an explanation that the contributions will be remitted according to the election and used by the State for the provision of governmental services.
- Transmit the contributions to the State Treasurer who will remit the contributions to the named departments or deposit the contributions into the General Fund.

**EFFECTIVE DATE:** House Bill 160 would become effective for taxable years beginning on or after January 1, 2012.

**BACKGROUND:** Check-off programs allow taxpayers to "check-off" a contribution to a state program on a personal income tax form. According to the Federal Tax Administration (FTA), check-off programs began in 1972 with the federal government allowing taxpayers to designate \$1 of their liability to a special presidential campaign fund. Check-off programs in states have increased in popularity. According to the FTA, 2002 state income tax returns identified 220 check-off programs available in 41 states and the District of Columbia. Preserving non-game wildlife is the most common check-off, other popular programs include: political campaigns, child abuse and neglect prevention, and breast/cervical cancer research and prevention. According to FTA information, the following is a list of entities in the named states that may receive check-off contributions similar to House Bill 877: Senior Services/Fund of Senior Citizens (Alabama, California), Mental Health (Alabama), Arts Fund/Arts & Tourism (Alabama, Rhode Island), Historic Resources (Virginia), Education/School Repair (Arizona, Hawaii), School for Blind/School for Deaf (Arkansas), State Fairgrounds (Iowa), and the National Guard (Missouri).

H877-SMSH-77(e1) v3

Research Division

O. Walker Reagan, Director

(919) 733-2578

23      11      = 34 (TOTAL)  
YES      NO

HB# 877  
SB#           

**House Subcommittee on**

YES	NO	MEMBER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROWN, Larry
<input checked="" type="checkbox"/>	<input type="checkbox"/>	INGLE, Dan
<input type="checkbox"/>	<input type="checkbox"/>	BOLES, James L.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	LANGDON, James H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	WARREN, Harry
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ADAMS, Alma
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ALEXANDER, Martha
<input type="checkbox"/>	<input type="checkbox"/>	BARNHART, Jeff
<input type="checkbox"/>	<input type="checkbox"/>	BORDSEN, Alice
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADLEY, Glen
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRANDON, Marcus
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BROWN, Rayne
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BURR, Justin P.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLEVELAND, George G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	COLLINS, Jeff
<input type="checkbox"/>	<input checked="" type="checkbox"/>	COTHAM, Tricia Ann
<input type="checkbox"/>	<input checked="" type="checkbox"/>	EARLE, Beverly M.
<input type="checkbox"/>	<input type="checkbox"/>	FAIRCLOTH, John
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FISHER, Susan C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FLOYD, Elmer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FOLWELL, Dale
<input type="checkbox"/>	<input type="checkbox"/>	FRYE, Phillip
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GILL, Rosa U.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GOODMAN, Ken
<input checked="" type="checkbox"/>	<input type="checkbox"/>	GUICE, W. David

YES	NO	MEMBER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGER, Mike
<input checked="" type="checkbox"/>	<input type="checkbox"/>	HURLEY, Pat B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	JONES, Bert
<input checked="" type="checkbox"/>	<input type="checkbox"/>	JUSTICE, Carolyn H.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	KEEVER, Patsy
<input type="checkbox"/>	<input checked="" type="checkbox"/>	LUEBKE, Paul
<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGEE, William C. "Bill"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MILLS, Grey
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOBLEY, Annie W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOFFITT, Tim D.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOORE, Rodney W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	PARFITT, Diane
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PARMON, Earline W.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SETZER, Mitchell S.

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 36** A BILL TO BE ENTITLED AN ACT PROHIBITING STATE AND LOCAL GOVERNMENT CONTRACTS WITH CONTRACTORS WHO EMPLOY ILLEGAL IMMIGRANTS AND REQUIRING CONTRACTORS TO VERIFY AND CERTIFY THEIR EMPLOYEES' LEGAL STATUS OR AUTHORIZATION TO WORK IN THE UNITED STATES.

☒ 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 SUBCOMMITTEE A.

**(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 2011

H

D

HOUSE BILL 36  
PROPOSED COMMITTEE SUBSTITUTE H36-CSMD-16 [v.2]

Short Title: Government Contractors Must Use E-Verify.

(Public)

Sponsors:

Referred to:

February 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE COUNTIES, MUNICIPALITIES, ENTITIES WHO CONTRACT  
3 WITH A GOVERNMENT AGENCY IN THIS STATE, AND THEIR  
4 SUBCONTRACTORS TO USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY  
5 THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 64 of the General Statutes is amended by adding a new  
8 Article to read:

9 "Article 1.

10 Various Provisions Related to Aliens."

11 SECTION 2. G.S. 64-1 through G.S. 64-5 are recodified as Article 1 of Chapter 64  
12 of the General Statutes, as created by Section 1 of this act.

13 SECTION 3. Chapter 64 of the General Statutes is amended by adding a new  
14 Article to read:

15 "Article 2.

16 "Verification of Work Authorization by Entities That Contract With Government Agencies.

17 "§ 64-10. Definitions.

18 The following definitions apply in this Article:

- 19 (1) Contractor. – A person or entity that contracts with a public entity for  
20 construction or repair work, for the purchase of apparatus, supplies,  
21 materials, or equipment, or for the purchase of any other services or  
22 products.  
23 (2) E-Verify. – The federal E-Verify program operated by the United States  
24 Department of Homeland Security and other federal agencies, or any  
25 successor or equivalent program used to verify the work authorization of  
26 newly hired employees pursuant to federal law.  
27 (3) Public entity. – A State agency, department, institution, board, commission,  
28 university, community college, local education agency, county, city, or any  
29 other political subdivision of this State. The term also includes any board,  
30 commission, authority, or other body created by any of these entities.  
31 (4) Subcontractor. – Any person or entity other than a contractor who furnishes  
32 construction or repair work, apparatus, supplies, materials, equipment,  
33 services, or other products to a contractor or another subcontractor with a  
34 good faith and reasonable belief that the goods or services were intended for





1 use in the contract between a contractor and a public entity. This term  
2 includes any person who meets this definition regardless of the tier of the  
3 subcontractor.

4 **"§ 64-11. Contractors must use E-Verify; certification required.**

5 (a) Contractors Must Use E-Verify. – Notwithstanding any other provision of law, a  
6 public entity may not enter into a contract for construction or repair work, for the purchase of  
7 apparatus, supplies, materials, or equipment, or for the purchase of any other services or  
8 products unless the contractor registers and participates in E-Verify to verify the work  
9 authorization of new employees.

10 (b) Certification Required. – At the time any contract subject to this section is entered  
11 into, the contractor shall certify to the public entity in writing all of the following:

12 (1) That the contractor is in compliance with subsection (a) of this section.

13 (2) That any subcontractor with which the contractor has entered into a  
14 subcontract concerning the contract between the contractor and the public  
15 entity has certified to the contractor in writing that it is in compliance with  
16 G.S. 64-12. The contractor shall submit copies of these certifications to the  
17 public entity at the time the contract is entered into.

18 (3) That the contractor has not been convicted pursuant to subsection (d) of this  
19 section within one year prior to making the certification.

20 (c) Duty to Update Subcontractor Certifications. – Until completion of a contract, a  
21 contractor shall submit to the public entity certifications received pursuant to G.S. 64-12 on a  
22 monthly basis.

23 (d) Knowingly Submitting False Certification Is a Felony. – A person who knowingly  
24 submits a false certification to a public entity under this section shall be guilty of a Class I  
25 felony. However, a contractor shall not be guilty of a Class I felony for submitting to the public  
26 entity a subcontractor's false certification, or for failing to investigate or verify a subcontractor's  
27 certification. A person shall not be guilty under this subsection if the violation is the result of a  
28 clerical mistake or other inadvertence.

29 **"§ 64-12. Subcontractors must use E-Verify; certification required.**

30 (a) Subcontractors Must Use E-Verify. – Notwithstanding any other provision of law, a  
31 subcontractor shall register and participate in E-Verify to verify the work authorization of new  
32 employees.

33 (b) Certification Required. – Within seven days of first furnishing construction or repair  
34 work, apparatus, supplies, materials, equipment, services, or other products to a contractor or  
35 another subcontractor under or pursuant to a contract between a contractor and a public entity,  
36 the subcontractor shall certify to the contractor in writing all of the following:

37 (1) That the subcontractor is in compliance with subsection (a) of this section.

38 (2) That the subcontractor has not been convicted pursuant to subsection (c) of  
39 this section within one year prior to making the certification.

40 (c) Knowingly Submitting False Certification Is a Felony. – Any person who  
41 knowingly submits a false certification under this section shall be guilty of a Class I felony. A  
42 person shall not be guilty under this subsection if the violation is the result of a clerical mistake  
43 or other inadvertence.

44 (d) Effect of Failure to Make Certification. – The failure of a subcontractor to provide  
45 the certification required by subsection (b) of this section shall preclude the subcontractor from  
46 maintaining a civil action against any person or entity for amounts owed to the subcontractor  
47 under or in connection with the subcontract."

48 **SECTION 4. G.S. 153A-449 reads as rewritten:**

49 **"§ 153A-449. Contracts with private entities; contractors must use E-Verify.**

1       (a) Authority. – A county may contract with and appropriate money to any person,  
2 association, or corporation, in order to carry out any public purpose that the county is  
3 authorized by law to engage in.

4       (b) Contractors Must Use E-Verify. – No county may enter into a contract unless the  
5 contractor complies with the requirements of G.S. 64-11."

6       **SECTION 5.** G.S. 160A-20.1 reads as rewritten:

7       **"§ 160A-20.1. Contracts with private ~~entities~~; contractors must use E-Verify.**

8       (a) Authority. – A city may contract with and appropriate money to any person,  
9 association, or corporation, in order to carry out any public purpose that the city is authorized  
10 by law to engage in.

11       (b) Contractors Must Use E-Verify. – No city may enter into a contract unless the  
12 contractor complies with the requirements of G.S. 64-11."

13       **SECTION 6.** G.S. 143-129 is amended by adding a new subsection to read:

14       "(j) No contract subject to this section may be awarded by any board or governing body  
15 of the State, institution of State government, or any political subdivision of the State unless the  
16 contractor complies with the requirements of G.S. 64-11."

17       **SECTION 7.** Article 3 of Chapter 143 of the General Statutes is amended by  
18 adding a new section to read:

19       **"§ 143-48.5. Contractors must use E-Verify.**

20       No contract subject to the provisions of this Article may be entered into unless the  
21 contractor complies with the requirements of G.S. 64-11."

22       **SECTION 8.** G.S. 147-33.95 is amended by adding a new subsection to read:

23       "(g) No contract subject to the provisions of this Part may be entered into unless the  
24 contractor complies with the requirements of G.S. 64-11."

25       **SECTION 9.** Article 5 of Chapter 153A of the General Statutes is amended by  
26 adding a new section to read:

27       **"§ 153A-99.1. County verification of employee work authorization.**

28       (a) Counties Must Use E-Verify. – Each county shall register and participate in  
29 E-Verify to verify the work authorization of new employees.

30       (b) E-Verify Defined. – As used in this section, the term 'E-Verify' means the federal  
31 E-Verify program operated by the United States Department of Homeland Security and other  
32 federal agencies, or any successor or equivalent program used to verify the work authorization  
33 of newly hired employees pursuant to federal law.

34       (c) Nondiscrimination. – This section shall be enforced without regard to race, religion,  
35 gender, ethnicity, or national origin."

36       **SECTION 10.** Article 7 of Chapter 160A of the General Statutes is amended by  
37 adding a new section to read:

38       **"§ 160A-169.1. City verification of employee work authorization.**

39       (a) Cities Must Use E-Verify. – Each city shall register and participate in E-Verify to  
40 verify the work authorization of new employees.

41       (b) E-Verify Defined. – As used in this section, the term 'E-Verify' means the federal  
42 E-Verify program operated by the United States Department of Homeland Security and other  
43 federal agencies, or any successor or equivalent program used to verify the work authorization  
44 of newly hired employees pursuant to federal law.

45       (c) Nondiscrimination. – This section shall be enforced without regard to race, religion,  
46 gender, ethnicity, or national origin."

47       **SECTION 11.** Sections 9 and 10 of this act become effective on October 1, 2011.  
48 The remainder of this act becomes effective in accordance with the following schedule and  
49 applies to all bids submitted and all contracts entered into on or after that date:

50       (1) October 1, 2011, for contractors that employ 500 or more employees as of  
51 that date.

- 1           (2)    April 1, 2012, for contractors that employ 20 or more employees but fewer  
2                    than 500 employees as of that date.  
3           (3)    October 1, 2012, for all other contractors.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 36

Short Title:	Public Contracts/Illegal Immigrants.	(Public)
Sponsors:	Representatives H. Warren, Cleveland, and Folwell (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government, if favorable, Judiciary Subcommittee A.	

February 7, 2011

A BILL TO BE ENTITLED

AN ACT PROHIBITING STATE AND LOCAL GOVERNMENT CONTRACTS WITH CONTRACTORS WHO EMPLOY ILLEGAL IMMIGRANTS AND REQUIRING CONTRACTORS TO VERIFY AND CERTIFY THEIR EMPLOYEES' LEGAL STATUS OR AUTHORIZATION TO WORK IN THE UNITED STATES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 143 of the General Statutes is amended by adding the following new section to read:

**"§ 143-129.1A. Contracts with illegal immigrants prohibited; verification and certification required.**

(a) No contract for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment shall be awarded by any agent or employee of the State, any board or governing body of the State or of any institution of the State government, or by any agent, employee, or board or governing body of any political subdivision of the State to any contractor who knowingly employs or contracts with an illegal immigrant to perform work under the contract or who knowingly contracts with a subcontractor who knowingly employs or contracts with an illegal immigrant to perform work under the contract. For purposes of this section, the term 'contractor' means any person, firm, association, or corporation that desires to submit a bid for or enter into a contract with any State department, institution, or agency, or the board or governing body of any political subdivision of the State, to perform construction or repair work or to supply apparatus, supplies, materials, or equipment.

(b) Prior to submitting a bid to or entering into a contract with any State department, institution, or agency, or the board or governing body of any political subdivision of the State, a contractor shall verify the legal status or authorization to work in the United States of each individual employed by the contractor to perform work under the contract in accordance with the terms and conditions of the E-Verify Program administered by the United States Department of Homeland Security pursuant to section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § §1324a note), P.L. 104-208, as amended. The verification required by this subsection shall be conducted only after the hiring of the individual as an employee to work in the United States in accordance with State and federal law.

(c) A contractor submitting a bid to or entering into a contract with any State department, institution, or agency, or the board or governing body of any political subdivision of the State, shall certify on a form approved by the Secretary of Administration that the contractor has verified, as provided in subsection (b) of this section, the legal status or



1 authorization to work in the United States of each individual employed by the contractor to  
2 perform work under the contract. Any person who submits a certification required by this  
3 subsection known to be false shall be guilty of a Class I felony.

4 (d) Every contract entered into under this Article shall contain a provision that:

5 (1) The contractor shall not:

6 a. Knowingly employ or contract with an illegal immigrant to perform  
7 work under the contract.

8 b. Enter into a contract with a subcontractor who fails to certify to the  
9 contractor that the subcontractor shall not knowingly employ or  
10 contract with an illegal immigrant to perform work under the  
11 contract.

12 (2) The contractor has verified through participation in the E-Verify Program  
13 administered by the United States Department of Homeland Security the  
14 legal status or authorization to work in the United States of each individual  
15 employed by the contractor to perform work under the contract.

16 (e) A violation of this section shall render the contract void. A contract that is void  
17 under this section may continue in effect until an alternative can be arranged when: (i)  
18 immediate termination would result in harm to the public health or welfare and (ii) the  
19 continuation is approved by the Secretary of Administration after consultation with the affected  
20 State department, institution, or agency or the governing body of the political subdivision of the  
21 State. Approval of continuation of contracts under this subsection shall be given for the  
22 minimum period necessary to protect the public health or welfare.

23 (f) If a contractor is discovered to have knowingly used the services of an illegal  
24 immigrant in the performance of a contract under this Article, the contractor shall be prohibited  
25 from submitting a bid to or entering into a contract to supply goods or services with any State  
26 department, institution, or agency, or any political subdivision of the State for one year from  
27 the date the violation was discovered."

28 **SECTION 2.** This act becomes effective October 1, 2011, and applies to all bids  
29 submitted and all contracts entered into on or after that date.



## HOUSE BILL 36: Public Contracts/Illegal Immigrants

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Judiciary Subcommittee A	<b>Date:</b>	May 17, 2011
<b>Introduced by:</b>	Reps. H. Warren, Cleveland, Folwell	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to First Edition H36-CSMD-16		Committee Staff

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**SUMMARY:** *The PCS for HB 36 requires counties, and cities and towns, to use the federal E-verify program; and requires entities (both contractors and subcontractors) that contract with certain public entities to use the federal E-Verify program; to verify the work authorization of newly hired employees.*

**BILL ANALYSIS:** Sections 1 and 2 of the Proposed Committee Substitute (PCS) for House Bill 36 amend Chapter 64 pertaining to Aliens. The PCS organizationally places existing statutes, G.S. 64-1 through G.S. 64-5 into Article 1, titled "Various Provisions Related to Aliens".

Section 3 of the PCS creates in Chapter 64, Article 2, "Verification of Work Authorization by Entities that Contract with Government Agencies", and the contents of Sections 3 and 4 of the PCS are placed in Article 2.

**G.S. 64-10** creates a section defining the following terms that apply to the PCS and Article 2 of Chapter 64:

- **Contractor** – person or entity that contracts with a public entity for construction or repair work, the purchase of apparatus, supplies, materials, or equipment, or the purchase of any other services or products.
- **E Verify** – federal program operated by the US Department of Homeland Security and other federal agencies and used to verify the work authorization of newly hired employees pursuant to federal law.
- **Public entity** – State agency, department, institution, board, commission, university, community college, local education agency, county, city, or any other political subdivision of this State. (Term includes any board, commission, authority, or other body created by any of these entities.)
- **Subcontractor** – person or entity other than a contractor who furnishes construction or repair work, apparatus, supplies, materials, equipment, services, or other products to a contractor or another subcontractor with a good faith and reasonable belief that the goods or services were intended for use in the contract between a contractor and a public entity. (Term includes any person who meets definition regardless of the tier of the subcontractor.)

**G.S. 64-11** requires contractors entering into contracts with public entities to register and participate in E-Verify to verify the work authorization of new employees. The provision prohibits a public entity from entering into a contract for the following services if the contractor does not use E-Verify:

- construction or repair work;
- the purchase of apparatus, supplies, materials, or equipment; or
- the purchase of any other services or products.

When a contract between a public entity and a contractor is entered into, the contractor must certify that:

1. The contractor is using E-Verify.
2. Any Subcontractor, in a subcontract with the contractor, has certified in writing to the contractor that the subcontractor is participating in E-Verify under the requirements of G.S. 64-12.

# House PCS 36

Page 2

(Contractors are required to submit certifications on a monthly basis to the public entity until the contract is complete.)

3. The contractor has not been convicted within the last year of knowingly submitting a false certification, as defined by G.S. 64-11(d).

A person who knowingly submits a false certification to a public entity will be guilty of a Class I felony. A contractor will not be guilty of a Class I felony if the contractor submits a subcontractor's false certification or fails to investigate or verify a subcontractor's certification. A person will not be guilty of a violation for an inadvertent or clerical mistake.

**G.S. 64-12** requires subcontractors defined in the Article to register and participate in E-Verify to verify the work authorization of new employees and to provide certification of such to the contractor within seven days of first furnishing apparatus, supplies, materials, equipment, services, or products. Failure of a subcontractor to provide certification precludes the subcontractor from maintaining a civil action against a person or entity for amounts owed to the subcontractor. A person that knowingly submits a false certification will be guilty of a Class I felony.

**Section 4** amends G.S. 153A-449, pertaining to contracts between counties and private entities, to require a contractor's compliance with E-Verify requirements contained in G.S. 64-11.

**Section 5** amends G.S. 160A-20.1, pertaining to contracts between cities or towns and private entities, to require a contractor's compliance with E-Verify requirements contained in G.S. 64-11.

**Section 6** amends G.S. 143-129, pertaining to the procedures for public contract letting, to require a contractor's compliance with E-Verify requirements contained in G.S. 64-11.

**Section 7** adds a new section to State purchase and contract laws contained in Article 3, Chapter 143. G.S. 143-48.5 prohibits State contracts if the contractor is not in compliance with E-Verify requirements contained in G.S. 64-11.

**Section 8** amends G.S. 147-33.95, pertaining to the procurement of information technology, to require a contractor's compliance with E-Verify requirements contained in G.S. 64-11.

**Section 9** amends Article 5 of Chapter 153A to add G.S. 153A-99.1, which will require counties to register and participate in E-Verify and to verify the work authorization of new employees. This requirement must be enforced without regard to race, religion, gender, ethnicity, or national origin.

**Section 10** amends Article 7 of Chapter 160A to add G.S. 160A-169.1, which will require cities and towns to use E-Verify and to verify the work authorization of new employees. This requirement must be enforced without regard to race, religion, gender, ethnicity, or national origin.

**EFFECTIVE DATE:** **Section 11** specifies that Sections 9 and 10 pertaining to counties and cities and towns will become effective October 1, 2011. The remainder of the act becomes effective in accordance with the following schedule of implementation based on the number of employees:

- October 1, 2011, for contractors that employ 500 or more employees as of that date.
- April 1, 2012, for contractors that employ 20 or more employees, but few than 500 employees as of that date.
- October 1, 2012, for all other contractors.

**BACKGROUND:** *E-Verify* - The US Dept. of Homeland Security, US Citizenship and Immigration Services, has responsibility for the E-Verify system. E-Verify is an Internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from US Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

## House PCS 36

Page 3

*Class I Felony* – Class I Felonies carry a maximum punishment of 15 months and include the following sample offenses: Forgery of Notes, Checks, Securities; Uttering Forged Paper or Instrument; Breaking or Entering Motor Vehicles; Financial Transaction Card Theft; Possession W/I/M/S/D Marijuana; Possess Cocaine; Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance; Obtain a Controlled Substance by Fraud.

*Current E-Verify Requirements for Certain Employees* - In 2006, the General Assembly enacted G.S. 126-7.1(f) which requires State agencies, departments, institutions, universities, community colleges and local education agencies to use the Basic Pilot Program. The Basic Pilot Program became E-Verify.

*H36-SMSH-78(CSMD-16) v1*



New



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### E-Verify



U.S. law requires companies to employ only individuals who may legally work in the – either U.S. citizens, or foreign citizens who have the necessary authorization. This workforce contributes greatly to the vibrancy and strength of our economy, but that also attracts unauthorized employment.

E-Verify is an Internet-based system that allows businesses to determine the eligibi employees to work in the United States. E-Verify is fast, free and easy to use – and way employers can ensure a legal workforce.

E-Verify is constantly improving to better serve you. To learn more click here to see [NEW](#).

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**Employment Verification.****Done.**

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## VISITOR REGISTRATION SHEET

5-19-11

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Date

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LAUREA B. McCleary Rocky Mount Alumnae Chapter DST

Joni Allen

BEB

Carmen Perez

(C/P)

Pamela Lewis

Nash Rocky Mt Schools

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CP Donnell	The Insider
Chloe	DA
Karin Leonard	NCACC
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Dean Plunkett	PS
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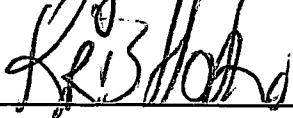
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Kay Paksoy	NASW-NC
Sarah Preston	ACLU - NC
Paula A. Wolf	NC NOW
Kay Emmanuel	Legislative Reporting Services
 KRIS HORD	DHHS
Zachary Kohn	NC JC
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Keele Culbreth	NCLM
Lachelle Pulliam	DMX Wainwright's Office
Cameron Wallace	
Karmish Wallace	City of Durham
Fay J. Lee	PBH, Hope Haven, Inc.
Diana Dumeau	PBH-Provider, Diana's HomeCare, Inc.
Stephen Tomlinson	PBH Chief Operating Officer
GORDON MYERS	NCWRC
Phillip Christofferson	Intern
DAVID BAUM	TROUTMAN SANDERS

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Thane Hu	Edna Williams
Canaan Huie	NCDOR
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Jon Carr	Jordan Priceland
John	PAAC - LPA's
Andy Ellen	NCRMA
Jessi Hayes	NC HBSA
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RON WOODARD	NC LISTEN
William Chen	ALIPAC
Elizabeth Robinson	NCKMA
Katie Hallaway	LOWES
Irene Godínez	Latin American Coalition
Allison Fowler	NC Grange
Virginia Lifernez	Harrell & Assoc.
Wm H. Kelly	Policy Group
Conna Wilson	ECNC
J Goodman	NC CHAMBER

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Name of Committee

**Date**

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Rep. Dale Folwe 11

Mark C. Krell

NashRicky mt. Schools

Martha Wrenn

# Nash Rocking Mt Schools

LeRoy Hartsfield

Nash-Rocky Mt. Schools

CHRIS DILLON

ANC AND



House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GovernmentDATE: 19 May H Room: LOB 643\*Name: Ivey Jae CarrollCounty: RandolphSponsor: Pat Hurley\*Name: Jordun PetersonCounty: ClevelandSponsor: Thom Tillis\*Name: Courtney BealsCounty: SurrySponsor: Sarah Stevens\*Name: Trevor JonesCounty: DuplinSponsor: Dixon

\*Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

House Sgt-At Arms:1. Name: Martha Parish4. Name: RL Carter2. Name: Champ Clark

5. Name: \_\_\_\_\_

3. Name: Wayne Davis

6. Name: \_\_\_\_\_

# **Government Committee Meeting**

**May 26, 2011**

**Attachment 1: Minutes**

**Attachment 2: Agenda**

**Attachment 3a: HB 233 - Committee Report, original bill, bill summary**

**Attachment 3b: HB 925 – Committee Report, proposed committee substitute, original bill, bill summary**

**Attachment 4: Visitor Registration Sheet**

**Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, May 26, 2011**

The House Committee on Government met on Thursday, May 26, 2011, in room 643 of the Legislative Office Building. Representative Larry Brown, Co-Chair, presided over the meeting. The following House members were present: Representative Ingle, Co-Chair, Representatives Langdon and Warren, Vice-Chairs, Representatives Adams, Alexander, Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Gill, Goodman, Hager, Hurley, Jones, Justice, Kever, Luebke, McGee, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Giles Perry, Erika Churchill, Theresa Matula and Kelly Quick.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

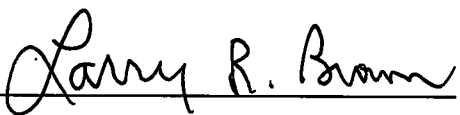
Representatives Pierce and Bryant were recognized to speak on HB 233 Department of Correction/Ex-Offenders. Nicole Sullivan, Manager of the Office of Research and Planning with the N. C. Department of Corrections spoke in support of the bill. Dennis Gaddy, Executive Director of Community Success Initiative spoke in favor of the bill. Representative Floyd moved for a favorable report. The motion carried.

Representative Moffitt was recognized to speak on HB 887 Zoning/Temp.Family Health Care Structures. Representative Setzer moved for acceptance of the proposed committee substitute. Representative Moffitt sent forth an amendment. Representative Setzer made a motion for the approval of the amendment. The motion carried. Representative Setzer moved for an unfavorable report of the original bill and a favorable report of the proposed committee substitute and be referred to Finance. After much discussion from the members, Representative Moffitt asked to have the bill pulled in order to have staff make some changes regarding items of concern and re-calendar the bill for June 6, 2011. Representative Cotham asked to have a sub-committee set up to discuss the bill before bringing it back to the committee. The following members were appointed to the sub-committee: Representatives Setzer, Collins, Luebke, Bordsen, Faircloth (Chair), Goodman and Floyd.

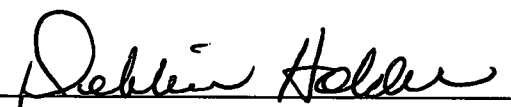
Representative Moffitt was recognized to speak on HB 925 Metropolitan Sewerage District/City. Representative Ingle moved for the acceptance of the proposed committee substitute. The committee members voted to move the bill referral to Rules instead of Finance. Representative Setzer moved for an unfavorable report of the original bill and favorable to the proposed committee substitute and be referred to Rules, Calendar, and Operations of the House. The motion carried.

The Chair adjourned at 11:10 AM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Larry R. Brown", written over a horizontal line.

**Representative Larry Brown, Co-Chair**

A handwritten signature in cursive script, reading "Debbie Holder", written over a horizontal line.

**Debbie Holder, Committee Clerk**

**AGENDA**

**HOUSE COMMITTEE ON GOVERNMENT**

**Thursday, May 26, 2011**

**Room 643**

**10:00 AM**

**OPENING REMARKS**

**Representative Dan Ingle, Co-Chair  
Government Committee**

**AGENDA ITEMS**

**HB 233 Department of Correction/Ex-Offenders.**

**Representative Pierce  
Representative Bryant  
Representative Martha B. Alexander  
Representative Frye**

**HB 281 ETJ Restrictions. (Finance)**

**Representative LaRoque**

**HB 733 Modify Abandoned Property Provisions. (PCS)**

**Representative Jordan  
Representative Starnes  
Representative Stevens**

**HB 887 Zoning/Temp. Family Health Care  
Structures. (Finance)**

**Representative Moffitt  
Representative Howard  
Representative Setzer**

**HB 925 Metropolitan Sewerage District/City.  
(PCS) (Finance)**

**Representative Moffitt**

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 233** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTION TO DESIGNATE ITS OFFICE OF RESEARCH AND PLANNING AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES; AND TO ENCOURAGE THE DEPARTMENT OF CORRECTION TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

☒ 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 2011**

**H**

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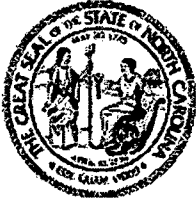
**HOUSE BILL 233**

Short Title:	Department of Correction/Ex-Offenders.	(Public)
<hr/>		
Sponsors:	Representatives Pierce, Bryant, M. Alexander, and Frye (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	

March 7, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTION TO DESIGNATE ITS  
3 OFFICE OF RESEARCH AND PLANNING AS THE SINGLE STATE AGENCY  
4 RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF  
5 REENTRY POLICY INITIATIVES; AND TO ENCOURAGE THE DEPARTMENT OF  
6 CORRECTION TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN  
7 SUCCESSFULLY REENTERING SOCIETY, AS RECOMMENDED BY THE JOINT  
8 SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.  
9 The General Assembly of North Carolina enacts:  
10       **SECTION 1.** The Department of Correction, Office of Research and Planning  
11 (ORP), shall be the single State agency responsible for the coordination and implementation of  
12 ex-offender reentry policy initiatives, including the StreetSafe Task Force, the Justice  
13 Reinvestment Initiative of the Council of State Governments (CSG), and the recommendations  
14 of the Joint Select Committee on Ex-Offender Reintegration Into Society.  
15       The ORP shall do the following:  
16       (1)   Work in conjunction with local communities to form a minimum of 10 local  
17            reentry councils to supervise and coordinate innovative responses to  
18            reintegration at the local level and to use the existing services of programs,  
19            e.g., the Criminal Justice Partnership Program.  
20       (2)   Form an advisory group that represents the population it proposes to serve.  
21            This representative body should include, but not be limited to, the formerly  
22            incarcerated, people with criminal records, and at-risk youth, as well as  
23            agencies that serve all of the above.  
24       **SECTION 2.** The Department of Correction shall continue its efforts to assist  
25 offenders in successfully reentering society and to enable them to avoid further criminal  
26 behavior, including monitoring and maximizing the access to the partnerships with the Division  
27 of Motor Vehicles regarding identification cards and licenses and the community colleges  
28 regarding education and job readiness, and by maximizing work release slots for minimum  
29 custody inmates approaching release.  
30       **SECTION 3.** This act is effective when it becomes law.





## HOUSE BILL 233: Department of Correction/Ex-Offenders

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	May 25, 2011
<b>Introduced by:</b>	Reps. Pierce, Bryant, M. Alexander, Frye	<b>Prepared by:</b>	Kelly Quick
<b>Analysis of:</b>	First Edition		Committee Staff

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**SUMMARY:** *House Bill 233 designates the Office of Research and Planning as the single state agency responsible for the coordination and implementation of reentry policy initiatives, and encourages the Department of Correction to continue its efforts to assist offenders in successfully reentering society, as recommended by the Joint Select Committee on Ex-Offender Reintegration Into Society.*

[As introduced, this bill was identical to S221, as introduced by Sens. Hartsell, Dannelly, Jones, which is currently in Rules and Operations of the Senate.]

**CURRENT LAW:** Currently, the StreetSafe Task Force is housed in the Governor's Office with staff support from the Department of Justice, the Department of Correction, and the Governor's Office, and the Justice Reinvestment Initiative is within the Department of Correction, although there are no positions associated with either project.

**BILL ANALYSIS:** House Bill 233 designates the Department of Correction, Office of Research and Planning as the single State agency responsible for the coordination of reentry policy initiatives, including the StreetSafe Task Force, the Justice Reinvestment Initiative of the Council of State Governments, and the recommendations of the Joint Select Committee on Ex-Offender Reintegration Into Society.

The Office of Research and Planning is required to:

- Work in conjunction with local communities to form ten local reentry councils to supervise and coordinate reintegration at the local level and to use the services of existing programs, such as the Criminal Justice Partnership Program.
- Form an advisory group that includes, but is not limited to, the formerly incarcerated, people with criminal records, and at-risk youth, as well as agencies that serve those populations.

House Bill 233 also requires the Department of Correction to continue its efforts to assist the reintegration of offenders into society and to help them avoid further criminal behavior.

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

**BACKGROUND:** House Bill 233 is a recommendation by the Joint Select Committee on Ex-Offender Reintegration into Society, which was established in 2009 to study issues related to reintegration into society for people with criminal records, including how North Carolina and other states address barriers facing ex-offenders in accessing jobs, housing, education, training, and services.

The StreetSafe Task Force was created by Governor Perdue by Executive Order 12 in 2009 to examine the challenges faced by ex-offenders and probationers, take inventory of current efforts to reduce the number of repeat offenders, and create a plan for the coordination of pre-release and post-release activities regarding recidivism and ex-offender reentry into the community.

The Justice Reinvestment Initiative of the Council of State Governments is a project supported by the U.S. Department of Justice's Bureau of Justice Assistance and private grant makers that provides



# **House Bill 233**

*Page 2*

technical assistance to states to help develop a policy framework to reduce spending on corrections and reinvest in strategies to increase public safety.

*H233-SMTH-23(e1) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 925** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONVEYANCE OF A CITY WATER SYSTEM TO A METROPOLITAN SEWERAGE DISTRICT.

☒ 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 RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(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 2011**

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**HOUSE BILL 925  
PROPOSED COMMITTEE SUBSTITUTE H925-CSSH-25 [v.4]**

5/25/2011 8:39:47 PM

Short Title: LRC Study Metropolitan Sewerage/Water System.

(Public)

Sponsors:

Referred to:

May 5, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY  
3 WHETHER THE EFFICIENCY OF PROVIDING WATER AND SEWER SERVICES  
4 CAN BE IMPROVED BY REQUIRING LARGE CITIES LOCATED ENTIRELY  
5 WITHIN A METROPOLITAN SEWERAGE DISTRICT TO CONVEY THEIR WATER  
6 SYSTEM TO THAT DISTRICT WHICH CAN THEN OPERATE BOTH WATER AND  
7 SEWER.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. The Legislative Research Commission shall study whether requiring  
10 large cities that have a municipal water system and that are located entirely within a  
11 Metropolitan Sewerage District to convey that water system to the district will improve the  
12 efficiency of providing public services. The Commission shall specifically examine House Bill  
13 925, First Edition, 2011 Regular Session and the following issues:

- 14 (1) Financial stability of the current independent systems on a historic basis and  
15 the anticipated financial stability of a combined system.
- 16 (2) Cost-benefit analysis of a combined system, including a review of assets and  
17 liabilities; personnel needs; equipment and infrastructure replacement  
18 schedules; facilities leased and owned; and fee schedules.
- 19 (3) Debt obligation.
- 20 (4) Taxpayer investments in the systems.
- 21 (5) Audit of current financials.
- 22 (6) Comparative analysis of the current system to existing public and private  
23 systems.
- 24 (7) Conservation and water efficiency practices.
- 25 (8) Best management practices.
- 26 (9) The disposition of property in Article 12 of Chapter 160A as it relates to a  
27 conveyance of a water system.
- 28 (10) The transfer of permits when a water system is conveyed.
- 29 (11) Any local acts applicable to the city or metropolitan sewerage district.
- 30 (12) Other items the Commission deems relevant to the study.

31 SECTION 2. The Legislative Research Commission shall report its findings and  
32 recommendations to the 2012 Regular Session of the 2011 General Assembly prior to its  
33 convening.



\* H 9 2 5 - C S S H - 2 5 - V - 4 \*

1           **SECTION 3.** The Legislative Services Officer shall allocate funds appropriated to  
2 the General Assembly for the expenditures of the Legislative Services Commission in  
3 conducting this study.

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 925

Short Title: Metropolitan Sewerage District/City. (Public)

Sponsors: Representative Moffitt (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 5, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE CONVEYANCE OF A CITY WATER SYSTEM TO A  
3 METROPOLITAN SEWERAGE DISTRICT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 5 of Chapter 162A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 162A-82. Conveyance of water system by certain municipalities.**

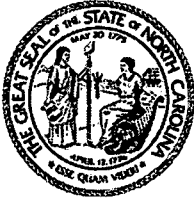
8 (a) If a city with a population of over 75,000 according to the most recent decennial  
9 federal census is located within a county with a population of 200,000 or over according to the  
10 most recent decennial federal census and the city is located entirely within a Metropolitan  
11 Sewerage District established under this Article, the city shall convey its water system to the  
12 Metropolitan Sewerage District within one year of the effective date of this section. The  
13 transfer shall include all the real and personal property used for such water system, and all  
14 assets and liabilities, tangible and intangible.

15 (b) If a city water system has been conveyed to a Metropolitan Sewerage District under  
16 this section, the Metropolitan Sewerage District shall also have all the powers of a Metropolitan  
17 Water District under Article 4 of this Chapter. In such case, the city may not subsequently  
18 operate a water system."

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



\* H 9 2 5 - V - 1 \*



# HOUSE BILL 925: LRC Study Metropolitan Sewerage/Water System

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	May 25, 2011
<b>Introduced by:</b>	Rep. Moffitt	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to First Edition H925-CSSH-25		Committee Staff

**SUMMARY:** *The Proposed Committee Substitute for House Bill 925 requires the Legislative Research Commission (LRC) to study whether requiring large cities with a municipal water system and located entirely within a Metropolitan Sewerage District to convey the water system to the district will result in improved public services. The LRC would report prior to the convening of the 2012 Regular Session of the 2011 General Assembly.*

**BILL ANALYSIS:** The Proposed Committee Substitute for House Bill 925 requires the Legislative Research Commission (LRC) to study whether requiring large cities that have a municipal water system and that are located entirely within a Metropolitan Sewerage District to convey that water system to the district will result in improved efficiency of public services.

The Commission is required to examine House Bill 925, First Edition, 2011 Regular Session, and the following issues:

- (1) Financial stability of the current independent systems on a historic basis and the anticipated financial stability of a combined system.
- (2) Cost-benefit analysis of a combined system, including a review of assets and liabilities; personnel needs; equipment and infrastructure replacement schedules; facilities leased and owned; and fee schedules.
- (3) Debt obligation.
- (4) Taxpayer investments in the systems.
- (5) Audit of current financials.
- (6) Comparative analysis of the current system to existing public and private systems.
- (7) Conservation and water efficiency practices.
- (8) Best management practices.
- (9) The disposition of property in Article 12 of Chapter 160A as it relates to a conveyance of a water system.
- (10) The transfer of permits when a water system is conveyed.
- (11) Any local acts applicable to the city or metropolitan sewerage district.
- (12) Other items the Commission deems relevant.

The LRC is required to report findings and recommendations to the 2012 Regular Session of the 2011 General Assembly prior to its convening.

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

**CURRENT LAW:** Article 5 of Chapter 162A pertains to Metropolitan Sewerage Districts. G.S. 162A-65 contains the following definitions as they pertain to the North Carolina Metropolitan Sewerage Districts Act:

- (3) *District* means a metropolitan sewerage district created under the provisions of this Article.
- (10) *Sewage* means the water-carried wastes created in and carried or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or

# House PCS 925

Page 2

any other private or public buildings, together with such surface or groundwater or household and industrial wastes as may be present.

Article 4 of Chapter 162A pertains to Metropolitan Water Districts. G.S. 162A-32 contains the following definition as it pertains to the Metropolitan Water Districts Act:

- (15) *Water system* means and includes all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, and any integral part thereof, including but not limited to water supply systems, water distribution systems, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by a district board for the operation or maintenance thereof.

*H925-SMSH-80(CSSH-25) v2*

## VISITOR REGISTRATION SHEET

Government

Name of Committee

5/26/11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jim McComick	City of Raleigh
Paul Stutz	NCDH
Frank Gray	NCDH
Brian Lovin	NCDH
Kira M. Whitacre	NL DOJ
Law Ruppert	CYPC
Paul Hoffman	Impair
Dane Feaster	City of Charlotte
Michel Leonard	SEANC
Chuck Stone	SEANC
Wesley Kelly	Policy Group



# VISITOR REGISTRATION SHEET

# Government

Name of Committee

5/26/11

Date \_\_\_\_\_

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

NAME

**FIRM OR AGENCY AND ADDRESS**

Meredith Swindell The Policy Group

Thank You

Ed Williams

# Annaliese Walp

DR NC

Draw Saunders

# Electricities

Camer Huff

ETechNL, Inc.

## VISITOR REGISTRATION SHEET

Government

Name of Committee

5/26/11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kay Paksoy	NASW-NC
David Starling	NC DST
Allan Martin	MC DST
Kelly Chambers	AC's Office
Carl Howell	MC DST
Nicole Sullivan	NC DOL Manager, Office of Research & Planning
MICHELLE HEAVY	SMITH ANDERSON
Karin Leonard	Ncacc
Erin McBrayer	JLF
Chris Farr	americans for Prosperity
SOLARI	DST

House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GovernmentDATE: 5-26-11 Room: 643\*Name: Persephone RogersCounty: UnionSponsor: McGurt\*Name: Katherine LlewellynCounty: ForsythSponsor: Rep. Parmon\*Name: Forest KoenigsbergCounty: BuncombeSponsor: Moffitt\*Name: Alissa AelcockCounty: HendersonvilleSponsor: Rep David Guice

\*Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

House Sgt-At Arms:1. Name: Wayne Davis4. Name: RL Carter2. Name: Martha Parrish

5. Name: \_\_\_\_\_

3. Name: Martha Addison

6. Name: \_\_\_\_\_

# **Government Committee Meeting**

**June 2, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: HB 281 - Committee Report, proposed committee substitute, original bill, bill summary, hand out**
- Attachment 3b: HB 733 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3c: HB 887 – Committee Report, proposed committee substitute, amendment, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Thursday, June 2, 2011**

The House Committee on Government met on Thursday, June 2, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representative L. Brown, Co-Chair, Representatives Langdon and Warren, Vice-Chairs, Representatives Adams, Alexander, Barnhart, Bordsen, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Frye, Gill, Goodman, Guice, Hager, Hurley, Jones, Justice, Keever, Luebke, Mobley, Moffitt, Moore, Parfitt, Parmon, and Setzer. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Giles Perry, Erika Churchill, and Theresa Matula.

The Chair called the meeting to order at 10:00 and recognized the pages and sergeant at arms.

Representative LaRoque was recognized to speak on HB 281 ETJ Restrictions. Representative Moffitt moved to accept the proposed committee substitute. It was noted that this bill will become a study bill. Representative Langdon moved for an unfavorable report to the original bill and favorable to the proposed committee substitute and be referred to Rules. The motion carried.

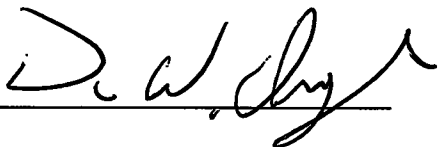
Representative Jordan was recognized to speak on HB 733 Modify Abandoned Property Provisions. Representative Langdon moved to accept the proposed committee substitute. Toni Solari with the Office of State Treasurer spoke in opposition of the bill. Allen Martin from the Unclaimed Property Program in the State Treasurers Office answered questions from committee members. Rusty Krobath, a citizen that had used Keen Property Finders spoke in regard to the fees they requested him to pay in order to receive the money from the Office of State Treasurer their company would be willing to collect for him. He is opposed to this bill. Steve Metcalf with the Policy Group representing Keen Tracers spoke in favor of the bill. He indicated Keen Tracers locates individuals and in most cases they do not charge the person receiving the funds. Representative Hager made a motion to send the bill to Rules without prejudice in order to be evaluated more thoroughly. Representative Bordsen asked if the bill might be sent to a sub-committee as this committee had spent a great deal of time discussing the bill. A vote was taken by show of hands for the motion to send the bill the Rules. The motion carried with 17 in the affirmative and 14 in the negative.

HB 887 Zoning/Temp. Family Health Care Structures. Representative Setzer moved to accept the proposed committee substitute. Representative Faircloth reported favorably from the sub-committee that was formed at the May 26<sup>th</sup> Government Committee meeting. Representative Bordsen sent forth an amendment. The

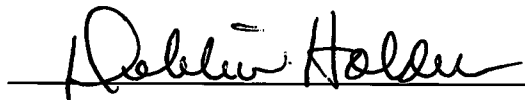
amendment passed. Representative Setzer moved for an unfavorable report to the original bill and favorable to the proposed committee substitute which the amendment would be rolled into and be referred to Finance. The motion carried.

The Chair adjourned at 11:00 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Ingle", written over a horizontal line.

Representative Dan Ingle, Co-Chair

A handwritten signature in black ink, appearing to read "Debbie Holder", written over a horizontal line.

Debbie Holder, Committee Clerk

**AGENDA**

**HOUSE COMMITTEE ON GOVERNMENT**

**Thursday, June 2, 2011**

**Room 643**

**10:00 AM**

**OPENING REMARKS**

**Representative Dan Ingle, Co-Chair  
Government Committee**

**AGENDA ITEMS**

**HB 281 ETJ Restrictions. (PCS) (Finance)**

**Representative LaRoque**

**HB 534 Mecklenburg/Juror Privacy.**

**Representative Cotham  
Representative Martha B. Alexander  
Representative Kelly M. Alexander, Jr.  
Representative Carney**

**HB 685 Government Transparency Act of 2011.  
(Finance)**

**Representative Blust  
Representative LaRoque**

**HB 733 Modify Abandoned Property Provisions.  
(PCS)**

**Representative Jordan  
Representative Starnes  
Representative Stevens**

**HB 887 Zoning/Temp. Family Health Care Structures.  
(PCS) (Finance)**

**Representative Moffitt  
Representative Howard  
Representative Setzer**

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 281** A BILL TO BE ENTITLED AN ACT TO ELIMINATE EXTRATERRITORIAL PLANNING JURISDICTION WHEN COUNTYWIDE ZONING IS IN EFFECT, AND WHEN COUNTYWIDE ZONING IS NOT IN EFFECT, TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.

☒ 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 RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(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 2011**

**H**

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**HOUSE BILL 281  
PROPOSED COMMITTEE SUBSTITUTE H281-PCS30361-ST-45**

Short Title: ETJ Restrictions.

(Public)

Sponsors:

Referred to:

March 10, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO STUDY ELIMINATING EXTRATERRITORIAL PLANNING JURISDICTION  
3 WHEN COUNTYWIDE ZONING IS IN EFFECT AND WHEN COUNTYWIDE  
4 ZONING IS NOT IN EFFECT AND TO ALLOW RESIDENTS OF THE ETJ TO RUN  
5 FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** The House Select Committee on Extraterritorial Jurisdiction is  
8 hereby established. The Committee shall consist of eight members appointed by the Speaker of  
9 the House of Representatives and the President Pro Tempore of the Senate as follows:  
10 (1) Four members from the House of Representatives.  
11 (2) Four members from the Senate.  
12 The Speaker of the House of Representatives shall designate one representative as  
13 cochair. The President Pro Tempore shall designate one senator as cochair. Vacancies of the  
14 Committee shall be filled by the same appointing authority that made the initial appointment.  
15 The Committee shall meet on the call of the cochairs. A quorum of the Committee shall be a  
16 majority of its members.  
17 **SECTION 2.** The Committee shall examine any issues or matters which would  
18 impact the exercise of extraterritorial jurisdiction by cities and the impact of such jurisdiction  
19 on counties, property owners, and residents. The House Select Committee may continue to  
20 study the following:  
21 (1) Current State laws applicable to extraterritorial jurisdiction.  
22 (2) Issues addressed by House Bill 281, 2011 Regular Session.  
23 (3) Any other matter that is relevant to the exercise of extraterritorial  
24 jurisdiction by cities in this State.  
25 **SECTION 3.** While in the discharge of its official duties, the Committee may  
26 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.  
27 Members of the Committee shall receive per diem, subsistence, and travel allowance as  
28 provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the  
29 Legislative Services Commission, the Legislative Services Officer shall assign professional and  
30 clerical staff to assist the Committee in its work. The Senate and House of Representatives shall  
31 assign clerical staff to the Committee. The Committee may contract for professional, clerical,  
32 or consultant services as provided by G.S. 120-32.02. The Committee may meet in the



1 Legislative Building or Legislative Office Building and may meet at various locations around  
2 the State in order to promote greater public participation in its deliberations.

3       **SECTION 4.** The Committee shall submit a final report to the 2012 Regular  
4 Session of the 2011 General Assembly and may submit interim reports as it deems necessary.  
5 The Committee shall terminate upon filing its final report or upon the convening of the 2012  
6 Regular Session of the 2011 General Assembly, whichever comes first.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 281**

Short Title:   ETJ Restrictions. (Public)

Sponsors:   Representative LaRoque (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

March 10, 2011

A BILL TO BE ENTITLED  
AN ACT TO ELIMINATE EXTRATERRITORIAL PLANNING JURISDICTION WHEN  
COUNTYWIDE ZONING IS IN EFFECT, AND WHEN COUNTYWIDE ZONING IS  
NOT IN EFFECT, TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL  
OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-360 is amended by adding the following new subsections  
to read:

"(a2) Notwithstanding the provisions of this section or any local act, a city may not exercise powers granted by this Article outside its corporate limits in any county that has in force a zoning ordinance that applies in the entire unincorporated area of the county, other than areas that are in the extraterritorial jurisdiction of a city.

(a3) In order to transition any such area to county zoning, if a city is currently enforcing the powers granted by this Article in areas where subsection (a1) of this section forbids such jurisdiction, the city may continue exercising such powers until the county adopts an ordinance exercising such powers within all those areas."

**SECTION 2.** G.S. 160A-360(h) reads as rewritten:

"(h) ~~Nothing~~ Except as provided in subsection (a2) of this section, nothing in this section shall repeal, modify, or amend any local act which defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances."

**SECTION 3.** G.S. 160A-360(a) reads as rewritten:

"(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not 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 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. Qualified voters residing within the defined area in which a city is exercising extraterritorially any power conferred by this Article may vote for elective officers of the city and be candidates for and hold such offices. If the governing board is elected by districts, the governing board shall allocate those voters to districts. In determining the population of a city for the purposes of this Article, the city council and the board of county



1 commissioners may use the most recent annual estimate of population as certified by the  
2 Secretary of the North Carolina Department of Administration."

3 **SECTION 4.** G.S. 163-282 reads as rewritten:

4 **"§ 163-282. Residency defined for voting in municipal elections.**

5 The rules for determining residency within a municipality shall be the same as prescribed in  
6 G.S. 163-57 for determining county residency. For purposes of eligibility to vote in elections  
7 for officers of a municipality as authorized in G.S. 160A-360(a), any person who is a resident  
8 of an area over which the municipality exercises extraterritorial jurisdiction under  
9 G.S. 160A-360 or by local act is a resident of the municipality. A person whose residency is  
10 based upon the person's residing in an extraterritorial area is eligible to vote only in elections  
11 for officers of the city and not for other types of elections. However, if an area is annexed by a  
12 municipality, residents in that area may thereafter vote in all municipal elections if they are  
13 otherwise registered, qualified, and eligible. No person shall be entitled to reside in more than  
14 one city or town at the same time."

15 **SECTION 5.** G.S. 163-288.1(a) reads as rewritten:

16 "(a) Whenever any new city or special district is incorporated or whenever an existing  
17 city or district annexes any territory or exercises extraterritorial planning jurisdiction under  
18 G.S. 160A-360 or by local act, the city or special district shall cause a map of the corporate or  
19 district limits or extraterritorial area to be prepared from the boundary descriptions in the act,  
20 charter or other document creating the city or district or authorizing or implementing the  
21 ~~annexation~~annexation, or providing for extraterritorial jurisdiction. The map shall be delivered  
22 to the county or municipal board of elections conducting the elections for the city or special  
23 district. The board of elections shall then activate for city or district elections each voter  
24 eligible to vote in the city or district who is registered to vote in the county to the extent that  
25 residence addresses shown on the county registration certificates can be identified as within the  
26 limits of the city or special ~~district~~district or within the extraterritorial area. Each voter whose  
27 registration is thus activated for city or special district elections shall be so notified by mail.  
28 The cost of preparing the map of the newly incorporated city or special district or of the newly  
29 annexed area, or the extraterritorial area, and of activating voters eligible to vote therein, shall  
30 be paid by the city or special district. In lieu of the procedures set forth in this section, the  
31 county board of elections may use either of the methods of registration of voters set out in  
32 G.S. 163-288.2 when activating voters pursuant to the incorporation of a new city or election of  
33 city officials or both under authority of an act of the General Assembly or when activating  
34 voters after an annexation of new territory by a city or special district under ~~Chapter 160A,~~  
35 ~~Article 4A,~~ Article 4A of Chapter 160A of the General Statutes or other general or local ~~law.~~  
36 law or when activating voters residing within an extraterritorial area."

37 **SECTION 6.** G.S. 163-288.2 reads as rewritten:

38 **"§ 163-288.2. Registration in area proposed for incorporation or annexed.**

39 (a) Whenever the General Assembly incorporates a new city and provides in the act of  
40 incorporation for a referendum on the question of incorporation or for a special election for  
41 town officials or for both, or whenever an existing city or special district annexes new territory  
42 under the provisions of ~~Chapter 160A, Article 4A,~~ Article 4A of Chapter 160A of the General  
43 Statutes or other general or local law, or there is extraterritorial planning jurisdiction under  
44 G.S. 160A-360 or by local act, the board of elections of the county in which the proposed city  
45 is located or in which the newly annexed territory or the extraterritorial area is located shall  
46 determine those individuals eligible to vote in the referendum or special election or in the city  
47 or special district elections. In determining the eligible voters the board may, in its discretion,  
48 use either of the following methods:

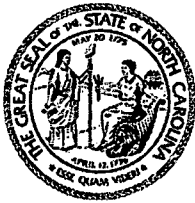
49 METHOD A. – The board of elections shall prepare a list of those registered voters residing  
50 within the proposed city or newly annexed territory or the extraterritorial area. The board shall  
51 make this list available for public inspection in its office for a two-week period ending on the

1 twenty-fifth day before the day of the referendum or special election, or the next scheduled city  
2 or special district election. During this period, any voter resident within the proposed city or  
3 newly annexed territory or the extraterritorial area and not included on the list may cause his  
4 name to be added to the list. At least one week and no more than two weeks before the day the  
5 period of public inspection is to begin, the board shall cause notice of the list's availability to be  
6 posted in at least two prominent places within the proposed city or newly annexed territory or  
7 the extraterritorial area and may cause the notice to be published in a newspaper of general  
8 circulation within the county. The notice shall state that the list has been prepared, that only  
9 those persons listed may vote in the referendum or special election, that the list will be  
10 available for public inspection in the board's office, that any qualified voter not included on the  
11 list may cause his name to be added to the list during the two-week period of public inspection,  
12 and that persons in newly annexed ~~territory~~ territory or the extraterritorial area should present  
13 themselves so their registration records may be activated for voting in city or special district  
14 elections in the newly annexed ~~territory~~ territory or extraterritorial area. Notice may  
15 additionally be made on a radio or television station or both, but such notice shall be in addition  
16 to the newspaper and other required notice.

17 METHOD B. – The board of elections shall conduct a special registration of eligible  
18 persons desiring to vote in the referendum or special election or in the newly annexed territory  
19 or the extraterritorial area. The registration records shall be open for a two-week period (except  
20 Sundays) ending on the twenty-fifth day before the day of the referendum or special election or  
21 the next scheduled city or special district election. On the two Saturdays during that two-week  
22 period, the records shall be located at the voting place for the referendum or special election or  
23 the next scheduled city or special district election; on the other days it may, in the discretion of  
24 the board, be kept at the voting place, at the office of the board, or at the place of business of a  
25 person designated by the board to conduct the special registration. At least one week and no  
26 more than two weeks before the day the period of special registration is to begin, the board  
27 shall cause notice of the registration to be posted in at least two prominent places within the  
28 proposed city or newly annexed territory or the extraterritorial area and may cause the notice to  
29 be published in a newspaper of general circulation within the county. The notice shall state the  
30 purpose and times of the special registration, the location of the registration records, that only  
31 those persons registered in the special registration may vote in the referendum or special  
32 election, and that persons in the newly annexed territory or the extraterritorial area should  
33 present themselves so their registration records may be activated for voting in city or special  
34 district elections in the newly annexed ~~territory~~ territory or the extraterritorial area. Notice may  
35 additionally be made on a radio or television station or both, but such notice shall be in addition  
36 to the newspaper and other required notice.

37 (b) Only those persons registered pursuant to this section may vote in the referendum or  
38 special election, provided, however, that in cases where voters are activated under either  
39 Method A or B to vote in a city or special district that annexes territory, the city or special  
40 district shall permit them to vote in the city or special district's election and shall, as well,  
41 permit other voters to vote in such elections who did not register under the provisions of this  
42 section if they are otherwise registered, qualified and eligible to vote in the same."

43 SECTION 7. This act is effective when it becomes law and applies to elections  
44 occurring on or after September 1, 2011.



## HOUSE BILL 281: ETJ Restrictions

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	June 1, 2011
<b>Introduced by:</b>	Rep. LaRoque	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H281-CSST-45		Committee Counsel

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**SUMMARY:** *The proposed committee substitute would create a select committee of the Senate and House of Representatives to study extraterritorial jurisdiction authority.*

**CURRENT LAW:** General law grants cities the authority to exercise extraterritorial jurisdiction within one mile of the city limits. In order to be able to exercise the one-mile extraterritorial jurisdiction authority, either the county cannot be enforcing a zoning ordinance, subdivision regulation and the State Building Code, or the board of county commissioners agrees. Cities of certain sizes may go beyond the one mile, with the approval of the county board of commissioners with jurisdiction over the area.

Extraterritorial jurisdiction consists of the authority generally to regulate land-use planning. Specifically, cities would have the authority to enforce ordinances on the following, if that city is also enforcing the ordinance within the corporate limits of the city:

- Subdivision regulation
- Zoning
- Voluntary agricultural districts
- Historic districts and landmarks
- Development agreements
- Acquisition of open space
- Building inspections
- Fire limits
- Demolition of unsafe buildings
- Minimum housing standards
- Floodway regulations
- Mountain ridge protection
- Erosion and sediment control
- Stormwater control

Once extraterritorial jurisdiction is exercised by the city, the city is required to provide for representation on the city planning board by individuals residing in the ETJ area. At least one ETJ area resident must be additionally appointed to serve on the city's planning board, if the population of the ETJ area is a full fraction of the city's population divided by total membership of the planning board or board of adjustment. The county board of commissioners makes the appointment, after a public hearing.

The residents of the ETJ area not taxed and are not residents of the city.

**BILL ANALYSIS:** The proposed committee substitute would establish a select committee of 8 members of the House and Senate to study extraterritorial jurisdiction. The Select Committee would

# House PCS 281

*Page 2*

specifically look at the authority to exercise ETJ and residents of the ETJ area running for, and voting in, elections for city council.

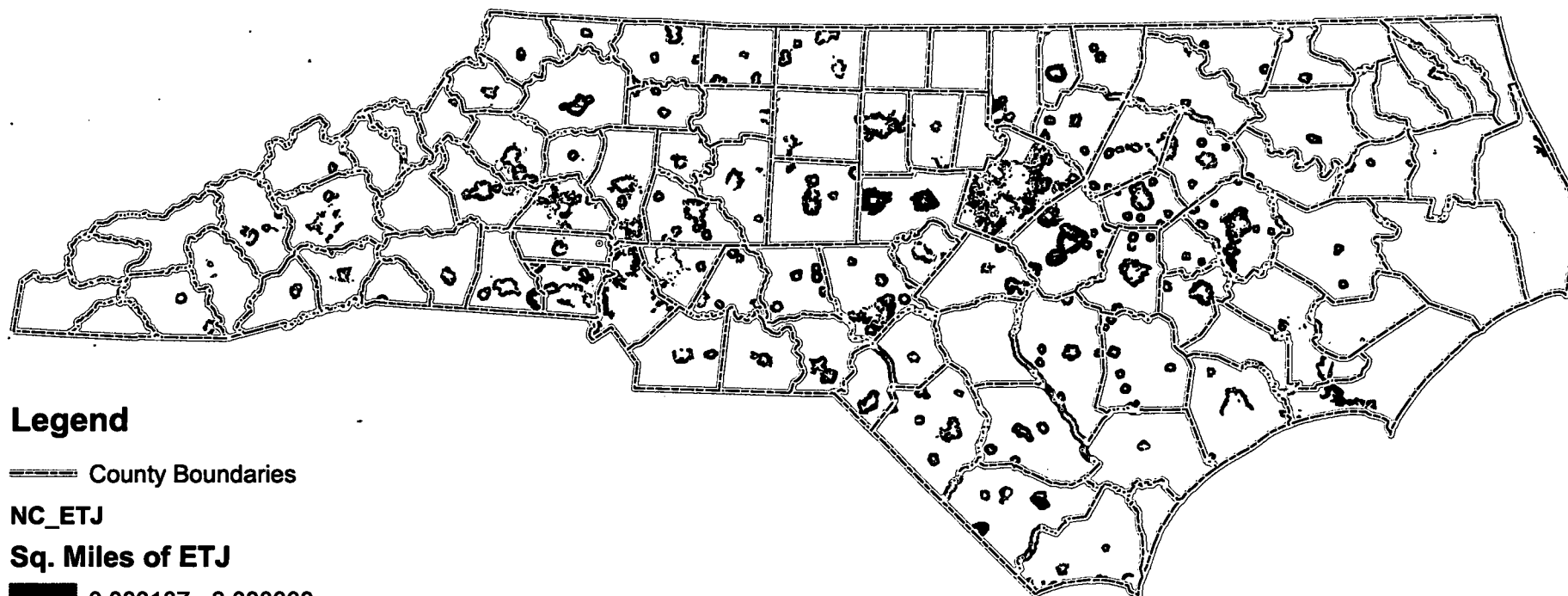
The Select Committee would report to the 2012 Short Session of the 2011 General Assembly.

**EFFECTIVE DATE:** When it becomes law.

*H281-SMST-48(CSST-45) v1*



## Extra-Territorial Jurisdiction in North Carolina

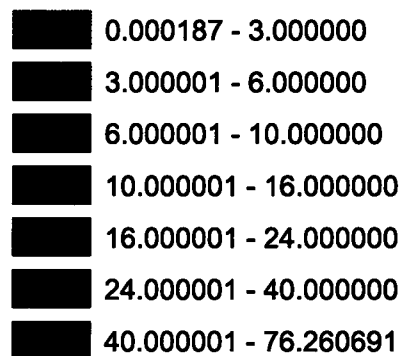


### Legend

County Boundaries

NC\_ETJ

Sq. Miles of ETJ



Printed at Land of Sky Regional Council  
June 1, 2011 PEB

25  
Miles



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 733** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MULTIPLE PAYEE CHECKS MAY BE PRESUMED ABANDONED WITH RESPECT TO AN OWNER NOT CLAIMING THE CHECK WITHIN THREE YEARS AND TO LIMIT THE SCOPE OF THE REGULATION OF PROPERTY FINDER AGREEMENTS TO ONLY THOSE AGREEMENTS THAT INVOLVE PROPERTY THAT IS PRESUMED ABANDONED.

☒ 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 RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(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 2011

H

D

HOUSE BILL 733  
PROPOSED COMMITTEE SUBSTITUTE H733-PCS80237-ME-18

Short Title: Modify Property Finder Provisions.

(Public)

Sponsors:

Referred to:

April 7, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT THE FEE THAT CAN BE CHARGED TO LOCATE PROPERTY  
3 THAT HAS NOT YET ESCHEATED TO THE STATE, TO PREVENT AGREEMENTS  
4 TO LOCATE PROPERTY THAT IS BOTH HELD BY A STATE AGENCY AND HAS  
5 NOT YET ESCHEATED TO THE STATE, AND TO CLARIFY THE APPLICABILITY  
6 OF AGREEMENTS TO LOCATE ESCHEATED PROPERTY.  
7 The General Assembly of North Carolina enacts:  
8 **SECTION 1.** Article 1 of Chapter 75 of the General Statutes is amended by adding  
9 a new section to read:  
10 **"§ 75-43. Agreements to reunite property with owner.**  
11 (a) No agreement to reunite a consumer with property that has not yet escheated to the  
12 State under Chapter 116B of the General Statutes shall include total fees and costs that exceed  
13 thirty-five percent (35%) of the value of the property.  
14 (b) No agreement to reunite a consumer with property that has not yet escheated to the  
15 State under Chapter 116B of the General Statutes shall offer to reunite the owner with property  
16 held by any State agency.  
17 (c) This section does not apply to the agreements to recover property presumed  
18 abandoned under G.S. 116B-78.  
19 (d) An agreement in violation of this section is void and unenforceable. A violation of  
20 this section is an unfair trade practice under G.S. 75-1.1 and is subject to all of the enforcement  
21 and penalty provisions of an unfair trade practice under this Article."  
22 **SECTION 2.** G.S. 116B-78 reads as rewritten:  
23 **"§ 116B-78. Agreement to locate ~~property.~~ property that is presumed abandoned.**  
24 ...  
25 (a1) Agreements Covered. – An agreement by an owner is covered by this section if its  
26 primary purpose is to locate, deliver, recover, or assist in the recovery of property that is  
27 ~~distributable to the owner or~~ presumed abandoned.  
28 (a2) Void Agreements. – An agreement covered by this section is void and  
29 unenforceable if it was entered into during the period commencing on the date the property was  
30 ~~distributable to the owner~~ presumed abandoned and extending to a time that is 24 months after  
31 the date the property is paid or delivered to the Treasurer. This subsection does not apply to an  
32 owner's agreement with an attorney to file a claim or special proceeding as to identified  
33 property or contest the Treasurer's denial of a claim or a clerk's denial of a petition.



\* H 733 - P C S 8 0 2 3 7 - M E - 1 8 \*

1       ...."

2               **SECTION 3.** Section 2 of this act is effective when it becomes law. The remainder  
3 of this act becomes effective October 1, 2011.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 733**

Short Title:	Modify Abandoned Property Provisions.	(Public)
<hr/>		
Sponsors:	Representatives Jordan, Starnes, and Stevens (Primary Sponsors).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
<hr/>		
Referred to:	Government.	

April 7, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT MULTIPLE PAYEE CHECKS MAY BE PRESUMED  
3 ABANDONED WITH RESPECT TO AN OWNER NOT CLAIMING THE CHECK  
4 WITHIN THREE YEARS AND TO LIMIT THE SCOPE OF THE REGULATION OF  
5 PROPERTY FINDER AGREEMENTS TO ONLY THOSE AGREEMENTS THAT  
6 INVOLVE PROPERTY THAT IS PRESUMED ABANDONED.  
7 The General Assembly of North Carolina enacts:  
8           **SECTION 1.** G.S. 116B-53(c) reads as rewritten:  
9       "(c) Property is presumed abandoned if it is unclaimed by the apparent owner during the  
10 time set forth below for the particular property:  
11           ...  
12           (3) Money order, cashier's check, teller's check, and certified check, seven years  
13 after issuance.  
14           (3a) Money order, cashier's check, teller's check, or certified check issued to  
15 multiple payees, three years after issuance, with respect to the payee who has  
16 not claimed the property.  
17           ...."  
18       **SECTION 2.** G.S. 116B-78 reads as rewritten:  
19 **"§ 116B-78. Agreement to locate property.**  
20       ...  
21       (a1) Agreements Covered. – An agreement by an owner is covered by this section if its  
22 primary purpose is to locate, deliver, recover, or assist in the recovery of property that is  
23 ~~distributable to the owner or~~ presumed abandoned.  
24       (a2) Void Agreements. – An agreement covered by this section is void and  
25 unenforceable if it was entered into during the period commencing on the date the property was  
26 ~~distributable to the owner~~ presumed abandoned and extending to a time that is 24 months after  
27 the date the property is paid or delivered to the Treasurer. This subsection does not apply to an  
28 owner's agreement with an attorney to file a claim or special proceeding as to identified  
29 property or contest the Treasurer's denial of a claim or a clerk's denial of a petition.  
30       ...."  
31       **SECTION 3.** This act becomes effective October 1, 2011.





## HOUSE BILL 733: Modify Abandoned Property Provisions

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	May 25, 2011
<b>Introduced by:</b>	Reps. Jordan, Starnes, Stevens	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	PCS to First Edition H733-CSME-18		Committee Counsel

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**SUMMARY:** *House Bill 733 (proposed committee substitute) amends State law concerning abandoned property to limit the fee that can be charged to locate property that has not yet escheated, to prevent agreements to locate property that is both held by a State agency and has not yet escheated, and to clarify the applicability of agreements to locate escheated property.*

**CURRENT LAW:** Chapter 75 of the General Statutes included provisions governing unfair and deceptive trade practices.

Chapter 116B of the General Statutes contains provisions governing the State Escheats Fund, and the North Carolina Unclaimed Property Act. Specifically, G.S. 116B-78 governs agreements to locate abandoned property.

### **BILL ANALYSIS:**

**Section 1** of House Bill 733 amends adds a new section to Chapter 75 of the General Statutes providing that:

- No agreement to reunite a consumer with property that has not yet escheated to the State under Chapter 116B of the General Statutes shall include total fees and costs that exceed thirty five percent (35%) of the value of the property.
- No agreement to reunite a consumer with property that has not yet escheated to the State under Chapter 116B of the General Statutes shall offer to reunite the owner with property held by any State agency.
- This section does not apply to the agreements to recover property presumed abandoned under G.S. 116B 78.
- An agreement in violation of this section is void and unenforceable. A violation of this section is an unfair trade practice under G.S. 75 1.1 and is subject to all of the enforcement and penalty provisions of an unfair trade practice under this Article."

**Section 2** of the bill amends G.S. 116B-78, governing agreements to locate abandoned property, to clarify that it covers agreements to locate property presumed abandoned.

**EFFECTIVE DATE:** Section 2 of this act is effective when it becomes law. The remainder of this act becomes effective October 1, 2011.

A BILL TO BE ENTITLED

# House PCS 733

Page 2

AN ACT TO LIMIT THE FEE THAT CAN BE CHARGED TO LOCATE PROPERTY THAT HAS NOT YET ESCHEATED TO THE STATE, TO PREVENT AGREEMENTS TO LOCATE PROPERTY THAT IS BOTH HELD BY A STATE AGENCY AND HAS NOT YET ESCHEATED TO THE STATE, AND TO CLARIFY THE APPLICABILITY OF AGREEMENTS TO LOCATE ESCHEATED PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"§ 75 43. Agreements to reunite property with owner.

(a)

SECTION 2. G.S. 116B 78 reads as rewritten:

"§ 116B 78. Agreement to locate property. property that is presumed abandoned.

...

(a1) Agreements Covered. – An agreement by an owner is covered by this section if its primary purpose is to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned.

(a2) Void Agreements. – An agreement covered by this section is void and unenforceable if it was entered into during the period commencing on the date the property was distributable to the owner presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Treasurer. This subsection does not apply to an owner's agreement with an attorney to file a claim or special proceeding as to identified property or contest the Treasurer's denial of a claim or a clerk's denial of a petition.

...."

SECTION 3.

*H733-SMRW-132(CSME-18) v1*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**HB 887** A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

☒ 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 2011

H

D

HOUSE BILL 887  
PROPOSED COMMITTEE SUBSTITUTE H887-PCS11219-STx-37

Short Title: Zoning/Temp. Family Health Care Structures.

(Public)

Sponsors:

Referred to:

May 4, 2011

A BILL TO BE ENTITLED  
AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE  
STRUCTURES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-341.3. Zoning of temporary health care structures.**

**A county exercising powers under this Article shall comply with G.S. 160A-383.5."**

SECTION 2. Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-383.5. Zoning of temporary health care structures.**

(a) The following definitions apply in this section:

- (1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece, and includes half, step, and in-law relationships.
- (4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.



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1       (b) A city shall consider a temporary family health care structure used by a caregiver in  
2 providing care for a mentally or physically impaired person on property owned or occupied by  
3 the caregiver as the caregiver's residence as a permitted accessory use in any single-family  
4 residential zoning district on lots zoned for single-family detached dwellings.

5       (c) A city shall consider a temporary family health care structure used by an individual  
6 who is the named legal guardian of the mentally or physically impaired person a permitted  
7 accessory use in any single-family residential zoning district on lots zoned for single-family  
8 detached dwellings in accordance with this section if the temporary family health care structure  
9 is placed on the property of the residence of the individual and is used to provide care for the  
10 mentally or physically impaired person.

11       (d) Only one temporary family health care structure shall be allowed on a lot or parcel  
12 of land. The temporary family health care structures under subsections (b) and (c) of this  
13 section shall not require a special use permit or be subjected to any other local zoning  
14 requirements beyond those imposed upon other authorized accessory use structures, except as  
15 otherwise provided in this section. Such temporary family health care structures shall comply  
16 with all setback requirements that apply to the primary structure and with any maximum floor  
17 area ratio limitations that may apply to the primary structure.

18       (e) Any person proposing to install a temporary family health care structure shall first  
19 obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00)  
20 for the initial permit and an annual renewal fee of up to fifty dollars (\$50.00). The city may not  
21 withhold a permit if the applicant provides sufficient proof of compliance with this section. The  
22 city may require that the applicant provide evidence of compliance with this section on an  
23 annual basis as long as the temporary family health care structure remains on the property. The  
24 evidence may involve the inspection by the city of the temporary family health care structure at  
25 reasonable times convenient to the caregiver, not limited to any annual compliance  
26 confirmation, and annual renewal of the doctor's certification.

27       (f) Notwithstanding subsection (i) of this section, any temporary family health care  
28 structure installed under this section may be required to connect to any water, sewer, and  
29 electric utilities serving the property and shall comply with all applicable State law, local  
30 ordinances, and other requirements, including Part 5 of this Article, as if the temporary family  
31 health care structure were permanent real property.

32       (g) No signage advertising or otherwise promoting the existence of the temporary  
33 health care structure shall be permitted either on the exterior of the temporary family health  
34 care structure or elsewhere on the property.

35       (h) Any temporary family health care structure installed pursuant to this section shall be  
36 removed within 60 days in which the mentally or physically impaired person is no longer  
37 receiving or is no longer in need of the assistance provided for in this section. If the temporary  
38 family health care structure is needed for another mentally or physically impaired person, the  
39 temporary family health care structure may continue to be used, or may be reinstated on the  
40 property within 60 days of its removal, as applicable.

41       (i) The city may revoke the permit granted pursuant to subsection (e) of this section if  
42 the permit holder violates any provision of this section or G.S. 160A-202. The city may seek  
43 injunctive relief or other appropriate actions or proceedings to ensure compliance with this  
44 section or G.S. 160A-202.

45       (j) Temporary family health care structures shall be treated as tangible personal  
46 property for purposes of taxation."

47       SECTION 3. G.S. 130A-250 is amended by adding a new subdivision to read:

48       "(14) Temporary family health care structures under G.S. 153A-341.1 or  
49       G.S. 160A-383.5."

50       SECTION 4. G.S. 131D-2.1(10) reads as rewritten:

"(10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- a. Emergency response system;
- b. Charges for services offered;
- c. Limitations of tenancy;
- d. Limitations of services;
- e. Resident responsibilities;
- f. Financial/legal relationship between housing management and home care or hospice agencies;
- g. A listing of all home care or hospice agencies and other community services in the area;
- h. An appeals process; and
- i. Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, and temporary family health care structures, as defined in G.S. 160A-383.5, are exempt from the regulatory requirements for multiunit assisted housing with services programs."

**SECTION 5.** G.S. 160A-442(2) reads as rewritten:

"(2) "Dwelling" means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S. 160A-383.5, shall be considered dwellings for purposes of this Part, provided that any ordinance provision requiring minimum square footage shall not apply to such structures."

**SECTION 6.** If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

1           **SECTION 7.** This act becomes effective July 1, 2011, and applies as to temporary  
2 family health care structures existing on or after that date. No county or city may impose a fee  
3 as authorized by Section 1 of this act on any temporary family health care structure existing on  
4 that date.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 887

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

H887-AST-39 [v.1]

Page 1 of 1

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

Date \_\_\_\_\_, 2011

Representative \_\_\_\_\_

- 1 moves to amend the bill on page 2, line 5 by deleting "a caregiver" and substituting "an  
2 individual";  
3  
4 and on page 2, line 8 by inserting the following at the end of that line:  
5 "if the temporary family health care structure is placed on the property of the residence of the  
6 individual and is used to provide care for the mentally or physically impaired person."

SIGNED Chae I. Boddie  
Amendment Sponsor

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

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



\* H 8 8 7 - A S T - 3 9 - V - 1 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 887

Short Title: Zoning/Temp. Family Health Care Structures. (Public)

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Sponsors: Representatives Moffitt, Howard, and Setzer (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Government, if favorable, Finance.

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May 4, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE  
3 STRUCTURES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Part 3 of Article 18 of Chapter 153A of the General Statutes is  
6 amended by adding a new section to read:

7 **"§ 153A-341.1. Zoning of temporary health care structures.**

8 (a) The following definitions apply in this section:

- 9 (1) Activities of daily living. – Personal functions essential for one's health and  
10 well-being.  
11 (2) Caregiver. – An individual 18 years of age or older who (i) provides care for  
12 a mentally or physically impaired person and (ii) is related by blood,  
13 marriage, or adoption to, or is the legally appointed guardian of, the mentally  
14 or physically impaired person for whom the individual is caring.  
15 (3) Mentally or physically impaired person. – A person who is a resident of this  
16 State and who requires assistance with two or more activities of daily living.  
17 (4) Temporary family health care structure. – A transportable residential  
18 structure, providing an environment facilitating a caregiver's provision of  
19 care for a mentally or physically impaired person, that (i) is primarily  
20 assembled at a location other than its site of installation, (ii) is limited to one  
21 occupant who shall be the mentally or physically impaired person, (iii) has  
22 no more than 300 gross square feet, and (iv) complies with applicable  
23 provisions of the State Building Code. Placing the temporary family health  
24 care structure on a permanent foundation shall not be required or permitted.

25 (b) A county zoning ordinance for all purposes shall consider a temporary family health  
26 care structure (i) for use by a caregiver in providing care for a mentally or physically impaired  
27 person and (ii) on property owned or occupied by the caregiver as that individual's residence as  
28 a permitted accessory use in any single-family residential zoning district on lots zoned for  
29 single-family detached dwellings. These structures shall not require a special use permit or be  
30 subjected to any other local requirements beyond those imposed upon other authorized  
31 accessory structures, except as otherwise provided in this section. Such structures shall comply  
32 with all setback requirements that apply to the primary structure and with any maximum floor  
33 area ratio limitations that may apply to the primary structure. Only one family health care  
34 structure shall be allowed on a lot or parcel of land.



(c) Any person proposing to install a temporary family health care structure shall first obtain a permit from the county. The county may charge a fee of up to one hundred dollars (\$100.00). The county may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The county may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the county of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

(d) Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements.

(e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(f) Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

(g) The county may revoke the permit granted pursuant to subsection (c) of this section if the permit holder violates any provision of this section. Additionally, the county may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section."

SECTION 2. Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-383.5. Zoning of temporary health care structures.**

(a) The following definitions apply in this section:

(1) Activities of daily living. – Personal functions essential for one's health and well-being.

(2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is related by blood, marriage, or adoption to, or is the legally appointed guardian of, the mentally or physically impaired person for whom the individual is caring.

(3) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living.

(4) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city zoning ordinance for all purposes shall consider a temporary family health care structure (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as that individual's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. These structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

1       (c) Any person proposing to install a temporary family health care structure shall first  
2 obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00).  
3 The city may not withhold a permit if the applicant provides sufficient proof of compliance  
4 with this section. The city may require that the applicant provide evidence of compliance with  
5 this section on an annual basis as long as the temporary family health care structure remains on  
6 the property. The evidence may involve the inspection by the city of the temporary family  
7 health care structure at reasonable times convenient to the caregiver, not limited to any annual  
8 compliance confirmation.

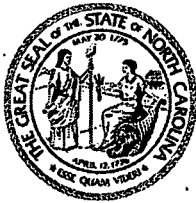
9       (d) Any temporary family health care structure installed pursuant to this section may be  
10 required to connect to any water, sewer, and electric utilities that are serving the primary  
11 residence on the property and shall comply with all applicable requirements.

12       (e) No signage advertising or otherwise promoting the existence of the structure shall  
13 be permitted either on the exterior of the temporary family health care structure or elsewhere on  
14 the property.

15       (f) Any temporary family health care structure installed pursuant to this section shall be  
16 removed within 30 days in which the mentally or physically impaired person is no longer  
17 receiving or is no longer in need of the assistance provided for in this section.

18       (g) The city may revoke the permit granted pursuant to subsection (c) of this section if  
19 the permit holder violates any provision of this section. Additionally, the city may seek  
20 injunctive relief or other appropriate actions or proceedings to ensure compliance with this  
21 section."

22       **SECTION 3.** This act becomes effective July 1, 2011, and applies as to temporary  
23 family health care structures existing on or after that date.



## HOUSE BILL 887: Zoning/Temp. Family Health Care Structures

2011-2012 General Assembly

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<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	May 25, 2011
<b>Introduced by:</b>	Reps. Moffitt, Howard, Setzer	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	H887-CSST-37		

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**SUMMARY:** *The proposed committee substitute for House Bill 887 would exempt temporary family health care structures from zoning requirements applicable to single family residential zoning by counties and cities.*

**CURRENT LAW:** Counties and cities have the authority to zone as part the jurisdiction's land use planning authority. Zoning ordinances often limit a property to residential, agricultural, industrial, or commercial uses, and places constraints on those uses. Application can be made to the county or city with jurisdiction for an exemption to the zoning ordinance for a specific use.

**BILL ANALYSIS:** The proposed committee substitute would exempt from the zoning authority of cities and counties "temporary family health care structures," when those structures are within an area zoned single-family residential. No more than one temporary family health care structure could be placed on a property. The temporary family health care structures would:

- Be subject to taxation as tangible personal property.
- Be required to have a permit prior to installation. A city or county could charge up to \$100 for the initial permit, and up to \$50 for an annual renewal.
- Could be required by the city or county to connect to water, sewer or electric utilities serving the property.
- Comply with building inspections and State Building Code.
- Comply with all setback requirements of the primary residence.
- Not have signage advertising or other promoting the existence of the structure.
- Be required to be removed within 60 days of it no longer being needed. It could be returned to the property for re-installation within 60 days of removal if it becomes needed for a subsequent mentally or physically impaired person.
- Be exempt from the regulation of food and lodging provisions in Part 6 of Article 8 of Chapter 130A and from licensure of adult care homes.

A temporary family health care structure is a transportable residential structure, providing an environment facilitating a caregiver's provision of care that meets all of the following requirements:

1. Is primarily assembled at a location other than the site of installation.
2. Is limited to 1 occupant who is mentally or physically impaired (an individual who requires assistance with 2 of more personal functions essential for health and well-being).
3. Has no more than 300 gross square feet.
4. Complies with the State Building Code.

**EFFECTIVE DATE:** July 1, 2011 and applies to temporary family health care structures existing at that time, except the fee for the permit may not be charged.



## VISITOR REGISTRATION SHEET

Government

Name of Committee

8-2-11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

T. Ron	SEAM
Nydia Sharpe	Village of Alamance P.O. Box 96 Alamance 27201
Ben York	Village of Alamance P.O. Box 96 Alamance 27201
Kelly Chambers	AG's Office
Allen Martin	DST
Rusty Kroboth	3124 Chancery Pl., Raleigh 27607
SOLARI	DST
Annaliese Dolich	DRIVE
Catherine Heath	STOP NC ANNEXATION
David Starling	DST
Suzanne Beasley	SEANC

# VISITOR REGISTRATION SHEET

GOVERNMENT Y

Name of Committee

5-2-11

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Steve Metcalfe	The Policy Group
Penny Sullivan	School of Gov.
Karen L. Loe	NCLM
Ken Bowers	NCAPA
Patricia S. Ch	R. L. W. R. R.
Betsy Barber	PEAK
BERRY Jenkins	CAROLINAS AGC
BRAD JOHNSON	TOWN OF KNIGHTAME <del>950</del> 950 STEEPLE SQUARE CT KNIGHTAME 27588
Erin McBrayer	JLF
Brian Lovin	NCMHA
Dana Kinton	City of Charlotte

VISITOR REGISTRATION SHEET

Government

Name of Committee

6-2-11

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Thom M...	Rich W. Moore
Meredith Swindle	The Policy Group
Wendy Kelly	"
David McGowan	NC Realtors
Jessie Hays	NCHBA
J. Bussan	NCPA
Charles Broadwell	Fayetteville Observer
Mitch Peele	NCFB
Paul Meyer	NCLM
Lisa Martin	NC Home Builders
Heather Barnett	Williams Muller

# VISITOR REGISTRATION SHEET

# Government

Name of Committee

6-7-11

**Date**

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

**NAME****FIRM OR AGENCY AND ADDRESS**

Ardis Watkins

SEANC

Tony Bode

SEANC

House Committee Pages / Sergeants at ArmsNAME OF COMMITTEE GovernmentDATE: 02 June 11 Room: 643\*Name: meredith shawCounty: ForsythSponsor: Larry Brown\*Name: Frances McDonaldCounty: DuchamSponsor: Larry Hall\*Name: Josh SwainCounty: StanlySponsor: Burr\*Name: Kalen PerryCounty: CarteretSponsor: McElrath\*Name: Sarah HorneCounty: GuilfordSponsor: FairclothHouse Sgt-At Arms:1. Name: Champ Clark's4. Name: Martha Gladson2. Name: Wayne Davis5. Name: RL Carter3. Name: Martha Parrish

6. Name: \_\_\_\_\_

# **Government Committee Meeting**

**June 14, 2011**

- Attachment 1: Minutes**
- Attachment 2: Agenda**
- Attachment 3a: SB 39 - Committee Report, original bill, bill summary**
- Attachment 3b: SB 320 – Committee Report, original bill, bill summary**
- Attachment 3c: SB 177 – Committee Report, original bill, bill summary**
- Attachment 3d: SB 227 – Committee Report, original bill, bill summary**
- Attachment 3e: SB 600 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 3f: SB 250 – Committee Report, original bill, bill summary**
- Attachment 3g: SB 620 – Committee Report, proposed committee substitute, original bill, bill summary**
- Attachment 4: Visitor Registration Sheet**
- Attachment 5: Sergeants at Arms and Pages**

## **Minutes**

### **Committee on Government**

**Tuesday, June 14, 2011**

The House Committee on Government met on Tuesday, June 14, 2011, in room 643 of the Legislative Office Building. Representative Dan Ingle, Co-Chair, presided over the meeting. The following House members were present: Representatives Langdon and Warren, Vice-Chairs, Representatives Adams, Alexander, R. Brown, Cleveland, Collins, Earle, Faircloth, Frye, Gill, Goodman, Hager, Hurley, Jones, Keever, McGee, Mobley, and Parfitt. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Theresa Matula, Barbara Riley and Kelly Quick.

The Chair called the meeting to order at 8:30 and recognized the pages and sergeant at arms.

Senator Jenkins was recognized to present SB 39 Parmele Town Board Size. Representative McGee moved for a favorable report. The motion carried.

Senator Jenkins was recognized to present SB 320 Municipal Systems. Representative Collins moved for a favorable report. The motion carried.

Senator Robins was recognized to present SB 177 Greensboro Rental Property Utility Liens. Representative Adams moved for a favorable report. The motion carried.

Senator Hise was recognized to present SB 227 Haywood Community College Leases. Representative Adams moved for a favorable report and be referred to Finance. The motion carried.

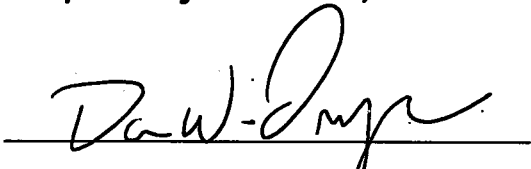
Representative Earle was recognized to present SB 600 Out-of-State Law Enforcement/Special Events. Representative Langdon moved to accept the Proposed Committee Substitute. Representative Adams moved for an unfavorable report to the original bill and a favorable report to the Proposed Committee Substitute. The motion carried.

Representative Cleveland was recognized to present SB 250 Harkers Island Sanitary District Elections. Representative Jones moved for a favorable report. The motion carried.

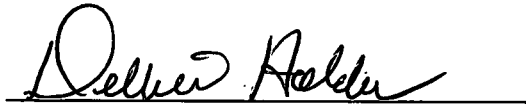
Senator Clodfelter was recognized to present SB 620 Clarify Use of Position. Representative Mobley moved to accept the Proposed Committee Substitute. Representative Hager moved for an unfavorable report to the original bill and a favorable report to the Proposed Committee Substitute. The motion carried.

**The Chair adjourned at 8:52 AM.**

**Respectfully submitted,**

A handwritten signature in cursive script, appearing to read "Dan W. Ingle", written over a horizontal line.

**Representative Dan Ingle, Co-Chair**

A handwritten signature in cursive script, appearing to read "Debbie Holder", written over a horizontal line.

**Debbie Holder, Committee Clerk**



**AGENDA**

**HOUSE COMMITTEE ON GOVERNMENT**

**Tuesday, June 14, 2011**

**Room 643**

**8:30 AM**

**OPENING REMARKS**

**Representative Dan Ingle, Co-Chair  
Government Committee**

**AGENDA ITEMS**

<b>SB 39</b>	<b>Parmelee Town Board Size.</b>	<b>Senator Jenkins</b>
<b>SB 177</b>	<b>Greensboro Rental Property Utility Liens.</b>	<b>Senator Robinson</b>
<b>SB 227</b>	<b>Haywood Community College Leases.</b>	<b>Senator Hise</b>
<b>SB 250</b>	<b>Harkers Island Sanitary District Elections.</b>	<b>Senator Preston</b>
<b>SB 320</b>	<b>Municipal Systems.</b>	<b>Senator Jenkins</b>
<b>SB 600</b>	<b>Out-of-State Law Enforcement/Special Events. (PCS)</b>	<b>Senator Clodfelter</b>
<b>SB 620</b>	<b>Clarify Use of Position. (PCS)</b>	<b>Senator Clodfelter</b>

**ADJOURNMENT**

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

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☒ Committee Substitute for

**SB 39** A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF  
COMMISSIONERS OF THE TOWN OF PARMELE FROM THREE TO FIVE MEMBERS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

---

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**S**

**2**

**SENATE BILL 39**

**State and Local Government Committee Substitute Adopted 2/15/11**

Short Title: Parmele Town Board Size.

(Local)

Sponsors:

Referred to:

February 8, 2011

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF  
PARMELE FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective with the organizational meeting after the 2011 regular municipal election and applying to the 2011 election and thereafter, Section 3 of Chapter 60 of the Private Laws of 1893 is rewritten to read:

"Section 3. The Board of Commissioners of the Town of Parmele consists of five members elected at large for four-year terms in 2011 and quadrennially thereafter. A mayor shall be elected by the qualified voters of the town in 2011 and quadrennially thereafter for a four-year term. The elections are conducted on the nonpartisan plurality basis and the results determined in accordance with G.S. 163-292."

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





## SENATE BILL 39: Parmele Town Board Size

2011-2012 General Assembly

<b>Committee:</b>	House Government	<b>Date:</b>	June 14, 2011
<b>Introduced by:</b>	Sen. Jenkins	<b>Prepared by:</b>	Denise Adams
<b>Analysis of:</b>	Second Edition		Committee Staff

**SUMMARY:** *Senate Bill 39 makes several changes to the Board of Commissioners of the Town of Parmele.*

**CURRENT LAW:** The Town of Parmele was incorporated in 1893, with a mayor and three commissioners. Under current law, the mayor and the three commissioners are elected every 4 years.

**BILL ANALYSIS:** Senate Bill 39 expands the Board of Commissioners of the Town of Parmele from 3 to 5 members to be elected at large for four-year terms beginning with the organizational meeting after the 2011 municipal election. Senate Bill 39 also states that a mayor shall be elected in 2011 and every four years thereafter. These elections are to be conducted in a nonpartisan plurality basis in accordance with the following rules:

- When multiple people are seeking election to one office, the candidate with the highest number of votes is elected.
- When multiple people are seeking election to more offices than there are offices to be filled, the candidates receiving the highest number of votes equal to the number of offices shall be elected.
- If multiple candidates tie with the highest number of votes, the board of elections shall determine the winner.

**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 as the Town of Parmele is located in Martin County, one of the 40 counties in North Carolina subject to Section 5.

**BACKGROUND:** The Board of Commissioners of the Town of Parmele unanimously adopted a resolution on November 9, 2010 asking the town's Representative or Senator to introduce legislation to this effect.

S39-SMTB-27(e2) v2

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 320** A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF CITIES  
CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

☒ 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 2011

S

2

SENATE BILL 320  
State and Local Government Committee Substitute Adopted 5/18/11

Short Title: Municipal Systems.

(Public)

Sponsors:

Referred to:

March 14, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE AUTHORITY OF CITIES CONCERNING WATER AND  
3 WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-321 reads as rewritten:

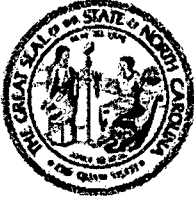
6 "§ 160A-321. Sale, lease, or discontinuance of city-owned enterprise.

7 (a) A city is authorized to sell or lease as lessor any enterprise that it may own upon any  
8 terms and conditions that the council may deem best. However, except as to transfers to another  
9 governmental entity pursuant to G.S. 160A-274 or as provided in subsection (b) of this section,  
10 a city-owned enterprise shall not be sold, leased to another, or discontinued unless the proposal  
11 to sell, lease, or discontinue is first submitted to a vote of the people and approved by a  
12 majority of those who vote thereon. Voter approval shall not be required for the sale, lease, or  
13 discontinuance of airports, off-street parking systems and facilities, or solid waste collection  
14 and disposal systems.

15 (b) For the sale, lease, or discontinuance of water treatment systems, water distribution  
16 systems, or wastewater collection and treatment systems, a city may, but is not required to,  
17 submit to its voters the question of whether such sale, lease, or discontinuance shall be  
18 undertaken. The referendum is to be conducted pursuant to the general and local laws  
19 applicable to special elections in such city."

20 SECTION 2. This act becomes effective January 1, 2012.





## SENATE BILL 320: Municipal Systems

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Jenkins  
**Analysis of:** Second Edition

**Date:** June 13, 2011  
**Prepared by:** Giles S. Perry  
Committee Counsel

**SUMMARY:** *Senate Bill 320 provides that for the sale, lease, or discontinuance of water treatment systems, water distribution systems, or wastewater collection and treatment systems, a city may (but is not required to) submit the question to its voters.*

**CURRENT LAW:** A city may sell or lease any enterprise that it may own upon terms and conditions that the council deems best. Except as to transfers to another governmental entity, a city-owned enterprise must not be sold, leased, or discontinued unless the proposal is first submitted to a vote of the people and approved by a majority vote. Voter approval is not required for any of the following:

- The sale, lease, or discontinuance of airports.
- Off street parking systems and facilities.
- Solid waste collection and disposal systems.

**BILL ANALYSIS:** Senate Bill 320 provides that for the sale, lease, or discontinuance of water treatment systems, water distribution systems, or wastewater collection and treatment systems, a city may, but is not required to, submit the question to voters. The referendum must be conducted pursuant to general and local laws applicable to special elections in the city.

**EFFECTIVE DATE:** The act becomes effective January 1, 2012.

*S320-SMRW-156(e2) v2*

*Brad Krehely of the Research Division substantially contributed to this summary.*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☐ Committee Substitute for

**SB 177** A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL PROPERTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

1

SENATE BILL 177\*

Short Title: Greensboro Rental Property Utility Liens. (Local)  
Sponsors: Senators Robinson; Bingham, Jones, and Vaughan.  
Referred to: State and Local Government.

March 3, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE  
3 THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY  
4 SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE  
5 MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON  
6 THE RENTAL PROPERTY.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Section 6.83 of the Charter of the City of Greensboro, being Chapter  
9 1137 of the 1959 Session Laws, as amended, reads as rewritten:

10 "Sec. 6.83. Liens for Utility Charges.

11 (a) ~~In case~~ Except as provided in subsection (b) of this section, when any charge for  
12 utility service or for the use of utility facilities is not paid within ten days after it becomes due,  
13 the same shall become a lien upon the property served or in connection with which the service  
14 or facility is used. The charge may at any time thereafter be collected, either by suit in the name  
15 of the city or by the city tax collector for the city, by the sale of the property upon which the  
16 lien attaches at the Guilford County courthouse door, after advertising the sale once a week for  
17 four successive weeks in some newspaper published in the city which is qualified to carry legal  
18 notices. The sale shall be made under the same rules and regulations, and subject to the same  
19 costs and penalties and to the same rights of redemption as are provided by law for the  
20 foreclosure of the lien on real estate for taxes.

21 (b) When any charge for utility service or for the use of utility facilities is for a rental  
22 property and the tenants of the rental property are individually liable for the charge, the city  
23 shall collect any charge that is incurred and becomes past-due after July 1, 2010, pursuant to  
24 the provisions of G.S. 160A-314 and any other applicable general or local law. The city shall  
25 not collect any charge from a tenant that is incurred and becomes past-due after July 1, 2010,  
26 under the provisions of subsection (a) of this section."

27 SECTION 2. This act is effective from and after July 1, 2010.





## SENATE BILL 177: Greensboro Rental Property Utility Liens

2011-2012 General Assembly

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<b>Committee:</b>	House Government	<b>Date:</b>	June 13, 2011
<b>Introduced by:</b>	Sen. Robinson	<b>Prepared by:</b>	Giles S. Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *Senate Bill 177 amends the Greensboro Charter to provide that unpaid utility fees on rental property that are incurred and become past-due after July 1, 2010 shall be collected as a debt of the tenant, not as a lien on the property.*

[As introduced, this bill was identical to H192, as introduced by Reps. Brandon, Adams, which is currently in Senate State and Local Government.]

**CURRENT LAW:** Under the current Greensboro City Charter, when charges for utility service are not paid within 10 days after the due date, they become a lien on the property and the charges may be collected by suit or by the sale of the property.

**BILL ANALYSIS:** Senate Bill 177 amends the Greensboro Charter to provide that if utility charges on property that is used as rental property are not paid, and the tenants are liable for the utility charge, then the City shall collect them from the tenant under general law.

**EFFECTIVE DATE:** This act is effective from and after July 1, 2010 and applies to utility charges that are incurred and become past-due after July 1, 2010.

SI77-SMRW-155(e1) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 227** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAYWOOD COMMUNITY COLLEGE 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.

☒ 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 2011**

S

2

**SENATE BILL 227**

**State and Local Government Committee Substitute Adopted 3/16/11**

Short Title: Haywood Community College Leases.

(Local)

Sponsors:

Referred to:

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAYWOOD COMMUNITY COLLEGE 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.(a)** G.S. 160A-272 reads as rewritten:

**"§ 160A-272. Lease or rental of property.**

Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided herein) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included. Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

No public notice need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less. Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property. A community college board of trustees may approve a lease for the siting and operation of a renewable energy facility, as the term is defined in G.S. 62-133.8(a)(7), for a term of up to 20 years without treating the lease as a sale of property and without giving notice by publication of the intended lease."

**SECTION 1.(b)** This act applies only to Haywood Community College.

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





## SENATE BILL 227: Haywood Community College Leases

2011-2012 General Assembly

<b>Committee:</b>	House Government, if favorable, Finance	<b>Date:</b>	June 13, 2011
<b>Introduced by:</b>	Sen. Hise	<b>Prepared by:</b>	Barbara Riley
<b>Analysis of:</b>	Second Edition		Committee Counsel

**SUMMARY:** *Senate Bill 227 would authorize the Board of Trustees of Haywood Community College to enter into a lease for the siting and operation of a renewable energy facility for up to 20 years.*

[As introduced, this bill was identical to H401, as introduced by Rep. Rapp, which is currently in House Government, if favorable, Finance.]

**CURRENT LAW:** G.S. 115D-15 provides that Article 12 of Chapter 160A of the General Statutes shall apply to the disposal or sale of any real or personal property owned by the board of trustees of a community college.

G.S. 160A-272 requires that leases in excess of ten years be treated as sales of real property, usually requiring competitive bidding, and public notice must also be given of the decision to lease the property.

G.S. 62-133.8(a)(7) provides that a renewable energy facility means a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

- Generates electric power by the use of a renewable energy resource.
- Generates useful, measurable combined heat and power derived from a renewable energy source.
- Is a solar thermal energy facility.

**BILL ANALYSIS:** Senate Bill 227 authorizes the Board of Trustees for Haywood Community College to approve a lease for the siting and operation of a renewable energy facility for a term of up to 20 years without treating the lease as a sale and without giving notice by publication of the intended lease.

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

**BACKGROUND:** Similar authority has been granted to Asheville, Raleigh, Winston-Salem, Chapel Hill, Carrboro, and Catawba County.

S227-SMRF-103(e2) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 600** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

**(FOR JOURNAL USE ONLY)**

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 600  
Judiciary I Committee Substitute Adopted 5/10/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S600-CSSH-32 [v.2]

6/13/2011 11:04:01 PM

Short Title: Out-of-State Law Enforcement/Special Events.

(Public)

Sponsors:

Referred to:

April 19, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE  
3 HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO  
4 CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO  
5 PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL  
6 CONVENTION.  
7 The General Assembly of North Carolina enacts:  
8 SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by  
9 adding a new section to read:  
10 **"§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**  
11 (a) In accordance with rules, policies, or guidelines adopted by the governing body of  
12 the city by which the officer is employed, and subject to any conditions or restrictions included  
13 therein, the head of any law enforcement agency of a municipality with a population that  
14 exceeds 500,000 may request and enter into temporary intergovernmental law enforcement  
15 agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers  
16 to aid in enforcing the laws of North Carolina within the jurisdiction of the requesting  
17 municipality if so requested in writing by the head of the requesting agency. The assistance  
18 may comprise allowing out-of-state law enforcement officers to work temporarily with officers  
19 of the requesting agency (including in an undercover capacity) and lending equipment and  
20 supplies. While working with the requesting agency under the authority of this section, an  
21 out-of-state law enforcement officer shall have the same jurisdiction, powers, rights, privileges,  
22 and immunities (including those relating to the defense of civil actions and payment of  
23 judgments) as the officers of the requesting agency. While on duty with the requesting agency,  
24 the out-of-state law enforcement officer shall be subject to the lawful operational commands of  
25 the chief of police and the chief's chain of command for the requesting agency.  
26 (b) As used in this section, the following definitions apply:  
27 (1) "Head" means any director or chief officer of a law enforcement agency,  
28 including the chief of police of the requesting agency or an officer of the  
29 requesting agency to whom the head of that agency has delegated authority  
30 to make or grant requests under this section.



\* S 6 0 0 - C S S H - 3 2 - V - 2 \*

- 1           (2) "Law enforcement agency" means a municipal police department for a  
2           municipality that has a population of more than 500,000. All other State and  
3           local agencies are exempted from the provisions of this section.
- 4           (3) "Out-of-state law enforcement officer" means a full-time paid employee of a  
5           governmental employer who is actively serving in a position with assigned  
6           primary duties and responsibilities for prevention and detection of crime or  
7           the general enforcement of the criminal laws of the officer's home  
8           jurisdiction or serving civil processes, and who possesses the power of arrest  
9           by virtue of an oath administered under the authority of the home  
10           jurisdiction, and who is in good standing and has no pending civil, criminal,  
11           or departmental action that would disqualify the officer if the officer were  
12           certified by this State.
- 13           (4) "Out-of-state law enforcement agency" means an employer which is a  
14           governmental agency outside of this State and which is assigned primary  
15           duties and responsibilities for prevention and detection of crime or the  
16           general enforcement of the criminal laws of the home jurisdiction or serving  
17           civil processes, and which has employees who possess the power of arrest by  
18           virtue of an oath administered under the authority of the home jurisdiction.
- 19           (5) "Temporary intergovernmental law enforcement agreement" means any  
20           agreement entered into by the agency head with the head of another  
21           out-of-state law enforcement agency for the use of officers or equipment for  
22           a designated period of time.
- 23           (c) This section in no way reduces the jurisdiction or authority of State law enforcement  
24           officers.
- 25           (d) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law  
26           enforcement officers shall be authorized to hold dual offices when one of the appointive offices  
27           held is that of out-of-state law enforcement officer and the other appointive office is that of a  
28           law enforcement officer for a municipality authorized to enter into temporary  
29           intergovernmental law enforcement agreements pursuant to this section.
- 30           (e) Notwithstanding the provisions of Chapter 17C and Chapter 17E of the General  
31           Statutes, out-of-state law enforcement officers certified and sworn in the officers' home  
32           jurisdiction and subject to the provisions of an intergovernmental law enforcement agreement  
33           under this section shall be deemed to have met the certification requirements of this State for  
34           the purposes of being sworn as a law enforcement officer with the requesting agency.
- 35           (f) An intergovernmental law enforcement agreement entered into pursuant to this  
36           section shall address standards of conduct for the out-of-state law enforcement officers,  
37           including the requesting agencies' policies regarding the use of force. Additionally, the  
38           intergovernmental law enforcement agreement shall require all out-of-state law enforcement  
39           officers to successfully complete training as prescribed by the requesting agency. The  
40           intergovernmental law enforcement agreement shall also address the compensation of  
41           out-of-state law enforcement officers and the protocol for processing claims made against or by  
42           the out-of-state law enforcement officer.
- 43           (g) This section becomes effective January 1, 2012, applies to all intergovernmental law  
44           enforcement agreements entered into on or after that date, and expires October 1, 2012. "

45           **SECTION 2.** This act is effective as provided herein.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

2

SENATE BILL 600  
Judiciary I Committee Substitute Adopted 5/10/11

Short Title: Out-of-State Law Enforcement/Special Events.

(Public)

Sponsors:

Referred to:

April 19, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE  
3 HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO  
4 CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO  
5 PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL  
6 CONVENTION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by  
9 adding a new section to read:

10 **"§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**

11 (a) In accordance with rules, policies, or guidelines adopted by the governing body of  
12 the city by which the officer is employed, and subject to any conditions or restrictions included  
13 therein, the head of any law enforcement agency of a municipality with a population that  
14 exceeds 500,000 may request and enter into temporary intergovernmental law enforcement  
15 agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers  
16 to aid in enforcing the laws of North Carolina within the jurisdiction of the requesting  
17 municipality if so requested in writing by the head of the requesting agency. The assistance  
18 may comprise allowing out-of-state law enforcement officers to work temporarily with officers  
19 of the requesting agency (including in an undercover capacity) and lending equipment and  
20 supplies. While working with the requesting agency under the authority of this section, an  
21 out-of-state law enforcement officer shall have the same jurisdiction, powers, rights, privileges,  
22 and immunities (including those relating to the defense of civil actions and payment of  
23 judgments) as the officers of the requesting agency. While on duty with the requesting agency,  
24 the out-of-state law enforcement officer shall be subject to the lawful operational commands of  
25 the chief of police and the chief's chain of command for the requesting agency.

26 (b) As used in this section, the following definitions apply:

27 (1) "Head" means any director or chief officer of a law enforcement agency,  
28 including the chief of police of the requesting agency or an officer of the  
29 requesting agency to whom the head of that agency has delegated authority  
30 to make or grant requests under this section.

31 (2) "Law enforcement agency" means a municipal police department for a  
32 municipality that has a population of more than 500,000. All other State and  
33 local agencies are exempted from the provisions of this section.

34 (3) "Out-of-state law enforcement officer" means a full-time paid employee of a  
35 governmental employer who is actively serving in a position with assigned  
36 primary duties and responsibilities for prevention and detection of crime or  
37 the general enforcement of the criminal laws of the officer's home



1 jurisdiction or serving civil processes, and who possesses the power of arrest  
2 by virtue of an oath administered under the authority of the home  
3 jurisdiction, and who is in good standing and has no pending civil, criminal,  
4 or departmental action that would disqualify the officer if the officer were  
5 certified by this State.

6 (4) "Out-of-state law enforcement agency" means an employer which is a  
7 governmental agency outside of this State and which is assigned primary  
8 duties and responsibilities for prevention and detection of crime or the  
9 general enforcement of the criminal laws of the home jurisdiction or serving  
10 civil processes, and which has employees who possess the power of arrest by  
11 virtue of an oath administered under the authority of the home jurisdiction.

12 (5) "Temporary intergovernmental law enforcement agreement" means any  
13 agreement entered into by the agency head with the head of another  
14 out-of-state law enforcement agency for the use of officers or equipment for  
15 a designated period of time.

16 (c) This section in no way reduces the jurisdiction or authority of State law enforcement  
17 officers.

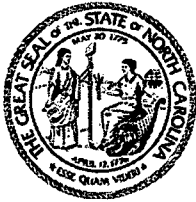
18 (d) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law  
19 enforcement officers shall be authorized to hold dual offices when one of the appointive offices  
20 held is that of out-of-state law enforcement officer and the other appointive office is that of a  
21 law enforcement officer for a municipality authorized to enter into temporary  
22 intergovernmental law enforcement agreements pursuant to this section.

23 (e) Notwithstanding the provisions of Chapter 17C and Chapter 17E of the General  
24 Statutes, out-of-state law enforcement officers certified and sworn in the officers' home  
25 jurisdiction and subject to the provisions of an intergovernmental law enforcement agreement  
26 under this section shall be deemed to have met the certification requirements of this State for  
27 the purposes of being sworn as a law enforcement officer with the requesting agency.

28 (f) An intergovernmental law enforcement agreement entered into pursuant to this  
29 section shall address standards of conduct for the out-of-state law enforcement officers,  
30 including the requesting agencies' policies regarding the use of force. Additionally, the  
31 intergovernmental law enforcement agreement shall require all out-of-state law enforcement  
32 officers to successfully complete training as prescribed by the requesting agency. The  
33 intergovernmental law enforcement agreement shall also address the compensation of  
34 out-of-state law enforcement officers and the protocol for processing claims made against or by  
35 the out-of-state law enforcement officer.

36 (g) This section shall expire on October 1, 2012."

37 **SECTION 2.** This act becomes effective January 1, 2012, and applies to all  
38 intergovernmental law enforcement agreements entered into on or after that date.



## SENATE BILL 600: Out-of-State Law Enforcement/Special Events

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Clodfelter  
**Analysis of:** PCS to Second Edition  
S600-CSSH-32

**Date:** June 13, 2011  
**Prepared by:** Theresa Matula  
Committee Staff

**SUMMARY:** *Senate Bill 600 would authorize a municipality with a population of more than 500,000 to enter into a "temporary intergovernmental law enforcement agreement" with an "out-of-state law enforcement agency" or an "out-of-state law enforcement officer" to aid the municipality in enforcing the laws of North Carolina. The PCS makes a technical change to the expiration date.*

**CURRENT LAW:** Article 13 of Chapter 160A governs law enforcement for municipalities. The statutes address cooperation between law enforcement agencies, assistance by State law enforcement officers, and assistance to State law enforcement agencies. However, the statutes do not appear to address assistance by out-of-state law enforcement officers.

**BILL ANALYSIS:** Senate Bill 600 creates a new section in Article 13 of Chapter 160A regarding assistance by out-of-state law enforcement officers. The bill defines the following terms in G.S. 160A-288.3(b) as they apply to the new section:

- Head
- Out-of-state law enforcement officer
- Temporary intergovernmental law enforcement agreement
- Law enforcement agency
- Out-of-state law enforcement agency

Subject to rules, policies or guidelines of the governing body, the bill allows the head of any law enforcement agency of a municipality with a population that exceeds 500,000 (e.g. Charlotte) to request and enter into temporary intergovernmental law enforcement agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in enforcing North Carolina laws within the jurisdiction of the requesting municipality.

Assistance may include:

- allowing out-of-state law enforcement officers to work temporarily with officers (including undercover) and
- lending equipment and supplies.

While working with the requesting agency, out-of-state law enforcement officers have the same jurisdiction, powers, rights privileges and immunities as the officers of the requesting agency. The out-of-state law enforcement officers are also subject to the commands of the chief of police for the requesting agency and the chief's chain of command.

Additionally, Senate Bill 600 provides the following in G.S. 160A-288.3(c)-(f):

- Clarifies that the statute does not reduce the jurisdiction of State law enforcement officers.
- Authorizes out-of-state law enforcement officers to hold dual offices—to serve as out-of-state law enforcement officer and an officer for Charlotte—as provided in the act.
- Specifies that an intergovernmental law enforcement agreement entered into under this section must:

# Senate PCS 600

Page 2

- specify standards of conduct for the out-of-state law enforcement officers, including use of force;
  - require all out-of-state law enforcement officers to successfully complete training as prescribed by the requesting agency;
  - address the compensation of the out-of-state law enforcement officers; and
  - specify the protocol for processing claims made against or by the out-of-state law enforcement officer.
- G.S. 160A-288.3(g) provides that the section becomes effective January 1, 2012, applies to all intergovernmental law enforcement agreements entered into on or after that date, and expires October 1, 2012.

**EFFECTIVE DATE:** The effective date is provided in G.S. 160A-288.3(g) of the PCS. (The Proposed Committee Substitute makes technical changes to the effective date section of the bill.)

**BACKGROUND:** The City of Charlotte will be hosting the 2012 Democratic National Convention. Senate Bill 600 would give the city the authority to seek assistance and additional security from out-of-state law enforcement agencies.

*Brad Krehely, staff to Senate Judiciary I, contributed to this summary.*

*S600-SMSH-102(CSSH-32) v2*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 250** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HARKERS ISLAND SANITARY DISTRICT BOARD ON THE SAME DATE AS GENERAL ELECTIONS IN EVEN-NUMBERED YEARS.

☒ 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 2011**

**S**

**2**

**SENATE BILL 250  
State and Local Government Committee Substitute Adopted 6/7/11**

Short Title:   Harkers Island Sanitary District Elections. (Local)

Sponsors:

Referred to:

March 9, 2011

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HARKERS ISLAND  
3     SANITARY DISTRICT BOARD ON THE SAME DATE AS GENERAL ELECTIONS IN  
4     EVEN-NUMBERED YEARS.

5 The General Assembly of North Carolina enacts:

6             **SECTION 1.** G.S. 163-279(c) reads as rewritten:

7             "(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday  
8 in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district  
9 elections shall be held at the times provided in this section or in G.S. 130A-50(f) or  
10 G.S. 130A-50(b1)."

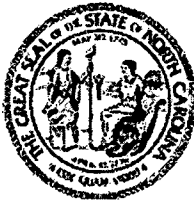
11             **SECTION 2.** G.S. 130A-50 is amended by adding a new subsection to read:

12             "(f) Notwithstanding any provision to the contrary in this section, sanitary district  
13 elections shall be held on the same date as general elections in even-numbered years under  
14 G.S. 163-1."

15             **SECTION 3.** This act applies to the Harkers Island Sanitary District only. The  
16 terms of office of those sanitary district board members whose terms end in 2011 are extended  
17 until their successors are elected and qualified in 2012. The terms of office of those sanitary  
18 district board members whose terms end in 2013 are extended until their successors are elected  
19 and qualified in 2014.

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





## SENATE BILL 250: Harkers Island Sanitary District Elections

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Preston  
**Analysis of:** Second Edition

**Date:** June 13, 2011  
**Prepared by:** Kelly Quick  
Committee Staff

**SUMMARY:** *Senate Bill 250 provides for election of members of the Harkers Island Sanitary District Board on the same date as general elections in even-numbered years.*

**CURRENT LAW:** Sanitary districts created under Article 2 of Chapter 130A are elected to serve for four year terms. The elections are non-partisan and held in odd-numbered years, along with municipal elections. Vacancies in office are to be filled until the next election for sanitary district board members.

**BILL ANALYSIS:** Senate Bill 250 provides that elections for the Harkers Island Sanitary District must be held on the same date as general elections in even-numbered years.

- For board members whose terms end in 2011, the terms of office are extended until their successors are elected and qualified in 2012.
- For board members whose terms end in 2012, the terms of office are extended until their successors are elected and qualified in 2014.

**EFFECTIVE DATE:** This act is effective when it becomes law and applies only to the Harkers Island Sanitary District.

**BACKGROUND:** The Harkers Island Sanitary District is an official governmental agency formed under State law. Its only purpose at the present time is to own and operate the public water system on Harkers Island. Under State law, the election of sanitary district board members occurs in odd years along with municipal elections. Operating a public water system does not get much public attention, and there is a very low voter participation rate for election of Harkers Island Sanitary District board members. Typically, the only matter to be considered in Harkers Island in the odd year election cycle is election of Sanitary District board members. The district board has requested that their election cycle be changed to even years to coincide with general State and national elections. This would increase voter participation for district members significantly.

*Brad Krehely, counsel to Senate State and Local Government, substantially contributed to this summary.*

S250-SMTH-26(e2) v1

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown, Ingle (Chairs) for the Committee on GOVERNMENT.

☒ Committee Substitute for

**SB 620** A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LEGISLATOR'S OR PUBLIC SERVANT'S PUBLIC POSITION MAY BE DISCLOSED IN AN AGENDA OR OTHER DOCUMENT RELATED TO A MEETING, CONFERENCE, OR SIMILAR EVENT.

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

**(FOR JOURNAL USE ONLY)**

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

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

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 620  
PROPOSED COMMITTEE SUBSTITUTE S620-PCS95085-ST-21

Short Title: Clarify Use of Position.

(Public)

Sponsors:

Referred to:

April 19, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT A LEGISLATOR'S OR PUBLIC SERVANT'S PUBLIC  
3 POSITION MAY BE DISCLOSED IN AN AGENDA OR OTHER DOCUMENT  
4 RELATED TO A MEETING, CONFERENCE, OR SIMILAR EVENT.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 138A-31(b) reads as rewritten:  
7 "(b) A covered person shall not mention or ~~permit~~authorize another person to mention  
8 the covered person's public position in nongovernmental advertising that advances the private  
9 interest of the covered person or others. The prohibition in this subsection shall not apply to  
10 any of the following:  
11 (1) ~~political advertising,~~Political advertising.  
12 (2) ~~news stories, news articles,~~News stories and articles.  
13 (3) ~~the~~The inclusion of a covered person's public position in a directory or a  
14 biographical listing,listing.  
15 (4) The inclusion of a covered person's public position in an agenda or other  
16 document related to a meeting, conference, or similar event when the  
17 disclosure could reasonably be considered material by an individual  
18 attending the meeting, conference, or similar event.  
19 (5) ~~or the~~The inclusion of a covered person's public position in a charitable  
20 solicitation for a nonprofit business entity qualifying under 26 U.S.C. §  
21 501(c)(3).  
22 (6) ~~Disclosure~~ The disclosure of a covered person's position to an existing or  
23 prospective customer, supplier, or client ~~is not considered advertising for~~  
24 ~~purposes of this subsection~~ when the disclosure could reasonably be  
25 considered material by the customer, supplier, or client."  
26 SECTION 2. This act becomes effective October 1, 2011.



\* S 6 2 0 - P C S 9 5 0 8 5 - S T - 2 1 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

2

SENATE BILL 620  
Judiciary I Committee Substitute Adopted 5/2/11

Short Title: Clarify Use of Position.

(Public)

Sponsors:

Referred to:

April 19, 2011

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT A LEGISLATOR'S OR PUBLIC SERVANT'S PUBLIC  
3 POSITION MAY BE DISCLOSED IN AN AGENDA OR OTHER DOCUMENT  
4 RELATED TO A MEETING, CONFERENCE, OR SIMILAR EVENT.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 138A-31(b) reads as rewritten:  
7 "(b) A covered person shall not mention or ~~permit~~ authorize another person to mention  
8 the covered person's public position in nongovernmental advertising that advances the private  
9 interest of the covered person or others. The prohibition in this subsection shall not apply to  
10 any of the following:  
11 (1) ~~political advertising~~ Political advertising.  
12 (2) ~~news stories, news articles~~ News stories and articles.  
13 (3) ~~the~~ The inclusion of a covered person's public position in a directory or a  
14 biographical listing, listing.  
15 (4) The inclusion of a covered person's public position in an agenda or other  
16 document related to a meeting, conference, or similar event when the  
17 disclosure could reasonably be considered material by an individual  
18 attending the meeting, conference, or similar event.  
19 (5) ~~or the~~ The inclusion of a covered person's public position in a charitable  
20 solicitation for a nonprofit business entity qualifying under 26 U.S.C. §  
21 501(c)(3).  
22 (6) ~~Disclosure~~ The disclosure of a covered person's position to an existing or  
23 prospective customer, supplier, or client is not considered advertising for  
24 purposes of this subsection when the disclosure could reasonably be  
25 considered material by the customer, supplier, or client."  
26 SECTION 2. This act becomes effective October 1, 2011.





## SENATE BILL 620: Clarify Use of Position

2011-2012 General Assembly

**Committee:** House Government  
**Introduced by:** Sen. Clodfelter  
**Analysis of:** PCS to Second Edition  
S620-CSST-64

**Date:** June 13, 2011  
**Prepared by:** R. Erika Churchill  
Committee Counsel

**SUMMARY:** *The proposed committee substitute for Senate Bill 620 would clarify the prohibition on the use of public title in non-governmental advertising for legislators and public servants under the State Government Ethics Act and would clarify an inconsistency in the reporting requirements for lobbyist principals.*

### Section 1. – Use of Position.

**CURRENT LAW:** The State Government Ethics Act sets forth a code of conduct for legislators, legislative employees and public servants. As part of that code of conduct legislators and public servants are prohibited from mentioning, or allowing another to mention, their public position in non-governmental advertising that advances the private interest of the legislator or public servant, or another. Exceptions apply for: political advertising, news stories and articles, directories and biographical listings, charitable solicitations for 501(c)(3) non-profits, and disclosure to an existing or prospective customer, supplier or client if the public position could reasonably be considered material by the customer, supplier or client.

For purposes of the State Government Ethics Act, "public servant" has a specific definition that includes the council of state, certain high level State employees, and members of non-advisory boards and commissions, including the Board of Governors, the university's boards of trustees, and the Community College boards of trustees.

For purposes of the State Government Ethics Act, "covered person" means all legislators and public servants.

**BILL ANALYSIS:** The proposed committee substitute would clarify that the prohibition also did not apply to the inclusion of a legislator's or public servant's public position on an agenda for a conference, meeting or similar event when that inclusion could reasonably be considered material by an individual attending the conference, meeting, or similar event.

The proposed committee substitute would also modify the prohibition to require an authorization by the legislator or public servant to use their public position in the non-governmental advertising, instead of permitting its use.

### Section 2. Lobbyist Principal Reporting.

**CURRENT LAW:** Currently, the term 'lobbying' is defined as influencing or attempting to influence legislative or executive action, or both, through direct communications and activities with a designated individual or developing goodwill through communications or activities with designated individuals with the intention of influencing current or future legislative or executive action, or both. A lobbyist is currently defined as an individual who is hired to engage in lobbying and meets certain

# Senate PCS 620

Page 2

criterion and a lobbyist principal is currently defined as a person or governmental unit on whose behalf a lobbyist lobbies.

The statutes set forth the contents of periodic reporting by lobbyists and lobbyist principals. For the lobbyist principal the statute currently requires reporting on a quarterly basis of payments to the lobbyists for that lobbyist principal, and similar information annually. The quarterly report requires information broken down by lobbyist. The annual report requires the information to be aggregated and cumulatively reported.

**BILL ANALYSIS:** The proposed committee substitute would clarify that the reporting required is annual, and is in the aggregate.

**EFFECTIVE DATE:** October 1, 2011, and applies to reports filed on or after that date.

*S620-SMST-62(CSST-64) v1*

## VISITOR REGISTRATION SHEET

Government

Name of Committee

06-14-2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Paul Sherin

NCFB

David McEwan

NC Realtors

Kelli Kulkarni

NCLM

Lisa Hart

NC Home Builders

Allison Fowler

NC Grange

Bill Stobbs

TSS

## VISITOR REGISTRATION SHEET

Government

Name of Committee

06-14-2011

**Date**

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

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Erin muBrayer

JLF

Jim Bohrer

BSA

Kathleen Edwards

State Ethics Comm'n

Michael V. Adams

CHARLOTTE-MECKLENBURG PD

Kerry Richals

City of Chalk

Sarah Preston

ACLU-NC

Committee Sergeants at Arms

NAME OF COMMITTEE

GOVERNMENT

DATE:

6-14-2011

Room:

643House Sgt-At Arms:

1. Name: CARTTON ADAMS
2. Name: GARLAND SHEPHERD
3. Name: BILL MACRAE
4. Name: REGGIE SILLS
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE GOVERNMENT

DATE: 6-14-2011 Room: 643

\*Name: Thomas Kincheloe | Tori Sheets

County: Nash | MECKlenburg

Sponsor: Tillis | Brissom

\*Name: Tyler Coe

County: Davidson

Sponsor: Representative Dockham

\*Name: Andrew Fisher

County: Wake

Sponsor: Avila

\*Name: Jack Buckhase

County: Wake

Sponsor: Stam

\*Name: Katie Hester

County: Bladen

Sponsor: Brissom

House Sgt-At Arms:

1. Name: \_\_\_\_\_

4. Name: \_\_\_\_\_

2. Name: \_\_\_\_\_

5. Name: \_\_\_\_\_

3. Name: \_\_\_\_\_

6. Name: \_\_\_\_\_



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2011-2012 SESSION**

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

**DAY & DATE:** Thursday, May 24, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

**COMMENTS:** With session at 11:00 am, we need to be prepared as soon as the meeting begins. Please familiarize yourselves with bills beforehand.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 956	Zoning/Johnston County Open Space.	Representative Daughtry
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 1032	Morganton Deannexation.	Representative Blackwell Representative Gillespie

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **May 22, 2011**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

**Corrected Notice**  
**Adding HB 994 and HB 1029**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES**  
**COMMITTEE MEETING NOTICE**  
**AND**  
**BILL SPONSOR NOTIFICATION**  
**2011-2012 SESSION**

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

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HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 956	Zoning/Johnston County Open Space.	Representative Daughtry
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 994	Rockingham County Design-Build.	Representative Jones, Jr.
		Representative Holloway
HB 1029	Mayodan Manager Residency.	Representative Holloway
		Representative Jones, Jr.

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

**10 AM** o'clock on **May 23, 2011.**

Principal Clerk  
Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

## **2<sup>nd</sup> Corrected Notice**

HB 1032 was inadvertently removed  
from previous notice

### **NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2011-2012 SESSION**

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

**DAY & DATE:** Thursday, May 24, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

**COMMENTS:** With session at 11:00 am, we need to be prepared as soon as the meeting begins. Please familiarize yourselves with bills beforehand.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 956	Zoning/Johnston County Open Space.	Representative Daughtry
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 994	Rockingham County Design-Build.	Representative Jones, Jr.
HB 1029	Mayodan Manager Residency.	Representative Holloway
HB 1032	Morganton Deannexation.	Representative Jones, Jr.
		Representative Blackwell
		Representative Gillespie

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices  
at

**12 PM o'clock on May 23, 2011.**

Principal Clerk  
Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

# Cancelled Notice

## NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2011-2012 SESSION

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

**DAY & DATE:** Thursday, May 24, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 956	Zoning/Johnston County Open Space.	Representative Daughtry
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 994	Rockingham County Design-Build.	Representative Jones, Jr.
		Representative Holloway
HB 1029	Mayodan Manager Residency.	Representative Holloway
		Representative Jones, Jr.
HB 1032	Morganton Deannexation.	Representative Blackwell
		Representative Gillespie

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices  
at

**3 PM** o'clock on May **23, 2011**.

Principal Clerk  
Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

North Carolina General Assembly  
**House Committee on Government**

May 31, 2012

Minutes

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The House Committee on Government met Thursday, May 31, 2012 at 10:00 am in Room 643 of the Legislative Office Building. The following members were present: Chairmen L. Brown and Ingle; Vice Chairmen Boles, Langdon, and H. Warren; and Representatives Adams, Alexander, Bordsen, Bradley, Brandon, R. Brown, Cleveland, Collins, Faircloth, Fisher, Floyd, Folwell, Frye, Gill, Goodman, Hager, Jones, Justice, Keever, Luebke, McGee, Mills, Moffitt, R. Moore, Parfitt, Parmon, Pittman, Saine, Setzer, and Walend.

Chairman Brown called the meeting to order at 10:16 am and recognized the five (5) pages present and members of the House Sergeant at Arms.

The first bill considered by the committee was HB 943 – DAVIDSON COUNTY ANNEXATIONS (attached). The chair recognized Representatives Dockham and R. Brown to explain the bill. Following some discussion and questioning by the committee, several speakers were recognized to share insights about the bill – Mary Criddlebaugh, Larry Potts, and Fred McClure – all residents of Davidson County. Representative Cleveland was recognized and moved that HB 943 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried with little objection.

The second bill considered by the committee was HB 945 – MARION LEGISLATIVE ANNEXATION (attached). The chair recognized Representative Gillespie to explain the bill. Additionally, a map of the land area addressed by the bill was provided for members of the committee (attached). Following some discussion and questioning from the committee members, Representative Floyd was recognized and moved that HB 945 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried with little objection.

The third bill considered by the committee was HB 956 – ZONING/JOHNSTON COUNTY OPEN SPACE (attached). The chair recognized Representative Luebke who moved for the proposed committee substitute (PCS) for HB 956 (attached) to be placed before the committee for discussion. The motion carried. Representative Daughtry was then recognized to explain the bill. Following a brief explanation of the bill and several questions from committee members, Representative Luebke was recognized again and moved that the PCS for HB 956 be given a favorable report, unfavorable as to the original bill. Seeing no further discussion, Chairman Brown called the matter to a vote, and the motion carried without objection.

The fourth bill considered by the committee was HB 963 – TOWN OF COLUMBIA/DEANNEXATION (attached). The chair recognized Representative Owens to explain the bill. Following little discussion, Representative Collins was recognized and moved that HB 963 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The fifth bill considered by the committee was HB 994 – ROCKINGHAM COUNTY DESIGN-BUILD (attached). The chair recognized Representatives Jones and Holloway to explain the bill. Following some discussion and questioning from members, Representative Setzer was recognized and moved that HB 994 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

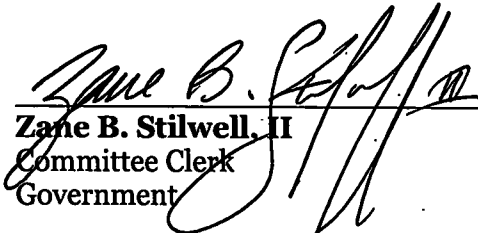
The sixth bill considered by the committee was HB 1029 – MAYODAN MANAGER RESIDENCY (attached). The chair recognized Representative Jones and Holloway to explain the bill. Following little discussion and questioning from members, Representative Collins was recognized and moved that HB 1029 be given a favorable report. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The seventh and final bill to be considered by the committee was HB 1032 – MORGANTON DEANNEXATION (attached). The chair recognized Representatives Blackwell and Gillespie to explain the bill. Additionally, a map of the land area addressed by the bill was provided for members of the committee (attached). Following some discussion and questioning from members, Representative Justice was recognized and moved that HB 994 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

There being no further business presently before the committee, Chairman Brown adjourned the meeting at 11:35 am.

Respectfully submitted,

  
**Representative Larry R. Brown**  
Presiding Co-Chair  
House Government

  
**Zane B. Stilwell, II**  
Committee Clerk  
Government

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2011-2012 SESSION**

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

**DAY & DATE:** Thursday, May 31, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

**COMMENTS:** Please familiarize yourselves with bills beforehand.

The following bills will be considered:

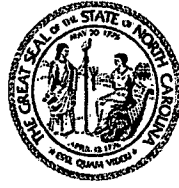
<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 943	Davidson County Annexations.	Representative Dockham Representative Brown
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 956	Zoning/Johnston County Open Space.	Representative Daughtry
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 994	Rockingham County Design-Build.	Representative Jones, Jr. Representative Holloway
HB 1029	Mayodan Manager Residency.	Representative Holloway Representative Jones, Jr.
HB 1032	Morganton Deannexation.	Representative Blackwell Representative Gillespie

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**2 PM** o'clock on **May 29, 2011.**

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)



## **2011- 2012 House Committee on Government**

Date: May 31, 2012  
Room: 643 LOB  
Time: 10:00 am

### **AGENDA**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 943	Davidson County Annexations.	Representative Dockham Representative Brown
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 956	Zoning/Johnston County Open Space.	Representative Daughtry
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 994	Rockingham County Design-Build.	Representative Jones, Jr. Representative Holloway
HB 1029	Mayodan Manager Residency.	Representative Holloway Representative Jones, Jr.
HB 1032	Morganton Deannexation.	Representative Blackwell Representative Gillespie



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative L. Brown (Chair) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 943**      A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 943\***

**Short Title:** Davidson County Annexations. (Local)

**Sponsors:** Representatives Dockham and R. Brown (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 17, 2012

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF  
DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN  
DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON  
COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** No city not primarily located within the territory of Davidson County may adopt an annexation ordinance under any of the provisions of Article 4A of Chapter 160A of the General Statutes that applies to any territory located within Davidson County unless the Board of Commissioners of Davidson County has, prior to the adoption of the annexation ordinance, approved a resolution consenting to that annexation.

**SECTION 2.** This act is effective when it becomes law and applies with respect to any annexation ordinance adopted after that date.



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 945**        A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF  
MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A  
SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 945**

**Short Title:** Marion Legislative Annexation. (Local)

**Sponsors:** Representative Gillespie (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 17, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF  
3 US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE  
4 CITY IS TO BE CONSTRUCTED.

5 The General Assembly of North Carolina enacts:

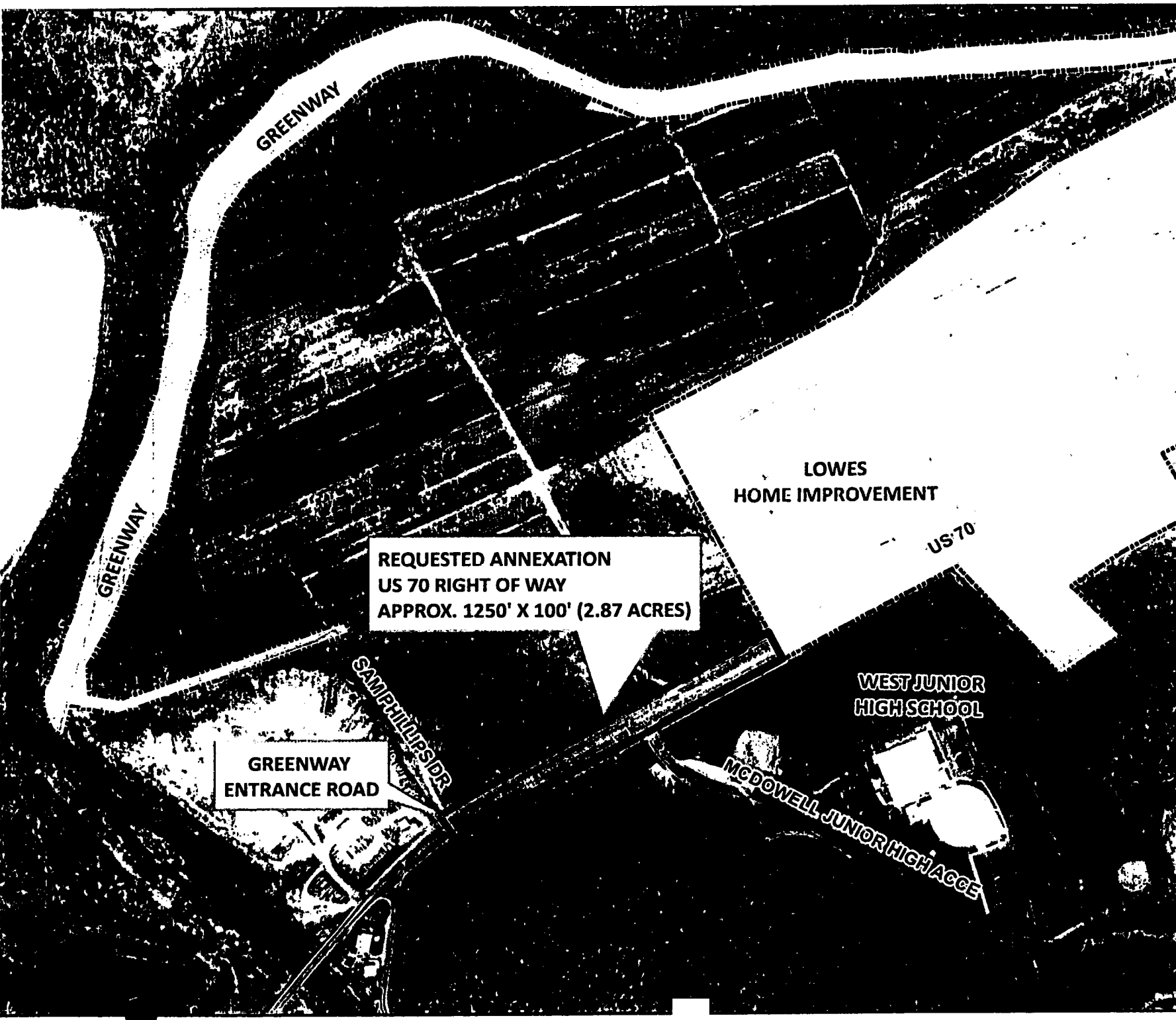
6 SECTION 1. The corporate limits of the City of Marion are increased by adding  
7 the following described area:

8 BEGINNING at a point in the southwestern corner of Lot 9673 Block 64 on the  
9 McDowell County Tax Map 0792.00; thence following the northern boundary of US Highway  
10 70 in a southwesterly direction 1250 feet to a point at the southeastern corner of Lot 1497  
11 Block 53 on the McDowell County Tax Map 0792.00; thence in a straight southeasterly  
12 direction 100 feet to a point on the southern boundary of US Highway 70; thence following the  
13 southern boundary of US Highway 70 in a northeasterly direction 1250 feet to a point; thence  
14 in a straight northwesterly direction 100 feet to the point of BEGINNING.

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



\* H 9 4 5 - V - 1 \*



## LEGEND

Greenway

 City Limits

 Annexation Request

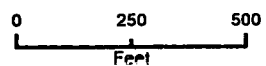


# CITY OF MARION

## Planning & Development Services

### Location Map

## Scale



CITY OF MARION  
PLANNING & DEVELOPMENT SERVICES  
104 N. MAIN STREET  
P.O. DRAWER 700  
MARION, IN 46352  
(317) 852-3531

Disclaimer: This map is for the City of Marion and is provided as a customer service. Data shown is dynamic and is in a constant state of maintenance, correction and update. This map may not accurately reflect the Official Zoning Map of the City of Marion or boundaries, parcels, roads, right-of-ways or identification information. Contact the Planning Department for current information or interpretation.

**2011 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 956**      A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY.

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

**(FOR JOURNAL USE ONLY)**

---

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 956**

Short Title:   Zoning/Johnston County Open Space.

(Local)

Sponsors:   Representative Daughtry (Primary Sponsor).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government.

May 17, 2012

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON  
COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-331(c) reads as rewritten:

"(c)   A subdivision control ordinance may provide that a developer may provide funds to the county whereby the county may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the ~~immediate area county~~. All funds received by the county pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites.

The ordinance may provide that in lieu of required street construction, a developer may provide funds to be used for the development of roads to serve the occupants, residents, or invitees of the subdivision or development. All funds received by the county under this section shall be transferred to the municipality to be used solely for the development of roads, including design, land acquisition, and construction. Any municipality receiving funds from a county under this section is authorized to expend such funds outside its corporate limits for the purposes specified in the agreement between the municipality and the county. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the county determines that a combination is in the best interest of the citizens of the area to be served.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with county plans, policies, and standards. To assure compliance with these and other ordinance requirements, the ordinance may provide for performance guarantees to assure successful completion of required improvements. If a performance guarantee is required, the county shall provide a range of options of types of performance guarantees, including, but not limited to, surety bonds or letters of credit, from which the developer may choose. For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer.

The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the board of commissioners or the planning board. For the authorization to reserve school sites to be effective, the board of commissioners or



\* H 9 5 6 - V - 1 \*

1 planning board, before approving a comprehensive land use plan, shall determine jointly with  
2 the board of education with jurisdiction over the area the specific location and size of each  
3 school site to be reserved, and this information shall appear in the plan. Whenever a  
4 subdivision that includes part or all of a school site to be reserved under the plan is submitted  
5 for approval, the board of commissioners or the planning board shall immediately notify the  
6 board of education. The board of education shall promptly decide whether it still wishes the site  
7 to be reserved and shall notify the board of commissioners or planning board of its decision. If  
8 the board of education does not wish the site to be reserved, no site may be reserved. If the  
9 board of education does wish the site to be reserved, the subdivision may not be approved  
10 without the reservation. The board of education must acquire the site within 18 months after the  
11 date the site is reserved, either by purchase or by exercise of the power of eminent domain. If  
12 the board of education has not purchased the site or begun proceedings to condemn the site  
13 within the 18 months, the subdivider may treat the land as freed of the reservation."

14 **SECTION 2.** This act applies to Johnston County only.

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 956  
PROPOSED COMMITTEE SUBSTITUTE H956-PCS30621-ST-96

Short Title: Zoning/Johnston County Open Space.

(Local)

Sponsors:

Referred to:

May 17, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON  
3 COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153A-331(c) reads as rewritten:

6 "(c) A subdivision control ordinance may provide that a developer may provide funds to  
7 the county whereby the county may acquire recreational land or areas to serve the development  
8 or subdivision, including the purchase of land that may be used to serve more than one  
9 subdivision or development within the ~~immediate area county~~. All funds received by the county  
10 under this paragraph shall be used solely for the acquisition or development of recreation, park,  
11 or open space sites. Any formula enacted to determine the amount of funds that are to be  
12 provided under this paragraph shall be based on the value of the development or subdivision for  
13 property tax purposes. The ordinance may allow a combination or partial payment of funds and  
14 partial dedication of land when the governing body of the county determines that this  
15 combination is in the best interests of the citizens of the area to be served.

16 The ordinance may provide that in lieu of required street construction, a developer may  
17 provide funds to be used for the development of roads to serve the occupants, residents, or  
18 invitees of the subdivision or development. All funds received by the county under this ~~section~~  
19 ~~paragraph~~ shall be transferred to the municipality to be used solely for the development of  
20 roads, including design, land acquisition, and construction. Any municipality receiving funds  
21 from a county under this section is authorized to expend such funds outside its corporate limits  
22 for the purposes specified in the agreement between the municipality and the county. Any  
23 formula adopted to determine the amount of funds the developer is to pay in lieu of required  
24 street construction shall be based on the trips generated from the subdivision or development.  
25 The ordinance may require a combination of partial payment of funds and partial dedication of  
26 constructed streets when the governing body of the county determines that a combination is in  
27 the best interest of the citizens of the area to be served.

28 The ordinance may provide for the more orderly development of subdivisions by requiring  
29 the construction of community service facilities in accordance with county plans, policies, and  
30 standards. To assure compliance with these and other ordinance requirements, the ordinance  
31 may provide for performance guarantees to assure successful completion of required  
32 improvements. If a performance guarantee is required, the county shall provide a range of  
33 options of types of performance guarantees, including, but not limited to, surety bonds or letters  
34 of credit, from which the developer may choose. For any specific development, the type of



1 performance guarantee from the range specified by the county shall be at the election of the  
2 developer.

3 The ordinance may provide for the reservation of school sites in accordance with  
4 comprehensive land use plans approved by the board of commissioners or the planning board.  
5 For the authorization to reserve school sites to be effective, the board of commissioners or  
6 planning board, before approving a comprehensive land use plan, shall determine jointly with  
7 the board of education with jurisdiction over the area the specific location and size of each  
8 school site to be reserved, and this information shall appear in the plan. Whenever a  
9 subdivision that includes part or all of a school site to be reserved under the plan is submitted  
10 for approval, the board of commissioners or the planning board shall immediately notify the  
11 board of education. The board of education shall promptly decide whether it still wishes the site  
12 to be reserved and shall notify the board of commissioners or planning board of its decision. If  
13 the board of education does not wish the site to be reserved, no site may be reserved. If the  
14 board of education does wish the site to be reserved, the subdivision may not be approved  
15 without the reservation. The board of education must acquire the site within 18 months after the  
16 date the site is reserved, either by purchase or by exercise of the power of eminent domain. If  
17 the board of education has not purchased the site or begun proceedings to condemn the site  
18 within the 18 months, the subdivider may treat the land as freed of the reservation."

19 **SECTION 2.** This act applies to Johnston County only.

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

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 963**      A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED  
PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 963**

Short Title: Town of Columbia/Deannexation. (Local)

Sponsors: Representative Owens (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 17, 2012

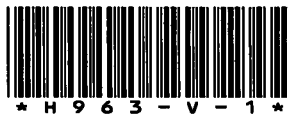
A BILL TO BE ENTITLED  
AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE TOWN OF COLUMBIA.

The General Assembly of North Carolina enacts:

**SECTION 1.** The property described in Section 1 of S.L. 2007-140 is removed from the corporate limits of the Town of Columbia.

**SECTION 2.** This act has no effect upon the validity of any liens of the Town of Columbia 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 Town of Columbia.

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



\* H 9 6 3 - V - 1 \*

**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 994**      A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF  
ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 994**

**Short Title:**     Rockingham County Design-Build. (Local)

**Sponsors:**     Representatives Jones and Holloway (Primary Sponsors).  
                     For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:**     Government, if favorable, Finance.

May 21, 2012

A BILL TO BE ENTITLED  
AN ACT TO ALLOW THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD  
DELIVERY METHODS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** A county may contract for the design and construction of public projects without being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32. The authorization includes the use of the following methods: design-build; design-build-operate; design-build-operate-maintain; or any combination of design-build, operate, or maintain.

**SECTION 1.(b)** The county shall request proposals from at least three design-build teams. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, then the county may proceed with the proposals received. The board of commissioners shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance cost of the project, the technical merits of the proposal, and any other factors and information set forth in the request for proposals that the county determines to have a material bearing on the ability to evaluate any proposal. The proposals shall not require the design-build team to submit project design solutions.

**SECTION 1.(c)** The county shall not be required to pay, within 45 days after the project has been accepted by the owner, certified by the architect, engineer, or designer as being completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed, that portion of the project costs that are subject to delayed payments scheduled by the prime contract to occur after the project has been accepted by the owner, certified by the architect, engineer, or designer as being completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed.

**SECTION 2.** This act applies to Rockingham County only.

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



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1029**

A BILL TO BE ENTITLED AN ACT TO REMOVE THE  
REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF  
THAT TOWN.

☒ 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 2011

H

1

HOUSE BILL 1029\*

Short Title: Mayodan Manager Residency. (Local)

Sponsors: Representatives Holloway and Jones (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 22, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF  
3 MAYODAN BE A RESIDENT OF THAT TOWN.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Section 5.1 of the Charter of the Town of Mayodan, being Chapter  
6 501 of the 1973 Session Laws, as amended by S.L. 2000-34, reads as rewritten:  
7 "Sec. 5.1. Appointment; Compensation. The Town Council shall appoint an officer whose  
8 title shall be Town Manager and who shall be the head of the administrative branch of the  
9 Town government. The Town Manager shall be chosen by the Council solely on the basis of  
10 his executive and administrative qualifications with special reference to his actual experience  
11 in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter  
12 prescribed. ~~At the time of his appointment he~~ The Town Manager need not be a resident of the  
13 ~~Town, but shall reside within five miles of the Town limits during his tenure of office. Town.~~  
14 No person elected as Mayor or as a member of the Council shall be eligible for appointment as  
15 Town Manager until one year shall have elapsed following the expiration of the term for which  
16 he was elected. The Town Manager shall serve at the pleasure of the Council and shall receive  
17 such salary as the Council shall fix."  
18 SECTION 2. This act is effective when it becomes law.



\* H 1 0 2 9 - V - 1 \*



**2011 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1032**                      A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN  
DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE  
CITY OF MORGANTON.

☒ 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 2011

H

1

HOUSE BILL 1032\*

Short Title: Morganton Deannexation. (Local)

---

Sponsors: Representatives Blackwell and Gillespie (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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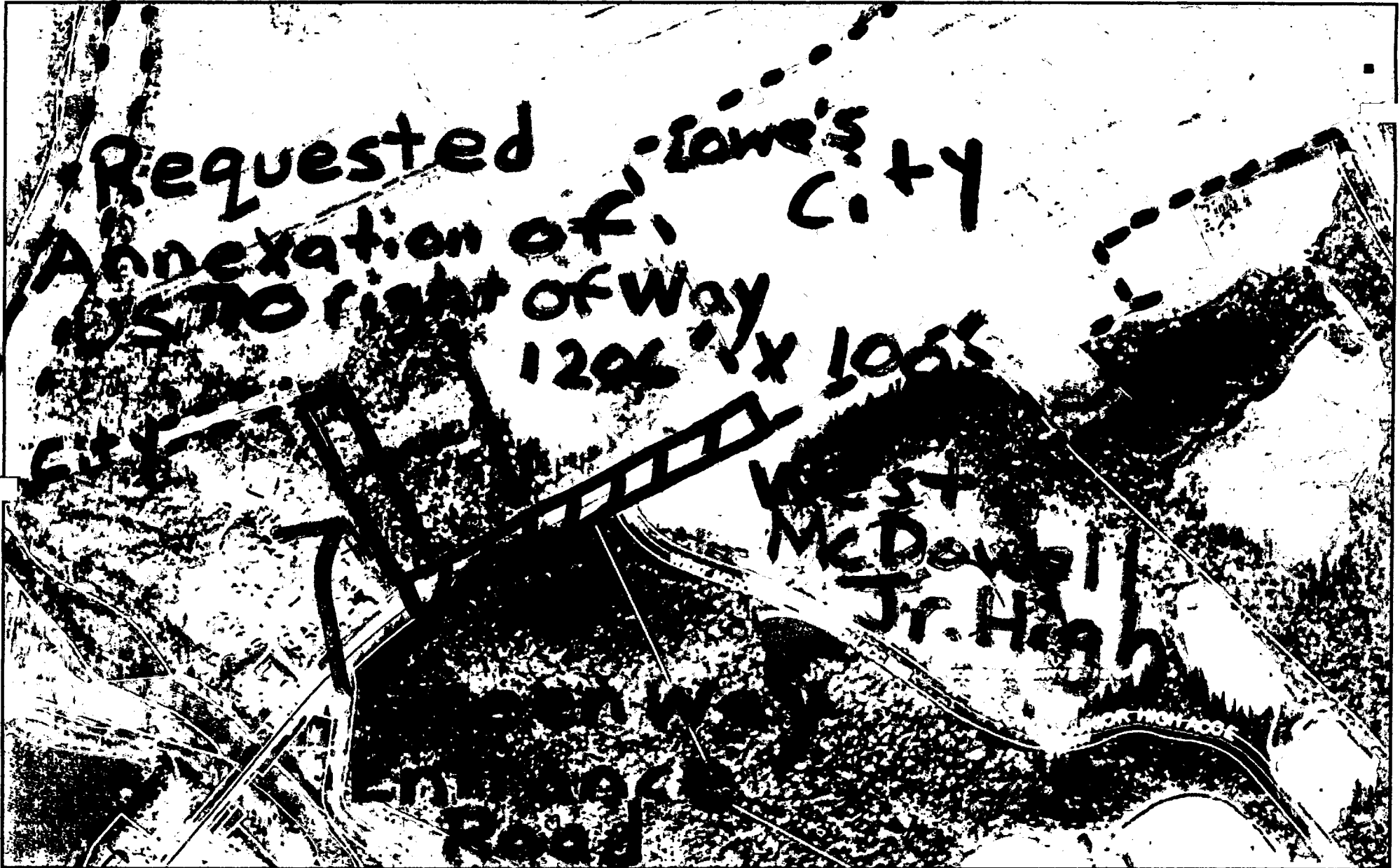
Referred to: Government, if favorable, Finance.

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May 22, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM  
3 THE CORPORATE LIMITS OF THE CITY OF MORGANTON.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. The following described property is removed from the corporate  
6 limits of the City of Morganton:  
7 Tract 1: All that property designated as lots 1, 2, and 3 (2.57 acres total) as shown  
8 on map recorded in Plat Book 39, pages 101-102, recorded in the Burke County Register of  
9 Deeds; said property being located in Morganton Township, Burke County, and also assigned  
10 Burke County Tax Record Numbers 60305, 35234, and 60306.  
11 Tract 2: All that property designated as Parcel "A" (23.87 acres) as shown on map  
12 recorded in Plat Book 37, Page 17, in the Burke County Register of Deeds; said property being  
13 located in Morganton Township, Burke County, and also being assigned Burke County Tax  
14 Record Number 59930.  
15 SECTION 2. Section 1 of this act shall have no effect upon the validity of any  
16 liens of the City of Morganton for ad valorem taxes or special assessments outstanding before  
17 the effective date of this act. Such liens may be collected or foreclosed upon after the effective  
18 date of this act as though the property was still within the corporate limits of the City of  
19 Morganton.  
20 SECTION 3. The property removed from the corporate limits of the City of  
21 Morganton by Section 1 of this act shall remain under the jurisdiction of that city for the  
22 purposes of Article 19 of Chapter 160A of the General Statutes under G.S. 160A-360 until  
23 removed from that jurisdiction as provided in G.S. 160A-360.  
24 SECTION 4. This act becomes effective June 30, 2012.





MCDOWELL COUNTY  
TAX MAP



Disclaimer  
The data provided on this map are prepared for the inventory of real property located within McDowell County, NC, and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a true title search, property appraisal survey, or for zoning verification.

□ City Limits  
□ Proposed Annexation

One Inch = 402 Feet



House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Government

DATE: 05-31-2013 Room: 643

\*Name: Caroline Barwick

County: Sampson

Sponsor: Brisson

\*Name: Carrington Wooten

County: Lenoir

Sponsor: Stephen LaRogue

\*Name: Seth Davis

County: Nash

Sponsor: Jeff Collins

\*Name: Andrew Garofalo

County: Wake

Sponsor: Paul Stam

\*Name: Margan Sweight

County: Davidson

Sponsor: Faircloth

House Sgt-At Arms:

1. Name: Young Bae

4. Name: Garland Shephard

2. Name: Larry Elliott

5. Name: \_\_\_\_\_

3. Name: Reginald Sills

6. Name: \_\_\_\_\_

# VISITOR REGISTRATION SHEET

Government

05-31-2012

Name of Committee

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

MARY CRIDLEBAUGH	3632 W. LEXINGTON HIGH POINT 27265
Steve Jarvis	470 Old NC Hwy 75 Lexington NC
Todd Yates	Davidson County 512 Varner Drive Lex, NC
RED McCLURE	Davidson County PO Box 1236 Lex NC 27293
Larry W Potts	" " " " " "
Glenda Badenheimer	" " 200 Glenn Dr. Thomasville, NC
Jane H. Payne	" " 4319 W. Lexington Ave. Ext. High Point 27265
Low Hayworth	" " 1526 N. Old Greensboro Rd. High Point 27265
Steven Franklin	Inter Speaker Thom Tillis

# VISITOR REGISTRATION SHEET

Government

05-31-2012

Name of Committee

**Date**

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

NAME

**FIRM OR AGENCY AND ADDRESS**

Penny Guff

School ? Gov.

Sana Khan

NCA CC

Mitch Leonard

SEAN C

John. Eick

NCACC

Rochelle Sparko

NC Justice Center

Cameron Ervin

Gov. Office

North Carolina General Assembly  
**House Committee on Government**

June 7, 2012

Minutes

---

The House Committee on Government met Thursday, June 7, 2012 at 10:00 am in Room 643 of the Legislative Office Building. The following members were present: Chairmen L. Brown and Ingle; Vice Chairmen Boles, Langdon, and H. Warren; and Representatives Bordsen, Bradley, Brandon, R. Brown, Burr, Cleveland, Collins, Cotham, Earle, Faircloth, Fisher, Floyd, Folwell, Frye, Gill, Hager, Jones, Justice, Keever, Luebke, McGee, Mills, Mobley, Moffitt, Parfitt, Parmon, Pittman, Saine, and Walend.

Chairman Brown called the meeting to order at 10:05 am and recognized the six (6) pages present and members of the House Sergeant at Arms.

The agenda (attached) for this meeting was very lengthy. It originally included thirty-four (34) bills to be considered. Many of the bills were non-controversial and thus easily dispatched by the committee. Therefore, we created two 'consent agendas.' These consent agendas combine multiple bills into one block to be voted on all together. The first block contains bills that have a serial referral to the House Committee on Finance and the second contains bills with no serial referral. Each Government Committee member was asked and expected to familiarize him/herself with the bills on the agenda before the meeting and if any concerns were present, bills would be removed from the consent agenda and placed on the regular calendar.

Prior to voting on the first block of bills, Chairman Brown read the number and short title of each bill and again presented an opportunity for members of the Government Committee to object to any bills being in this consent agenda. No objections were raised.

The first consent agenda contained only bills that required a serial referral to the Committee on Finance (each is attached). These bills were:

1. HB 988 – AVERASBORO TOWNSHIP TDA CHANGES
2. HB 1041 – HIGH POINT/ARCHDALE BOUNDARIES
3. HB 1082 – NAGS HEAD CONVEYANCE
4. HB 1090 – ORANGE-ALAMANCE REMAINING 9% BOUNDARY
5. HB 1107 – GRANVILLE COUNTY ABC PROFITS DISTRIBUTION MOD.
6. HB 1110 – MATTHEWS/STALLINGS BOUNDARY ADJUSTMENT
7. HB 1122 – MARTIN COUNTY FIRE DISTRICTS
8. HB 1207 – GRANVILLE/PERSON LOCAL STORMWATER FEES

Representative Boles was recognized and moved that all above bills be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried with no objection.

Prior to voting on the second block of bills, Chairman Brown again read the number and short title of each bill and presented an opportunity for members of the Government Committee to object to any bills being in this consent agenda. No objections were raised.

The second consent agenda contained only bills with no serial referral (each is attached). These bills were:

1. HB 987 – WAKE TECH BOARD OF TRUSTEES
2. HB 1059 – ASHEBORO TOWING
3. HB 1071 – WAKE SCHOOL BOARD ORGANIZATIONAL MEETING
4. HB 1086 – CLAY COUNTY COURTHOUSE
5. HB1108 – BUTNER PUBLIC SAFETY AUTHORITY CHANGES
6. HB 1109 – DARE CAMA SETBACK REQUIREMENTS/GRANDFATHER
7. HB 1131 – CARTERET COMMISSIONER ELECTION
8. HB 1133 – REVISE PENDER COUNTY COMMISSIONER DISTRICTS
9. HB 1197 – ADD STOKE COUNTY TO TAX CERT BEFORE RECORDATION
10. HB 1205 – AMEND TRESPASS/GRANVILLE COUNTY
11. HB 1206 – BUTNER BOUNDARY CLARIFICATION
12. HB 1217 – ASHEVILLE/WOODFIN BOUNDARY ADJUSTMENTS

Representative Langdon was recognized and moved that all above bills be given a favorable report. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried with no objection.

After voting on the consent agendas, the committee considered bills individually that was on the regular agenda.

The first bill considered by the committee was HB 1138 – DAVIDSON COUNTY DESIGN-BUILD (attached). The chair recognized Representatives Dockham and R. Brown to explain the bill. Following some discussion, Representative McGee was recognized and moved that HB 1138 be given a favorable report. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The second bill considered by the committee was HB 1169 – TOWN OF BURGAW/DEANNEXATION (attached). The chair recognized Representative Justice to explain the bill. Following little discussion, Representative Cleveland was recognized and moved that HB 1169 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The third bill considered by the committee was HB 1196 – ALBEMARLE MENTAL HEALTH CENTER PROPERTY (attached). The chair recognized Representative Owens to explain the bill. Following little discussion, Representative Hager was recognized and moved that HB 1196 be given a favorable report with and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The fourth bill considered by the committee was HB 1202 – ROANOKE RAPIDS DEANNEX/HALIFAX NORTHAMPTON AIRPORT (attached). The chair recognized Representatives Bryant and Bradley to explain the bill. Additionally, some supporting materials were provided for the members of the committee (attached). Following some discussion of the committee and questioning of the sponsors, Representative H. Warren was recognized and moved that HB 1202 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.



The fifth bill considered by the committee was HB 1204 – UNION COUNTY CONSTRUCTION METHODS (attached). The chair recognized Representative Horn to explain the bill. After Representative Horn explained the bill, Representative H. Warren introduced an amendment (attached). Following little discussion, Representative H. Warren was recognized and moved that the amendment be adopted. The motion carried. The amendment was then rolled into a proposed committee substitute (PCS) (attached). Representative Cleveland was recognized and moved that the PCS for HB 1204 be given a favorable report, unfavorable as to the original bill. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The sixth bill considered by the committee was HB 1208 – ROCKINGHAM LANDFILL FEE USE (attached). The chair recognized Representative Jones to explain the bill. Following much discussion and questioning from the committee, Representative Hager was recognized and moved that HB 1208 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried, but with considerable opposition.

The seventh bill considered by the committee was HB 1209 – ROCKINGHAM LANDFILL FUND BALANCE (attached). The chair recognized Representative Jones to explain the bill. Following much discussion and questioning from the committee, Representative Bradley was recognized and moved that HB 1209 be given a favorable report. Lengthy discussion continued after the motion was made and Representative Bradley withdrew his motion for a favorable report. Representative Justice was then recognized and moved that HB 1209 be re-referred to the House Committee on Finance without prejudice, stating that said committee may be better equipped to address the complexities of this bill. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

The eighth bill considered by the committee was SB 231 – INTERCONNECTION OF PUBLIC WATER SYSTEMS. The chair (Ingle in for L. Brown) recognized Representative Collins who moved that the PCS for SB 231 (attached) be placed before the committee for discussion. The motion carried. Representative L. Brown was recognized to explain the PCS. Following some discussion and questioning from committee members, Representative Bordsen was recognized and moved that the PCS for SB 231 be given a favorable report, unfavorable as to the Senate committee substitute bill. Seeing no further discussion, Chairman Ingle called the matter to a vote. Chairman Ingle was unable to determine the outcome of the voice vote and called for a show of hands. This vote resulted in fifteen (15) “aye” and thirteen (13) “no” votes and the motion carried. The PCS changes the short title of SB 231 to MUNICIPAL INCORPORATION STANDARDS/WATER EXTENSIONS.

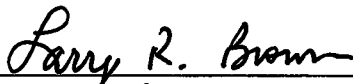
The ninth and final bill considered by the committee was HB 1212 – CHATHAM LOCAL GOVERNMENT INFO/MINORS. This bill was not listed on the agenda to be heard on June 7, 2012, but was added at the beginning of the meeting and announced to all present committee members. The chair recognized Representative Langdon who moved that the PCS for HB 1212 (attached) be placed before the committee for discussion. The motion carried. Representative Weiss was recognized to explain the PCS. Following little discussion and questioning from the committee members, Representative Fisher was recognized and moved that the PCS for HB 1212 be given a favorable report, unfavorable as to the original bill. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried. The PCS changes the title of HB 1212 to WAKE/CHATHAM LOCAL ACT.

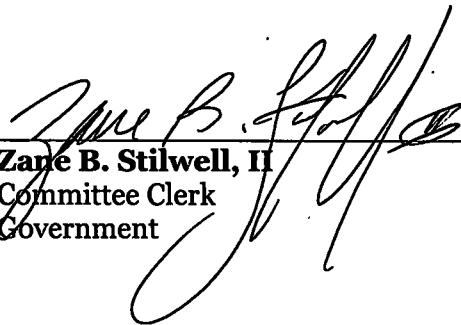
Some bills listed on the agenda for June 7, 2012 were removed. These bills were:

1. HB 993 – IREDELL REGISTER OF DEEDS SATELLITE OFFICE
2. HB 1009 – MSD AMENDMENTS
3. HB 1016 – LOWER CAPE FEAR DESIGN-BUILD
4. HB 1043 – ETJ RESTRICTION
5. HB 1091 – ORANGE GRANTS FOR BROADBAND

There being no further business presently before the committee, Chairman Brown adjourned the meeting at 11:10 am.

Respectfully submitted,

  
**Representative Larry R. Brown**  
Presiding Co-Chair  
House Government

  
**Zane B. Stilwell, II**  
Committee Clerk  
Government

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2011-2012 SESSION**

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

**DAY & DATE:** Thursday, June 7, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

**COMMENTS:** We have a very lengthy agenda; please be familiar with bills beforehand.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 987	Wake Tech Board of Trustees.	Representative Weiss Representative Ross Representative Murry Representative Jackson
HB 988	Averasboro Township TDA Changes.	Representative Lewis
HB 993	Iredell Register of Deeds Satellite Office.	Representative Mills
HB 1009	MSD Amendments.	Representative McGrady Representative Moffitt
HB 1016	Lower Cape Fear Design-Build.	Representative Hamilton
HB 1041	High Point/Archdale Boundaries.	Representative Faircloth, Jr. Representative Brandon, Jr.
HB 1043	ETJ restriction.	Representative LaRoque Representative Moffitt
HB 1059	Asheboro Towing.	Representative Brubaker
HB 1071	Wake School Board Organizational Meeting.	Representative Gill Representative Ross Representative Murry Representative Jackson
HB 1082	Nags Head Conveyance.	Representative Spear
HB 1086	Clay County Courthouse.	Representative West
HB 1090	Orange-Alamance Remaining 9% Boundary.	Representative Insko Representative Hackney Representative Bordsen Representative Ingle
HB 1091	Orange Grants for Broadband.	Representative Insko Representative Hackney

HB 1107	Granville County ABC Profits Distribution Mod.	Representative Faison Representative Crawford, Jr.
HB 1108	Butner Public Safety Authority Changes.	Representative Crawford, Jr.
HB 1109	Dare CAMA Setback Req'ts./Grandfather.	Representative Spear
HB 1110	Matthews/Stallings Boundary Adjustment.	Representative Horn Representative Brawley, Jr. Representative Cotham Representative McGuirt Representative Warren Representative Tolson Representative McElraft Representative Justice
HB 1122	Martin County Fire Districts.	
HB 1131	Carteret Commissioner Election.	
HB 1133	Revise Pender County Commissioner Districts.	
HB 1169	Town of Burgaw/Deannexation.	Representative Justice
HB 1196	Albemarle Mental Health Center Property.	Representative Owens, Jr.
HB 1197	Add Stokes Cty to Tax Cert Before Recordation.	Representative Holloway
HB 1198	Workers Comp/Volunteer Fire Departments.	Representative Pierce
HB 1202	Roanoke Rapids Deannex/Halifax N'hmp Airport.	Representative Bryant Representative Bradley, Jr. Representative Wray
HB 1204	Union County Construction Methods.	Representative Horn Representative McGuirt Representative Burr Representative Crawford, Jr. Representative Crawford, Jr. Representative Crawford, Jr. Representative Wilkins, Jr. Representative Jones, Jr. Representative Holloway Representative Jones, Jr. Representative Holloway Representative Fisher Representative Moffitt Representative Keever Senator Hartsell
HB 1205	Amend Trespass/Granville County.	
HB 1206	Butner Boundary Clarification.	
HB 1207	Granville/Person Local Stormwater Fees.	
HB 1208	Rockingham Landfill Fee Use.	
HB 1209	Rockingham Landfill Fund Balance.	
HB 1217	Asheville/Woodfin Boundary Adjustments.	
SB 231	Interconnection of Public Water Systems.	

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**1 PM** o'clock on **June 05, 2011**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

# Corrected Notice

Adding HB 1138

## NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2011-2012 SESSION

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

**DAY & DATE:** Thursday, June 7, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

**COMMENTS:** We have a very lengthy agenda; please be familiar with bills beforehand.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 987	Wake Tech Board of Trustees.	Representative Weiss Representative Ross Representative Murry Representative Jackson
HB 988	Averasboro Township TDA Changes.	Representative Lewis
HB 993	Iredell Register of Deeds Satellite Office.	Representative Mills
HB 1009	MSD Amendments.	Representative McGrady Representative Moffitt
HB 1016	Lower Cape Fear Design-Build.	Representative Hamilton
HB 1041	High Point/Archdale Boundaries.	Representative Faircloth, Jr. Representative Brandon, Jr.
HB 1043	ETJ restriction.	Representative LaRoque Representative Moffitt
HB 1059	Asheboro Towing.	Representative Brubaker
HB 1071	Wake School Board Organizational Meeting.	Representative Gill Representative Ross Representative Murry Representative Jackson
HB 1082	Nags Head Conveyance.	Representative Spear
HB 1086	Clay County Courthouse.	Representative West
HB 1090	Orange-Alamance Remaining 9% Boundary.	Representative Insko Representative Hackney Representative Bordsen Representative Ingle

HB 1091	Orange Grants for Broadband.	Representative Insko Representative Hackney Representative Faison Representative Crawford, Jr.
HB 1107	Granville County ABC Profits Distribution Mod.	
HB 1108	Butner Public Safety Authority Changes.	Representative Crawford, Jr.
HB 1109	Dare CAMA Setback Req'ts./Grandfather.	Representative Spear
HB 1110	Matthews/Stallings Boundary Adjustment.	Representative Horn Representative Brawley, Jr. Representative Cotham Representative McGuirt Representative Warren Representative Tolson Representative McElraft Representative Justice
HB 1122	Martin County Fire Districts.	
HB 1131	Carteret Commissioner Election.	
HB 1133	Revise Pender County Commissioner Districts.	
HB 1138	Davidson County Design Build.	Representative R. Brown Representative Dockham Representative L. Brown Representative Justice Representative Owens, Jr.
HB 1169	Town of Burgaw/Deannexation.	
HB 1196	Albemarle Mental Health Center Property.	
HB 1197	Add Stokes Cty to Tax Cert Before Recordation.	Representative Holloway
HB 1198	Workers Comp/Volunteer Fire Departments.	Representative Pierce
HB 1202	Roanoke Rapids Deannex/Halifax N'hmp Airport.	Representative Bryant Representative Bradley, Jr. Representative Wray Representative Horn Representative McGuirt Representative Burr Representative Crawford, Jr. Representative Crawford, Jr. Representative Crawford, Jr. Representative Wilkins, Jr. Representative Jones, Jr. Representative Holloway Representative Jones, Jr. Representative Holloway Representative Fisher Representative Moffitt Representative Keever Senator Hartsell
HB 1204	Union County Construction Methods.	
HB 1205	Amend Trespass/Granville County.	
HB 1206	Butner Boundary Clarification.	
HB 1207	Granville/Person Local Stormwater Fees.	
HB 1208	Rockingham Landfill Fee Use.	
HB 1209	Rockingham Landfill Fund Balance.	
HB 1217	Asheville/Woodfin Boundary Adjustments.	
SB 231	Interconnection of Public Water	

Systems.

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**9 AM** o'clock on **June 06, 2011**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)





## **2011- 2012 House Committee on Government**

Date: June 7, 2012  
Room: 643 LOB  
Time: 10:00 am

### **AGENDA**

#### **Consent – Referral to Finance**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 988	Averasboro Township TDA Changes.	Representative Lewis
HB 993	Iredell Register of Deeds Satellite Office.	Representative Mills
HB 1041	High Point/Archdale Boundaries.	Representative Faircloth, Jr.
HB 1082	Nags Head Conveyance.	Representative Brandon, Jr.
HB 1090	Orange-Alamance Remaining 9% Boundary.	Representative Spear
		Representative Insko
		Representative Hackney
		Representative Bordsen
		Representative Ingle
HB 1107	Granville County ABC Profits Distribution Mod.	Representative Crawford, Jr.
HB 1110	Matthews/Stallings Boundary Adjustment.	Representative Horn
		Representative Brawley, Jr.
		Representative Cotham
		Representative McGuirt
HB 1122	Martin County Fire Districts.	Representative Warren
		Representative Tolson
HB 1207	Granville/Person Local Stormwater Fees.	Representative Crawford, Jr.
		Representative Wilkins, Jr.

#### **Consent – No Referral**

HB 987	Wake Tech Board of Trustees.	Representative Weiss
		Representative Ross
		Representative Murry
HB 1059	Asheboro Towing.	Representative Jackson
HB 1071	Wake School Board Organizational Meeting.	Representative Brubaker
		Representative Gill
		Representative Ross
		Representative Murry

HB 1086	Clay County Courthouse.	Representative Jackson
HB 1108	Butner Public Safety Authority Changes.	Representative West
		Representative Crawford, Jr.
HB 1109	Dare CAMA Setback Req'ts./Grandfather.	Representative Spear
HB 1131	Carteret Commissioner Election.	Representative McElraft
HB 1133	Revise Pender County Commissioner Districts.	Representative Justice
HB 1197	Add Stokes Cty to Tax Cert Before Recordation.	Representative Holloway
HB 1205	Amend Trespass/Granville County.	Representative Crawford, Jr.
HB 1206	Butner Boundary Clarification.	Representative Crawford, Jr.
HB 1217	Asheville/Woodfin Boundary Adjustments.	Representative Fisher
		Representative Moffitt
		Representative Keever

## Regular Agenda

HB 1009	MSD Amendments.	Representative McGrady
		Representative Moffitt
HB 1016	Lower Cape Fear Design-Build.	Representative Hamilton
HB 1043	ETJ restriction.	Representative LaRoque
		Representative Moffitt
HB 1091	Orange Grants for Broadband.	Representative Insko
		Representative Hackney
		Representative Faison
HB 1138	Davidson County Design Build.	Representative R. Brown
		Representative Dockham
		Representative L. Brown
HB 1169	Town of Burgaw/Deannexation.	Representative Justice
HB 1196	Albemarle Mental Health Center Property.	Representative Owens, Jr.
HB 1198	Workers Comp/Volunteer Fire Departments.	Representative Pierce
HB 1202	Roanoke Rapids Deannex/Halifax N'hmppt Airport.	Representative Bryant
		Representative Bradley, Jr.
		Representative Wray
HB 1204	Union County Construction Methods.	Representative Horn
		Representative McGuirt
		Representative Burr
HB 1208	Rockingham Landfill Fee Use.	Representative Jones, Jr.
		Representative Holloway
HB 1209	Rockingham Landfill Fund Balance.	Representative Jones, Jr.
<b>Added HB 1212</b>		Representative Holloway
SB 231	Interconnection of Public Water Systems.	Senator Hartsell

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 987**      A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 987

Short Title: Wake Tech Board of Trustees. (Local)

Sponsors: Representatives Weiss, Ross, Murry, and Jackson (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 21, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE  
3 FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL  
4 COMMUNITY COLLEGE.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 115D-12(b) reads as rewritten:  
7 "(b) All trustees shall be residents ~~of~~ of, or have full-time employment in, the  
8 administrative area of the institution for which they are selected or of counties contiguous  
9 thereto with the exception of members provided for in G.S. 115D-12(a), Group Four."  
10 SECTION 2. This act applies only to Wake Technical Community College.  
11 SECTION 3. This act is effective when it becomes law.



\* H 9 8 7 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 988**      A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 \_\_\_\_\_.



(e) Distribution and Use of Tax Revenue. – The township shall, on a ~~quarterly~~ monthly basis, remit the net proceeds of the occupancy tax to the Averagesboro Township 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 Averagesboro Township 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 township 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 a township or to attract tourists or business travelers to the township. The term includes tourism-related capital expenditures.

(f) Repealed.

(g) Repealed.

"Sec. 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 an Averagesboro Township Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. There shall be ~~seven~~ nine members of the Authority as follows:

- (1) Three members, appointed by the Authority from applications submitted to the Authority, who are a hotel, motel, or bed and breakfast operator from Averagesboro Township.
- (2) One individual currently active in tourism promotion and who does not own or operate a hotel, motel, or other taxable tourist accommodation, to be appointed by the Authority from applications submitted to the Authority.
- (3) One individual currently active in tourism promotion and who does not own or operate a hotel, motel, or other taxable tourist accommodation. This individual will be the President of the Dunn Area Chamber of Commerce or a designee to be appointed by the Board of Directors of the Dunn Area Chamber of Commerce. ~~Two members appointed by the board of commissioners from nominations submitted by the Dunn Area Chamber of Commerce, one who is a hotel or motel operator from Averagesboro Township and one who is a representative of the travel industry;~~
- (2)(4) The Harnett County Manager, to serve ex officio; officio.
- (3)(5) The A Harnett County Commissioner representing Averagesboro Township, to serve ex officio; officio.
- (4) The President of the Dunn Area Chamber of Commerce, to serve ex officio;
- (5) The Vice President of Economic and Industrial Development of the Dunn Area Chamber of Commerce, to serve ex officio; and
- (6) The City Manager of the Town of Dunn, to serve ex officio.
- (7) A city council member of Dunn appointed by the Dunn City Council, to serve ex officio.

1 ~~The members appointed by the board of commissioners shall serve for a term of one year;~~  
2 ~~vacancies~~ Vacancies shall be filled in the same manner as the initial appointments. All of the  
3 members, including those who serve ex officio, shall be voting members of the Authority. A  
4 majority of the members shall constitute a quorum for the transaction of business and an  
5 affirmative vote of the majority of the members present at a meeting of the Authority shall be  
6 required to constitute action of the Authority. ~~The board of commissioners~~ Authority shall  
7 designate one member of the Authority as chair and one member of the Authority to serve as  
8 vice-chair, and shall determine the compensation, if any, to be paid to members of the  
9 Authority.

10 The Authority shall meet monthly or at the call of the chair and shall adopt rules of  
11 procedure to govern its meetings. The Finance Officer for ~~Harnett County~~ the City of Dunn  
12 shall be the ex officio finance officer of the Authority.

13 (b) Duties. — The authority shall develop, promote, and advertise travel and tourism in  
14 Averasboro Township, sponsor tourist-oriented events and activities for Averasboro Township,  
15 operate and maintain museums and historic sites throughout Averasboro Township, and  
16 purchase, operate, ~~and maintain~~ a convention facility for Averasboro ~~Township~~ Township, and  
17 finance tourist-related capital projects in the Averasboro Township.

18 (c) Reports. — The Authority shall report quarterly and at the close of the fiscal year to  
19 the board of county commissioners on its receipts and expenditures for the preceding quarter  
20 and for the year in such detail as the board may require.

21 "Sec. 3. This act is effective upon ratification."

22 SECTION 2. This act is effective when it becomes law and applies to the  
23 distribution of the net proceeds of the occupancy tax on or after the earlier of October 1, 2012,  
24 or the date specified in a resolution adopted in accordance with this act.



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1041**

A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN  
DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF  
HIGH POINT.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1041**

**Short Title:** High Point/Archdale Boundaries. (Local)

**Sponsors:** Representatives Faircloth and Brandon (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 23, 2012

A BILL TO BE ENTITLED  
AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE  
CITY OF ARCHDALE AND THE CITY OF HIGH POINT.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate limits of the City of Archdale and added to the corporate limits of the City of High Point:

**TRACT 1**

**BEGINNING** at a point on the northwest property corner of Guilford County Tax Parcel 0158327, said corner being also the eastern right-of-way of Baker Road; thence in a southerly direction for approximately 447 feet along the eastern right-of-way line of Baker Road to the southwestern property corner of Guilford County Tax Parcel 0158330; thence in a westerly direction across the approximately 50-foot right-of-way of Baker Road to a point on the western right-of-way line, said point being also the southeast property corner of Guilford County Tax Parcel 0158060; thence continuing in a westerly direction for approximately 777 feet along the southern property line of said Tax Parcel 0158060 to its southwest property corner, said point being also a corner of Guilford County Tax Parcel 0200547; thence in a northerly direction for approximately 235 feet, said point being also the southwest corner of Guilford County Tax Parcel 0200543; thence in an easterly direction for approximately 567 feet along the northern property line of said Tax Parcel 0158060 to the southwest property corner of Guilford County Tax Parcel 0158067, said point being also the southeast property corner of Guilford County Tax Parcel 0158064; thence in a northerly direction for a distance of approximately 221 feet along the western property lines of Guilford County Tax Parcels 0158067, 0158066, and 0158065 to the northwest property corner of said Tax Parcel 0158065, said point being also a point on the southern right-of-way of Weaver Avenue; thence in an easterly direction for a distance of approximately 24 feet along the southern right-of-way of Weaver Avenue, thence in a northerly direction across the approximately 50-foot right-of-way of Weaver Avenue to a point on its northern right-of-way line, said point being also the southwest property corner of Guilford County Tax Parcel 0158063; thence continuing in a northerly direction for a distance of approximately 66 feet along the western property line of said Tax Parcel 0158063 to its northwest property corner; thence in an easterly direction for a distance of approximately 162 feet along the northern property line of said Tax Parcel 0158063, said point being also a point on the western right-of-way line of Baker Road; thence in a southerly direction for approximately 62 feet along the western right-of-way line of Baker Road, said point being also the southwest property corner of said Tax Parcel 0158063; thence continuing in a southerly direction across the approximately 50-foot right-of-way of Weaver



1 Avenue to the northeast property corner of Guilford County Tax Parcel 0158065; thence in an  
2 easterly direction across the approximately 50-foot right-of-way of Baker Road to the  
3 northwest property corner of Guilford County Tax Parcel 0158327 and the END.

4 TRACT 2

5 BEGINNING at a point on the northwest property corner of Guilford County Tax  
6 Parcel 0158079; thence in a easterly direction for approximately 209 feet along the northern  
7 property line of said Tax Parcel 0158079 to its northeastern property corner, said corner being  
8 also a point on the western right-of-way line of Baker Road; thence continuing in a easterly  
9 direction across the approximately 50- foot right-of-way of Baker Road to a point on its eastern  
10 right-of-way line, said point being also a point on the western property line of Guilford County  
11 Tax Parcel 0158392; thence in a southerly direction for approximately 429 feet along the  
12 western property lines of Guilford County Tax Parcels 0158392, 0158393, 0158394, and  
13 0158407; thence in a northwesterly direction across the approximately 50-foot right-of-way of  
14 Baker Road to a point on its western right-of-way line, said point being also the southeastern  
15 property corner of Guilford County Tax Parcel 0158076; thence continuing in a northwesterly  
16 direction for approximately 204 feet along the southern property line of said Tax Parcel  
17 0158076 to its southwest property corner; thence in a northerly direction for approximately 383  
18 feet along the western property lines of Guilford County Tax Parcels 0158076, 0158078, and  
19 0158079, said point being also the northwest property corner of said Tax Parcel 0158079 and  
20 the END.

21 SECTION 2. The following described property is removed from the corporate  
22 limits of the City of High Point and added to the corporate limits of the City of Archdale:

23 BEGINNING at an existing iron pipe, said point located on the Eastern right-of-way  
24 of Kersey Valley Road (S.R. 1154) and North 12 Deg. 17 Min. 31 Sec. East, 259.01 feet from  
25 North Carolina Grid monument "HEN"; thence from said point of BEGINNING with the  
26 Southern line of Lot 1, W. W. Paige Heirs per Plat Book 108 Page 37, South 85 Deg. 31 Min.  
27 42 Sec. East, 404.13 feet to an existing iron pipe; thence with the Southern line of Lot 2, W. W.  
28 Paige Heirs as recorded in Plat Book 66 Page 121, South 85 Deg. 30 Min. 34 Sec. East, 523.85  
29 feet to an existing iron pipe; thence with the Southern line of Lot 3, W. W. Paige Heirs as  
30 recorded in Plat Book 68 Page 16, South 85 Deg. 30 Min. 42 Sec. East, 465.12 feet to an  
31 existing iron pipe, the Southeast corner of said Lot 3 in the West line of Robert L. Conner and  
32 wife, Juanita D. Conner as recorded in Deed Book 4309 Page 1020; thence with West line of  
33 the Conner property South 06 Deg. 02 Min. 28 Sec. West, 104.36 feet to a right of monument  
34 on the Northern right-of-way of Interstate Highway 85; thence with the right-of-way of  
35 Interstate Highway 85 the following 3 courses and distances; South 57 Deg. 45 Min. 09 Sec.  
36 West, 301.85 feet to a right-of-way monument; thence South 59 Deg. 38 Min. 49 Sec. West,  
37 341.25 feet to a right-of-way monument; thence South 60 Deg. 49 Min. 21 Sec. West, 152.30  
38 feet to a point; thence leaving the right-of-way of Interstate Highway 85, North 29 Deg. 10  
39 Min. 39 Sec. West, 137.71 feet to a point; thence North 09 Deg. 11 Min. 30 Sec. East, 150.61  
40 feet to a point; thence with a curve to the right having a radius of 100.00 feet, an arc of 52.23  
41 feet and a chord of South 71 Deg. 01 Min. 26 Sec. East, 51.64 feet to a point; thence with a  
42 curve to the left having a radius of 50.00 feet and arc of 209.31 feet and a chord of North 04  
43 Deg. 00 Min. 46 Sec. East, 86.67 feet to a point; thence with a curve to the right having a radius  
44 of 100.00 feet and arc of 52.23 feet and a chord of South 79 Deg. 02 Min. 58 Sec. West, 51.64  
45 feet to a point; thence North 85 Deg. 59 Min. 14 Sec. West, 129.26 feet to a point; thence with  
46 a curve to the right having a radius of 420.00 feet and arc of 52.55 feet and a chord of North 82  
47 Deg. 24 Min. 10 Sec. West, 52.51 feet to a point; thence North 78 Deg. 49 Min. 07 Sec. West,  
48 206.97 feet to a point; thence with a curve to the left having a radius of 430.00 feet and arc of  
49 62.91 feet and a chord of North 83 Deg. 00 Min. 36 Sec. West, 62.86 feet to a point; thence  
50 North 87 Deg. 12 Min. 05 Sec. West, 220.69 feet to a point on the East right-of-way of Kersey  
51 Valley Road; thence with the East right-of-way of Kersey Valley Road North 02 Deg. 47 Min.

1 55 Sec. East, 217.43 feet to the point and place of BEGINNING. Containing 9.09 acres more or  
2 less per a map by Jamestown Engineering Group, Inc., entitled Annexation Map for the City of  
3 High Point and designated as Job No. 99038.

4 **SECTION 3.** This act has no effect upon the validity of any liens of the City of  
5 Archdale or the City of High Point for ad valorem taxes or special assessments outstanding  
6 before the effective date of this act. Such liens may be collected or foreclosed upon after the  
7 effective date of this act as though the property was still within the corporate limits of the City  
8 of Archdale or the City of High Point, as appropriate.

9 **SECTION 4.** This act becomes effective July 1, 2012.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1059**                      A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEBORO  
TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS'  
MARKET.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1059

Short Title: Asheboro Towing. (Local)

Sponsors: Representative Brubaker (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 23, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES  
3 IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-302 reads as rewritten:

6 "§ 160A-302. Off-street parking facilities.

7 (a) A city shall have authority to own, acquire, establish, regulate, operate, and control  
8 off-street parking lots, parking garages, and other facilities for parking motor vehicles, and to  
9 make a charge for the use of such facilities.

10 (b) In a city-owned parking lot that is clearly designated as such by a sign no smaller  
11 than 24 inches by 24 inches prominently displayed at the entrance thereto, any motor vehicle,  
12 as defined in G.S.20-4.01, parked in violation of a city ordinance adopted pursuant to this  
13 section may be removed from such lot to a place of storage, and the registered owner of that  
14 motor vehicle shall become liable for removal and storage charges. Any person who removes a  
15 motor vehicle pursuant to this section shall not be held liable for damages for the removal of  
16 the vehicle to the owner, lienholder, or other person legally entitled to possession of the vehicle  
17 removed; however, any person who intentionally or negligently damages a vehicle in the  
18 removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the  
19 removal of such vehicle, may be held liable for damages. The towing of a motor vehicle for  
20 violation of an ordinance adopted under the authority granted by this section shall be initiated  
21 only at the request of a law enforcement officer employed by the city. The person who actually  
22 tows the designated motor vehicle is responsible for the collection of towing and storage fees.  
23 All provisions of Article 7A of Chapter 20 of the General Statutes shall apply."

24 SECTION 2. This act applies to the City of Asheboro only and only to its  
25 regulation of the city-owned parking lot that is utilized as part of the Downtown Farmers'  
26 Market facility.

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



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1071**                    A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DATE FOR  
THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE  
GOVERNED BY GENERAL LAW.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1071

Short Title: Wake School Board Organizational Meeting. (Local)

Sponsors: Representatives Gill, Ross, Murry, and Jackson (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 23, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF  
3 THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL  
4 LAW.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 9 of Chapter 717 of the Session Laws of 1975, as amended  
7 by Chapter 952 of the Session Laws of 1983 and S.L. 2011-138, reads as rewritten:

8 "Sec. 9. ~~In June or July of each year, the~~ The Wake County Board of Education, acting  
9 jointly and by a majority vote of all members present, shall elect a chair to preside at meetings  
10 and a vice-chair to preside at meetings in the absence of the chair; and the chair and vice-chair  
11 shall have a vote on all matters considered by the Wake County Board of Education. All  
12 vacancies occurring in the membership of the Wake County Board of Education by reason of  
13 death, resignation, removal of residence from the district from which elected, or for any cause  
14 whatsoever, shall be filled by the remaining members of said board by appointing a member  
15 from the voting district creating the vacancy for the unexpired term. The Wake County Board  
16 of Education shall have all power and authority as a Board of Education as herein conferred  
17 and as are conferred by the General Statutes of North Carolina on boards of education in  
18 general."

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



\* H 1 0 7 1 - V - 1 \*



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1082**                    A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS  
HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY  
YEARS WITHOUT TREATING IT AS A SALE.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1082\*

Short Title: Nags Head Conveyance. (Local)

Sponsors: Representative Spear (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A  
LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT  
AS A SALE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-272 reads as rewritten:

"§ 160A-272. Lease or rental of property.

(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than ~~10~~40 years (except as otherwise provided herein) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included. Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

(b) No public notice need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less. Leases for terms of more than ~~10~~40 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

(c) The council may approve a lease for the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 20 years without treating the lease as a sale of property and without giving notice by publication of the intended lease. This subsection applies to Catawba, Mecklenburg, and Wake Counties, the Cities of Asheville, Raleigh, and Winston-Salem, and the Towns of Apex, Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

SECTION 2. This act applies only to the Town of Nags Head and, as to that town only, applies to a lease to allow for the operation of a licensed nursing home permitted under Chapter 131E of the General Statutes.

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



\* H 1 0 8 2 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1086**                    A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1086\***

**Short Title:** Clay County Courthouse. (Local)

**Sponsors:** Representative West (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 24, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY  
3 REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD  
4 COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE  
5 FACILITY.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Clay County may, upon terms and conditions that it considers  
8 appropriate, and without being subject to the requirements of G.S. 143-128, 143-129, 143-131,  
9 and 143-132, enter into contracts and/or leases that would contain provisions requiring lessees  
10 to renovate and/or restore Clay County's old courthouse building located on the square in the  
11 Town of Hayesville so that the same can be leased and/or used as a multipurpose facility.  
12 SECTION 2. This act is effective when it becomes law and expires June 30, 2015.



\* H 1 0 8 6 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1090**

A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY-ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1090\***

**Short Title:** Orange-Alamance Remaining 9% Boundary. (Local)

**Sponsors:** Representatives Insko, Hackney, Bordsen, and Ingle (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON  
BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT  
ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE  
GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN  
THE HISTORIC ORANGE COUNTY-ALAMANCE COUNTY BOUNDARY LINE AS  
DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the subsequent 160 years, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections, within and among Alamance County, Orange County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18(a) entitled "Uncertain or Disputed Boundary", both county boards of commissioners passed resolutions (Alamance County, December 17, 2007 and Orange County, January 18, 2008) to request that North Carolina Geodetic Survey perform a preliminary resurvey and present a proposed map for consideration by both counties.

**SECTION 2.** In the 2011 session, the General Assembly, through S.L. 2011-88, ratified and adopted ninety-one percent (91%) of the boundary line between Alamance County and Orange County. Also in the 2011 session, the General Assembly, through S.L. 2011-87, authorized the boards of commissioners of Alamance County and Orange County to determine the most appropriate location for the remaining nine percent (9%) of the boundary line.

**SECTION 3.** The General Assembly recognizes the difficulties in addressing the issues associated with adopting a county boundary line and authorizes Alamance County and Orange County to maintain the current taxing, elections, education and any other recognized government functions in place in the transition areas affected by this act, if so needed, until July 1, 2013.

**SECTION 4.(a)** Except as otherwise provided in this act, on and after January 1, 2013, all papers, documents, and instruments required or permitted to be filed or registered, involving residents and property in areas affected by the resurvey of the boundary line, which previously may have been recorded in the adjoining counties, shall be recorded in the county to which the property has been reassigned by this act.

**SECTION 4.(b)** On and after January 1, 2013, all real and personal property in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation on



\* H 1 0 9 0 - V - 1 \*

January 1, 2013, shall be subject to ad valorem taxes in the county to which the property is reassigned for the fiscal year beginning July 1, 2013, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on March 1, 2013, except as hereinafter provided with respect to classified registered motor vehicles. On September 1, 2012, the adjoining county tax administrators shall commence the transfer to the respective county tax assessors the ad valorem tax listings and valuations for all real and personal property subject to ad valorem taxation in areas affected by the resurvey of the boundary line, except classified motor vehicles which were registered in the adjoining counties prior to July 1, 2012. For the fiscal year that begins July 1, 2012, all real and personal property in areas affected by the resurvey of the boundary line, which was subject to ad valorem taxation in that area on January 1, 2013, shall be assessed and taxed as follows:

- (1) The ad valorem property taxes assessed on all classified registered motor vehicles registered or listed in adjoining counties between January 1, 2012, and March 1, 2013, shall be collected by the appropriate adjoining county tax collector, and all such taxes shall be retained by that adjoining county. The taxes on all classified registered motor vehicles registered after March 1, 2013, shall be assessed and collected by the county tax department in the county to which the real property wherein the classified registered motor vehicles are situated has been reassigned.
- (2) The values established by the particular adjoining county tax administrator on all personal property other than classified registered motor vehicles shall be used by each county tax assessor without adjustment in computing taxes due for the fiscal year beginning July 1, 2013. All such taxes shall be assessed and collected by the appropriate county tax department.
- (3) For the interim time period between the reassignment of properties into their respective counties and until such time as the next regularly scheduled revaluation period, Alamance County and Orange County may select either of two methods of valuating the property reassigned into their respective counties by this act. The selection of either method by a county shall not give any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:
  - a. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adjusted by the appropriate county tax assessor by applying the difference between one hundred percent (100%) of such values and the appropriate county median ratio, as established by the Sales Assessment Ratio Study compiled by the North Carolina Department of Revenue as of January 1, 2009. The taxes determined by applying this method will be collected and retained by the appropriate county tax collector. The value of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
  - b. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
- (4) Beginning January 1, 2014, all property in areas affected by the resurvey of the boundary line that is subject to ad valorem taxation shall be listed, assessed, and taxed by the appropriate county tax administrator in the same

manner as is prescribed by law for all other property located within each county.

(5) The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2014, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for their costs and expenses, including attorneys' fees, incurred in connection with such appeals.

(6) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2013, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375, and the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County tax administrators shall supply one another with a list of unpaid taxes for properties in areas of the boundary line affected by the resurveys for the tax year 2012 on or before July 1, 2013. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county including accrued interest. The provisions of G.S. 105-352(d) shall not apply to (i) those areas in adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line, that shall forthwith be properly listed and taxed in the county to which they have been reassigned by this act; and (ii) those areas within each county that were in the past improperly listed and taxed by the adjoining counties due to uncertainty as to the exact location of the true historic Alamance County-Orange County boundary line.

**SECTION 4.(c)** No cause of action, including criminal actions, involving persons or property in areas affected by the resurvey of the boundary line that is pending on July 1, 2013, shall be abated, and such actions shall continue in the appropriate adjoining county. In no event shall a defense to a criminal act be maintained where such defense alleges a lack of jurisdiction due to any act or failure to act related to the adjustment of the boundary line by this act, regardless of when such criminal act is alleged to have occurred.

**SECTION 4.(d)** The board of elections of each adjoining county shall, effective July 1, 2013, transfer the voter registration records pertaining to persons residing in areas affected by the resurvey of the boundary line and located in either county to the adjoining county's board of elections, and thereafter the registered voters so transferred shall be validly registered to vote in that adjoining county. Persons in areas affected by the resurvey of the boundary line shall continue to be in the same State House, State Senate, and United States House of Representatives Districts as they were prior to the resurvey.

**SECTION 4.(e)** The Jury Commission of each adjoining county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the resurvey of the boundary line, said revised jury lists to be effective July 1, 2013.

**SECTION 5.(a)** Any properties affected by S.L. 2010-61 or this act and that are subject to taxation under G.S. 105-274 and that were taxed by both the Alamance County and Orange County taxing authorities on or after January 1, 2007, are hereby granted the following relief:

(1) Property owners of any such dually taxed properties may, pursuant to the terms of G.S. 105-381, demand refund and/or release of taxes paid to the county from which their property, or portion thereof, was transitioned.



(2) Any claim for relief pursuant to this section and under the terms of G.S. 105-381 may be made for taxes assessed January 1, 2007, through December 31, 2012. All such claims for relief must be made in writing to the county from which the affected property was transitioned on or before February 28, 2013. Should a claim for relief pursuant to this section not be made by February 28, 2013, such claim is waived and no further relief shall be granted pursuant to this or any other act. Alamance County and Orange County shall not grant refunds or releases pursuant to this section for any claims made after February 28, 2013, and are released from all liability, and no court action shall be maintained for any such claims made for any act or failure to act pursuant to this section.

**SECTION 5.(b)** The provisions of this section shall apply only to properties transitioned or reassigned from one county to the other, in whole or in part, by the resurveys of individual qualifying properties pursuant to S.L. 2010-61 and this act.

**SECTION 5.(c)** For purposes of this section only, the term "property owner" shall include any builder or developer that paid property taxes on real property to both counties and subsequently sold said property or that, as part of an escrow agreement in which the buyer of such property paid taxes to one county and the builder or developer who sold the property, paid taxes on the same piece of property to the adjoining county.

**SECTION 5.(d)** The taxing authorities of Alamance County and Orange County shall notify property owners affected by this section of the terms of this section within 30 days of this act becoming law. Such notice shall be by United States mail at the mailing address to which any tax bills were previously submitted. No other notice is or shall be required.

**SECTION 6.** Any child who was a resident of any area reassigned by this act on its date of ratification and who was a student in the Orange or Alamance school system during the 2011-2012 school year, and the siblings of any such person, may attend school in the same school system attended in the 2011-2012 school year without necessity of a release or payment of tuition. Any such student, while attending the Orange County school system, shall be considered a resident of Orange County for all public school purposes, including transportation, athletics, and funding formulas. Any such student, while attending the Alamance County School system, shall be considered a resident of Alamance County for all public school purposes, including transportation, athletics, and funding formulas. Notice must be given to all affected school systems by the parent or guardian in order to exercise the privilege granted by this section.

**SECTION 7.** The establishment of a county boundary line is, pursuant to Section 1 of Article VII of the North Carolina Constitution, the sole responsibility of the General Assembly. Further, it is vital to the State of North Carolina and all affected local governments that county boundary lines be fixed and any uncertainty as to the location of county boundary lines be resolved. For this reason and in the interest of justice, neither Alamance County nor Orange County, nor any agent, employee, or appointed or elected official thereof, shall be liable to any individual, group, organization, for-profit or not-for-profit business entity of any kind, governmental entity or agency of any type or kind for any damages, costs, fees, or fines, and no court action shall be maintained against said counties, officials, employees, and agents for any recommendation, act, failure to act, or conduct related to S. L. 2010-61, S.L. 2011-88, or this act and/or the adoption of a fixed boundary line separating the two counties. Except as set out in Section 5 of this act, and effective upon this act becoming law, Alamance County and Orange County, their officials, employees, and agents are released from all liability for any claims made, and no court action shall be maintained against said officials, employees, and agents for any act or failure to act pursuant to the terms of this act, S.L. 2011-88, or S.L. 2010-61, and no further relief shall be granted or cause of action sustained except as provided herein.

1           **SECTION 8.** Should any provision of S.L. 2010-61, as amended by S.L. 2011-88,  
2 conflict with any provision of this act, the provisions of this act shall control. Should any line  
3 marking the area of the nine percent (9%) reflected in the surveys referenced herein conflict  
4 with any line shown on the surveys describing the area of the ninety-one percent (91%), the  
5 surveys marking the area of the nine percent (9%) shall control.

6           **SECTION 9.** Pursuant to Section 1 of Article VII of the North Carolina  
7 Constitution, any boundary line between Alamance County and Orange County previously  
8 surveyed, recognized, adopted, described, utilized, or ratified, save and except the ninety-one  
9 percent (91%) of the boundary line adopted by S.L. 2011-88, is modified as set forth herein  
10 upon ratification of this act.

11           **SECTION 10.** Pursuant to Section 1 of Article VII of the North Carolina  
12 Constitution, the official boundary line regarding the remaining nine percent (9%) of the line  
13 separating Alamance County and Orange County, as recommended by the Alamance County  
14 Board of Commissioners at its meeting of December 6, 2010, and the Orange County Board of  
15 Commissioners at its meeting of December 14, 2010, is hereby formally recognized and  
16 adopted by the General Assembly.

17           **SECTION 11.** Upon adoption, the survey plats reflecting the boundary line shall  
18 be filed with the Alamance County Register of Deeds, with the Orange County Register of  
19 Deeds, and in the office of the Secretary of State as provided in G.S. 153A-18(a).

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1107**                      A BILL TO BE ENTITLED AN ACT AMENDING THE DIVISION OF  
ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1107

Short Title: Granville County ABC Profits Distribution Mod. (Local)

Sponsors: Representative Crawford (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 24, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
3 PROFITS IN GRANVILLE COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 1 of Chapter 364 of the 1963 Session Laws of North  
6 Carolina, as rewritten by Section 1 of Chapter 91 of the 1965 Session Laws of North Carolina,  
7 reads as rewritten:

8 "Section 1. Granville County is hereby authorized to divide Alcoholic Beverage Control  
9 profits paid into its general fund under Section 18-57 of the General Statutes of North Carolina  
10 with certain municipalities in said county in the following proportions: Granville County,  
11 fifty-eight per cent (58%), sixty-four and eighty-six hundredths percent (64.86%), City of  
12 Oxford, twenty-eight per cent (28%), fourteen and twelve hundredths percent (14.12%), Town  
13 of Butner, twelve and sixty-seven hundredths percent (12.67%), Town of Creedmoor, ten per  
14 cent (10%), six and eighty-eight hundredths percent (6.88%), Town of Stem, two percent (2%),  
15 seventy-seven hundredths (.77%), and the Town of Stovall, two per cent (2%), seven-tenths  
16 percent (.70%)."

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



\* H 1 1 0 7 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1108**                      A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE  
BUTNER PUBLIC SAFETY AUTHORITY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1108

Short Title: Butner Public Safety Authority Changes. (Local)

Sponsors: Representative Crawford (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 24, 2012

A BILL TO BE ENTITLED  
AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY  
AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-408(a) reads as rewritten:

"(a) Authority Established. – There is hereby created an authority known as the Butner Public Safety Authority, which is a body politic and corporate, to provide fire and police protection for the territory of the Camp Butner Reservation. Reservation and the corporate limits of the Town of Butner."

SECTION 2. G.S. 122C-408(b) reads as rewritten:

"(b) Authority of Special Police Officers. – After taking the oath of office required for law-enforcement officers, the special police officers authorized by this section shall have the authority of deputy sheriffs of Durham and Granville Counties in those counties respectively. Within the territorial jurisdiction stated in subsection (a7)-(a5) of this section, the special police officers have the primary responsibility to enforce the laws of North Carolina, the ordinances of the Town of Butner, and any rule applicable to the Camp Butner Reservation adopted under authority of this Part or under G.S. 143-116.6 or G.S. 143-116.7 or under the authority granted any other agency of the State and also have the powers set forth for firemen in Articles 80, 82, and 83 of Chapter 58 of the General Statutes. Any civil or criminal process to be served on any individual confined at any State facility within the territorial jurisdiction described in subsection (a7)-(a5) of this section shall be forwarded by the sheriff of the county in which the process originated to the Director of the authority. Special police officers authorized by this section shall be assigned to transport any individual transferred to or from any State facility within the territorial jurisdiction described in subsection (a7)-(a5) of this section to or from the psychiatric service of the University of North Carolina Hospitals at Chapel Hill."

SECTION 3. G.S. 122C-408(d) reads as rewritten:

"(d) ~~Hiring of Director. Provision of Services.~~ – The authority ~~shall~~ may contract with the Secretary of Public Safety to provide fire and police protection to the Camp Butner Reservation and the corporate limits of the Town of Butner ~~so long as the Department provides the level of services required by the authority.~~ on such terms and conditions as the parties may agree. In such event, the employees of the Department of Public Safety shall remain employees of the State. While the contract between the Secretary of Public Safety and the Town of Butner is in effect, the Secretary of Public Safety shall consult with the voting members of the authority concerning the Department's hiring of the Director of the authority. The consultation shall include, but not be limited to, the voting members of the authority reviewing and



1 providing their comments to the Secretary of Public Safety on the credentials of the applicants  
2 for said position. In performing its functions under this subsection, the voting members of the  
3 authority shall have the same access to the applicants' personnel records pursuant to Article 7 of  
4 Chapter 126 of the General Statutes as the Secretary of Public Safety and are subject to the  
5 same restraints concerning the personnel information as set out in that Article. After  
6 consultation with the authority, the Secretary of Public Safety shall select and hire the Director  
7 of the authority."

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1109**            A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1109**

**Short Title:** Dare CAMA Setback Req'ts./Grandfather. (Local)

**Sponsors:** Representative Spear (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 24, 2012

A BILL TO BE ENTITLED  
AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING  
THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT  
SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY  
GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR  
TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET  
OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to that Article, the Coastal Resources Commission shall not deny a development permit for the repair or replacement of a single-family or duplex residential dwelling with a total floor area greater than 5,000 square feet based on failure to meet the oceanfront setback required under 15A NCAC 07H .0306(a)(2) if the structure meets all of the following criteria:

- (1) The structure was originally constructed prior to August 11, 2009.
- (2) The structure as repaired or replaced does not exceed the original footprint.
- (3) The structure as repaired or replaced meets the minimum setback required under 15A NCAC 07H .0306(a)(2)(A).

**SECTION 2.** This act applies to Dare County only.

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



\* H 1 1 0 9 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1110**                    A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1110

Short Title: Matthews/Stallings Boundary Adjustment. (Local)

Sponsors: Representatives Horn, Brawley, Cotham, and McGuirt (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 24, 2012

A BILL TO BE ENTITLED  
AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE  
LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF  
STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING  
BOARDS.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Matthews are reduced by  
removing the following described property in Mecklenburg County:

<u>Address</u>	<u>Parcel ID</u>	<u>Legal Description Lot# Block Book Page</u>
2230 Community Park	21505210	18 M 51-649
2224 Community Park	21505207	19 M 6-62
2208 Community Park	21505208	20 M 6-62
2308 Community Park	21505205	17 M 51-649
2304 Community Park	21505204	16 M 6-62

Also removed from the corporate limits of the Town of Matthews is the part of the right-of-way  
of Community Park Drive that is bounded by the Mecklenburg/Union County line and by one  
or more of those five listed parcels.

SECTION 2. The corporate limits of the Town of Stallings are extended by adding  
the following described property in Mecklenburg County:

<u>Address</u>	<u>Parcel ID</u>	<u>Legal Description Lot# Block Book Page</u>
2230 Community Park	21505210	18 M 51-649
2224 Community Park	21505207	19 M 6-62
2208 Community Park	21505208	20 M 6-62
2308 Community Park	21505205	17 M 51-649
2304 Community Park	21505204	16 M 6-62

Also added to the corporate limits of the Town of Stallings is the part of the right-of-way of  
Community Park Drive that is bounded by the Mecklenburg/Union County line and by one or  
more of those five listed parcels.

SECTION 3. This act has no effect upon the validity of any liens of the Town of  
Matthews 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 were still within the corporate limits of the Town of Matthews.

SECTION 4. This act becomes effective June 30, 2012.



\* H 1 1 1 0 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1122**                    A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1122\***

**Short Title:** Martin County Fire Districts. (Local)

**Sponsors:** Representatives E. Warren and Tolson (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 24, 2012

A BILL TO BE ENTITLED  
AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT  
TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH  
BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON  
ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER  
153A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

**SECTION 1.** All collections of fire protection district revenues under Article 3A of Chapter 69 of the General Statutes by Martin County since 1956 are valid and lawful, without regard to which fire protection district (and corresponding fire tax rate) those revenues were collected from, and without regard to which fire department those revenues were allocated.

**SECTION 2.** Subject to the provisions of G.S. 105-378, the levies of fire protection district taxes by Martin County since 1956 that remain uncollected are valid and lawful, and the lien for such taxes remains, without regard to which fire protection district (and corresponding fire tax rate) those levies attached, and without regard to which fire department revenues (when collected) are to be allocated.

**SECTION 3.** Pending action by Martin County to establish fire protection service districts under Part 1 of Article 16 of Chapter 153A of the General Statutes, the boundaries of the fire protection districts in Martin County under Article 3A of Chapter 69 of the General Statutes are as defined by a district map prepared to delineate revised district boundaries and approved prior to July 1, 2012, by the Board of Commissioners of Martin County.

**SECTION 4.** Upon establishment of fire protection service districts in Martin County under Part 1 of Article 16 of Chapter 153A of the General Statutes with a limitation on the maximum rate under G.S. 153A-309.2, the Board of Commissioners of Martin County by resolution may abolish the corresponding fire protection districts in Martin County under Article 3A of Chapter 69 of the General Statutes as of the effective date of the creation of the new districts.

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



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1131**                      A BILL TO BE ENTITLED AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRIBUTE ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1131\***

**Short Title:** Carteret Commissioner Election. (Local)

**Sponsors:** Representative McElraft (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 25, 2012

A BILL TO BE ENTITLED  
AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO  
REDISTRICT ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND  
GENERAL ELECTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 153A-22(e), a resolution adopted under that section before the opening of the 2012 filing period for the Carteret County Board of Commissioners may apply to the 2012 primary and general elections.

**SECTION 2.** This act applies to Carteret County only.

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



\* H 1 1 3 1 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1133**                      A BILL TO BE ENTITLED AN ACT TO REVISE PENDER COUNTY  
COMMISSIONER DISTRICTS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1133

Short Title:   Revise Pender County Commissioner Districts. (Local)

Sponsors:   Representative Justice (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government.

May 25, 2012

A BILL TO BE ENTITLED  
AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS.  
The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 245, Session Laws of 1947, as amended by Sections 1 and 2 of Chapter 212, Session Laws of 1949, and as rewritten by Section 1 of Chapter 1183 of the 1981 Session Laws, and as rewritten by Section 1 of Chapter 68 of the 1995 Session Laws, reads as rewritten:

"Section 1.(a) For the purpose of electing its county commissioners, the County of Pender is divided into five districts, as follows:

~~District 1: Pender County: Lower Topsail \*: Upper Topsail \*: Tract 9802: Block Group 4: Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 525, Block 526, Block 527; Scott's Hill \*.~~

~~District 2: Pender County: North Burgaw \*: Tract 9803: Block Group 1: Block 144A, Block 146; Block Group 2: Block 254A, Block 254B; Tract 9804: Block Group 1: Block 106; South Burgaw \*: Tract 9804: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 213, Block 214, Block 215, Block 221, Block 222, Block 224; Middle Holly \*, Upper Holly \*, Lower Union \*: Tract 9803: Block Group 2: Block 255; Rocky Point \*: Tract 9802: Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231A, Block 232, Block 233, Block 234A, Block 235, Block 236A, Block 237, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 285, Block 286; Upper Topsail \*: Tract 9802: Block Group 1: Block 181B; Block Group 2: Block 201C, Block 219B, Block 231B, Block 234B, Block 236B, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 245, Block 246, Block 247, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3: Block 319, Block 324, Block 325, Block 326, Block 327, Block 328; Block Group 4: Block 401, Block 402, Block 403; Surf City \*.~~

~~District 3: Pender County: Grady \*: Tract 9805: Block Group 1: Block 182B, Block 183B, Block 184B, Block 185, Block 186, Block 187, Block 188; Block Group 4: Block 401, Block~~



1 ~~402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block~~  
2 ~~410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block~~  
3 ~~418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block~~  
4 ~~426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block~~  
5 ~~434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block~~  
6 ~~442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block~~  
7 ~~450, Block 451, Block 452, Block 453, Block 454, Block 458, Block 459, Block 460, Block~~  
8 ~~461; Long Creek \*, Rocky Point \*: Tract 9804: Block Group 2: Block 219C, Block 220B,~~  
9 ~~Block 223; Block Group 5: Block 549D, Block 551C, Block 552C, Block 556C; Tract 9806:~~  
10 ~~Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block~~  
11 ~~107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block~~  
12 ~~115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block~~  
13 ~~123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block~~  
14 ~~131, Block 132, Block 133, Block 134, Block 135; Block Group 2: Block 201, Block 202,~~  
15 ~~Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210,~~  
16 ~~Block 211, Block 212, Block 213B, Block 214B, Block 215, Block 216, Block 217, Block 218,~~  
17 ~~Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226,~~  
18 ~~Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233; Block Group~~  
19 ~~3: Block 337B, Block 337C, Block 338B.~~

20 ~~District 4: Pender County: North Burgaw \*: Tract 9803: Block Group 2: Block 246A,~~  
21 ~~Block 247B, Block 256A, Block 257A, Block 258A; Tract 9804: Block Group 1: Block 107,~~  
22 ~~Block 108, Block 109A, Block 109B, Block 110, Block 115; Block Group 3: Block 301A,~~  
23 ~~Block 301B, Block 301C, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block~~  
24 ~~306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block~~  
25 ~~314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 352A, Block 352B; Block~~  
26 ~~Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407,~~  
27 ~~Block 408A, Block 409A, Block 418A, Block 420A, Block 424A, Block 425A, Block 426,~~  
28 ~~Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 437,~~  
29 ~~Block 438, Block 439, Block 440, Block 441, Block 442A, Block 442B, Block 443, Block 444,~~  
30 ~~Block 445, Block 446A, Block 446B, Block 447, Block 448, Block 449, Block 450, Block 451,~~  
31 ~~Block 452, Block 453A, Block 453B, Block 454, Block 455, Block 456, Block 457, Block 458,~~  
32 ~~Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466,~~  
33 ~~Block 467A, Block 467B, Block 468A, Block 468B, Block 469, Block 470, Block 481, Block~~  
34 ~~482, Block 483; South Burgaw \*: Tract 9804: Block Group 1: Block 111, Block 112, Block~~  
35 ~~113, Block 114; Block Group 2: Block 203A, Block 203B, Block 203C, Block 204A, Block~~  
36 ~~204B, Block 205A, Block 205B, Block 205C, Block 206A, Block 206B, Block 206C, Block~~  
37 ~~207, Block 208A, Block 208B, Block 209, Block 210A, Block 210B, Block 211A, Block 211B,~~  
38 ~~Block 212, Block 216, Block 217A, Block 217B, Block 218A, Block 218B, Block 219A, Block~~  
39 ~~219B, Block 220A; Block Group 3: Block 320, Block 321, Block 322, Block 323, Block 324,~~  
40 ~~Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332,~~  
41 ~~Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340,~~  
42 ~~Block 341, Block 342, Block 343, Block 344, Block 345, Block 346A, Block 346B, Block 347,~~  
43 ~~Block 348A, Block 348B, Block 349, Block 350, Block 351, Block 353; Block Group 4: Block~~  
44 ~~434, Block 435, Block 436, Block 471, Block 472, Block 473, Block 474, Block 475, Block~~  
45 ~~476, Block 477, Block 478, Block 479, Block 480; Block Group 5: Block 501, Block 502,~~  
46 ~~Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510,~~  
47 ~~Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518,~~  
48 ~~Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526,~~  
49 ~~Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534,~~  
50 ~~Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541A, Block 541B,~~  
51 ~~Block 542A, Block 542B, Block 542C, Block 543, Block 544A, Block 544B, Block 544C,~~

Block 545A, Block 545B, Block 546A, Block 547A, Block 548A, Block 549A, Block 549B, Block 550, Block 551A, Block 551B, Block 552A, Block 552B, Block 553, Block 554A, Block 554B, Block 554C, Block 554D, Block 555, Block 556A, Block 556B; Tract 9806: Block Group 3: Block 301A; Lower Union \*: Tract 9802: Block Group 1: Block 106B, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112B, Block 113B, Block 129B, Block 130B, Block 131B; Tract 9803: Block Group 1: Block 125A, Block 125B, Block 128, Block 129, Block 130, Block 131A, Block 131B, Block 132, Block 133A, Block 133B, Block 135, Block 136, Block 137, Block 138, Block 139A, Block 139B, Block 140, Block 141, Block 142, Block 143, Block 144B, Block 145, Block 147, Block 148, Block 149; Block Group 2: Block 230A, Block 230B, Block 231A, Block 231B, Block 232A, Block 232B, Block 233, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 246B, Block 247A, Block 247C, Block 248, Block 249, Block 250A, Block 250B, Block 251A, Block 251B, Block 252, Block 253, Block 254C, Block 256B, Block 257B, Block 258B, Block 259; Tract 9804: Block Group 4: Block 408B, Block 409B, Block 410, Block 411, Block 416B, Block 417, Block 418B, Block 419B, Block 420C, Block 425B, Block 484, Block 485.

District 5: Pender County: Canetuck \*, Caswell \*, Columbia \*, Grady \*: Tract 9805: Block Group 4: Block 455, Block 456, Block 457, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492, Block 493, Block 494, Block 495, Block 496; Tract 9806: Block Group 3: Block 339; Penderlea \*, Upper Union \*.

**District 1: Pender County: VTD: SC13, VTD: SP15, VTD: UT14: Block(s)** 1419201011000, 1419201011001, 1419201011002, 1419201011026, 1419201021004, 1419201021024, 1419201021032, 1419201021033, 1419201033037, 1419201033047, 1419201033049, 1419201033050, 1419201033051, 1419201033052, 1419201033057, 1419201033058, 1419201033059, 1419201033060, 1419201033061, 1419202011011, 1419202011022, 1419202011023, 1419202011024, 1419202011025, 1419202011027, 1419202011028, 1419202011029, 1419202011030, 1419202011031, 1419202011032, 1419202011034, 1419202012000, 1419202012001, 1419202012002, 1419202012004, 1419202012008, 1419202012009, 1419202012010, 1419202012011, 1419202012012, 1419202012013, 1419202012014, 1419202012015, 1419202012016, 1419202012017, 1419202012018, 1419202012019, 1419202041066, 1419202041079, 1419202041080, 1419202041081.

**District 2: Pender County: VTD: LT18, VTD: MT19, VTD: RP20: Block(s)** 1419202031026, 1419202031027, 1419202031028, 1419202031029, 1419202031030, 1419202031038, 1419202031091; VTD: SH12, VTD: UT14: Block(s) 1419201011041, 1419201011042, 1419202012003, 1419202012005, 1419202012006, 1419202012007, 1419202012020, 1419202012021, 1419202012022, 1419202012023, 1419202012024, 1419202012025, 1419202012026, 1419202023000, 1419202023001, 1419202023002, 1419202023003, 1419202023009, 1419202031037, 1419202031055, 1419202031056, 1419202031057, 1419202031058, 1419202031059, 1419202031060, 1419202031061, 1419202031067.

**District 3: Pender County: VTD: CF11, VTD: CL05: Block(s)** 1419205011075; VTD: GR06: 1419205013051, 1419205013056, 1419205013057, 1419205013063, 1419205013064, 1419205013065, 1419205013066, 1419205013067, 1419205013071, 1419205013072, 1419205013073, 1419205021018, 1419205021019, 1419205021023, 1419205021024, 1419205021025, 1419205021026, 1419205021027, 1419205021028, 1419205021029, 1419205021030, 1419205021031, 1419205021032, 1419205021134, 1419205021135, 1419205021136, 1419205021138, 1419205021139, 1419205021140, 1419205021141, 1419205021142, 1419205021143, 1419205021144, 1419205021145, 1419205021146, 1419205021147, 1419205021148, 1419205021149, 1419205021150, 1419205021151, 1419205021152, 1419205021153, 1419205021154, 1419205021155, 1419206023019,

1 1419206023025, 1419206023026, 1419206023028; VTD: LC09: 1419206011023,  
2 1419206011024, 1419206011025, 1419206011026, 1419206011027, 1419206011028,  
3 1419206011029, 1419206011030, 1419206011031, 1419206011032, 1419206011033,  
4 1419206011034, 1419206011035, 1419206011036, 1419206011037, 1419206011038,  
5 1419206011039, 1419206011040, 1419206011042, 1419206011043, 1419206011044,  
6 1419206011045, 1419206011046, 1419206011047, 1419206011048, 1419206011049,  
7 1419206011050, 1419206011051, 1419206011052, 1419206011053, 1419206011054,  
8 1419206011055, 1419206011056, 1419206011057, 1419206011058, 1419206011059,  
9 1419206011060, 1419206011066, 1419206011067, 1419206011068, 1419206011069,  
10 1419206023001, 1419206023002, 1419206023003, 1419206023004, 1419206023005,  
11 1419206023006, 1419206023007, 1419206023008, 1419206023009, 1419206023010,  
12 1419206023011, 1419206023012, 1419206023013, 1419206023014, 1419206023015,  
13 1419206023016, 1419206023017, 1419206023018; VTD: RP20: 1419202031005,  
14 1419202031006, 1419202031007, 1419202031009, 1419202031016, 1419202031020,  
15 1419202031021, 1419202031022, 1419202031023, 1419202031024, 1419202031025,  
16 1419202031031, 1419202031123, 1419206011000, 1419206011001, 1419206011002,  
17 1419206011003, 1419206011004, 1419206011005, 1419206011006, 1419206011007,  
18 1419206011008, 1419206011009, 1419206011010, 1419206011011, 1419206011012,  
19 1419206011013, 1419206011014, 1419206011015, 1419206011016, 1419206011017,  
20 1419206011018, 1419206011019, 1419206011020, 1419206011021, 1419206011022,  
21 1419206011061, 1419206011062, 1419206011063, 1419206011064, 1419206011065,  
22 1419206011070, 1419206021000, 1419206021001, 1419206021031, 1419206021032,  
23 1419206021033, 1419206021034, 1419206021035, 1419206021038, 1419206021039,  
24 1419206021040, 1419206023000; VTD: SB02: 1419204032058, 1419204032059,  
25 1419204032060, 1419204032061, 1419204032062, 1419204032063, 1419204032064,  
26 1419204032065, 1419204032070, 1419204032071, 1419204032072, 1419206011041.  
27 **District 4: Pender County: VTD: CL05: Block(s)** 1419203003018, 1419203003019,  
28 1419203003020, 1419203003021, 1419203003022, 1419203003023, 1419203003025,  
29 1419203003026, 1419203003027, 1419203003028, 1419203003029, 1419203003031,  
30 1419203003037, 1419203003038, 1419204021012, 1419204021013, 1419204021014,  
31 1419204021015, 1419204021016, 1419204021026, 1419204021027, 1419204021028,  
32 1419204021029, 1419205011001, 1419205011002, 1419205011003, 1419205011004,  
33 1419205011005, 1419205011006, 1419205011007, 1419205011008, 1419205011009,  
34 1419205011010, 1419205011011, 1419205011012, 1419205011013, 1419205011014,  
35 1419205011015, 1419205011016, 1419205011017, 1419205011018, 1419205011019,  
36 1419205011020, 1419205011021, 1419205011022, 1419205011023, 1419205011024,  
37 1419205011025, 1419205011026, 1419205011027, 1419205011028, 1419205011029,  
38 1419205011030, 1419205011031, 1419205011032, 1419205011034, 1419205011035,  
39 1419205011036, 1419205011037, 1419205011038, 1419205011039, 1419205011040,  
40 1419205011041, 1419205011042, 1419205011043, 1419205011044, 1419205011045,  
41 1419205011046, 1419205011047, 1419205011048, 1419205011049, 1419205011050,  
42 1419205011051, 1419205011052, 1419205011053, 1419205011054, 1419205011055,  
43 1419205011056, 1419205011057, 1419205011058, 1419205011059, 1419205011060,  
44 1419205011061, 1419205011062, 1419205011063, 1419205011064, 1419205011065,  
45 1419205011066, 1419205011067, 1419205011068, 1419205011069, 1419205011070,  
46 1419205011071, 1419205011072, 1419205011073, 1419205011074, 1419205011076,  
47 1419205011077, 1419205011078, 1419205011079, 1419205011080, 1419205011081,  
48 1419205011082, 1419205011083, 1419205011084, 1419205011086, 1419205012000,  
49 1419205012001, 1419205012002, 1419205012003, 1419205012004, 1419205012005,  
50 1419205012006, 1419205012007, 1419205012008, 1419205012009, 1419205012010,  
51 1419205012011, 1419205012012, 1419205012013, 1419205012014, 1419205012015,

1 1419205012016, 1419205012017, 1419205012018, 1419205012019, 1419205012020,  
 2 1419205012021, 1419205012022, 1419205012023, 1419205012024, 1419205012080,  
 3 1419205012081, 1419205012082, 1419205012083, 1419205012084, 1419205012118;  
 4 VTD: CS04, VTD: CT03, VTD: GR06: Block(s) 1419205011085, 1419205011088,  
 5 1419205011089, 1419205011090, 1419205013000, 1419205013001, 1419205013002,  
 6 1419205013003, 1419205013004, 1419205013005, 1419205013006, 1419205013008,  
 7 1419205013010, 1419205013029, 1419205013030, 1419205013031, 1419205013034,  
 8 1419205013035, 1419205013052, 1419205013053, 1419205013054, 1419205013055,  
 9 1419205013058, 1419205013059, 1419205013060, 1419205013061, 1419205013068,  
 10 1419205013069, 1419205021000, 1419205021001, 1419205021002, 1419205021003,  
 11 1419205021004, 1419205021005, 1419205021006, 1419205021007, 1419205021008,  
 12 1419205021009, 1419205021010, 1419205021011, 1419205021012, 1419205021014,  
 13 1419205021015, 1419205021016, 1419205021017, 1419205021020, 1419205021021,  
 14 1419205021022, 1419205021033, 1419205021034, 1419205021035, 1419205021036,  
 15 1419205021037, 1419205021038, 1419205021039, 1419205021040, 1419205021041,  
 16 1419205021045, 1419205021046, 1419205021047, 1419205021048, 1419205021049,  
 17 1419205021050, 1419205021051, 1419205021052, 1419205021053, 1419205021054,  
 18 1419205021055, 1419205021056, 1419205021057, 1419205021058, 1419205021059,  
 19 1419205021060, 1419205021061, 1419205021062, 1419205021063, 1419205021064,  
 20 1419205021065, 1419205021071, 1419205021129, 1419205021130, 1419205021131,  
 21 1419205021132, 1419205021133, 1419205021137, 1419205021156, 1419205021157,  
 22 1419205021158, 1419205021159, 1419205021160, 1419205021161, 1419205021162;  
 23 VTD: LU16: 1419203001033, 1419203001034, 1419203001036, 1419203001037,  
 24 1419203001038, 1419203001039, 1419203001040, 1419203001041, 1419203001042,  
 25 1419203001043, 1419203001044, 1419203001045, 1419203001046, 1419203001047,  
 26 1419203001048, 1419203001049, 1419203001050, 1419203001051, 1419203001052,  
 27 1419203001053, 1419203001054, 1419203001055, 1419203001056, 1419203001057,  
 28 1419203001058, 1419203001059, 1419203001060, 1419203001061, 1419203001062,  
 29 1419203001063, 1419203001064, 1419203001065, 1419203001066, 1419203001067,  
 30 1419203001068, 1419203001070, 1419203001071, 1419203001073, 1419203001074,  
 31 1419203002025, 1419203002029, 1419203002030, 1419203002031, 1419203002036,  
 32 1419203002037, 1419203002038, 1419203002040, 1419203002041, 1419203002042,  
 33 1419203002043, 1419203002044, 1419203002045, 1419203002046, 1419203002047,  
 34 1419203002049, 1419203002050, 1419203002051, 1419203002052, 1419203002053,  
 35 1419203002054, 1419203002055, 1419203002056, 1419203002057, 1419203002060,  
 36 1419203002061, 1419203002064, 1419204021003, 1419204021004, 1419204021005,  
 37 1419204021006, 1419204021007, 1419204021008, 1419204021009, 1419204021010,  
 38 1419204021011, 1419204021017, 1419204021024, 1419204021025, 1419204031000,  
 39 1419204031001, 1419204031004; VTD: NB01: 1419203002048, 1419203002058,  
 40 1419203002059, 1419203002062, 1419203002063, 1419204021023, 1419204031002,  
 41 1419204031005, 1419204031006; VTD: PL10, VTD: UH08: Block(s) 1419203001000;  
 42 VTD: UU17.  
 43 **District 5: Pender County: VTD: CL05: Block(s) 1419204021030; VTD: LC09:**  
 44 1419204011049, 1419204011050, 1419204011051, 1419204011052, 1419204011062,  
 45 1419204011063, 1419204011064, 1419204011065, 1419204011066, 1419204011067;  
 46 VTD: LU16: 1419202042006, 1419202042011, 1419202042016, 1419202042017,  
 47 1419202042018, 1419202042019, 1419202042020, 1419202042021, 1419202042023,  
 48 1419202042024, 1419202042062, 1419202042063, 1419204031003; VTD: MH07, VTD:  
 49 NB01: Block(s) 1419203001072, 1419204021018, 1419204021019, 1419204021020,  
 50 1419204021021, 1419204021022, 1419204021031, 1419204021032, 1419204021033,  
 51 1419204021034, 1419204021035, 1419204021036, 1419204021037, 1419204021038,

1	<u>1419204021039, 1419204021040, 1419204021041, 1419204021042, 1419204021043,</u>
2	<u>1419204021044, 1419204021045, 1419204021046, 1419204021047, 1419204021048,</u>
3	<u>1419204021049, 1419204021050, 1419204021051, 1419204021052, 1419204021053,</u>
4	<u>1419204021054, 1419204021055, 1419204021056, 1419204021057, 1419204021058,</u>
5	<u>1419204021059, 1419204021060, 1419204021061, 1419204021062, 1419204022000,</u>
6	<u>1419204022001, 1419204022002, 1419204022003, 1419204022004, 1419204022005,</u>
7	<u>1419204022006, 1419204022007, 1419204022008, 1419204022009, 1419204022010,</u>
8	<u>1419204022011, 1419204022012, 1419204022013, 1419204022014, 1419204022015,</u>
9	<u>1419204022016, 1419204022017, 1419204022018, 1419204022019, 1419204022020,</u>
10	<u>1419204022021, 1419204022022, 1419204022023, 1419204022024, 1419204022025,</u>
11	<u>1419204022026, 1419204022027, 1419204022028, 1419204022029, 1419204022030,</u>
12	<u>1419204022031, 1419204022032, 1419204022033, 1419204022034, 1419204022035,</u>
13	<u>1419204022036, 1419204022037, 1419204031007, 1419204031008, 1419204031009,</u>
14	<u>1419204031010, 1419204031025, 1419204031026, 1419204031027, 1419204031028,</u>
15	<u>1419204031029, VTD: RP20: 1419202031000, 1419202031001, 1419202031002,</u>
16	<u>1419202031003, 1419202031004, 1419202031008, 1419202031010, 1419202031011,</u>
17	<u>1419202031012, 1419202031013, 1419202031014, 1419202031015, 1419202031017,</u>
18	<u>1419202031018, 1419202031019, 1419202031126, 1419202041030, 1419202041031,</u>
19	<u>1419202041043, 1419202041044, 1419202041045, 1419202041046, 1419202041054,</u>
20	<u>1419202041055, 1419202041056, 1419202041057, 1419202041058, 1419202041059,</u>
21	<u>1419202041060, 1419202041061, 1419202041062, 1419202041063, 1419202041064,</u>
22	<u>1419202041065, 1419202041067, 1419202041068, 1419202041069, 1419202041070,</u>
23	<u>1419204011068, 1419204011069, 1419204011070, 1419204011071, 1419204011072,</u>
24	<u>1419204011101, 1419204011102, 1419204032073, VTD: SB02: 1419204011000,</u>
25	<u>1419204011001, 1419204011002, 1419204011003, 1419204011004, 1419204011005,</u>
26	<u>1419204011006, 1419204011007, 1419204011008, 1419204011009, 1419204011010,</u>
27	<u>1419204011011, 1419204011012, 1419204011013, 1419204011014, 1419204011015,</u>
28	<u>1419204011016, 1419204011017, 1419204011018, 1419204011019, 1419204011020,</u>
29	<u>1419204011021, 1419204011022, 1419204011023, 1419204011024, 1419204011025,</u>
30	<u>1419204011026, 1419204011027, 1419204011028, 1419204011029, 1419204011030,</u>
31	<u>1419204011031, 1419204011032, 1419204011033, 1419204011034, 1419204011035,</u>
32	<u>1419204011036, 1419204011037, 1419204011038, 1419204011039, 1419204011040,</u>
33	<u>1419204011041, 1419204011042, 1419204011043, 1419204011044, 1419204011045,</u>
34	<u>1419204011046, 1419204011047, 1419204011048, 1419204011053, 1419204011054,</u>
35	<u>1419204011055, 1419204011056, 1419204011057, 1419204011058, 1419204011059,</u>
36	<u>1419204011060, 1419204011061, 1419204011073, 1419204011074, 1419204011075,</u>
37	<u>1419204011076, 1419204011077, 1419204011078, 1419204011079, 1419204011080,</u>
38	<u>1419204011081, 1419204011082, 1419204011083, 1419204011084, 1419204011085,</u>
39	<u>1419204011086, 1419204011087, 1419204011088, 1419204011089, 1419204011090,</u>
40	<u>1419204011091, 1419204011092, 1419204011093, 1419204011094, 1419204011095,</u>
41	<u>1419204011096, 1419204011097, 1419204011098, 1419204011099, 1419204011100,</u>
42	<u>1419204011103, 1419204031011, 1419204031012, 1419204031013, 1419204031014,</u>
43	<u>1419204031015, 1419204031016, 1419204031017, 1419204031018, 1419204031019,</u>
44	<u>1419204031020, 1419204031021, 1419204031022, 1419204031023, 1419204031024,</u>
45	<u>1419204031030, 1419204032000, 1419204032001, 1419204032002, 1419204032003,</u>
46	<u>1419204032004, 1419204032005, 1419204032006, 1419204032007, 1419204032008,</u>
47	<u>1419204032009, 1419204032010, 1419204032011, 1419204032012, 1419204032013,</u>
48	<u>1419204032014, 1419204032015, 1419204032016, 1419204032017, 1419204032018,</u>
49	<u>1419204032019, 1419204032020, 1419204032021, 1419204032022, 1419204032023,</u>
50	<u>1419204032024, 1419204032025, 1419204032026, 1419204032027, 1419204032028,</u>
51	<u>1419204032029, 1419204032030, 1419204032031, 1419204032032, 1419204032033,</u>

1419204032034, 1419204032035, 1419204032036, 1419204032037, 1419204032038,  
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1419204032067, 1419204032068, 1419204032069; VTD: UH08: 1419202041023,  
1419202041025, 1419202042000, 1419202042001, 1419202042002, 1419202042003,  
1419202042004, 1419202042005, 1419202042009, 1419202042010, 1419202042012,  
1419202042013, 1419202042015, 1419202042022, 1419202042025, 1419202042026,  
1419202042027, 1419202042028, 1419202042029, 1419202042030, 1419202042031,  
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1419202042052, 1419202042053, 1419202042054, 1419202042055, 1419202042060,  
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1419202042089, 1419202042090, 1419202042091, 1419202042092, 1419202042093,  
1419202042094, 1419202042095, 1419202042096, 1419202042097, 1419202042098,  
1419202042099, 1419202042100, 1419202042101, 1419202042102, 1419202042103,  
1419202042104, 1419202042105, 1419202042106, 1419202042107, 1419202042108,  
1419202042109, 1419202042110, 1419202042111, 1419202042112, 1419202042114,  
1419202042115.

(b) ~~The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 1990 U.S. Census. Boundaries are as shown on the IVTD Version of the United States Bureau of the Census 1990 TIGER Files.~~ The names and boundaries of voting tabulation districts, tracts, block groups, and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles.

(c) If any voting tabulation district boundary is changed, that change shall not change the boundary of a district, which shall remain the same as it is depicted by the 2010 Census Redistricting TIGER/Line Shapefiles."

**SECTION 2.** This act becomes effective beginning with the 2014 primary and general election.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1138**                    A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF  
DAVIDSON TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND  
RENOVATION OF COUNTY BUILDINGS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1138**

**Short Title:** Davidson County Design Build. (Local)

**Sponsors:** Representatives R. Brown, Dockham, and L. Brown (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 25, 2012

A BILL TO BE ENTITLED  
AN ACT TO PERMIT THE COUNTY OF DAVIDSON TO UTILIZE THE DESIGN-BUILD  
METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32, Davidson County may use the design-build method of construction for the construction or renovation of buildings owned by the County. The County shall seek to prequalify and solicit at least three design-build teams to bid on the project and shall receive at least three sealed proposals from those teams for each project. The proposals shall not require the design-build team to submit project design solutions. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the County may proceed with the proposals received. The County shall interview at least two of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of any project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

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



\* H 1 1 3 8 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1169**                      A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED  
PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1169\*

Short Title: Town of Burgaw/Deannexation. (Local)

Sponsors: Representative Justice (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 30, 2012

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE TOWN OF BURGAW.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate  
limits of the Town of Burgaw:

All that land located in Burgaw Township, Pender County, State of North Carolina,  
adjoining the lands of James Henry (Bud) Moore, Marion Lane, Roy Lanier, Acme Wood  
Corporation, and others and being more particularly described as follows:

TRACT I

Beginning at a concrete location corner 3.4 feet from center of a cypress  
stump on the east side of the run of Burgaw Creek, J. H. (Bud) Moore's corner; thence his line  
and ditch North 65 degrees 09 minutes East 660.00 feet to a concrete monument; thence North  
74 degrees 14 minutes East 1155.00 feet to a concrete monument; thence 77 degrees 09  
minutes East 686.0 feet to an iron stake; thence North 88 degrees 58 minutes East 825.0 feet to  
an iron stake; thence North 84 degrees 51 minutes 1337.3 feet to two iron pipes at a ditch  
intersection; thence the same course North 84 degrees 51 minutes East 1367.5 feet to a plowed  
fire lane at a point South 62 degrees 25 minutes East 304.2 feet from a marked corner; thence  
with said fire lane South 62 degrees 25 minutes East 356.3 feet to a marked corner; thence  
South 51 degrees 05 minutes East 982.3 feet to a corner; thence South 12 degrees 15 minutes  
East 1072.6 feet to a pine stump with gum pointers; thence with line of Acme Wood  
Corporation, South 9 degrees 56 minutes West 2920.4 feet to a "D.L.G." stone; thence South 89  
degrees 42 minutes West 455.4 feet to a concrete monument; thence North 86 degrees 30  
minutes West 1483.35 feet to a pipe at a field cross ditch; thence North 85 degrees 50 minutes  
West 1333.3 feet to a concrete monument; thence the line of Marion Lane North 4 degrees 08  
minutes East 1654.5 feet to a point upon the present avenue, leading to the house; thence with  
the avenue (Lane's line) North 85 degrees 58 minutes West 2845.9 feet to a spike in center of  
bridge over Burgaw Creek (Public Paved Road bridge); thence up the run of Burgaw Creek the  
following traversed courses and distances:

- (1) North 16 degrees 02 minutes East 323.1 feet;
- (2) North 09 degrees 33 minutes West 204.2 feet;
- (3) North 22 degrees 55 minutes West 205.8 feet;
- (4) North 87 degrees 36 minutes West 183.0 feet;
- (5) North 27 degrees 18 minutes West 153.6 feet;
- (6) South 89 degrees 24 minutes West 71.7 feet;



\* H 1 1 6 9 - V - 1 \*

- (7) North 3 degrees 32 minutes East 149.9 feet;  
(8) North 18 degrees 18 minutes West 160.5 feet;  
(9) North 76 degrees 04 minutes West 75.2 feet;  
(10) North 33 degrees 16 minutes West 170.2 feet;  
(11) North 56 degrees 37 minutes West 115.9 feet;  
(12) North 24 degrees 47 minutes West 87.9 feet;  
(13) North 60 degrees 48 minutes West 135.9 feet; and  
(14) North 48 degrees 01 minutes West 191.6 feet to the point of Beginning, containing 523.99 acres, more or less, and described according to map of M.R. Walton, Registered Surveyor, entitled "Map of Survey for Teal A. Rivenbark" Burgaw Township, Pender County, North Carolina dated May-June 1962, reference to which is hereby made for a more particular description.

**TRACT II**

Beginning at a point in a fire lane which is South 62 degrees 25 minutes East 304.2 feet from a marked corner of Corbett Package Company, also being the most Northeasterly corner of the above "First Tract" herein and running thence with the fire line South 62 degrees 25 minutes East 356.3 feet to a marked corner; thence South 51 degrees 05 minutes East 982.3 feet to a corner; thence South 12 degrees 15 minutes East 1072.5 feet to a pine stump with gum pointers; thence leaving the lines of "First Tract" herein North 9 degrees 56 minutes East 2005.1 feet to a stake; thence South 84 degrees 51 minutes West 1649.7 feet to the point of Beginning, containing 23.65 acres, more or less, and described according to map of M.R. Walton, Registered Surveyor, dated May-June 1962 entitled "Map of Survey for Teal A. Rivenbark", Burgaw Township, Pender County, North Carolina, reference to which is hereby made for a more particular description.

Subject however, to the right-of-way in favor of Four County Electric Membership Corporation recorded in Book 226, at Page 282 of the Pender County Registry.

**SECTION 2.** This act has no effect upon the validity of any liens of the Town of Burgaw 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 were still within the corporate limits of the Town of Burgaw.

**SECTION 3.** This act becomes effective July 1, 2012.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1196**

A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR  
CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL  
HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH.

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

*Finance*

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1196**

**Short Title:** Albemarle Mental Health Center Property. (Local)

**Sponsors:** Representative Owens (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 31, 2012

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL  
PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST  
CAROLINA BEHAVIORAL HEALTH.

Whereas, Albemarle Mental Health Center (AMHC), Developmental Disabilities  
and Substance Abuse Services, was a Local Management Entity and political subdivision of the  
State pursuant to G.S. 122C-116 covering 10 counties; and

Whereas, AMHC was dissolved under Chapter 122C of the General Statutes  
effective July 1, 2010; and

Whereas, AMHC owned real property in Camden, Currituck, and Perquimans  
Counties; and

Whereas, the real property was to have been conveyed to East Carolina Behavioral  
Health (ECBH) upon dissolution of AMHC; and

Whereas, proper provision was not made for the conveyance in the winding up of  
AMHC; and

Whereas, the General Assembly desires to create a process by which this  
conveyance may occur; and

Whereas, the catchment area of AMHC was Camden, Chowan, Currituck, Dare,  
Hyde, Martin, Pasquotank, Perquimans, Tyrrell, and Washington Counties; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** The Director of the Division of Mental Health, Developmental  
Disabilities and Substance Abuse Services of the Department of Health and Human Services  
may wind up the affairs of the Albemarle Mental Health Center (AMHC), Developmental  
Disabilities and Substance Abuse Services by entering into any necessary interlocal agreements  
and conveying its interests in real property in Camden, Currituck, and Perquimans Counties to  
East Carolina Behavioral Health (ECBH) as provided in the consolidation agreement between  
AMHC, ECBH, and the 10 counties in the catchment area.

**SECTION 2.** This act applies in Camden, Currituck, and Perquimans Counties  
only.

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



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1197**

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY  
TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING  
DEEDS CONVEYING PROPERTY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1197**

**Short Title:** Add Stokes Cty to Tax Cert Before Recordation.

**(Local)**

**Sponsors:** Representative Holloway (Primary Sponsor).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 31, 2012

**A BILL TO BE ENTITLED**

**AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF  
DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING  
PROPERTY.**

The General Assembly of North Carolina enacts:

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

**"§ 161-31. Tax certification.**

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

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

(b) Applicability. – This section applies only to Alamance, Alexander, Anson, Beaufort, Bertie, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Robeson, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey Counties."

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





**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1202**                    A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

H

1

**HOUSE BILL 1202\***

Short Title:   Roanoke Rapids Deannex/Halifax N'hmpt Airport. (Local)

Sponsors:   Representatives Bryant, Bradley, and Wray (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

May 31, 2012

A BILL TO BE ENTITLED  
AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL  
PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING  
THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON  
REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The following property, which was annexed to the City of Roanoke Rapids by S.L. 2005-9, is removed from the corporate limits of the City of Roanoke Rapids: Halifax County Tax Office Parcel ID 1201473.

**SECTION 1.(b)** The City of Roanoke Rapids may exercise all the powers granted by Article 19 of Chapter 160A of the General Statutes in the area removed from the corporate limits by Section 1 of this act.

**SECTION 1.(c)** This section becomes effective June 30, 2013.

**SECTION 2.(a)** Section 4(a)(1) of S.L. 1997-275, as amended by S.L. 1998-130, reads as rewritten:

"(a) The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, own jointly with public and private parties, lease as lessee, mortgage, sell, lease as lessor, control, lease, equip, improve, maintain, operate, and regulate or otherwise dispose of lands, facilities, and improvements for the use, restoration, manufacture, or repair of airplanes and other aircrafts; to finance and refinance for public and private parties airport facilities and improvements which relate to, develop, or further airborne commerce and cargo and passenger traffic, including commercial, industrial, manufacturing, processing, transportation, distribution, storage, and aviation facilities and improvements; to secure any such financing or refinancing by all or any portion of their revenues, income, or assets or other available monies associated with any of their airport facilities and with the facilities and improvements to be financed or refinanced, and by foreclosable liens on all or any part of its properties associated with its airport facilities and with the facilities and improvements to be financed or refinanced, but in no event to create a debt secured by a pledge of the faith and credit of the State or any other public body in the State. ~~airports and landing fields for the use of airplanes and other aircraft within the limits of the County and for this purpose to purchase, improve,~~



\* H 1 2 0 2 - V - 1 \*

- 1                   ~~own, hold, lease, or operate real or personal property.~~ The Airport Authority  
2                   may exercise these powers alone or in conjunction with the City of Roanoke  
3                   Rapids, the County of Northampton, or the County of Halifax."  
4       **SECTION 2.(b)** Section 4(a)(12) of S.L. 1997-275 is repealed.  
5       **SECTION 3.** Except as provided herein, this act is effective when it becomes law.

HB1202- Rep. Glen Bradley  
Rep. Angela Bryant  
Rep. Michael Wray

## **HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY**

**Post Office Box 38  
Halifax, North Carolina 27839  
(252) 583-3492 – Terminal  
(252) 583-1131 – Administration**

May 21, 2012

The Honorable Angela R. Bryant  
NC House of Representatives  
300 N. Salisbury Street, Room 542  
Raleigh, NC 27603-5925

Dear Representative Bryant:

As you are aware, Halifax County is working with LSA America, Inc. to locate the company's permanent light sport aircraft production facility at the Halifax-Northampton Regional Airport. Being located at the Airport will provide greater efficiencies for the company in production and testing of the aircraft.

To facilitate the location of the company's aircraft production at the Airport, a slight modification to the authorizing legislation for the Halifax Northampton Regional Airport Authority, Session Law 1997-275 and Session Law 1998-130, is needed. This modification, as presented below, will clearly establish the ability of the Halifax-Northampton Regional Airport Authority to take these actions to support commercial, industrial, manufacturing, processing, distribution, storage, aviation facilities and improvements in the furtherance of airborne commerce.

*Subsection (a)(1) of Section 4 of [S.L. 1997-275] [S.L. 1998-130] reads as re-written:*

*(1) To purchase, acquire, establish, construct, own, own jointly with public and private parties, lease as lessee, mortgage, sell, lease as lessor, control, equip, maintain, operate, regulate or otherwise dispose of lands, facilities and improvements for the use, restoration, manufacture or repair of airplanes and other aircraft; to finance and refinance for public and private parties airport facilities and improvements which relate to, develop or further airborne commerce and cargo and passenger traffic, including commercial, industrial, manufacturing, processing, transportation, distribution, storage, aviation facilities and improvements; to secure any such financing or refinancing by all or any portion of their revenues, income or assets or other available monies associated with any of their airport facilities and with the facilities and improvements to be financed or refinanced, and by foreclosable liens on all or any part of its properties associated with its airport facilities and with the facilities and improvements to be financed or refinanced, but*

*in no event to create a debt secured by a pledge of the faith and credit of the State or any other public body in the State. The Airport Authority may exercise these powers alone or in conjunction with the City of Roanoke Rapids, the County of Northampton, or the County of Halifax.*

*Subsection (a)(12) of Section 4 of S.L. [1997-275] [S.L. 1998-130] is deleted in its entirety.*

Also attached for your reference is the original language showing the changes in a mark-up format.

Thank you for your assistance. If you should have any questions or require additional information, please do not hesitate to contact me.

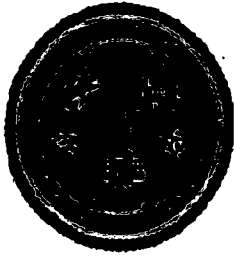
Sincerely,

A handwritten signature in dark ink, appearing to read "D.B.K.", with a stylized flourish at the end.

David B. King  
Chairman

Cc: Members, Halifax-Northampton Regional Airport Authority

Enclosure



# City of Roanoke Rapids

*Office of the Interim City Manager*

P. O. Box 38 1040 Roanoke Avenue  
Roanoke Rapids, N. C. 27870  
(252) 533-2840 (252) 537-1139 Fax  
email: [ewyatt@roanokerapidsnc.com](mailto:ewyatt@roanokerapidsnc.com)

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May 23, 2012

The Honorable Angela R. Bryant  
7<sup>th</sup> District Representative  
300 N. Salisbury Street, Room 542  
Raleigh, North Carolina 27603-5925

Dear Representative Bryant:

I am writing you in accordance with our discussion yesterday concerning Mr. Robert Jones' request to be de-annexed from the City of Roanoke Rapids.

Since talking with you, I have polled the Council members and they are in agreement to support de-annexing Mr. Jones' property.

Please let me know if there is anything further I can do relative to this.

Thank you for your responsiveness to this sensitive situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed", is written above the printed name of the Interim City Manager.

Edward A. Wyatt  
Interim City Manager

cc: Robert Jones  
Mayor and City Council  
Gilbert Chichester, City Attorney  
Kelly Lasky, Planning & Development Director  
Lisa B. Vincent, City Clerk

**2012 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1204**                      A BILL TO BE ENTITLED AN ACT AUTHORIZING UNION COUNTY TO  
CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-  
BUILD DELIVERY METHODS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1204\***

**Short Title:** Union County Construction Methods. (Local)

**Sponsors:** Representatives Horn, McGuirt, and Burr (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 31, 2012

**A BILL TO BE ENTITLED  
AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT  
AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY  
METHODS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Union County may contract for the design and construction or design, construction, and operation of law enforcement facilities including, without limitation, a jail and emergency dispatch center and human services facilities including, without limitation, social services and public health buildings, without being subject to the requirements of Article 3D (Procurement of Architectural, Engineering, and Surveying Services) or Article 8 (Public Contracts) of Chapter 143 of the General Statutes. The authorization includes, if deemed appropriate by the Union County Board of Commissioners, the use of the single-prime contractor method of design and construction, the design-build or design-build-operate method of construction, or a request for proposals and negotiation as an alternative design and construction method.

**SECTION 2.** Pursuant to the authority to conduct a request for proposals and negotiation as an alternative design and construction method, Union County may enter into build-to-suit capital leases of real or personal property for use as law enforcement facilities or human services facilities. For purposes of this act, (i) the term "build-to-suit capital lease" means a capital lease, as defined by generally accepted accounting principles, regardless of how the parties describe the agreement, which provides for the construction of new facilities or the renovation of existing facilities by a private developer at a cost estimated to be greater than three hundred thousand dollars (\$300,000); and (ii) the term "private developer" means the entity with which the Board of Commissioners enters into a build-to-suit capital lease under the provisions of this act. A build-to-suit capital lease may provide that the private developer is responsible for providing or contracting for construction, repair, or renovation work. The lease may include contractual provisions by the private developer regarding the provision of products, services, and guaranties related to a facility that is the subject of a build-to-suit capital lease. The Board of Commissioners may also enter into a separate agreement or a series of related agreements regarding the provision of products, services, and guaranties related to a facility that is the subject of a build-to-suit capital lease. Construction, repair, or renovation work undertaken or contracted by a private developer is not subject to the requirements of Article 3D or Article 8 of Chapter 143 of the General Statutes.

**SECTION 3.** In recognition of the potential economic and technical utility of build-to-suit capital leases, which may include in their scope combinations of design,





1 construction, operation, management, and maintenance responsibilities over prolonged periods  
2 of time, and the potential desirability of a single point of responsibility for these matters in  
3 connection with build-to-suit capital leases, any build-to-suit capital lease may include  
4 provisions imposing responsibility on the private developer or any identified affiliated entity  
5 for any of the following matters:

- 6 (1) Site selection, land acquisition, and site preparation, including wetlands  
7 delineation, archaeological review, and State and local government land-use  
8 permitting.
- 9 (2) Facility programming, planning, and design, including both architectural and  
10 engineering services.
- 11 (3) Qualification and prequalification of contractors and subcontractors.
- 12 (4) Construction and construction management.
- 13 (5) Financing.
- 14 (6) Facility maintenance and repairs.
- 15 (7) Energy usage guaranties.
- 16 (8) Transfer of ownership of the leased property to Union County at the end of  
17 the lease term.
- 18 (9) Any other guaranties, products, and services the Board of Commissioners  
19 deem appropriate.

20 **SECTION 4.** The Board of Commissioners may enter into predevelopment  
21 agreements with a private developer in advance of entering into a build-to-suit capital lease.  
22 Predevelopment agreements may include, without limitation, provisions for each of the  
23 following: (i) site selection, land acquisition, and site preparation, including services such as  
24 wetlands delineation, archaeological review, and State and local government land-use  
25 permitting; and (ii) building programming and design, including both architectural and  
26 engineering services.

27 **SECTION 5.** Notwithstanding any provisions of law to the contrary, the Board of  
28 Commissioners may, pursuant to the provisions of G.S. 160A-267, and without limitation as to  
29 value of the interest conveyed or the consideration received, sell, lease, or otherwise transfer  
30 real or personal property to any private developer for construction, repair, or renovation of the  
31 facilities subject to a build-to-suit capital lease. The Board of Commissioners may subject the  
32 property to any covenants, conditions, or restrictions it deems necessary to carry out the  
33 purposes of this act. The facilities subject to a build-to-suit capital lease may be constructed on  
34 real property owned by Union County or real property owned by the private developer.

35 **SECTION 6.** A build-to-suit capital lease shall also be subject to the following  
36 requirements:

- 37 (1) The lease shall not contain a nonsubstitution clause that restricts the right of  
38 the Board of Commissioners to continue to provide a service or activity or to  
39 replace or provide a substitute for any property financed or purchased by the  
40 capital lease.
- 41 (2) No deficiency judgment may be rendered against Union County or the Board  
42 of Commissioners in any action for breach of a contractual obligation in a  
43 lease authorized by this act, and the taxing power of Union County is not  
44 and may not be pledged directly or indirectly to secure any moneys due  
45 under a lease authorized by this act. A build-to-suit capital lease shall state  
46 that it does not constitute a pledge of the taxing power or full faith and credit  
47 of the Board of Commissioners.
- 48 (3) A build-to-suit capital lease entered into pursuant to this act is subject to  
49 approval by the Local Government Commission under Article 8 of Chapter  
50 159 of the General Statutes if it meets the standards provided in  
51 G.S. 159-148(a)(2) and G.S. 159-148(a)(3). For purposes of determining

- 1 whether the standards provided in G.S. 159-148(a)(3) have been met, only  
2 the five hundred thousand dollar (\$500,000) threshold shall apply.
- 3 (4) The Board of Commissioners, in its discretion, may require the private  
4 developer to provide a performance and payment bond for construction work  
5 in accordance with the provisions of Article 3 of Chapter 44A of the General  
6 Statutes and may require the private developer to provide a bond or other  
7 appropriate guaranty to cover any other guaranties, products, or services to  
8 be provided by the private developer. In addition, the Board of  
9 Commissioners may require that the private developer (i) provide an  
10 irrevocable letter of credit for the benefit of laborers and materialmen in an  
11 amount not less than five percent (5%) of the total cost of the improvements  
12 that are the subject of the build-to-suit capital lease; and (ii) maintain the  
13 letter of credit throughout the construction of the project and for the  
14 succeeding six-month period.

15 **SECTION 7.** Union County shall request proposals from and interview at least  
16 three design-build teams, design-build-operate teams, or private developers, as appropriate, that  
17 have submitted proposals for a project authorized under the provisions of this act. If three  
18 proposals are not received and the project has been publicly advertised for a minimum of 30  
19 days, the County may proceed with the proposal or proposals received. If it determines to  
20 proceed, the Board of Commissioners shall award the contract to the best qualified contractor  
21 or private developer for the project as deemed by the Board of Commissioners, in its sole  
22 discretion, to be in the county's best interests under all the circumstances, taking into account  
23 (i) the knowledge, skill, and reputation of the contractor or private developer and its associated  
24 persons; (ii) the time, cost, and quality of design, engineering, and construction, including the  
25 time required to begin and the time required to complete a particular activity; (iii) occupancy  
26 costs, including lease payments, life-cycle maintenance, repair, and energy costs; (iv) any other  
27 factors and information set forth in the request for proposals that the county determines to have  
28 a material bearing on the ability to evaluate any proposal; and (v) any other factors the Board of  
29 Commissioners deems relevant.

30 **SECTION 8.** This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1204\*

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

H1204-AST-82 [v.1]

Page 1 of 1

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

Date \_\_\_\_\_, 2012

Representative ~~Warren~~ Warren, H.

1 moves to amend the bill on page 3, line 30 by rewriting that line to read:  
2

3 "SECTION 8. This act is effective when it becomes law, and expires on December  
4 31, 2017."  
5  
6

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



\* H 1 2 0 4 - A S T - 8 2 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**D**

**HOUSE BILL 1204\*  
PROPOSED COMMITTEE SUBSTITUTE H1204-PCS11366-ST-99**

Short Title: Union County Construction Methods.

(Local)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED  
AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT  
AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY  
METHODS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Union County may contract for the design and construction or design, construction, and operation of law enforcement facilities including, without limitation, a jail and emergency dispatch center and human services facilities including, without limitation, social services and public health buildings, without being subject to the requirements of Article 3D (Procurement of Architectural, Engineering, and Surveying Services) or Article 8 (Public Contracts) of Chapter 143 of the General Statutes. The authorization includes, if deemed appropriate by the Union County Board of Commissioners, the use of the single-prime contractor method of design and construction, the design-build or design-build-operate method of construction, or a request for proposals and negotiation as an alternative design and construction method.

**SECTION 2.** Pursuant to the authority to conduct a request for proposals and negotiation as an alternative design and construction method, Union County may enter into build-to-suit capital leases of real or personal property for use as law enforcement facilities or human services facilities. For purposes of this act, (i) the term "build-to-suit capital lease" means a capital lease, as defined by generally accepted accounting principles, regardless of how the parties describe the agreement, which provides for the construction of new facilities or the renovation of existing facilities by a private developer at a cost estimated to be greater than three hundred thousand dollars (\$300,000); and (ii) the term "private developer" means the entity with which the Board of Commissioners enters into a build-to-suit capital lease under the provisions of this act. A build-to-suit capital lease may provide that the private developer is responsible for providing or contracting for construction, repair, or renovation work. The lease may include contractual provisions by the private developer regarding the provision of products, services, and guaranties related to a facility that is the subject of a build-to-suit capital lease. The Board of Commissioners may also enter into a separate agreement or a series of related agreements regarding the provision of products, services, and guaranties related to a facility that is the subject of a build-to-suit capital lease. Construction, repair, or renovation work undertaken or contracted by a private developer is not subject to the requirements of Article 3D or Article 8 of Chapter 143 of the General Statutes.



\* H 1 2 0 4 - P C S 1 1 3 6 6 - S T - 9 9 \*

1           **SECTION 3.** In recognition of the potential economic and technical utility of  
2 build-to-suit capital leases, which may include in their scope combinations of design,  
3 construction, operation, management, and maintenance responsibilities over prolonged periods  
4 of time, and the potential desirability of a single point of responsibility for these matters in  
5 connection with build-to-suit capital leases, any build-to-suit capital lease may include  
6 provisions imposing responsibility on the private developer or any identified affiliated entity  
7 for any of the following matters:

- 8           (1) Site selection, land acquisition, and site preparation, including wetlands  
9 delineation, archaeological review, and State and local government land-use  
10 permitting.
- 11          (2) Facility programming, planning, and design, including both architectural and  
12 engineering services.
- 13          (3) Qualification and prequalification of contractors and subcontractors.
- 14          (4) Construction and construction management.
- 15          (5) Financing.
- 16          (6) Facility maintenance and repairs.
- 17          (7) Energy usage guaranties.
- 18          (8) Transfer of ownership of the leased property to Union County at the end of  
19 the lease term.
- 20          (9) Any other guaranties, products, and services the Board of Commissioners  
21 deem appropriate.

22           **SECTION 4.** The Board of Commissioners may enter into predevelopment  
23 agreements with a private developer in advance of entering into a build-to-suit capital lease.  
24 Predevelopment agreements may include, without limitation, provisions for each of the  
25 following: (i) site selection, land acquisition, and site preparation, including services such as  
26 wetlands delineation, archaeological review, and State and local government land-use  
27 permitting; and (ii) building programming and design, including both architectural and  
28 engineering services.

29           **SECTION 5.** Notwithstanding any provisions of law to the contrary, the Board of  
30 Commissioners may, pursuant to the provisions of G.S. 160A-267, and without limitation as to  
31 value of the interest conveyed or the consideration received, sell, lease, or otherwise transfer  
32 real or personal property to any private developer for construction, repair, or renovation of the  
33 facilities subject to a build-to-suit capital lease. The Board of Commissioners may subject the  
34 property to any covenants, conditions, or restrictions it deems necessary to carry out the  
35 purposes of this act. The facilities subject to a build-to-suit capital lease may be constructed on  
36 real property owned by Union County or real property owned by the private developer.

37           **SECTION 6.** A build-to-suit capital lease shall also be subject to the following  
38 requirements:

- 39           (1) The lease shall not contain a nonsubstitution clause that restricts the right of  
40 the Board of Commissioners to continue to provide a service or activity or to  
41 replace or provide a substitute for any property financed or purchased by the  
42 capital lease.
- 43           (2) No deficiency judgment may be rendered against Union County or the Board  
44 of Commissioners in any action for breach of a contractual obligation in a  
45 lease authorized by this act, and the taxing power of Union County is not  
46 and may not be pledged directly or indirectly to secure any moneys due  
47 under a lease authorized by this act. A build-to-suit capital lease shall state  
48 that it does not constitute a pledge of the taxing power or full faith and credit  
49 of the Board of Commissioners.
- 50           (3) A build-to-suit capital lease entered into pursuant to this act is subject to  
51 approval by the Local Government Commission under Article 8 of Chapter

159 of the General Statutes if it meets the standards provided in G.S. 159-148(a)(2) and G.S. 159-148(a)(3). For purposes of determining whether the standards provided in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar (\$500,000) threshold shall apply.

(4) The Board of Commissioners, in its discretion, may require the private developer to provide a performance and payment bond for construction work in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes and may require the private developer to provide a bond or other appropriate guaranty to cover any other guaranties, products, or services to be provided by the private developer. In addition, the Board of Commissioners may require that the private developer (i) provide an irrevocable letter of credit for the benefit of laborers and materialmen in an amount not less than five percent (5%) of the total cost of the improvements that are the subject of the build-to-suit capital lease; and (ii) maintain the letter of credit throughout the construction of the project and for the succeeding six-month period.

**SECTION 7.** Union County shall request proposals from and interview at least three design-build teams, design-build-operate teams, or private developers, as appropriate, that have submitted proposals for a project authorized under the provisions of this act. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the County may proceed with the proposal or proposals received. If it determines to proceed, the Board of Commissioners shall award the contract to the best qualified contractor or private developer for the project as deemed by the Board of Commissioners, in its sole discretion, to be in the county's best interests under all the circumstances, taking into account (i) the knowledge, skill, and reputation of the contractor or private developer and its associated persons; (ii) the time, cost, and quality of design, engineering, and construction, including the time required to begin and the time required to complete a particular activity; (iii) occupancy costs, including lease payments, life-cycle maintenance, repair, and energy costs; (iv) any other factors and information set forth in the request for proposals that the county determines to have a material bearing on the ability to evaluate any proposal; and (v) any other factors the Board of Commissioners deems relevant.

**SECTION 8.** This act is effective when it becomes law and expires on December 31, 2017.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1205**                      A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO GO ON  
CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1205**

**Short Title:** Amend Trespass/Granville County. (Local)

**Sponsors:** Representative Crawford (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 31, 2012

A BILL TO BE ENTITLED  
AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY  
WITHOUT WRITTEN PERMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-159.6(a) reads as rewritten:

"(a) Any person who willfully goes on the land, waters, ponds, or a legally established waterfowl blind of another that has been posted in accordance with the provisions of ~~G.S. 14-159.7, to hunt, fish or trap~~ G.S. 14-159.7 without written permission of the landowner, lessee, or his agent shall be guilty of a Class 2 misdemeanor. Written permission shall be carried on one's person, signed by the landowner, lessee, or agent, and dated within the last 12 months. The written permission shall be displayed upon request of any law enforcement officer of the Wildlife Resources Commission, sheriff or deputy sheriff, or other law enforcement officer with general subject matter jurisdiction. A person shall have written permission for purposes of this section if a landowner, lessee, or agent has granted permission to a club to hunt, fish, or trap on the land and the person is carrying both a current membership card demonstrating the person's membership in the club and a copy of written permission granted to the club that complies with the requirements of this section."

**SECTION 2.** This act applies only to Granville County.

**SECTION 3.** This act becomes effective October 1, 2012, and applies to offenses committed on or after that date.





**2012 COMMITTEE REPORT.**  
**HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1206**                      A BILL TO BE ENTITLED AN ACT TO MORE ACCURATELY DESCRIBE  
THE CORPORATE LIMITS OF THE TOWN OF BUTNER.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1206

Short Title: Butner Boundary Clarification. (Local)

Sponsors: Representative Crawford (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE  
TOWN OF BUTNER.

The General Assembly of North Carolina enacts:

SECTION 1. Article II of the Charter of the Town of Butner, being Section 1.1 of  
S.L. 2007-269, reads as rewritten:

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of  
the Town of Butner are as shown ~~on a map produced June 12, 2007, by the Granville County  
Tax Department and kept on file in the Butner City Hall, the Granville County Planning  
Department, and in the office of the Granville County Board of Elections.~~ on the plat recorded  
at Plat Book 40, Page 168, Sheets 1-33 in the office of the Granville County Register of Deeds  
entitled "Corporate Limits Survey for the Town of Butner." The area within said boundaries  
shall be in the Town of Butner and in no other municipality.

"Section 2.2. **Extraterritorial Jurisdiction.** Until modified in accordance with law, the  
extraterritorial jurisdiction of the Town of Butner under G.S. 160A-360 shall be as shown on a  
~~map produced June 12, 2007, by the Granville County Tax Department and kept on file in the  
Butner Town Hall, the Granville County Planning Department, and in the office of the  
Granville County Board of Elections.~~ maps recorded in Plat Book 40, Page 169, Sheets 1-13 in  
the office of the Granville County Register of Deeds entitled "Mapping of Extraterritorial  
Jurisdiction for the Town of Butner."

"Section 2.3. **Restrictions on Annexation as to Creedmoor.**

(a) The Town of Butner may not annex under Article 4A of Chapter 160A of the  
General Statutes any territory not shown in its corporate limits on the plats recorded at Plat  
Book 40, Page 168, Sheets 1-33 in the office of the Granville County Register of Deeds entitled  
"Corporate Limits Survey for the Town of Butner" or in its extraterritorial jurisdiction on the  
~~map produced June 12, 2007, by the Granville County Tax Department and kept on file in the  
Butner Town Hall, the Granville County Planning Department, and the Granville County Board  
of Elections.~~ maps recorded in Plat Book 40, Page 169, Sheets 1-13 in the office of the  
Granville County Register of Deeds entitled "Mapping of Extraterritorial Jurisdiction for the  
Town of Butner" located east of the centerline of Cash Road and south of Interstate 85 without  
first receiving approval of the City of Creedmoor Board of Commissioners.

(b) For a period of five years following the effective date of the incorporation of the  
Town of Butner, the Town of Butner may not involuntarily annex under Part 2 or 3 of Article  
4A of Chapter 160A of the General Statutes any territory not shown in its corporate limits or



extraterritorial jurisdiction ~~on the map produced June 12, 2007, by the Granville County Tax Department and kept on file in the Butner Town Hall, the Granville County Planning Department, and the Granville County Board of Elections on the plats recorded at Plat Book 40, Page 168, Sheets 1-33 in the office of the Granville County Register of Deeds entitled "Corporate Limits Survey for the Town of Butner" or in its extraterritorial jurisdiction on the maps recorded in Plat Book 40, Page 169, Sheets 1-13 in the office of the Granville County Register of Deeds entitled "Mapping of Extraterritorial Jurisdiction for the Town of Butner"~~ located west of the centerline of Cash Road and South of Interstate 85 without first receiving approval of the City of Creedmoor Board of Commissioners.

**"Section 2.4. Restrictions on Annexation and Extraterritorial Jurisdiction as to the City of Durham.**

(a) Notwithstanding the provisions of G.S. 160A-58.1(b)(2) and provided the remainder of the requirements of Part 4 of Article 4A of Chapter 160A of the General Statutes are met, the City of Durham may annex by satellite annexation pursuant to G.S. 160A-58.1, or any successor statute, any territory in Durham County that is closer to the primary corporate limits of the Town of Butner than to the primary corporate limits of the City of Durham. This subsection shall also be considered as part of the Charter of the City of Durham.

(b) In addition to any other requirements of law, the Town of Butner may not annex under Article 4A of Chapter 160A of the General Statutes any territory in Durham County, or exercise extraterritorial authority under Article 19 of Chapter 160A of the General Statutes in Durham County, without first receiving approval of the City of Durham, as evidenced by a resolution or ordinance adopted by the City Council.

(e) The Town of Butner shall not request any changes in this section of the Charter without first receiving approval of the City of Durham, as evidenced by a resolution or ordinance adopted by the City Council."

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1207**                    A BILL TO BE ENTITLED AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1207

Short Title: Granville/Person Local Stormwater Fees. (Local)

Sponsors: Representatives Crawford and Wilkins (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

Whereas, water quality standards mandated by State and federal law are requiring that local governments develop more detailed, advanced, and costly stormwater programs; and

Whereas, effective stormwater management should be provided to protect, to the extent practicable, the citizens from the loss of life and property damage from flooding; and

Whereas, aging stormwater conveyance systems and increasing demand upon those systems from development require that local governments engage in long-term planning; and

Whereas, the construction, operation, and maintenance of stormwater conveyance systems requires long-term planning and stable and adequate funding; and

Whereas, it is often most efficient to bill and collect rents, rates, fees, charges, and penalties for stormwater management programs and structural and natural stormwater and drainage systems in the same manner as property taxes; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-277(a1) is amended by adding a new subdivision to read:

"(4) A county may adopt an ordinance providing that any fee imposed under this subsection may be billed with property taxes, may be payable in the same manner as property taxes, and, in the case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected. If an ordinance states that delinquent fees can be collected in the same manner as delinquent real property taxes, the fees are a lien on the real property described on the bill that includes the fee."

SECTION 1.(b) G.S. 153A-277(c) reads as rewritten:

"(c) Except as provided in subsections (a1) and (d) of this section and G.S. 153A-293, rents, rates, fees, charges, and penalties for enterprisory services shall be legal obligations of the person contracting for them, and are shall in no case be a lien upon the property or premises served, served and, except as provided in subsection (d) of this section, are legal obligations of the person contracting for them, provided that no contract shall be necessary in the case of structural and natural stormwater and drainage systems."

SECTION 1.(c) This section applies only to the Counties of Granville and Person.



1           **SECTION 2.** Section 4 of S.L. 2005-441, as amended by S.L. 2011-109, reads as  
2 rewritten:

3           **"SECTION 4.** This act is effective when it becomes law and applies to stream-clearing  
4 activities commenced on or after that date. Section 3 of this act applies only to the Cities of  
5 Creedmoor, Durham and Winston-Salem, the Towns of Butner, Garner, Kernersville,  
6 Knightdale, Morrisville, Stem, Wendell, and Zebulon, and the Village of Clemmons."  
7

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 1208**                    A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO USE FEES FOR THE USE OF DISPOSAL FACILITIES PROVIDED BY THE COUNTY FOR PUBLIC SCHOOL AND OTHER COUNTY PURPOSES BY LEVYING A SURCHARGE ON THE FEE.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1208**

**Short Title:**     Rockingham Landfill Fee Use. (Local)

**Sponsors:**     Representatives Jones and Holloway (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:**     Government.

May 31, 2012

**A BILL TO BE ENTITLED**  
**AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO USE FEES FOR THE USE OF**  
**DISPOSAL FACILITIES PROVIDED BY THE COUNTY FOR PUBLIC SCHOOL AND**  
**OTHER COUNTY PURPOSES BY LEVYING A SURCHARGE ON THE FEE.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-292(b) reads as rewritten:

"(b)     The board of county commissioners may impose a fee for the collection of solid waste. The fee may not exceed the costs of collection.

     The board of county commissioners may impose a fee for the use of a disposal facility provided by the county. The fee for use may not exceed the cost of operating the facility and may be imposed only on those who use the ~~facility.~~ facility, unless the county by ordinance levies a surcharge on the fee which may be used for public school purposes or any other purpose the county may appropriate funds for. The fee for use may vary based on the amount, characteristics, and form of recyclable materials present in solid waste brought to the facility for disposal. A county may not impose a fee for the use of a disposal facility on a city located in the county or a contractor or resident of the city unless the fee is based on a schedule that applies uniformly throughout the county.

     The board of county commissioners may impose a fee for the availability of a disposal facility provided by the county. A fee for availability may not exceed the cost of providing the facility and may be imposed on all improved property in the county that benefits from the availability of the facility. A county may not impose an availability fee on property whose solid waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a county, a city, or a private contractor for the collection of solid waste includes a charge for the availability and use of a disposal facility provided by the county. Property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by a private contractor that provides the same services as those provided by the county disposal facility is not considered to benefit from a disposal facility provided by the county and is not subject to a fee imposed by the county for the availability of a disposal facility provided by the county. To the extent that the services provided by the county disposal facility differ from the services provided by the disposal facility provided by a private contractor in the same county, the county may charge an availability fee to cover the costs of the additional services provided by the county disposal facility.

     In determining the costs of providing and operating a disposal facility, a county may consider solid waste management costs incidental to a county's handling and disposal of solid waste at its disposal facility, including the costs of the methods of solid waste management



\* H 1 2 0 8 - V - 1 \*



1 specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of 1989. A fee for the  
2 availability or use of a disposal facility may be based on the combined costs of the different  
3 disposal facilities provided by the county."

4           **SECTION 2.** This act applies to Rockingham County only.

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1209**                    A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE COUNTY GENERAL FUND UPON CERTAIN FINDINGS.

☒ Without prejudice and recommendation that the bill be re-referred to the Committee on FINANCE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1209**

**Short Title:**    Rockingham Landfill Fund Balance. (Local)

**Sponsors:**    Representatives Jones and Holloway (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:**   Government.

May 31, 2012

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO MAKE APPROPRIATIONS  
FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR  
OPERATION OF A LANDFILL TO THE COUNTY GENERAL FUND UPON  
CERTAIN FINDINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 159-13(b)(14) reads as rewritten:

(b)    The following directions and limitations shall bind the governing board in adopting the budget ordinance:

(14)    No appropriation may be made from a utility or public service enterprise fund to any other fund than the appropriate debt service fund unless the total of all other appropriations in the fund equal or exceed the amount that will be required during the fiscal year, as shown by the budget ordinance, to meet operating expenses, capital outlay, and debt service on outstanding utility or enterprise bonds or notes. A county may, upon a finding that a fund balance in a utility or public service enterprise fund used for operation of a landfill exceeds the requirements for funding the operation of that fund, including closure and post-closure expenditures, transfer excess funds to be used to support the public schools and other services supported by the county's general fund.

...."

**SECTION 2.** This act applies to Rockingham County only.

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



\* H 1 2 0 9 - V - 1 \*

**2012 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1212**                      A BILL TO BE ENTITLED AN ACT AS TO THE COUNTY OF CHATHAM TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS, AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1212

Short Title: Chatham Local Government Info/Minors. (Local)

Sponsors: Representative Hackney (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 31, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT AS TO THE COUNTY OF CHATHAM TO BROADEN THE EXCEPTION TO  
3 THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS  
4 PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION  
5 PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS, AND ALSO  
6 TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 132-1.12 reads as rewritten:

9 "**§ 132-1.12. Limited access to identifying information of minors participating in local**  
10 **government parks and recreation programs.**

11 (a) A public record, as defined by G.S. 132-1, does not include, as to any minor  
12 participating in a ~~park or recreation~~ program sponsored by a local government or combination  
13 of local governments, any of the following information as to that minor participant: (i) name,  
14 (ii) address, (iii) age, (iv) date of birth, (v) telephone number, (vi) the name or address of that  
15 minor participant's parent or legal guardian, (vii) e-mail address, or ~~(vii)-(viii)~~ any other  
16 identifying information on an application to participate in such program or other records related  
17 to that program.

18 (b) The county, municipality, and zip code of residence of each participating minor  
19 covered by subsection (a) of this section is a public record, with the information listed in  
20 subsection (a) of this section redacted.

21 (c) Nothing in this section makes the information listed in subsection (a) of this section  
22 confidential information."

23 **SECTION 2.** This act applies to the County of Chatham only.

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



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 1212  
PROPOSED COMMITTEE SUBSTITUTE H1212-PCS11363-LB-123

Short Title: Wake/Chatham Local Act.

(Local)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF CARY, GARNER, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON AND IN THE COUNTY OF CHATHAM, AND TO ALLOW CHATHAM COUNTY FLEXIBILITY IN APPOINTING ITS BOARD OF ADJUSTMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 132-1.12 reads as rewritten:

"§ 132-1.12. Limited access to identifying information of minors participating in local government parks and recreation programs.

(a) A public record, as defined by G.S. 132-1, does not include, as to any minor participating in a park or recreation program sponsored by a local government or combination of local governments, any of the following information as to that minor participant: (i) name, (ii) address, (iii) age, (iv) date of birth, (v) telephone number, (vi) the name or address of that minor participant's parent or legal guardian, (vii) e-mail address, or (viii) any other identifying information on an application to participate in such program or other records related to that program. Notwithstanding this subsection, the name of a minor who has received a scholarship or other local government-funded award of a financial nature from a local government is a public record.

(b) The county, municipality, and zip code of residence of each participating minor covered by subsection (a) of this section is a public record, with the information listed in subsection (a) of this section redacted.

(c) Nothing in this section makes the information listed in subsection (a) of this section confidential information."

SECTION 1.(b) This section applies to the Towns of Cary, Garner, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon and to the County of Chatham only.

SECTION 2.(a) G.S. 153A-345(a) reads as rewritten:

"(a) The board of commissioners may provide for the appointment and compensation, if any, of a board of adjustment consisting of at least five members, each to be appointed for three



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1 years. In appointing the original members of the board, or in filling vacancies caused by the  
2 expiration of the terms of existing members, the board of commissioners may appoint some  
3 members for less than three years to the end that thereafter the terms of all members do not  
4 expire at the same time. The board of commissioners may provide for the appointment and  
5 compensation, if any, of alternate members to serve on the board in the absence or temporary  
6 disqualification of any regular member or to fill a vacancy pending appointment of a member.  
7 Alternate members shall be appointed for the same term, at the same time, and in the same  
8 manner as regular members. Each alternate member, while attending any regular or special  
9 meeting of the board and serving on behalf of a regular member, has and may exercise all the  
10 powers and duties of a regular member. ~~If the board of commissioners does not zone the entire~~  
11 ~~territorial jurisdiction of the county, each designated zoning area shall have at least one resident~~  
12 ~~as a member of the board of adjustment.~~

13 A county may designate a planning board or the board of county commissioners to perform  
14 any or all of the duties of a board of adjustment in addition to its other duties."

15 **SECTION 2.(b)** This section applies to the County of Chatham only.

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1217**            A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1217**

**Short Title:** Asheville/Woodfin Boundary Adjustments. (Local)

**Sponsors:** Representatives Fisher, Moffitt, and Keever (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government.

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** All of that property shown on Sheet 1 of 6 of the "Survey for Asheville/Woodfin Boundary Adjustments and Annexations," recorded in Plat Book 132 at Pages 166 through 171 in the Buncombe County Registry (herein Asheville/Woodfin Boundary Survey) and designated as "Proposed Annexation Area Town of Woodfin (currently City of Asheville)" is hereby removed from the City of Asheville and annexed into the Town of Woodfin.

**SECTION 2.** The corporate limits of the City of Asheville and the Town of Woodfin are hereby adjusted and reestablished as shown on Sheets 2, 3, 4, 5, and 6 of the Asheville/Woodfin Boundary Survey such that:

- (1) Those areas designated as "Proposed Annexation Area City of Asheville (currently Town of Woodfin)" are removed from the Town of Woodfin and annexed into the City of Asheville;
- (2) Those areas designated as "Proposed Annexation Area City of Asheville (currently Buncombe County)" are annexed into the City of Asheville; and
- (3) The remaining unincorporated area situated at the intersection of U.S. 19-23, Broadway Street, and Riverside Drive is annexed into the Town of Woodfin.



1           **SECTION 3.** Except as adjusted herein, the boundaries of the City of Asheville  
2 and the Town of Woodfin are unchanged.

3           **SECTION 4.** Any property shown on Sheets 2, 3, or 4 of the Asheville/Woodfin  
4 Boundary Survey as being part of the Town of Woodfin, and which by operation of this act is  
5 no longer contiguous with the primary limits of the Town of Woodfin, may be annexed by the  
6 City of Asheville pursuant to Part 1 of Article 4A of Chapter 160A of the General Statutes (or  
7 successor statute) upon petition of the property owner as provided in that Part, but only if the  
8 petition is accompanied by an ordinance of the Town of Woodfin consenting to such  
9 annexation. The annexation may only become effective on June 30 of a calendar year and does  
10 not extinguish tax liens of the Town of Woodfin. Nothing in this act shall be construed as  
11 limiting the powers of the City of Asheville or the Town of Woodfin under Article 4A of  
12 Chapter 160A of the General Statutes (or successor statute) with respect to any unincorporated  
13 area.

14           **SECTION 5.** In order to provide efficient delivery of services, the Town of  
15 Woodfin, the City of Asheville, and Buncombe County are hereby authorized to enter into  
16 intergovernmental agreements regarding delivery of municipal services to those parts of the  
17 Town of Woodfin made noncontiguous by operation of this act, and to unincorporated areas of  
18 Buncombe County that are completely surrounded by the City of Asheville or a combination of  
19 the City of Asheville and the Town of Woodfin by operation of this act.

20           **SECTION 6.** This act becomes effective June 30, 2012.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☒ Committee Substitute for

**SB 231** A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS LOCATED IN THE SAME SUBBASIN WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH APPLICABLE RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM OR WASTEWATER SYSTEM.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

S

2

**SENATE BILL 231**  
**Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/8/11**

Short Title: Interconnection of Public Water Systems.

(Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED  
AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR  
WASTEWATER SYSTEMS TO REGIONAL SYSTEMS LOCATED IN THE SAME  
SUBBASIN WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE  
ENVIRONMENT, AND ENSURE COMPLIANCE WITH APPLICABLE RULES AND  
TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE  
BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM OR  
WASTEWATER SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-317(c) reads as rewritten:

"(c) No person or unit of local government shall begin construction or alteration of a public water system or award a contract for construction or alteration unless all of the following conditions are met:

- (1) The plans for construction or alteration have been prepared by an engineer licensed by this State.
- (2) The Department has determined that the system, as constructed or altered, will be capable of compliance with the drinking water rules.
- (3) The Department has determined that the system is capable of interconnection at an appropriate time with an expanding municipal, ~~county~~ county, or regional ~~system~~ system; the Department may require interconnection with a municipal, county, or regional system within a county, or between or among counties if approved by the board of commissioners of each county, if necessary to promote the public health, protect the environment, or ensure compliance with drinking water rules and the systems are all located within the same subbasin as set out in G.S. 143-215.22G.
- (3a) The Department has determined that an analysis has been performed, including a financial analysis, of the reasonable alternatives to the proposed construction or alteration of the public water system, and that the analysis indicates that the proposed construction or alteration is appropriate.
- (4) The Department has determined that adequate arrangements have been made for the continued operation, service and maintenance of the public water system.
- (5) The Department has approved the plans and specifications."

**SECTION 2.** G.S. 130A-317(d) reads as rewritten:

"(d) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility



1 service areas their own approval program in lieu of State approval of water system plans  
2 required in subsection (c) of this section for construction or alteration of the distribution system  
3 of a proposed or existing public water system, subject to the prior certification of the  
4 Department. For purposes of this subsection, the service area of a municipality shall include  
5 only that area within the corporate limits of the municipality and that area outside a  
6 municipality in its extraterritorial jurisdiction where water service is already being provided to  
7 the permit applicant by the municipality or connection to the municipal water system is  
8 immediately available to the applicant; the service areas of counties and the other entities or  
9 groups shall include only those areas where water service is already being provided to the  
10 applicant by the permitting authority or connection to the permitting authority's system is  
11 immediately available. No later than the 180th day after the receipt of an approval program and  
12 statement submitted by any local government, commission, authority, or board, the Department  
13 shall certify any local program that meets all of the following conditions:

14 ...  
15 (6) Provides that the system is capable of interconnection at an appropriate time  
16 with an expanding municipal, county, or regional ~~system~~ system; and  
17 requires interconnection of the system with a municipal, county, or regional  
18 system when the Department determines interconnection is necessary to  
19 promote the public health, protect the environment, or ensure compliance  
20 with drinking water rules and the systems are all located within the same  
21 subbasin as set out in G.S. 143-215.22G.

22 (6a) Provides that in order for a proposed project to construct or alter a public  
23 water system to be approved, an analysis, including a financial analysis, of  
24 the reasonable alternatives to the proposed construction or alteration has  
25 been performed and that the analysis indicates that the proposed construction  
26 or alteration is appropriate.

27 ...."

28 **SECTION 3.** G.S. 143-215.1(b)(4) reads as rewritten:

29 "(4) The Commission shall have the power:

- 30 a. To grant a permit with such conditions attached as the Commission  
31 believes necessary to achieve the purposes of this Article.  
32 b. To require that an applicant satisfy the Department that the applicant,  
33 or any parent, subsidiary, or other affiliate of the applicant or parent:  
34 1. Is financially qualified to carry out the activity for which the  
35 permit is required under subsection (a) of this section; and  
36 2. Has substantially complied with the effluent standards and  
37 limitations and waste management treatment practices  
38 applicable to any activity in which the applicant has  
39 previously engaged, and has been in substantial compliance  
40 with other federal and state laws, regulations, and rules for  
41 the protection of the environment.  
42 3. As used in this subdivision, the words "affiliate," "parent,"  
43 and "subsidiary" have the same meaning as in 17 Code of  
44 Federal Regulations § 240.12b-2 (April 1, 1990, Edition).  
45 4. For a privately owned treatment works that serves 15 or more  
46 service connections or that regularly serves 25 or more  
47 individuals, financial qualification may be demonstrated  
48 through the use of a letter of credit, insurance, surety, trust  
49 agreement, financial test, bond, or a guarantee by corporate  
50 parents or third parties who can pass the financial test. No  
51 permit shall be issued under this section for a privately owned

treatment works that serves 15 or more service connections or that regularly serves 25 or more individuals, until financial qualification is established and the issuance of the permit shall be contingent on the continuance of the financial qualification for the duration of the activity for which the permit was issued.

c. To modify or revoke any permit upon not less than 60 days' written notice to any person affected.

d. To designate certain classes of minor activities for which a general permit may be issued, after considering:

1. The environmental impact of the activities;
2. How often the activities are carried out;
3. The need for individual permit oversight; and
4. The need for public review and comment on individual permits.

e. To designate certain classes of minor activities for which:

1. Performance conditions may be established by rule; and
2. Individual or general permits are not required.

f. To require connection to a municipal, county, or regional wastewater system if necessary to promote public health, protect the environment, or ensure compliance with water quality rules and the systems are all located within the same subbasin as set out in G.S. 143-215.22G."

**SECTION 4.** G.S. 143-215.1(f) reads as rewritten:

"(f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. – Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer system, subject to the prior certification of the Commission. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer service or a reclaimed water utilization system is already being provided by the municipality to the permit applicant or connection to the municipal sewer system or a reclaimed water utilization system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where sewer service or a reclaimed water utilization system is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of a program and statement submitted by any local government, commission, authority, or board the Commission shall certify any local program that does all of the following:

- (1) Provides by ordinance or local law for requirements compatible with those imposed by this Part and the rules implementing this Part.
- (2) Provides that the Department receives notice and a copy of each application for a permit and that it receives copies of approved permits and plans upon request by the Commission.
- (3) Provides that plans and specifications for all construction, extensions, alterations, and changes be prepared by or under the direct supervision of an engineer licensed to practice in this State.
- (4) Provides for the adequate enforcement of the program requirements by appropriate administrative and judicial process.

- 1 (5) Provides for the adequate administrative organization, engineering staff,  
2 financial and other resources necessary to effectively carry out its plan  
3 review program.
- 4 (6) Provides that the system is capable of interconnection at an appropriate time  
5 with an expanding municipal, county, or regional ~~system~~ system; and  
6 requires interconnection of the system with a municipal, county, or regional  
7 system when the Commission determines interconnection is necessary to  
8 promote the public health, protect the environment, or ensure compliance  
9 with water quality rules and the systems are all located within the same  
10 subbasin as set out in G.S. 143-215.22G.
- 11 (6a) Provides that in order for a proposed project to construct or alter a public  
12 sewer system to be approved, an analysis, including a financial analysis, of  
13 the reasonable alternatives to the proposed construction or alteration has  
14 been performed and that the analysis indicates that the proposed construction  
15 or alteration is appropriate.
- 16 (7) Provides for the adequate arrangement for the continued operation, service,  
17 and maintenance of the sewer or a reclaimed water utilization system.
- 18 (8) Is approved by the Commission as adequate to meet the requirements of this  
19 Part and the rules implementing this Part."

20 SECTION 5. G.S. 143-215.1(b) is amended by adding two new subdivisions to

21 read:

- 22 "(6) No permit for a new or expanded municipal waste treatment system or  
23 nonmunicipal waste treatment system (human waste only) shall be issued,  
24 unless the applicant satisfies all of the following criteria:
- 25 a. Has adopted a plan to implement a program to reduce demand and  
26 manage existing capacity by reducing or eliminating stormwater and  
27 groundwater infiltration and intrusion into collection lines.
- 28 b. Has performed and submits an analysis, including a financial  
29 analysis, of reasonable alternatives to the proposed new or expanded  
30 waste treatment system, including the consideration of discharging to  
31 created wetlands and the beneficial reuse of treated wastewater for  
32 nondrinking water purposes, and that the analysis indicates that the  
33 proposed new or expanded system is appropriate.
- 34 c. Can demonstrate that the proposed new or expanded waste treatment  
35 facility will be planned, designed, and constructed to facilitate or  
36 accommodate eventual interconnection with adjoining systems or  
37 regional waste treatment systems located within the same subbasin as  
38 set out in G.S. 143-215.22G.
- 39 (7) In deciding whether to grant a permit application under subdivision (6) of  
40 this subsection, the Commission may consider whether the applicant is  
41 making adequate progress in the implementation of sub-subdivision a. of  
42 subdivision (6) of this subsection and may consider whether the applicant  
43 could feasibly choose an alternative under sub-subdivision b. of subdivision  
44 (6) of this subsection that will provide better protection for water quality."

45 SECTION 6. The Commission for Public Health shall adopt rules to implement  
46 G.S. 130A-317, as amended by Sections 1 and 2 of this act, by October 1, 2011. The  
47 Environmental Management Commission shall adopt rules to implement G.S. 143-215.1, as  
48 amended by Sections 3, 4, and 5 of this act, by October 1, 2011.

49 SECTION 7. This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**S**

**D**

**SENATE BILL 231**

**Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/8/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S231-PCS95234-LB-119**

Short Title:   Municipal Incorp Standards/Water Extensions.

(Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STANDARDS REQUIRED FOR INCORPORATION OF A  
MUNICIPALITY AND TO REQUIRE APPROVAL OF THE MUNICIPAL  
GOVERNING BOARD PRIOR TO CERTAIN EXTENSIONS OF WATER OR SEWER  
SERVICE BY OTHER GOVERNMENT ENTITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 120-163 reads as rewritten:

**"§ 120-163. Petition.**

(a) The process of seeking the recommendation of the Municipal Incorporations Subcommittee is commenced by filing with the Municipal Incorporations Subcommittee a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than ~~25~~50 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least ~~five cents (5¢)~~ twenty cents (20¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer ~~four~~all of the following services no later than the first day of the third



\* S 2 3 1 - P C S 9 5 2 3 4 - L B - 1 1 9 \*



1 fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire  
2 protection; (iii) ~~solid waste wastewater treatment, collection or disposal; and~~ (iv) water  
3 ~~distribution; distribution. (v) street maintenance; (vi) street construction or right of way~~  
4 ~~acquisition; (vii) street lighting; and (viii) zoning.~~ The petition shall also list any other services  
5 the proposed municipality proposes to offer. In order to qualify for providing police protection,  
6 the proposed municipality must propose either to provide police service or to have services  
7 provided by contract with a county or another municipality that proposes that the other  
8 government be compensated for providing supplemental protection. The proposed municipality  
9 may not contain any noncontiguous areas.

10 (d) The petitioners must present to the Municipal Incorporations Subcommittee the  
11 verified petition from the county board of elections.

12 (e) A petition must be submitted to the Municipal Incorporations Subcommittee at least  
13 60 days prior to convening of the next regular session of the General Assembly in order for the  
14 Municipal Incorporations Subcommittee to make a recommendation to that session."

15 **SECTION 2. G.S. 120-167 reads as rewritten:**

16 **"§ 120-167. Additional criteria; population.**

17 The Commission may not make a positive recommendation unless the proposed  
18 municipality has a ~~permanent population of at least 100 and a~~ population density (either  
19 permanent or seasonal) of at least 250 persons per square ~~mile. mile and a~~ population as  
20 defined in G.S. 120-166(a) equal to or greater than that provided in the following schedule:

21 If the proposed municipality is located within:

22 (1)	<u>One-half mile of a municipality of under 5,000</u>	<u>250 persons.</u>
23 (2)	<u>One mile of a municipality of 5,000 to 9,999</u>	<u>500 persons.</u>
24 (3)	<u>Three miles of a municipality of 10,000 to 24,999</u>	<u>1,000 persons.</u>
25 (4)	<u>Four miles of a municipality of 25,000 to 49,999</u>	<u>2,000 persons.</u>
26 (5)	<u>Four miles of a municipality of 50,000 or more</u>	<u>4,000 persons."</u>

27 **SECTION 3. G.S. 120-172 reads as rewritten:**

28 **"§ 120-172. Referendum.**

29 ~~Based on information received at the public hearing, the Commission may~~ The Commission  
30 shall recommend that any incorporation act passed by the General Assembly shall be submitted  
31 to a referendum, except if the petition contained the signatures of fifty percent  
32 (50%) of registered voters the Commission shall not recommend a referendum."

33 **SECTION 4. Article 16 of Chapter 160A of the General Statutes is amended by**  
34 **adding a new section to read:**

35 **"§ 160A-329. Extension of water or sewer service by other public entities near municipal**  
36 **limits.**

37 No public water or sewer system may establish or extend water or sewer service within one  
38 mile of the corporate limits of a municipality with a population of 5,000 to 9,999; within three  
39 miles of the corporate limits of a municipality with a population of 10,000 to 24,999; within  
40 four miles of the corporate limits of a municipality with a population of 25,000 to 49,999; or  
41 within five miles of the corporate limits of a municipality with a population of 50,000 or more,  
42 according to the most recent annual estimate of the Office of State Budget and Management,  
43 unless each of the governing boards of any municipalities within the prescribed distances has  
44 adopted a resolution approving of the establishment or extension of service. For purposes of  
45 this section, the following definitions apply:

- 46 (1) "Corporate limits" means only the primary corporate limits and does not  
47 include satellite corporate limits.  
48 (2) "Municipality" means a city as defined by G.S. 160A-1(2), and only the  
49 primary corporate limits of the municipality may be considered in  
50 establishing the mileage limitations. This section does not affect the ability  
51 of any such entity to serve existing customers.

1           (3)   "Public water or sewer system" means (i) a water or sewer authority formed  
2                   under Article 1 of Chapter 162A of the General Statutes; (ii) a metropolitan  
3                   water district formed under Article 4 of Chapter 162A of the General  
4                   Statutes; (iii) a metropolitan sewerage district formed under Article 5 of  
5                   Chapter 162A of the General Statutes; (iv) a county water or sewer district  
6                   formed under Article 6 of Chapter 162A of the General Statutes; (v) a  
7                   sanitary district formed under Article 2 of Chapter 130A of the General  
8                   Statutes; (vi) a county-owned or county-operated water or sewer system; or  
9                   (vi) a joint agency providing a water or sewer system by interlocal  
10                  agreement under Article 20 of Chapter 160A of the General Statutes of  
11                  which that municipality is not a member of or party to."  
12

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

# VISITOR REGISTRATION SHEET


Government

(Committee Name)

6/7/12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Kara Weishaar	Smith Anderson
Dana Fenton	City of Charlotte
Keri Kuma	NCLM
Matt Meinig	NCLM
Patience Watt	NCSA
Henry Jones	Jordan Price
David Crawford	AIA NC
BRUCE THOMPSON	PARKER POB
Steve Scott	Wake Tech CC
Mich Leonard	SEAN
Suzanne Blashy	SEAN
Paul Miller	NCSFA
EDWARD BRINSON	NCSFA
	
Shylar Davis	House of Reps. Intern (Pierre)
Heather Barnett	WM

# VISITOR REGISTRATION SHEET

Government

(Committee Name)

6/7/12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Peter Ranke	American Rivers
Mary Susan Sherman	American Rivers
Cassidy Nolan	NCCN
Chris Killian	Nelson Mullins
Annette Moore	Orange County
Christine Wunsche	SOG - Daily Bulletin
Dia Denton	Halifax County
Oliver Fleming	Rep. Brinkers Intern
Ellen Lafferty	Rep. Crawford Intern

## VISITOR REGISTRATION SHEET

(Committee Name)

June 7, 2012

Date \_\_\_\_\_

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

[illegible]

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Government

DATE: 6-7-2012 Room: 643

\*Name: Patrick McCleary

County: Carteret

Sponsor: Wainwright

\*Name: Madison Faton

County: Cobb County, Ga

Sponsor: Graham

\*Name: Jason Atwood

County: New Haven

Sponsor: Hamilton

\*Name: Abby Jones

County: Brunswick

Sponsor: Borden

\*Name: Catherine DeBerry

County: Union

Sponsor: Mc Hunt

NAME Faith Brooks

COUNTY Frederick

SPONSOR Pridgen

House Sgt-At Arms:

1. Name: Young Bae

4. Name: Joe Crank

2. Name: Wayne Davis

5. Name: \_\_\_\_\_

Name: Jesse Hayer

6. Name: \_\_\_\_\_

North Carolina General Assembly  
**House Committee on Government**

June 14, 2012

Minutes

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The House Committee on Government met Thursday, June 14, 2012 at 9:00 am in Room 643 of the Legislative Office Building. The following members were present: Chairmen L. Brown and Ingle; Vice Chairmen Boles, Langdon, and H. Warren; and Representatives Adams, Bordsen, Cleveland, Collins, Cotham, Faircloth, Fisher, Floyd, Gill, Goodman, Hager, Jones, Keever, Luebke, McGee, Mills, Moffitt, R. Moore, Parfitt, Parmon, Pittman, Setzer, and Walend.

Chairman Ingle called the meeting to order at 9:02 am and recognized the seven (7) pages present and members of the House Sergeant at Arms.

The first bill considered by the committee was HB 944 – DCR AND DENR/STUDY STATE ATTRACTIONS SAVINGS (attached). The chair recognized Representative Howard to explain the bill. Following little discussion and questioning from members of the committee, Representative Cleveland was recognized and moved that HB 944 be given a favorable report. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

The second bill considered by the committee was HB 1009 – MSD AMENDMENTS (attached). The chair recognized Representative L. Brown who moved for the proposed committee substitute (PCS) for HB 1009 (attached) to be placed before the committee for discussion. The motion carried. The chair then recognized Representative McGrady to explain the bill. After a lengthy explanation and some questioning from members of the committee, Representative Boles was recognized and moved that the PCS for HB 1009 be given a favorable report, unfavorable as to the original bill. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried. The PCS for HB 1009 also changes the long title, with the short title unchanged.

The third bill considered by the committee was HB 1050 – ELIZABETHTOWN INDUSTRIAL PARK DEANNEXATION (attached). The chair recognized Representative Brisson to explain the bill. Following some questioning from members of the committee, Representative Cleveland was recognized and moved that HB 1050 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

The fourth bill considered by the committee was HB 1051 – ELIZABETHTOWN HAYFIELDS DEANNEXATION (attached). The chair recognized Representative Brisson to explain the bill. Following some questioning from members of the committee, Representative Setzer was recognized and moved that HB 1051 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Ingle called the matter a vote and the motion carried.

The fifth bill considered by the committee was HB 1106 – APEX ANNEXATION (attached). The chair recognized Representative Murry to explain the bill. Following little discussion and questioning from the committee, Representative Moffitt was recognized and moved that HB 1106 be given a favorable report and re-referred to the House Committee on

Finance. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

The sixth bill considered by the committee was HB 1123 – DURHAM COUNTY MEMORIAL STADIUM (attached). The chair recognized Representative Luebke to explain the bill. Following little discussion and questioning from the committee, Representative Parmon was recognized and moved that HB 1123 be given a favorable report and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

The seventh bill considered by the committee was HB 1216 – TOWN OF WALLACE/SATELLITE ANNEXATIONS (attached). The chair recognized Representative Dixon to explain the bill. Following much discussion and questioning from the committee, Representative Dixon offered an amendment to HB 1216 (attached). The chair recognized Representative Boles who moved that the amendment be accepted and rolled into a PCS (attached). The motion carried. Discussion then continued on the PCS. The chair recognized Representative Langdon who moved that the PCS for HB 1216 be given a favorable report, unfavorable as to the original bill and re-referred to the House Committee on Finance. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried with limited opposition.

The eighth bill considered by the committee was SB 818 – CLAY COUNTY COURTHOUSE (attached). The chair recognized Representative L. Brown to explain the bill. Following little discussion and questioning from the committee, Representative Setzer was recognized and moved that SB 818 be given a favorable report. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

The ninth bill considered by the committee was SB 859 – PILOT MOUNTAIN/DOBSON EVEN-YEAR ELECTIONS (attached). The chair recognized Representative Langdon who moved for the PCS for SB 859 (attached) to be placed before the committee for discussion. The chair recognized Representative L. Brown to explain the bill. Following some discussion and questioning from the committee, Representative Setzer was recognized and moved that the PCS for SB 859 be given a favorable report, unfavorable as to the Senate committee substitute bill. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

The tenth and final bill considered by the committee was SB 888 – ETHICS REQUIREMENTS FOR MPOs/RPOs (attached). The chair recognized Representative Killian to explain the bill. Following some discussion and questioning from the committee, Representative Boles was recognized and moved that SB 888 be given a favorable report and re-referred to the House Committee on Judiciary. Seeing no further discussion, Chairman Ingle called the matter to a vote and the motion carried.

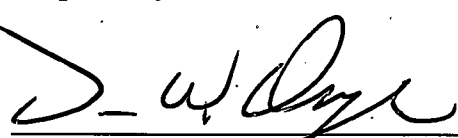
Some bills listed on the agenda for June 14, 2012 were removed. These bills were:

1. SB 530 – PROHIBIT INVOLUNTARY ANNEXATION OF FARMS
2. SB 934 – LOWER CAPE FEAR DESIGN-BUILD

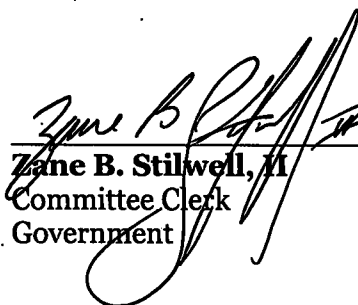
There being no further business presently before the committee, Chairman Ingle adjourned the meeting at 9:50 am.



Respectfully submitted,



**Representative Dan W. Ingle**  
Presiding Co-Chair  
House Government



**Zane B. Stilwell, II**  
Committee Clerk  
Government

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2011-2012 SESSION**

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

**DAY & DATE:** Thursday, June 14, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 944	DCR and DENR/Study State Attractions Savings.	Representative Howard
HB 1009	MSD Amendments.	Representative McGrady Representative Moffitt
HB 1050	Elizabethtown Industr. Park Deannexation.	Representative Brisson
HB 1051	Elizabethtown Hayfields Deannexation.	Representative Brisson
HB 1106	Apex Annexation.	Representative Murry Representative Dollar Representative Stam
HB 1123	Durham County Memorial Stadium.	Representative Michaux, Jr. Representative Luebke Representative Hall Representative Wilkins, Jr. Representative Dixon
HB 1216	Town of Wallace/Satellite Annexations.	
SB 530	Prohibit Involuntary Annexation of Farms.	Senator Jackson
SB 818	Clay County Courthouse.	Senator Davis
SB 859	Pilot Mountain/Dobson Even-Year Elections.	Senator East
SB 888	Ethics Requirements for MPOs/RPOs.	Senator Rabon

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**3 PM** o'clock on **June 12, 2011.**

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

# **Corrected Notice**

Adding SB 934

## **NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2011-2012 SESSION**

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

**DAY & DATE:** Thursday, June 14, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 944	DCR and DENR/Study State Attractions Savings.	Representative Howard
HB 1009	MSD Amendments.	Representative McGrady Representative Moffitt
HB 1050	Elizabethtown Industr. Park Deannexation.	Representative Brisson
HB 1051	Elizabethtown Hayfields Deannexation.	Representative Brisson
HB 1106	Apex Annexation.	Representative Murry Representative Dollar Representative Stam
HB 1123	Durham County Memorial Stadium.	Representative Michaux, Jr. Representative Luebke Representative Hall Representative Wilkins, Jr. Representative Dixon
HB 1216	Town of Wallace/Satellite Annexations.	
SB 530	Prohibit Involuntary Annexation of Farms.	Senator Jackson
SB 818	Clay County Courthouse.	Senator Davis
SB 859	Pilot Mountain/Dobson Even-Year Elections.	Senator East
SB 888	Ethics Requirements for MPOs/RPOs.	Senator Rabon
SB 934	Lower Cape Fear Design-Build.	Senator Rabon

Respectfully,  
Representative Ingle, Chair

Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**1 PM** o'clock on **June 13, 2011**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

## **Corrected Notice #2 Time Change**

### **NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2011-2012 SESSION**

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

**DAY & DATE:** Thursday, June 14, 2012

**TIME:** 9:00 am

**LOCATION:** 643 LOB

**COMMENTS:** Please note the time change from 10:00 to 9:00 am.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 944	DCR and DENR/Study State Attractions Savings.	Representative Howard
HB 1009	MSD Amendments.	Representative McGrady
HB 1050	Elizabethtown Industr. Park Deannexation.	Representative Moffitt
HB 1051	Elizabethtown Hayfields Deannexation.	Representative Brisson
HB 1106	Apex Annexation.	Representative Murry
		Representative Dollar
		Representative Stam
HB 1123	Durham County Memorial Stadium.	Representative Michaux, Jr.
		Representative Luebke
		Representative Hall
		Representative Wilkins, Jr.
HB 1216	Town of Wallace/Satellite Annexations.	Representative Dixon
SB 530	Prohibit Involuntary Annexation of Farms.	Senator Jackson
SB 818	Clay County Courthouse.	Senator Davis
SB 859	Pilot Mountain/Dobson Even-Year Elections.	Senator East
SB 888	Ethics Requirements for MPOs/RPOs.	Senator Rabon
SB 934	Lower Cape Fear Design-Build.	Senator Rabon

Respectfully,

Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**4 PM** o'clock on **June 13, 2011**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)



## **2011- 2012 House Committee on Government**

Date: June 14, 2012

Room: 643 LOB

Time: 10:00 am

### **AGENDA**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 944	DCR and DENR/Study State Attractions Savings	Representative Howard
HB 1009	MSD Amendments	Representative McGrady Representative Moffitt
HB 1050	Elizabethtown Industrial Park Deannexation	Representative Brisson
HB 1051	Elizabethtown Hayfields Deannexation	Representative Brisson
HB 1106	Apex Annexation	Representative Murry Representative Dollar Representative Stam
HB 1123	Durham County Memorial Stadium	Representative Michaux Representative Luebke Representative Hall Representative Wilkins
HB 1216	Town of Wallace/Satellite Annexations	Representative Dixon
SB 530	Prohibit Involuntary Annexation of Farms	Senator Jackson
SB 818	Clay County Courthouse	Senator Davis
SB 859	Pilot Mountain/Dobson Even Year Elections	Senator East
SB 888	Ethics Requirements for MPOs/RPOs	Senator Rabon
SB 934	Lower Cape Fear Design-Build	Senator Rabon



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**HB 944** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 944\***

**Short Title:** DCR and DENR/Study State Attractions Savings.

**(Public)**

**Sponsors:** Representative Howard (Primary Sponsor).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Finance.

May 17, 2012

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY  
VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE  
HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE  
AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM  
EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Department of Cultural Resources shall implement the following recommendations:

- (1) Study site proximity and span of control to identify historic sites that could adopt a coordinated management structure and report no later than December 15, 2012, to the Senate Appropriations Committee on General Government and Information Technology and the House Appropriations Committee on General Government.
- (2) Study reduced schedules for historic sites and report no later than December 15, 2012, to the Senate Appropriations Committee on General Government and Information Technology and the House Appropriations Committee on General Government.
- (3) Study the feasibility of implementing more reliable mechanisms for counting visitors and report no later than December 15, 2012, to the Senate Appropriations Committee on General Government and Information Technology and the House Appropriations Committee on General Government.
- (4) Determine the appropriate operating schedule for the Richard Caswell Memorial after the CSS Neuse moves to its new location.
- (5) Study potential savings from introducing and expanding admission fees; eliminating discounts or raising fees; adopting corporate sponsorship for some sites; and transferring operations to nonprofit support groups, municipalities, or other appropriate entities and report no later than December 15, 2012, to the Senate Appropriations Committee on General Government and Information Technology and the House Appropriations Committee on General Government. The report should specifically address potential savings at the following historic sites:
  - a. Alamance Battleground.



- b. Aycock Birthplace.
- c. Bennett Place.
- d. Bentonville Battlefield.
- e. Charlotte Hawkins Brown Memorial.
- f. Duke Homestead.
- g. Historic Edenton.
- h. Historic Stagville.
- i. Museum of the Albemarle.
- j. Thomas Wolfe Memorial.
- k. Town Creek Indian Mound.

**SECTION 2.** The Department of Environment and Natural Resources shall implement the following recommendations:

- (1) Study site proximity and span of control to identify parks that could adopt a coordinated management structure and report no later than December 15, 2012, to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources.
- (2) Study daily visitation data to determine potential changes from daily or seasonal closure of specific parks and report no later than December 15, 2012, to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources.
- (3) Validate no less frequently than every five years the number of visitors per car used in the calculation of visitor counts at State parks. The first report on this analysis shall be presented to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources no later than April 1, 2013.
- (4) Provide an analysis of anticipated State costs and savings from partnering with nonprofits for operations at the zoo and aquariums and recommendations for partnering based on the analysis no later than December 15, 2012, to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources.
- (5) Study and report no later than December 15, 2012, to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources regarding potential savings from each of the following changes:
  - a. Introducing or expanding admissions fees, eliminating discounts, or raising fees.
  - b. Adopting corporate sponsorship for some sites.
  - c. Transferring operations to nonprofit support groups, municipalities, or other appropriate entities.

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1009**

A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO REFLECT POPULATION SHIFTS IN SINGLE-COUNTY DISTRICTS, TO MODIFY REPRESENTATION IN MULTICOUNTY DISTRICTS, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1009

Short Title: MSD Amendments.

(Public)

Sponsors: Representatives McGrady and Moffitt (Primary Sponsors).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO REFLECT POPULATION SHIFTS IN SINGLE-COUNTY DISTRICTS, TO MODIFY REPRESENTATION IN MULTICOUNTY DISTRICTS, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 162A-67(a) is amended by adding a new subdivision to read:

"(2a) Upon the expansion of the district into another county so that the district lies in two counties, the three board members appointed by the county in which the largest portion of the district lies (determined with reference to the land area of the district lying within the county as a percentage of the land area of the entire district at the time such appointment or reappointment is made) shall continue to serve on the district board, and the board of commissioners of the county in which the largest portion of the district lies shall, upon completion of their respective terms, reappoint such members or appoint other qualified voters residing in the county and district as their successors such that the county in which the largest portion of the district lies shall always have three members on the district board. The board of commissioners of the county in which the lesser portion of the district lies (determined with reference to the land area of the district lying within the county as a percentage of land area of the entire district at the time such appointment or reappointment is made) shall appoint to the district board two qualified voters residing in the county and district to serve for a term of three years and shall, upon completion of the board members' respective terms, reappoint such members or appoint other qualified voters residing in the county and district as their successors such that the county in which the lesser portion of the district lies shall always have two members on the district board."

**SECTION 2.** The prefatory language of G.S. 162A-67(a) reads as rewritten:

"(a) Appointment of Board for District Lying Wholly or Partly outside City or Town Limits. – The district board of a metropolitan sewerage district lying in whole or in part outside



1 the corporate limits of a city or town shall be appointed ~~immediately after the creation of the~~  
2 ~~district~~ in the following manner:"

3 **SECTION 3.** G.S. 162A-67(a)(4) reads as rewritten:

4 "(4) The governing body of each political subdivision, other than counties, lying  
5 in whole or in part within the district, shall appoint one member of the  
6 district ~~board.~~ board, except that no appointment shall be made by or in  
7 behalf of a political subdivision which has not appointed a member to the  
8 district board as of July 1, 2012, and which does not own or operate a public  
9 system for the collection of wastewater at the time of such appointment. No  
10 appointment of a member of the district board shall be made by or in behalf  
11 of any political subdivision of which the board or boards of commissioners  
12 shall be the governing body. If any city or town within the district shall have  
13 a population, as determined from the latest decennial census, ~~greater than~~  
14 ~~that of all other political subdivisions (other than counties) and~~  
15 ~~unincorporated areas within the district, more than one-half the combined~~  
16 population of all other political subdivisions (other than counties) and  
17 unincorporated areas within the district, the governing body of any such city  
18 or town shall appoint three members. For purposes of determining district  
19 board representation of political subdivisions other than counties, population  
20 shall be determined by reference to the most recent decennial census  
21 population of such political subdivisions and unincorporated areas of  
22 counties within the district which have district board representation at the  
23 time of such appointment and not merely that portion of the population  
24 residing within the district boundary itself. All members and their successors  
25 appointed by the governing bodies of political subdivisions other than  
26 counties shall serve for a term of three years and shall be qualified voters  
27 residing in the district and the political subdivision from which they are  
28 appointed."

29 **SECTION 4.** G.S. 162A-69 is amended by adding a new subdivision to read:

30 "**§ 162A-69. Powers generally; fiscal year.**

31 Each district shall be deemed to be a public body and body politic and corporate exercising  
32 public and essential governmental functions to provide for the preservation and promotion of  
33 the public health and welfare, and each district is hereby authorized and empowered:

34 ...

35 (13c) To exercise all the powers of a Metropolitan Water District under Article 4  
36 of this Chapter.

37 ...."

38 **SECTION 5.** This act becomes effective July 1, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 1009  
PROPOSED COMMITTEE SUBSTITUTE H1009-CSST-100 [v.5]

6/13/2012 9:32:06 PM

Short Title: MSD Amendments.

(Public)

Sponsors:

Referred to:

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162A-67(a)(4) reads as rewritten:

"(4) The governing body of each political subdivision, other than counties, lying in whole or in part within the district, shall appoint one member of the district board. ~~No~~ Except as provided in G.S. 162A-68, no appointment of a member of the district board shall be made by or in behalf of any political subdivision of which the board or boards of commissioners shall be the governing body. If any city or town within the district shall have a population, as determined from the latest decennial census, ~~greater than that of all other political subdivisions (other than counties) and unincorporated areas within the district,~~ more than one-half the combined population of all other political subdivisions (other than counties) and unincorporated areas within the district, the governing body of any such city or town shall appoint three members. ~~All members and their successors appointed by the governing bodies of political subdivisions other than counties shall serve for a term of three years and shall be qualified voters residing in the district and the political subdivision from which they are appointed.~~"

SECTION 2. Article 5 of Chapter 162A of the General Statutes is amended by adding a new section to read:

**"§ 162A-67.5. Determination of population and representation.**

(a) For purposes of determining district board representation of political subdivisions for any appointment under this Article, population shall be determined by reference to the most recent decennial census.

(b) For purposes of determining population for district board representation, only that portion of the population residing within the district boundary itself shall be included for each political subdivision and each unincorporated area having district board representation at the time such determination is made.



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1       (c) In determining district board representation, no appointment shall be made by or in  
2 behalf of a political subdivision which does not own or operate a public system for the  
3 collection of wastewater at the time of such appointment.

4       **SECTION 3.** G.S. 162A-68(i) reads as rewritten:

5       "(i) Immediately following the inclusion of any additional political subdivision within  
6 an existing district, members representing such additional political subdivision shall be  
7 appointed to the district board in the manner provided in ~~G.S. 162A-67~~this section.

8       (1) Any additional unincorporated area that is included within an existing  
9 district shall be represented by the members representing the county in  
10 which the unincorporated area lies ~~except that as follows:~~

11       ~~(1)a.~~ If inclusion of the additional unincorporated area extends the district  
12 into more than one county, members representing the unincorporated  
13 area in the new county shall be appointed ~~in accordance with~~  
14 ~~G.S. 162A-67(a)(2)~~ immediately following the inclusion of the  
15 additional area. Upon the inclusion of the additional area, the board  
16 members appointed in accordance with G.S. 162A-67(a)(1) or  
17 G.S. 162A-67(a)(1a) shall continue to serve on the district board. The  
18 board of commissioners of the county in which the largest portion of  
19 the district lies shall appoint qualified voters residing in the county  
20 and district as their successors such that the county in which the  
21 largest portion of the district lies shall always have three members on  
22 the district board. The board of commissioners of the county in  
23 which the lesser portion of the district lies shall appoint to the district  
24 board two qualified voters residing in the county and district to serve  
25 for a term of three years and shall appoint qualified voters residing in  
26 the county and district as their successors such that the county in  
27 which the lesser portion of the district lies shall always have two  
28 members on the district board. For purposes of this subdivision, the  
29 county in which the largest portion and lesser portion of the district  
30 lies shall be determined with reference to the land area of the district  
31 lying within the county as a percentage of land area of the entire  
32 district at the time such appointment or reappointment is made.

33       ~~(2)b.~~ If the inclusion of the additional unincorporated area has the effect of  
34 changing the county in which the largest portion of the district lies,  
35 new members representing the county comprising the larger portion  
36 of the district shall be appointed in accordance with  
37 G.S. 162A-67(a)(2) immediately following the inclusion, and no  
38 reappointment shall be made by the county in which the lesser  
39 portion of the district lies upon expiration of the first term of a  
40 member representing that county following the inclusion.

41       (2) Following the inclusion of any additional political subdivision within an  
42 existing district, the political subdivisions added shall appoint members to  
43 the district board in accordance with G.S. 162A-67(a)(4) only if the  
44 governing body of the political subdivision owns or operates a public system  
45 for the collection of wastewater at the time of such appointment.

46 The terms of office of the members first appointed to represent such additional subdivision or  
47 area may be varied for a period not to exceed six months from the terms provided for in  
48 G.S. 162A-67, so that the appointment of successors to such members may more nearly  
49 coincide with the appointment of successors to members of the existing board; and all  
50 successor members shall be appointed for the terms provided for in G.S. 162A-67."

51       **SECTION 4.** G.S. 162A-69 is amended by adding a new subdivision to read:



1 "§ 162A-69. Powers generally; fiscal year.

2 Each district shall be deemed to be a public body and body politic and corporate exercising  
3 public and essential governmental functions to provide for the preservation and promotion of  
4 the public health and welfare, and each district is hereby authorized and empowered:

5 ...  
6 (13c) To exercise any power of a Metropolitan Water District under Article 4 of  
7 this Chapter not set forth in this section.

8 ...."

9 SECTION 5. This act becomes effective July 1, 2012, and applies to appointments  
10 made on or after that date.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1050**            A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1050**

**Short Title:** Elizabethtown Industr. Park Deannexation. (Local)

**Sponsors:** Representative Brisson (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 23, 2012

**A BILL TO BE ENTITLED**

**AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Repeal annexation ordinances. – All annexation ordinances described in Section 3 of this act are repealed as of the effective date of this act.

**SECTION 2.** Twelve-year prohibition on involuntary annexation. – All areas affected by the annexation ordinances described in Section 3 of this act shall not be subject to any annexation proceeding, other than a voluntary annexation under Part 1 or Part 4 of Article 4A of Chapter 160A of the General Statutes, or local act of the General Assembly, for a period of 12 years from and after the effective date of this act. After the 12-year period, the area may be subject to annexation in accordance with State law effective at that time.

**SECTION 3.** Repealed involuntary annexation ordinances. –

- (1) Elizabethtown Annexation Ordinance 2011-04 (Area A) adopted June 6, 2011.
- (2) Elizabethtown Annexation Ordinance 2011-05 (Area B) adopted June 6, 2011.
- (3) Elizabethtown Annexation Ordinance 2011-06 (Area C) adopted June 6, 2011.
- (4) Elizabethtown Annexation Ordinance 2011-07 (Area D) adopted June 6, 2011.

**SECTION 4.** Severability. – If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

**SECTION 5.** This act is effective from and after June 29, 2012.



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**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1051**            A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1051**

**Short Title:** Elizabethtown Hayfields Deannexation. (Local)

**Sponsors:** Representative Brisson (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 23, 2012

A BILL TO BE ENTITLED  
AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER  
SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX  
THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT  
DEEMS ADVISABLE BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION  
ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE  
HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY  
PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE  
YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Repeal annexation ordinances. – All annexation ordinances described in Section 3 of this act are repealed as of the effective date of this act.

**SECTION 2.** Twelve-year prohibition on involuntary annexation. – All areas affected by the annexation ordinances described in Section 3 of this act shall not be subject to any annexation proceeding, other than a voluntary annexation under Part 1 or Part 4 of Article 4A of Chapter 160A of the General Statutes, or local act of the General Assembly, for a period of 12 years from and after the effective date of this act. After the 12-year period, the area may be subject to annexation in accordance with State law effective at that time.

**SECTION 3.** Repealed involuntary annexation ordinances. –

(1) Elizabethtown Annexation Ordinance 2011-09 (Area J) adopted June 6, 2011.

(2) Elizabethtown Annexation Ordinance 2011-10 (Area N) adopted June 6, 2011.

(3) Elizabethtown Annexation Ordinance 2011-11 (Area Q) adopted June 6, 2011.

**SECTION 4.** Severability. – If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

**SECTION 5.** This act is effective from and after June 29, 2012.



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1106**                      A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED  
TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**H**

**1**

**HOUSE BILL 1106**

Short Title:    Apex Annexation. (Local)

Sponsors:    Representatives Murry, Dollar, and Stam (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

May 24, 2012

**A BILL TO BE ENTITLED**

**AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE  
LIMITS OF THE TOWN OF APEX.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The corporate limits of the Town of Apex are extended to include the following described area:

BEING all that tract of land containing 0.208 acres more or less, located in White Oak Township, Wake County, and bounded by lands owned by and/or in possession of persons as follows: on the north by the right-of-way (allowing 65 feet) of Beaver Creek Commons Drive Extension, on the northwest by the lands of Grayson G. Kelley, and wife Blaine Brown Kelley, on the northwest, northeast, southeast and south by the NC-540 Corridor (right-of-way width varies) and Beaver Creek Commons Drive Extension and being more particularly described by courses based on North Carolina Grid Coordinate System North (NAD 83) and distances according to a survey entitled "Annexation Plat of Section 2-Beaver Creek Commons Drive Extension Right-of-Way for The Town of Apex" by McKim and Creed, Inc., dated March 26, 2012, last revised April 20, 2012 and being more particularly described as follows: COMMENCING at NCGS Monument "JUNCTION 2", said monument having N.C. Grid (NAD 83) Coordinates N = 727,401.45 feet, E = 2,036,839.97 feet; thence as a tie line south 63 deg. 20 min. 35 sec. west 5400.73 feet to a computed point; said computed point being the POINT OF BEGINNING, said computed point also being within the right-of-way of the NC-540 Corridor; thence running as the southeastern right-of-way line (allowing 65 feet) of Beaver Creek Commons Drive Extension south 51 deg. 25 min. 18 sec. west 120.89 feet to a computed point, said computed point being in the southeastern right-of-way line (allowing 65 feet) of the Beaver Creek Commons Drive Extension, thence crossing the right-of-way (allowing 65 feet) of Beaver Creek Commons Drive Extension the following two calls: (1) north 81 deg. 37 min. 39 sec. west 75.05 feet to a computed point, and (2) north 38 deg. 34 min. 42 sec. west 10.16 feet to a computed point, said computed point being in a southeastern line of the Grayson G. Kelley, and wife Blaine Brown Kelley property, said computed point also being in the northwestern right-of-way line (allowing 65 feet) of the Beaver Creek Commons Drive Extension; thence with the northwestern right-of-way line (allowing 65 feet) of the Beaver Creek Commons Drive Extension and a southeastern line of the Grayson G. Kelley, and wife Blaine Brown Kelley property north 51 deg. 25 min. 18 sec. east 12.55 feet to a computed point, said computed point being a southeastern corner of the Grayson G. Kelley, and wife Blaine Brown Kelley property; thence continuing with the western right-of-way line (allowing 65 feet) of Beaver Creek Commons Drive Extension north 51 deg. 25 min. 18 sec.



- 1 east 137.15 feet to a computed point; thence crossing the Beaver Creek Commons Drive
- 2 Extension right-of-way (allowing 65 feet) south 57 deg. 36 min. 31 sec. east 68.76 feet to a
- 3 computed point, the POINT OF BEGINNING.
- 4

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



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1123**                    A BILL TO BE ENTITLED AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

H

1

HOUSE BILL 1123\*

Short Title:   Durham County Memorial Stadium. (Local)

Sponsors:   Representatives Michaux, Luebke, Hall, and Wilkins (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to:   Government, if favorable, Finance.

May 24, 2012

A BILL TO BE ENTITLED  
AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN  
AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO  
BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO  
AMEND ITS TERM LIMITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 734 of the Session Laws of 1957 reads as  
rewritten:

**"Section 1.** The Board of Commissioners of Durham County may immediately after the  
ratification of this Act appoint an authority composed of ~~five~~ (5) seven members who shall be  
known as the Memorial Stadium Authority and who shall have the powers herein conferred and  
shall have the control of the management of the operation of the stadium after its completion.

Said authority shall operate said stadium in a proper, efficient, economical and businesslike  
manner to the end that the properties and facilities may effectively serve the public needs for  
which it was erected at the least cost and expense to Durham County.

~~One member of said authority shall be~~ Initially, the authority shall consist of one member  
appointed by the Board of Commissioners of Durham County for a period of one year; ~~one~~  
~~member two members~~ for a period of two years; one member for a period of three years; one  
member for a period of four years and one member for a period of five years. The seventh  
member of the authority is a member of the Board of Commissioners of Durham County  
appointed by that board to serve ex officio for an indefinite term until the earlier of when the  
member ceases to be a member of the board of commissioners or when replaced by the  
appointment of another member of the board of commissioners. The successor commissioner  
shall continue to serve in the capacity of that member's predecessor.

At the end of each term one member thereof shall be appointed by said Board of  
Commissioners each for a term of ~~five~~ four years. No member other than the ex officio member  
of the board of commissioners may serve more than eight consecutive years on the authority. In  
case any vacancies shall be created on said authority, the Board of Commissioners shall appoint  
a member to fill the unexpired term.

The members of the authority shall elect annually from their body a chairman, a vice  
chairman and a secretary and otherwise provide for the efficient management of its affairs;  
provided, however, the treasurer of the authority shall be the ~~treasurer~~ finance officer of  
Durham County.



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1 All funds of the authority shall be kept by its treasurer in a separate bank account or  
2 accounts from other funds of Durham County, and shall be paid out only in accordance with  
3 procedures established by said authority.

4 The net proceeds from the operation of the stadium properties and facilities shall be used to  
5 apply on the payment of the interest and principal of the bonded indebtedness of Durham  
6 County incurred in connection with said stadium and shall not be used for any other purpose  
7 until said bonds, principal and interest have been paid, except as may be otherwise approved by  
8 the Board of Commissioners for other purposes of the authority. A quarterly operating  
9 statement of the authority shall be presented to the Board of Commissioners and an annual  
10 audited statement shall also be presented to said Board.

11 The authority shall appoint a manager for said stadium properties whose salary shall be  
12 approved by the Board of Commissioners. Such manager shall, in addition to other duties  
13 imposed upon him by the authority be responsible for the collection of rents or fees for the use  
14 of the properties and facilities of the stadium. The authority shall appoint such other personnel  
15 as it deems advisable.

16 The authority shall have full and complete control of said stadium properties and facilities;  
17 shall make such reasonable rules and regulations as it deems necessary for the proper operation  
18 and maintenance of said properties and shall establish and collect rents, fees and charges for the  
19 use of said properties and facilities which said charges may include charges for concessions and  
20 for parking automobiles."

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**HB 1216**                      A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN  
RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE.

☒ 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 2011**

**H**

**1**

**HOUSE BILL 1216\***

**Short Title:** Town of Wallace/Satellite Annexations. (Local)

**Sponsors:** Representative Dixon (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

**Referred to:** Government, if favorable, Finance.

May 31, 2012

**A BILL TO BE ENTITLED  
AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR  
THE TOWN OF WALLACE.**

The General Assembly of North Carolina enacts:

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

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

- (1) ~~The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.~~
- (2) ~~No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.~~
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) ~~If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.~~
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Holly Ridge, Holly Springs, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville,



- 1 Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell,  
2 Windsor, Yadkinville, and Zebulon."  
3 **SECTION 2.** This act applies to the Town of Wallace only.  
4 **SECTION 3.** This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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

H. B. No. 1216

DATE \_\_\_\_\_

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

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

(to be filled in by  
Principal Clerk)

COMMITTEE SUBSTITUTE ☒

Rep. )

Sen. )

Dixon

1 moves to amend the bill on page 1, line 8-12

2 ( ) WHICH CHANGES THE TITLE

3 by \_\_\_\_\_

4 removing the red lining on those  
5 lines.

6 \_\_\_\_\_

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19 \_\_\_\_\_

SIGNED

James H. Hoge

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

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 1216\*  
PROPOSED COMMITTEE SUBSTITUTE H1216-CSLMx-8 [v.1]

6/5/2012 9:49:24 AM

Short Title: Town of Wallace/Satellite Annexations.

(Local)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED  
AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR  
THE TOWN OF WALLACE.

The General Assembly of North Carolina enacts:

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

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

- (1) ~~The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.~~
- (2) ~~No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.~~
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) ~~If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.~~
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Holly Ridge, Holly Springs, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville,



\* H 1 2 1 6 - C S L M X - 8 - V - 1 \*



1 Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell,  
2 Windsor, Yadkinville, and Zebulon."

3 **SECTION 2.** This act applies only to the annexation of the property on which the  
4 Vidant Family Medicine facility is located.

5 **SECTION 3.** This act applies to the Town of Wallace only.

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**SB 818**      A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY.

☒ 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 2011**

**S**

**1**

**SENATE BILL 818\***

Short Title: Clay County Courthouse.

(Local)

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Sponsors: Senator Davis.

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Referred to: State and Local Government.

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May 21, 2012

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY  
3 REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD  
4 COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE  
5 FACILITY.

6 The General Assembly of North Carolina enacts:

7           **SECTION 1.** Clay County may, upon terms and conditions that it considers  
8 appropriate, and without being subject to the requirements of G.S. 143-128, 143-129, 143-131,  
9 and 143-132, enter into contracts and/or leases that would contain provisions requiring lessees  
10 to renovate and/or restore Clay County's old courthouse building located on the square in the  
11 Town of Hayesville so that the same can be leased and/or used as a multipurpose facility.

12           **SECTION 2.** This act is effective when it becomes law and expires June 30, 2015.



\* S B 1 8 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☒ Committee Substitute for

**SB 859** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

**(FOR JOURNAL USE ONLY)**

---

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

S

2

**SENATE BILL 859  
State and Local Government & Committee Substitute Adopted 6/5/12**

Short Title: Pilot Mountain/Dobson Even-Year Elections.

(Local)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF  
PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN  
EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3.3 of the Charter of the Town of Pilot Mountain, being Chapter 28 of the Session Laws of 1971, as amended by Town Ordinance 217, adopted April 22, 2002, reads as rewritten:

"Sec. 3.3. Terms; Qualifications; Vacancies.

(a) The Mayor shall and members of the Board of Commissioners shall serve for terms of four (4) 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~~ qualify, provided further that (i) the Mayor elected in 2011 shall serve a term of three years, but the Mayor's successors shall serve terms of four years; and (ii) the members of the board of commissioners elected in 2009 and 2011 shall serve terms of three years, but the member's successors shall serve terms of four years."

**SECTION 2.** Section 4.1 of the Charter of the Town of Pilot Mountain, being Chapter 28 of the Session Laws of 1971, is rewritten to read:

"Sec. 4.1. Regular Elections. Elections shall be held biennially on the Tuesday after the first Monday in November, beginning in 2012. In the 2014 election and quadrennially thereafter, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four years. In the 2012 election and quadrennially thereafter, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years. In the 2014 election and quadrennially thereafter, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years. Regular municipal elections shall be held biennially in even-numbered years, but shall otherwise be conducted in accordance with the general law governing municipal elections, except that absentee ballots shall be available on the same schedule as for county and State officers at that election."

**SECTION 3.** Section 3.3 of the Charter of the Town of Dobson, being Chapter 232 of the Session Laws of 1975, as amended by Town Ordinance dated February 18, 2010, reads as rewritten:

"Sec. 3.3. Terms; qualifications; vacancies.

(a) The members of the Board of Commissioners shall serve for terms of four years, and the Mayor shall serve for a term of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with



1 this Charter; provided, they shall serve until their successors are elected and ~~qualify-qualify,~~  
2 provided further that (i) the Mayor elected in 2009 shall serve a term of five years, but the  
3 Mayor's successors shall serve terms of four years; and (ii) the members of the board of  
4 commissioners elected in 2009 and 2011 shall serve terms of five years, but the member's  
5 successors shall serve terms of four years.

6 (b) No person shall be eligible to be a candidate or to be elected as Mayor or as a  
7 member of the Board of Commissioners or to serve in such capacity, unless he is a resident and  
8 a qualified voter of the Town.

9 (c) In the event a vacancy occurs in the office of Mayor or Commissioner, the Board  
10 shall by majority vote appoint some qualified person to fill the same for the remainder of the  
11 unexpired term."

12 **SECTION 4.** Section 4.1 of the Charter of the Town of Dobson, being Chapter  
13 232 of the Session Laws of 1975, reads as rewritten:

14 "Sec. 4.1. Regular Elections. Elections shall be held biennially on the Tuesday after the first  
15 Monday in November, beginning in ~~2012-2014~~. In the ~~2012-2014~~ election and ~~biennially~~  
16 quadrennially thereafter, the candidate for Mayor who receives the largest number of votes cast  
17 for Mayor shall be declared elected for a term of ~~two-four~~ years. In the ~~2012-2016~~ election and  
18 quadrennially thereafter, the three candidates for Commissioner who receive the largest  
19 numbers of votes cast for Commissioner shall be declared elected for terms of four years. In the  
20 2014 election and quadrennially thereafter, the two candidates for Commissioner who receive  
21 the largest numbers of votes cast for Commissioner shall be declared elected for terms of four  
22 years. Regular municipal elections shall be held biennially in even-numbered years, but shall  
23 otherwise be conducted in accordance with the general law governing municipal elections,  
24 except that absentee ballots shall be available on the same schedule as for county and State  
25 officers at that election."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**S**

**D**

**SENATE BILL 859**

**State and Local Government & Committee Substitute Adopted 6/5/12  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S859-CSTH-16 [v.1]**

6/13/2012 6:19:10 PM

Short Title: Pilot Mountain/Dobson Even-Year Elections.

(Local)

Sponsors:

Referred to:

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF  
PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN  
EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3.3 of the Charter of the Town of Pilot Mountain, being Chapter 28 of the Session Laws of 1971, as amended by Town Ordinance 217, adopted April 22, 2002, reads as rewritten:

"Sec. 3.3. Terms; Qualifications; Vacancies.

(a) The Mayor shall and members of the Board of Commissioners shall serve for terms of four (4) 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~~ qualify, provided further that (i) the Mayor elected in 2011 shall serve a term of three years, but the Mayor's successors shall serve terms of four years; and (ii) the members of the board of commissioners elected in 2009 and 2011 shall serve terms of three years, but the member's successors shall serve terms of four years."

**SECTION 2.** Section 4.1 of the Charter of the Town of Pilot Mountain, being Chapter 28 of the Session Laws of 1971, is rewritten to read:

"Sec. 4.1. Regular Elections. Elections shall be held biennially on the Tuesday after the first Monday in November, beginning in 2012. In the 2014 election and quadrennially thereafter, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four years. In the 2012 election and quadrennially thereafter, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years. In the 2014 election and quadrennially thereafter, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years. Regular municipal elections shall be held biennially in even-numbered years, but shall otherwise be conducted in accordance with the general law governing municipal elections, except that absentee ballots shall be available on the same schedule as for county and State officers at that election."

**SECTION 3.** Section 3.3 of the Charter of the Town of Dobson, being Chapter 232 of the Session Laws of 1975, as amended by Town Ordinance dated February 18, 2010, reads as rewritten:

"Sec. 3.3. Terms; qualifications; vacancies.



\* S 8 5 9 - C S T H - 1 6 - V - 1 \*

1 (a) The members of the Board of Commissioners shall serve for terms of four years,  
2 and the Mayor shall serve for a term of four years, beginning the day and hour of the  
3 organizational meeting following their election, as established by ordinance in accordance with  
4 this Charter; provided, they shall serve until their successors are elected and ~~qualify~~qualify,  
5 provided further that (i) the Mayor elected in 2009 shall serve a term of five years, but the  
6 Mayor's successors shall serve terms of four years; and (ii) the members of the board of  
7 commissioners elected in 2009 and 2011 shall serve terms of five years, but the member's  
8 successors shall serve terms of four years.

9 (b) No person shall be eligible to be a candidate or to be elected as Mayor or as a  
10 member of the Board of Commissioners or to serve in such capacity, unless he is a resident and  
11 a qualified voter of the Town.

12 (c) In the event a vacancy occurs in the office of Mayor or Commissioner, the Board  
13 shall by majority vote appoint some qualified person to fill the same for the remainder of the  
14 unexpired term."

15 **SECTION 4.** Section 4.1 of the Charter of the Town of Dobson, being Chapter  
16 232 of the Session Laws of 1975, reads as rewritten:

17 "Sec. 4.1. Regular municipal elections. Regular municipal elections shall be held biennially  
18 ~~in odd-numbered~~even-numbered years ~~on the day set by general law for municipal elections the~~  
19 Tuesday after the first Monday in November, beginning in 2014. In the ~~1975-2014~~ regular  
20 municipal election and ~~biennially~~quadrennially thereafter there shall be elected a Mayor for a  
21 term of ~~two~~four years. In the ~~1975-2016~~ regular municipal election and quadrennially  
22 thereafter, three Commissioners shall be elected to serve terms of four years each. In the ~~1977~~  
23 2014 regular municipal election and quadrennially thereafter, two Commissioners shall be  
24 elected to serve terms of four years each."

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



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☒ Committee Substitute for

**SB 888** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO THE STATE GOVERNMENT ETHICS ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**3**

**SENATE BILL 888  
Corrected Copy 5/25/12  
Transportation Committee Substitute Adopted 6/6/12**

**Short Title: Ethics Requirements for MPOs/RPOs.**

**(Public)**

---

**Sponsors:**

---

**Referred to:**

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May 24, 2012

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND  
3 RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO THE  
4 STATE GOVERNMENT ETHICS ACT, AS RECOMMENDED BY THE JOINT  
5 LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.  
6 The General Assembly of North Carolina enacts:  
7           **SECTION 1.** G.S. 136-202 is amended by adding a new subsection to read:  
8       "(e) A Metropolitan Planning Organization shall be treated as a board for purposes of  
9 Chapter 138A of the General Statutes."  
10       **SECTION 2.** G.S. 136-211 is amended by adding a new subsection to read:  
11       "(e) Ethics Requirements. – A Rural Transportation Planning Organization shall be  
12 treated as a board for purposes of Chapter 138A of the General Statutes."  
13       **SECTION 3.** This act becomes effective January 1, 2013. Members of  
14 Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall  
15 file an initial Statement of Economic Interest with the State Ethics Commission no later than  
16 April 15, 2013. All information provided in the Statement of Economic Interest shall be  
17 current as of December 31, 2012. Initial Statements of Economic Interest shall be filed  
18 electronically.



# VISITOR REGISTRATION SHEET

\_\_\_\_\_  
(Committee Name)

\_\_\_\_\_  
Date

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

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Mitch Leonard	SEANC
Tommy Stevens	NCLC
Lisa Martin	NC HBA
Sara Klein	NCACC
Carol Tingley	NC Parks + Recreation
Elizabeth Biv	Brooks Pierce
Sue Gilt	DEA
Kari Barsness	DENR
PAUL MEYER	NCLM
Kelli Kuma	NCLM
William Jones	Jordan, Price

# VISITOR REGISTRATION SHEET

Government

Name of Committee

June 14<sup>th</sup>, 2012

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Michael Muller	Rep. Moffitt
Allison Fowler	NC Grange
JOHN MINGETTE	NC PBA.
CHRIS DILLON	NCWR
Clare FitzGerald	DENR
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE
Dana Fartin	City of Charlotte
Meg O'Donnell	Cap. Results
Joey Nichols	Cap Results
Heather Barrett	WM
DAVE SIMPSON	CAGC

## VISITOR REGISTRATION SHEET

## Government

**Name of Committee**

June 14<sup>th</sup> 2012

**Date**

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

**NAME****FIRM OR AGENCY AND ADDRESS**

Tom BEON

EDF

Chris Whitmire

House 113

Leanne Winner

NCSBPA

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE GOVERNMENT

DATE: 6-14-2012

Room: 643

*Name: <u>Hatie Neumann</u>	<u>William Cheung</u>
County: <u>Mecklenburg</u>	<u>Alexander</u>
Sponsor: <u>Rep. Hachner</u>	<u>Mark Hollo</u>
*Name: <u>Isabelle <sup>TAMBER</sup> Tamburo</u>	<u>Mallory <sup>MALLORY</sup> Lowe</u>
County: <u>Wake</u>	<u>Randolph</u>
Sponsor: <u>Weiss</u>	<u>Dorham</u>
*Name: <u>Sam Little</u>	<u>ALEXA MARTIN</u>
County: <u>Mecklenburg</u>	<u>Wake</u>
Sponsor: <u>Martha Alexander</u>	<u>Stam</u>
*Name: <u>Ben Little</u>	
County: <u>Mecklenburg</u>	
Sponsor: <u>Martha Alexander</u>	
*Name: <u>Graham Blossom</u>	
County: <u>New Hanover</u>	
Sponsor: <u>McLomas</u>	

House Sgt-At Arms:

1. Name: Young Bae  
2. Name: Jesse Hayer  
3. Name: Joe Crook

4. Name: Doug Harris  
5. Name: Harland Shephard  
6. Name: \_\_\_\_\_

North Carolina General Assembly  
**House Committee on Government**

June 21, 2012

Minutes

---

The House Committee on Government met Thursday, June 21, 2012 at 9:30 am in Room 643 of the Legislative Office Building. The following members were present: Chairmen L. Brown and Ingle; Vice Chairmen Boles, Langdon, and H. Warren; and Representatives Adams, Alexander, Bordsen, Brandon, Cleveland, Collins, Cotham, Faircloth, Fisher, Floyd, Frye, Gill, Goodman, Hager, Jones, Justice, Keever, McGee, Mills, Mobley, Moffitt, R. Moore, Parfitt, Parmon, Pittman, Setzer, and Walend.

Chairman Brown called the meeting to order at 9:30 am and recognized the eight (8) pages present and members of the House Sergeant at Arms.

At the beginning of the meeting, Representative Brown announced that several bills would be added to the agenda for June 21, 2012. These bills were:

1. SB 149 – NO NONMETALLIC KNUCKLES
2. SB 423 – EDUCATION OVERSIGHT COMMITTEE STUDY OF TEACHER TENURE
3. SB 472 – NORWOOD WATER LINES

The first bill considered by the committee was SB 149 – NO NONMETALLIC KNUCKLES (attached). The chair recognized Representative Faircloth who moved for the proposed committee substitute (PCS) for SB 149 (attached) to be placed before the committee for discussion. The motion carried. The chair then recognized Representative LaRoque to explain the bill. After much discussion and questioning from members of the committee, Representative Parmon was recognized and moved that the PCS for SB 149 be reported without prejudice as to the PCS, unfavorable as to the Senate committee substitute bill and be re-referred to the House Committee on Rules, Calendar, and Operations of the House. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried. The PCS changes the short title of SB 149 to LENOIR & GREENE VOTER ID/SUNDAY VOTING.

The second bill considered by the committee was SB 423 – EDUCATION OVERSIGHT COMMITTEE STUDY OF TEACHER TENURE (attached). The chair recognized Representative Faircloth who moved for the PCS for SB 423 (attached) to be placed before the committee for discussion. The motion carried. The chair then recognized Representative LaRoque to explain the bill. After much discussion and question from the committee, Representative Cleveland was recognized and moved that the PCS for SB 423 be given a favorable report, unfavorable as to the original bill. Seeing no further discussion, Chairman Brown called the matter to a vote. Chairman Brown was unable to determine the outcome of the voice vote and called for a show of hands. This vote resulted in ten (10) "aye" and thirteen (13) "no" votes and the motion failed. The PCS would have changed the short title of SB 423 to GREENE/LENOIR VOTING.

The third bill considered by the committee was SB 472 – NORWOOD WATER LINES (attached). The chair recognized Representative Floyd who moved for the PCS for SB 472 (attached) to be placed before the committee for discussion. The motion carried. The chair then recognized Representative LaRoque to explain the bill. After some discussion and questioning from members of the committee, Representative Pittman was recognized and moved that the

PCS for SB 472 be given a favorable report, unfavorable as to the Senate committee substitute bill. Seeing no further discussion, Chairman Brown called the matter to a vote. Chairman Brown was unable to determine the outcome of the voice vote and called for a show of hands. This vote resulted in nine (9) "aye" and seven (7) "no" votes and the motion carried. The PCS changes the short title of SB 472 to KINSTON PUBLIC ENTERPRISES.

The fourth bill considered by the committee was SB 905 – CURRITUCK CAMA SETBACK REQUIREMENTS/GRANDFATHER (attached). The chair recognized Senator White to explain the bill. Additionally, some supporting materials were provided for the members of the committee (attached). Following some discussion and questioning of the committee, Representative Hager was recognized and moved that SB 905 be given a favorable report. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried.

Two bills on the June 21, 2012 agenda were clearly non-controversial and did not have a PCS and thus easily dispatched by the committee. Therefore, we created a 'consent agenda.' The consent agenda combines multiple bills into one block to be voted on together. The block contains bills that do not have a serial referral. Each Government Committee member was asked and expected to familiarize him/herself with the bills on the agenda before the meeting and if any concerns were present, bills would be removed from the consent agenda and placed on the regular calendar.

Prior to voting on the consent agenda, Chairman Brown read the number and short title of each bill and again presented an opportunity for members of the Government Committee to object to any bills being in this consent agenda. No objections were raised.

The first consent agenda contained only bills that did not require a serial referral (each is attached). These bills were:

1. SB 919 – CARTERET COMMISSIONER ELECTION
2. SB 932 – UNION COUNTY CONSTRUCTION METHODS

Representative Setzer was recognized and moved that all above bills be given a favorable report. Seeing no further discussion, Chairman Brown called the matter to a vote and the motion carried with no objection.

The seventh bill considered by the committee was SB 934 – LOWER CAPE FEAR DESIGN-BUILD (attached). The chair recognized Representative Hamilton to explain the bill. Following little discussion and questioning of the committee, Representative Setzer was recognized and moved that SB 934 be given a favorable report. Seeing no further discussion, Representative Brown called the matter to a vote and the motion carried.

The eighth bill and final bill considered by the committee was SB 939 – FAYETTEVILLE REVIEW BOARD (attached). The chair recognized Representative Glazier to explain the bill. Following much discussion and questioning from the committee, Representative Parfitt offered an amendment to SB 939 (attached). The chair recognized Representative Parfitt who moved that the amendment be adopted and rolled into a PCS (attached). The motion carried. Discussion then continued on the PCS and the chair recognized Randy Byrd of the Police Benevolent Association to share his insights and organization's opinion of the bill. The chair then recognized Representative Floyd who moved that the PCS for SB 939 be given a favorable report, with an unfavorable report as to the original bill. Seeing no further discussion, Representative Brown called the matter to a vote and the motion carried.



Some bills listed on the agenda for June 21, 2012 were removed. These bills were:

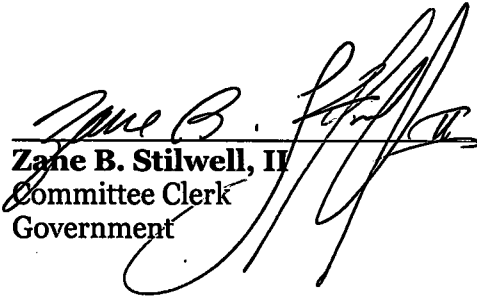
1. HB 718 – ALLOW/ATTY CHILD SUPPORT HEARING OFFICER/ALAMANCE
2. HB 1174 – SCOTLAND CO: PRIVILEGE TAX FOR SWEEPSTAKES

There being no further business presently before the committee, Chairman Brown adjourned the meeting at 10:35 am.

Respectfully submitted,



**Representative Larry R. Brown**  
Presiding Co-Chair  
House Government



**Zane B. Stilwell, II**  
Committee Clerk  
Government

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2011-2012 SESSION**

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

**DAY & DATE:** Thursday, June 21, 2012

**TIME:** 10:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 718	Allow Atty/Child Supp Hear'g Officer/Alamance.	Representative Ingle
HB 1174	Scotland Co: Privilege Tax for Sweepstakes.	Representative Bordsen Representative Pierce
SB 905	Currituck CAMA Setback Req'ts./Grandfather.	Senator White
SB 919	Carteret Commissioner Election.	Senator Preston
SB 932	Union County Construction Methods.	Senator Tucker
SB 934	Lower Cape Fear Design-Build.	Senator Rabon
SB 939	Fayetteville Review Board.	Senator Meredith

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **June 19, 2011**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)

**Corrected Notice**  
**Time Change**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES**  
**COMMITTEE MEETING NOTICE**  
**AND**  
**BILL SPONSOR NOTIFICATION**  
**2011-2012 SESSION**

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

**DAY & DATE:** Thursday, June 21, 2012

**TIME:** 9:30 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 718	Allow Atty/Child Supp Hear'g Officer/Alamance.	Representative Ingle Representative Bordsen
HB 1174	Scotland Co: Privilege Tax for Sweepstakes.	Representative Pierce
SB 905	Currituck CAMA Setback Req'ts./Grandfather.	Senator White
SB 919	Carteret Commissioner Election.	Senator Preston
SB 932	Union County Construction Methods.	Senator Tucker
SB 934	Lower Cape Fear Design-Build.	Senator Rabon
SB 939	Fayetteville Review Board.	Senator Meredith

Respectfully,  
Representative Ingle, Chair  
Representative L. Brown, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4 PM o'clock on **June 20, 2011**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Zane Stilwell** (Committee Assistant)



## 2011- 2012 House Committee on Government

Date: June 21, 2012

Room: 643 LOB

Time: 10:00 am

### AGENDA

#### Consent Agenda – No Referral

BILL NO.	SHORT TITLE	SPONSOR
SB 919	Carteret Commissioner Election	Senator Preston
SB 932	Union County Construction Methods	Senator Tucker

#### Regular Agenda

* HB 718	Allow Atty/Child Support Hearing Officer/Alamance	Representative Ingle Representative Bordsen
* HB 1174	Scotland Co: Privilege Tax for Sweepstakes	Representative Pierce
SB 905	Currituck CAMA Setback Requirements/Grandfather	Senator White
SB 934	Lower Cape Fear Design-Build	Senator Rabon
SB 939	Fayetteville Review Board	Senator Meredith

\* Indicates serial referral

Added: • S149  
• S423  
• S472

Pulled: • H718  
• H1174

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☒ Committee Substitute for

**SB 149** A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED NONMETALLIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY NONMETALLIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER NONMETALLIC KNUCKLES TO A MINOR.

☒ Without prejudice as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011

S

2

SENATE BILL 149  
Judiciary II Committee Substitute Adopted 5/23/11

Short Title: No Nonmetallic Knuckles.

(Public)

Sponsors:

Referred to:

March 1, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED  
3 NONMETALLIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT  
4 UNLAWFUL TO CARRY NONMETALLIC KNUCKLES, WHETHER OPENLY OR  
5 CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO  
6 SELL OR OTHERWISE TRANSFER NONMETALLIC KNUCKLES TO A MINOR.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-269(a) reads as rewritten:

9 "(a) It shall be unlawful for any person willfully and intentionally to carry concealed  
10 about his person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic or nonmetallic  
11 knuckles, razor; shurikin, stun gun, or other deadly weapon of like kind, except when the  
12 person is on the person's own premises."

13 **SECTION 2.** G.S. 14-269.2 reads as rewritten:

14 **"§ 14-269.2. Weapons on campus or other educational property.**

15 (a) The following definitions apply to this section:

16 (1) Educational property. – Any school building or bus, school campus,  
17 grounds, recreational area, athletic field, or other property owned, used, or  
18 operated by any board of education or school board of trustees, or directors  
19 for the administration of any school.

20 (1a) Employee. – A person employed by a local board of education or school  
21 whether the person is an adult or a minor.

22 (1b) School. – A public or private school, community college, college, or  
23 university.

24 (2) Student. – A person enrolled in a school or a person who has been suspended  
25 or expelled within the last five years from a school, whether the person is an  
26 adult or a minor.

27 (3) Switchblade knife. – A knife containing a blade that opens automatically by  
28 the release of a spring or a similar contrivance.

29 (4) Weapon. – Any device enumerated in subsection (b), (b1), or (d) of this  
30 section.

31 (b) It shall be a Class I felony for any person to possess or carry, whether openly or  
32 concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a  
33 curricular or extracurricular activity sponsored by a school. Unless the conduct is covered  
34 under some other provision of law providing greater punishment, any person who willfully  
35 discharges a firearm of any kind on educational property is guilty of a Class F felony. However,  
36 this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.



(b1) It shall be a Class G felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property or to a curricular or extracurricular activity sponsored by a school. This subsection shall not apply to fireworks.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c1) It shall be a Class G felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 on educational property. This subsection shall not apply to fireworks.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic or nonmetallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic or nonmetallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

...."

**SECTION 3.** G.S. 14-315(a) reads as rewritten:

"(a) Sale of Weapons Other Than Handguns. – If a person sells, offers for sale, gives, or in any way transfers to a minor any pistol cartridge, ~~brass knucks,~~ metallic or nonmetallic knuckles, bowie knife, dirk, shurikin, leaded cane, or slungshot, the person is guilty of a Class 1 misdemeanor and, in addition, shall forfeit the proceeds of any sale made in violation of this section."

**SECTION 4.** Prosecutions for offenses committed before the effective date of this act, including prosecutions where nonmetallic knuckles have been alleged to be deadly weapons, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

**SECTION 5.** This act becomes effective December 1, 2011, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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D

SENATE BILL 149  
Judiciary II Committee Substitute Adopted 5/23/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S149-CSST-107 [v.3]

6/20/2012 7:39:12 PM

Short Title: Lenoir & Greene Voter ID/Sunday Voting.

(Local)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED  
AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY REQUIRING THAT  
VOTERS IN LENOIR AND GREENE COUNTIES PROVIDE PHOTO  
IDENTIFICATION BEFORE VOTING; AND TO PROHIBIT EARLY VOTING ON  
SUNDAY IN LENOIR AND GREENE COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1.1. Article 14A of Chapter 163 of the General Statutes is amended by  
adding a new section to read:

**"§ 163-166.13. Photo identification requirement for voting in person.**

(a) Every individual voting in person shall present photo identification to a local  
election official at the voting place before voting.

(b) Notwithstanding subsection (a) of this section, any voter without photo  
identification shall be permitted to vote a provisional official ballot.

(c) As used in this section, "photo identification" means any of the following that  
contain a photograph of the registered voter:

(1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the  
General Statutes, including a learner's permit or a provisional license.

(2) A special identification card for nonoperators issued under G.S. 20-37.7.

(3) An identification card issued by a branch, department, agency, or entity of  
this State, any other state, or the United States.

(4) A United States passport.

(5) An employee identification card issued by any branch, department, agency,  
or entity of the United States government, this State, or any county,  
municipality, board, authority, or other entity of this State.

(6) A United States military identification card.

(7) A tribal identification card.

(8) A county voter identification card issued under G.S. 163-166.14.

(d) This section applies to Greene and Lenoir Counties only."

SECTION 1.2. Article 14A of Chapter 163 of the General Statutes is amended by  
adding a new section to read:

**"§ 163-166.14. Voter identification card.**

(a) Each county board of elections shall accept applications for and issue county voter  
identification cards to registered voters in that county. The voter identification card shall be



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valid only for purposes of voter identification and proof of voter registration under this Chapter and available only to registered voters of this State. No fee shall be charged or collected for the application for or issuance of a county voter identification card.

(b) No registered voter shall be eligible for a county voter identification card if that registered voter has a valid unexpired drivers license, learner's permit, provisional license, or special identification card for nonoperators issued under G.S. 20-37.7.

(c) The county voter identification card shall be captioned "COUNTY VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under North Carolina law it is valid only as identification for voting purposes. The county voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include all of the following information:

- (1) Full legal name.
- (2) Address of residence.
- (3) Birth date.
- (4) Date identification card was issued.
- (5) Sex.
- (6) Eye color.
- (7) County where the identification card was issued.

(d) The application for a county voter identification card shall elicit the information required under subsection (c) of this section. The application shall be signed by the applicant registered voter. The information collected by the county board of elections shall be subject to G.S. 163-82.10 and G.S. 163-82.10B.

(e) The county board of elections shall require, and shall verify, all of the following information before issuing a county voter identification card to a registered voter:

- (1) A photo identity document, except that a nonphoto identity document is acceptable if it includes the registered voter's name.
- (2) Evidence that the individual is registered to vote in this State.
- (3) Documentation showing the registered voter's name and residence address.

(f) A county voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. If a person moves his or her residence within the county, that person may apply for and receive a new card if such person is otherwise eligible under this section.

(g) This section applies to Greene and Lenoir Counties only."

SECTION 1.3.(a) G.S. 163-82.6A(b) reads as rewritten:

"(b) Both Attestation and Proof of Residence Required. – To vote under this section, a voter must present photo identification as required by G.S. 163-166.13. This requirement is separate from the requirement to provide proof of residence under subdivision (2) of this subsection. If an individual does not present the required photo identification, that individual may vote a provisional official ballot. To register and vote under this section, the person shall do both of the following:

- (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and
- (2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in G.S. 163-166.12(a)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence."

1           **SECTION 1.3.(b)** This section applies to Greene and Lenoir Counties only.

2           **SECTION 1.4.(a)** G.S. 163-166.7(a) reads as rewritten:

3           "(a)   Checking Registration. – A person seeking to vote shall enter the voting enclosure  
4 through the appropriate entrance. A precinct official assigned to check registration shall at once  
5 ask the voter to state current name and residence address. The voter shall answer by stating  
6 current name and residence ~~address.~~ address and presenting photo identification in accordance  
7 with G.S. 163-166.13. If an individual does not present the required identification, that  
8 individual may vote a provisional official ballot. In a primary election, that voter shall also be  
9 asked to state, and shall state, the political party with which the voter is affiliated or, if  
10 unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that  
11 official shall state whether that voter is duly registered to vote in that precinct and shall direct  
12 that voter to the voting equipment or to the official assigned to distribute official ballots. If a  
13 precinct official states that the person is duly registered, the person shall sign the pollbook,  
14 other voting record, or voter authorization document in accordance with subsection (c) of this  
15 section before voting."

16           **SECTION 1.4.(b)** This section applies to Greene and Lenoir Counties only.

17           **SECTION 1.5.(a)** G.S. 163-227.2(b) reads as rewritten:

18           "(b)   Not earlier than the third Thursday before an election, in which absentee ballots are  
19 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday  
20 before that election, the voter shall appear in person only at the office of the county board of  
21 elections, except as provided in subsection (g) of this section. A county board of elections shall  
22 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may  
23 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the  
24 board office through the appropriate entrance and shall at once state his or her name and place  
25 of residence to an authorized member or employee of the ~~board.~~ board and present photo  
26 identification in accordance with G.S. 163-166.13. If an individual does not present the  
27 required identification, that individual may vote a provisional official ballot. In a primary  
28 election, the voter shall also state the political party with which the voter affiliates and in whose  
29 primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the  
30 primary of a particular party under G.S. 163-119, the voter shall state the name of the  
31 authorizing political party in whose primary he wishes to vote. The board member or employee  
32 to whom the voter gives this information shall announce the name and residence of the voter in  
33 a distinct tone of voice. After examining the registration records, an employee of the board  
34 shall state whether the person seeking to vote is duly registered. If the voter is found to be  
35 registered that voter may request that the authorized member or employee of the board furnish  
36 the voter with an application form as specified in G.S. 163-227. The voter shall complete the  
37 application in the presence of the authorized member or employee of the board, and shall  
38 deliver the application to that person."

39           **SECTION 1.5.(b)** This section applies to Greene and Lenoir Counties only.

40           **SECTION 1.6.** Article 15A of Chapter 163 of the General Statutes is amended by  
41 adding a new section to read:

42           "§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide  
43 valid photo identification at the polls.

44           (a)   A voter who cast a provisional official ballot wholly or partly as a result of the  
45 voter's inability or declination to provide proof of identification may personally appear at an  
46 office of the county board of elections not later than the date of the conclusion of the election  
47 canvass for that county to seek counting of the provisional official ballot as provided in  
48 subsection (b) or (c) of this section.

49           (b)   Unless the vote is disqualified for some other reason provided by law, the county  
50 board of elections shall find that the voter's provisional ballot is valid and direct that the  
51 provisional ballot be opened and counted in accordance with this Chapter if the voter both:

- (1) Provides valid photo identification to the county board of elections; and
- (2) Executes an affidavit, in the form prescribed by the county board of elections, affirming under the penalties of perjury that the voter is the same individual who:
- a. Personally appeared to vote on the day of election or at an early voting site; and
- b. Cast the provisional ballot on that day.
- (c) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter executes an affidavit before the county board of elections, in the form prescribed by the county board of elections, affirming under the penalties of perjury that:
- (1) The voter is the same individual who:
- a. Personally appeared to vote on the day of election or at an early voting site; and
- b. Cast the provisional ballot on that day; and
- (2) The voter has a sincerely held religious objection to being photographed.
- (d) If the county board of elections determines that a voter described in subsection (b) or (c) of this section has also cast a provisional official ballot for a cause other than the voter's inability or declination to provide valid photo identification, the board shall both:
- (1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of valid photo identification requirement; and
- (2) Proceed to determine any other reasons for which the ballot was cast provisionally before ruling on the validity of the voter's provisional ballot.
- (e) This section applies to Greene and Lenoir Counties only."

SECTION 1.7.(a) G.S. 163-87 reads as rewritten:

**"§ 163-87. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when ~~he~~ the voter does so may enter the voting enclosure to make the challenge, but ~~he~~ the voter shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

- (1) One or more of the reasons listed in G.S. 163-85(c).
- (2) That the person has already voted in that primary or election.
- (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- (4) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.
- (5) The voter does not present proof of identification as required by G.S. 163-166.13.

The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred."

SECTION 1.7.(b) This section applies to Greene and Lenoir Counties only.

SECTION 2.(a) G.S. 163-227.2(b) reads as rewritten:

1       "(b) Not earlier than the third Thursday before an election, in which absentee ballots are  
2 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday  
3 before that election, the voter shall appear in person only at the office of the county board of  
4 elections, except as provided in subsection (g) of this section. A county board of elections shall  
5 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may  
6 conduct it until 5:00 P.M. on that Saturday. A county board of elections may not conduct  
7 one-stop voting on Sunday. That voter shall enter the voting enclosure at the board office  
8 through the appropriate entrance and shall at once state his or her name and place of residence  
9 to an authorized member or employee of the board. In a primary election, the voter shall also  
10 state the political party with which the voter affiliates and in whose primary the voter desires to  
11 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party  
12 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose  
13 primary he wishes to vote. The board member or employee to whom the voter gives this  
14 information shall announce the name and residence of the voter in a distinct tone of voice.  
15 After examining the registration records, an employee of the board shall state whether the  
16 person seeking to vote is duly registered. If the voter is found to be registered that voter may  
17 request that the authorized member or employee of the board furnish the voter with an  
18 application form as specified in G.S. 163-227. The voter shall complete the application in the  
19 presence of the authorized member or employee of the board, and shall deliver the application  
20 to that person."

21               **SECTION 2.(b)** This section applies to Greene and Lenoir Counties only.

22               **SECTION 3.** This act is effective when it becomes law and applies to primaries  
23 and elections conducted on or after August 1, 2012.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**S**

**1**

**SENATE BILL 423**

Short Title: Educ. Oversight Comm. Study of Teacher Tenure. (Public)

Sponsors: Senators Tillman, Hartsell, Hise; Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Davis, East, Forrester, Goolsby, Harrington, Hunt, Jackson, Meredith, Pate, Rouzer, Soucek, Stevens, and Tucker.

Referred to: Education/Higher Education.

March 28, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
3 COMMITTEE TO STUDY THE TEACHER TENURE LAW.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** The Joint Legislative Education Oversight Committee shall study the  
6 current law on teacher tenure. The Committee may make an interim report on its findings and  
7 recommendations to the 2012 Regular Session of the 2011 General Assembly prior to its  
8 convening and shall make a final report to the 2013 Regular Session of the General Assembly.  
9 **SECTION 2.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 423  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S423-CSST-108 [v.2]

6/20/2012 6:29:09 PM

Short Title: Greene/Lenoir Voting.

(Local)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE CITY OF KINSTON TO HAVE AT LEAST ONE ELECTION ON AN AT-LARGE NONPARTISAN PLURALITY BASIS BEFORE CHANGING TO DISTRICT ELECTIONS; AND TO PROVIDE THAT MEMBERS OF THE BOARD OF COMMISSIONERS OF GREENE COUNTY SHALL BE ELECTED ONLY BY THE VOTERS OF EACH DISTRICT AND TO MODIFY THE DISTRICTS TO BE WITHIN A DEVIATION OF PLUS OR MINUS FIVE PERCENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** The City of Kinston may not, under the provisions of Part 4 of Article 5 of Chapter 160A of the General Statutes (Modification of Form of Government), change to any system of electoral districts until it has conducted at least one municipal general election using the at-large nonpartisan plurality method.

**SECTION 2.1.** Section 1 of S.L. 2011-169 reads as rewritten:

"**SECTION 1.(a)** Sections 2 through 4 of this act become effective only if approved by a majority of the qualified voters of the County of Greene in a referendum. The election shall be conducted by the Greene County Board of Elections in the 2012 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Providing for districts for members of the Greene County Board of Commissioners ~~to reside in but continuing to allow all voters of Greene County to vote on all seats with the residents of each district nominating and electing the member for that district.~~"

"**SECTION 1.(b)** If a majority of the votes cast are in favor of the question, Sections 2 through 4 of this act become effective with respect to elections conducted in 2014 and thereafter. The terms of office of all members of the Board of Commissioners of Greene County elected in 2010 and 2012 expire on the first Monday in December of 2014. In the 2014 election, the three commissioners elected who receive the highest number of votes shall be elected to four-year terms, and the two commissioners elected who receive the fourth and fifth highest number of votes shall be elected to two-year terms. Successors shall be elected for four-year terms. ~~Members shall reside in and represent the districts according to the apportionment plan adopted by this act, but the qualified voters of the entire county shall nominate all candidates for and elect all members of the board. The qualified voters of each district shall nominate candidates and elect a member who resides in the district.~~"

**SECTION 2.2.** Section 2 of S.L. 2011-169, as amended by S.L. 2011-415, reads as rewritten:



"SECTION 2. Until modified, the elections for the Greene County Board of Commissioners shall be conducted in the following districts:

~~District 1: Greene County: VTD: ARBA: Block(s) 0799503003017, 0799503003018, 0799503003019, 0799503003020, 0799503003021, 0799503003027, 0799503003028, 0799503003029, 0799503003034, 0799503003035, 0799503003036, 0799503003060, 0799503003061, 0799503003063, 0799503003064, 0799503003065, 0799503003066, 0799503003070, 0799503003071, 0799503003072; VTD: BEAR: 0799503002000, 0799503002007, 0799503002008, 0799503002009; VTD: SH1: 0799503001000, 0799503001001, 0799503001012, 0799503001013, 0799503001014, 0799503001018, 0799503001019, 0799503001020, 0799503001053, 0799503002010, 0799503002011, 0799503002012, 0799503002013, 0799503002014, 0799503002015, 0799503002016, 0799503002017, 0799503002018, 0799503002019, 0799503002020, 0799503002021, 0799503002022, 0799503002023, 0799503002024, 0799503002025, 0799503002026, 0799503002027, 0799503002028, 0799503002029, 0799503002030, 0799503002031, 0799503002033, 0799503002034, 0799503002035, 0799503002036, 0799503002037, 0799503002038, 0799503002052, 0799503002053, 0799503002054, 0799503003000, 0799503003001, 0799503003002, 0799503003003, 0799503003004, 0799503003005, 0799503003006, 0799503003007, 0799503003008, 0799503003009; VTD: SUGG: 0799503003037, 0799503003039, 0799503003040, 0799503003041, 0799503003042, 0799503003043, 0799503003044, 0799503003045, 0799503003046, 0799503003047, 0799503003048, 0799503003052, 0799503003053, 0799503003054, 0799503003055, 0799503003056, 0799503003057, 0799503003058, 0799503003059, 0799503003067, 0799503003068, 0799503003069, 0799503003073, 0799503004006, 0799503004007, 0799503004008, 0799503004009, 0799503004010, 0799503004011, 0799503004012, 0799503004013, 0799503004029.~~

~~District 2: Greene County: VTD: ARBA: Block(s) 0799502003016, 0799502003017, 0799502003033, 0799502003034, 0799502003035, 0799502003036, 0799502003037, 0799502003038, 0799502003053, 0799502003054, 0799502003055, 0799502003059, 0799502003060, 0799503002041, 0799503002042, 0799503002045, 0799503002046, 0799503002047, 0799503002048, 0799503003022, 0799503003023, 0799503003024, 0799503003025, 0799503003026, 0799503003030, 0799503003031, 0799503003032, 0799503003033; VTD: BEAR: 0799503002001, 0799503002002, 0799503002003, 0799503002004, 0799503002005, 0799503002006, 0799503002032, 0799503002039, 0799503002040, 0799503002049, 0799503002050, 0799503002051; VTD: SHIN, VTD: SUGG: Block(s) 0799503003010, 0799503003011, 0799503003012, 0799503003013, 0799503003014, 0799503003015, 0799503003016, 0799503003038, 0799503003049, 0799503003050, 0799503003051, 0799503003062.~~

~~District 3: Greene County: VTD: BULL, VTD: WALS.~~

~~District 4: Greene County: VTD: BEAR: Block(s) 0799501012031, 0799501012033, 0799501012034, 0799501012035, 0799501012036, 0799501012037, 0799501012038, 0799501012039, 0799501012042, 0799501012043, 0799501012044, 0799501012045, 0799501012046, 0799501013018, 0799501013023, 0799501013024, 0799501013025, 0799501013026, 0799501013027, 0799501013028, 0799501013029, 0799501013030, 0799501013031, 0799501022046, 0799501022047, 0799501022048; VTD: CAST, VTD: MAUR: Block(s) 0799501022037, 0799501022039, 0799501022040, 0799501022041, 0799501022043, 0799501022044, 0799501022045, 0799501022051, 0799501022054, 0799501022055, 0799501022056, 0799501022057, 0799501022058, 0799501022059, 0799501022061, 0799501022064, 0799501022067, 0799501022068; VTD: SH1: 0799503001002, 0799503001003, 0799503001004, 0799503001005, 0799503001006, 0799503001007, 0799503001008, 0799503001009, 0799503001010, 0799503001011, 0799503001015, 0799503001016, 0799503001017, 0799503001021, 0799503001022,~~

1 ~~0799503001023, 0799503001024, 0799503001025, 0799503001026, 0799503001027,~~  
 2 ~~0799503001028, 0799503001029, 0799503001030, 0799503001031, 0799503001032,~~  
 3 ~~0799503001033, 0799503001034, 0799503001035, 0799503001036, 0799503001037,~~  
 4 ~~0799503001038, 0799503001039, 0799503001040, 0799503001041, 0799503001042,~~  
 5 ~~0799503001043, 0799503001044, 0799503001045, 0799503001046, 0799503001047,~~  
 6 ~~0799503001048, 0799503001049, 0799503001050, 0799503001051, 0799503001052,~~  
 7 ~~0799503001054, 0799503001055, 0799503001056, 0799503001057, 0799503001058,~~  
 8 ~~0799503001059, 0799503001060, 0799503001061.~~  
 9 ~~District 5: Greene County: VTD: HOOK, VTD: MAUR: Block(s) 0799501021000,~~  
 10 ~~0799501022010, 0799501022011, 0799501022012, 0799501022014, 0799501022015,~~  
 11 ~~0799501022016, 0799501022017, 0799501022018, 0799501022019, 0799501022020,~~  
 12 ~~0799501022021, 0799501022022, 0799501022023, 0799501022024, 0799501022025,~~  
 13 ~~0799501022026, 0799501022027, 0799501022028, 0799501022029, 0799501022030,~~  
 14 ~~0799501022031, 0799501022032, 0799501022033, 0799501022034, 0799501022035,~~  
 15 ~~0799501022036, 0799501022038, 0799501022042, 0799501022049, 0799501022050,~~  
 16 ~~0799501022052, 0799501022053, 0799501022060, 0799501022062, 0799501022063,~~  
 17 ~~0799501022065, 0799501022066, 0799501023000, 0799501023001, 0799501023002,~~  
 18 ~~0799501023003, 0799501023004, 0799501023005, 0799501023006, 0799501023007,~~  
 19 ~~0799501023008, 0799501023009, 0799501023010, 0799501023011, 0799501023012,~~  
 20 ~~0799501023013, 0799501023014, 0799501023015, 0799501023016, 0799501023017,~~  
 21 ~~0799501023018, 0799501023019, 0799501023020, 0799501023021, 0799501023022,~~  
 22 ~~0799501023023, 0799501023024, 0799501023025, 0799501023026, 0799501023027,~~  
 23 ~~0799501023028, 0799501023029, 0799501023030, 0799501023031, 0799501023032.~~  
 24 ~~District 1: Greene County: VTD: ARBA: Block(s) 0799503003017, 0799503003018,~~  
 25 ~~0799503003019, 0799503003020, 0799503003021, 0799503003027, 0799503003028,~~  
 26 ~~0799503003029, 0799503003034, 0799503003035, 0799503003036, 0799503003060,~~  
 27 ~~0799503003061, 0799503003063, 0799503003064, 0799503003065, 0799503003066,~~  
 28 ~~0799503003070, 0799503003071, 0799503003072; VTD: BEAR: 0799503002000,~~  
 29 ~~0799503002007, 0799503002008, 0799503002009; VTD: SH1: 0799503001000,~~  
 30 ~~0799503001001, 0799503001010, 0799503001011, 0799503001012, 0799503001013,~~  
 31 ~~0799503001014, 0799503001018, 0799503001019, 0799503001020, 0799503001024,~~  
 32 ~~0799503001025, 0799503001026, 0799503001036, 0799503001037, 0799503001038,~~  
 33 ~~0799503001044, 0799503001046, 0799503001047, 0799503001048, 0799503001049,~~  
 34 ~~0799503001050, 0799503001051, 0799503001053, 0799503001054, 0799503001055,~~  
 35 ~~0799503001056, 0799503001057, 0799503001058, 0799503001059, 0799503001060,~~  
 36 ~~0799503002010, 0799503002011, 0799503002012, 0799503002013, 0799503002014,~~  
 37 ~~0799503002015, 0799503002016, 0799503002017, 0799503002018, 0799503002019,~~  
 38 ~~0799503002020, 0799503002021, 0799503002022, 0799503002023, 0799503002024,~~  
 39 ~~0799503002025, 0799503002026, 0799503002027, 0799503002028, 0799503002029,~~  
 40 ~~0799503002030, 0799503002031, 0799503002033, 0799503002034, 0799503002035,~~  
 41 ~~0799503002036, 0799503002037, 0799503002038, 0799503002052, 0799503002053,~~  
 42 ~~0799503002054, 0799503003000, 0799503003001, 0799503003002, 0799503003003,~~  
 43 ~~0799503003004, 0799503003005, 0799503003006, 0799503003007, 0799503003008,~~  
 44 ~~0799503003009; VTD: SUGG: 0799503003037, 0799503003039, 0799503003040,~~  
 45 ~~0799503003041, 0799503003042, 0799503003043, 0799503003044, 0799503003045,~~  
 46 ~~0799503003046, 0799503003047, 0799503003048, 0799503003052, 0799503003053,~~  
 47 ~~0799503003054, 0799503003055, 0799503003056, 0799503003057, 0799503003058,~~  
 48 ~~0799503003059, 0799503003067, 0799503003068, 0799503003069, 0799503003073,~~  
 49 ~~0799503004006, 0799503004007, 0799503004008, 0799503004009, 0799503004010,~~  
 50 ~~0799503004011, 0799503004012, 0799503004013, 0799503004029.~~



1 **District 2: Greene County: VTD: ARBA: Block(s)** 0799502003016, 0799502003017,  
 2 0799502003033, 0799502003034, 0799502003035, 0799502003036, 0799502003037,  
 3 0799502003038, 0799502003053, 0799502003054, 0799502003055, 0799502003059,  
 4 0799502003060, 0799503002041, 0799503002042, 0799503002045, 0799503002046,  
 5 0799503002047, 0799503002048, 0799503003022, 0799503003023, 0799503003024,  
 6 0799503003025, 0799503003026, 0799503003030, 0799503003031, 0799503003032,  
 7 0799503003033; VTD: BEAR: 0799503002001, 0799503002002, 0799503002003,  
 8 0799503002004, 0799503002005, 0799503002006, 0799503002032, 0799503002039,  
 9 0799503002040, 0799503002049, 0799503002050, 0799503002051; VTD: SHIN, VTD:  
 10 SUGG: Block(s) 0799503003010, 0799503003011, 0799503003012, 0799503003013,  
 11 0799503003014, 0799503003015, 0799503003016, 0799503003038, 0799503003049,  
 12 0799503003050, 0799503003051, 0799503003062.  
 13 **District 3: Greene County: VTD: BEAR: Block(s)** 0799501012036, 0799501012037,  
 14 0799501012038, 0799501012039, 0799501012043, 0799501012044, 0799501012045,  
 15 0799501012046; VTD: BULL, VTD: CAST: Block(s) 0799501012027; VTD: WALS.  
 16 **District 4: Greene County: VTD: BEAR: Block(s)** 0799501012031, 0799501012033,  
 17 0799501012034, 0799501012035, 0799501012042, 0799501013018, 0799501013023,  
 18 0799501013024, 0799501013025, 0799501013026, 0799501013027, 0799501013028,  
 19 0799501013029, 0799501013030, 0799501013031, 0799501022046, 0799501022047,  
 20 0799501022048; VTD: CAST: 0799501011016, 0799501011017, 0799501011018,  
 21 0799501011019, 0799501011020, 0799501011021, 0799501011022, 0799501011023,  
 22 0799501011024, 0799501011025, 0799501011026, 0799501011030, 0799501011048,  
 23 0799501011049, 0799501011050, 0799501011051, 0799501011052, 0799501011053,  
 24 0799501011054, 0799501011061, 0799501011062, 0799501011085, 0799501011086,  
 25 0799501011087, 0799501011088, 0799501011092, 0799501012018, 0799501012026,  
 26 0799501012032, 0799501013000, 0799501013001, 0799501013002, 0799501013003,  
 27 0799501013004, 0799501013007, 0799501013008, 0799501013009, 0799501013010,  
 28 0799501013011, 0799501013012, 0799501013013, 0799501013014, 0799501013015,  
 29 0799501013016, 0799501013017, 0799501013019, 0799501013020, 0799501013021,  
 30 0799501013022, 0799501022000, 0799501022001, 0799501022002, 0799501022003,  
 31 0799501022004, 0799501022005, 0799501022006, 0799501022007, 0799501022008,  
 32 0799501022009, 0799501022013; VTD: MAUR: 0799501022010, 0799501022011,  
 33 0799501022012, 0799501022037, 0799501022039, 0799501022040, 0799501022041,  
 34 0799501022042, 0799501022043, 0799501022044, 0799501022045, 0799501022051,  
 35 0799501022054, 0799501022055, 0799501022056, 0799501022057, 0799501022058,  
 36 0799501022059, 0799501022061, 0799501022064, 0799501022067, 0799501022068,  
 37 0799501023000, 0799501023001, 0799501023002, 0799501023003, 0799501023004,  
 38 0799501023005; VTD: SH1: 0799503001002, 0799503001003, 0799503001004,  
 39 0799503001005, 0799503001006, 0799503001007, 0799503001008, 0799503001009,  
 40 0799503001015, 0799503001016, 0799503001017, 0799503001021, 0799503001022,  
 41 0799503001023, 0799503001027, 0799503001028, 0799503001029, 0799503001030,  
 42 0799503001031, 0799503001032, 0799503001033, 0799503001034, 0799503001035,  
 43 0799503001039, 0799503001040, 0799503001041, 0799503001042, 0799503001043,  
 44 0799503001045, 0799503001052, 0799503001061.  
 45 **District 5: Greene County: VTD: HOOK, VTD: MAUR: Block(s)** 0799501021000,  
 46 0799501022014, 0799501022015, 0799501022016, 0799501022017, 0799501022018,  
 47 0799501022019, 0799501022020, 0799501022021, 0799501022022, 0799501022023,  
 48 0799501022024, 0799501022025, 0799501022026, 0799501022027, 0799501022028,  
 49 0799501022029, 0799501022030, 0799501022031, 0799501022032, 0799501022033,  
 50 0799501022034, 0799501022035, 0799501022036, 0799501022038, 0799501022049,  
 51 0799501022050, 0799501022052, 0799501022053, 0799501022060, 0799501022062.

1 0799501022063, 0799501022065, 0799501022066, 0799501023006, 0799501023007,  
2 0799501023008, 0799501023009, 0799501023010, 0799501023011, 0799501023012,  
3 0799501023013, 0799501023014, 0799501023015, 0799501023016, 0799501023017,  
4 0799501023018, 0799501023019, 0799501023020, 0799501023021, 0799501023022,  
5 0799501023023, 0799501023024, 0799501023025, 0799501023026, 0799501023027,  
6 0799501023028, 0799501023029, 0799501023030, 0799501023031, 0799501023032."  
7

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

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☒ Committee Substitute for

**SB 472** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL  
CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL  
GAS CRITICAL NEEDS BOND ACT OF 1998.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**2**

**SENATE BILL 472\***

**State and Local Government Committee Substitute Adopted 4/19/11**

Short Title:   Norwood Water Lines.

(Public)

Sponsors:

Referred to:

March 31, 2011

- 1                                   A BILL TO BE ENTITLED  
2   AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES  
3       FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND  
4       ACT OF 1998.  
5   The General Assembly of North Carolina enacts:  
6       **SECTION 1.** Notwithstanding Section 5.1(b) of Session Law 1998-132, the  
7   Secretary of Environment and Natural Resources shall grant a waiver to allow additional  
8   connections to a bond-funded water line within an area designated as WS-I or the critical area  
9   of any area that has been designated as WS-II, WS-III, or WS-IV by the Environmental  
10   Management Commission pursuant to G.S. 143-214.5, provided the design capacity and size of  
11   the existing bond-funded line can accommodate the additional connections and the purpose of  
12   the additional connection is for either of the following reasons:  
13       (1)   To address an existing threat to public health or water quality.  
14       (2)   To provide water to a habitable structure located on a lot zoned for a single  
15              family residence. There is no requirement that the habitable structure existed  
16              on the lot at the time of the construction of the bond-funded water line.  
17       **SECTION 2.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 472\*

State and Local Government Committee Substitute Adopted 4/19/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S472-CSST-109 [v.3]

6/21/2012 9:15:14 AM

Short Title: Kinston Public Enterprises.

(Local)

Sponsors:

Referred to:

March 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT REGARDING THE OPERATION OF PUBLIC ENTERPRISES BY THE CITY OF  
3 KINSTON.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-312 reads as rewritten:

6 "**§ 160A-312. Authority to operate public enterprises.**

7 (a) A city shall have authority to acquire, construct, establish, enlarge, improve,  
8 maintain, own, operate, and contract for the operation of any or all of the public enterprises as  
9 defined in this Article to furnish services to the city and its ~~citizens, citizens and other areas and~~  
10 ~~their citizens located outside the corporate limits of the city.~~ Subject to Part 2 of this Article, a  
11 city may acquire, construct, establish, enlarge, improve, maintain, own, and operate any public  
12 enterprise outside its corporate limits, within reasonable ~~limitations, but in no case shall a city~~  
13 ~~be held liable for damages to those outside the corporate limits for failure to furnish any public~~  
14 ~~enterprise service limitations.~~

15 (b) A city shall have full authority to protect and regulate any public enterprise system  
16 belonging to or operated by it by adequate and reasonable rules. The rules shall be adopted by  
17 ~~ordinance~~ ordinance, and shall comply with all of the following:

18 (1) The rules shall apply equally to the public enterprise system both within and  
19 outside the corporate limits of the city.

20 (2) The rules may not apply differing treatment within and outside the corporate  
21 limits of the city.

22 (3) The rules shall make access to public enterprise services available to the city  
23 and its citizens and other areas and their citizens located outside the  
24 corporate limits of the city equally.

25 (4) The rules may prioritize the continuation of the provision of services based  
26 on availability of excess capacity to provide the service.

27 (5) The rules ~~and~~ may be enforced with the remedies available under any  
28 provision of law.

29 (c) A city may operate that part of a gas system involving the purchase and/or lease of  
30 natural gas fields, natural gas reserves and natural gas supplies and the surveying, drilling or  
31 any other activities related to the exploration for natural gas, in a partnership or joint venture  
32 arrangement with natural gas utilities and private enterprise.



1     (d)     A city shall account for a public enterprise in a separate fund and may not transfer  
2     any money from that fund to another except for a capital project fund established for the  
3     construction or replacement of assets for that public enterprise. Obligations of the public  
4     enterprise may be paid out of the separate fund. Obligations shall not include any other fund or  
5     line item in the city's budget."

6             **SECTION 2.** This act applies only to the City of Kinston. Section 1 of this act shall  
7     not apply to the operation of electric power generation, transmission, and distribution systems;  
8     public transportation systems; or off-street parking facilities and systems as public enterprises.

9             **SECTION 3.** This act becomes effective June 30, 2013. Section 1 of this act  
10    applies to the fiscal year 2013-2014 and thereafter, but the city may implement any rate  
11    changes required by that Section over a two year period from the effective date. Any assets,  
12    liabilities, or equity of a public enterprise operated or held by the city during the fiscal year  
13    2011-2012 shall be transferred to a separate fund in accordance with G.S. 160A-312, as  
14    amended by Section 1 of this act, when this act becomes law.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**SB 905**      A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN CURRITUCK COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**1**

**SENATE BILL 905**

**Short Title:** Currituck CAMA Setback Req'ts./Grandfather. (Local)

**Sponsors:** Senator White (Primary Sponsor).

**Referred to:** Agriculture/Environment/Natural Resources.

May 30, 2012

**A BILL TO BE ENTITLED**  
**AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING**  
**THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT**  
**SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN CURRITUCK**  
**COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND**  
**CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM**  
**SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE,**  
**WHICHEVER IS GREATER.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to that Article, the Coastal Resources Commission shall not deny a development permit for the repair or replacement of a single-family or duplex residential dwelling with a total floor area greater than 5,000 square feet based on failure to meet the oceanfront setback required under 15A NCAC 07H .0306(a)(2) if the structure meets all of the following criteria:

- (1) The structure was originally constructed prior to August 11, 2009.
- (2) The structure as repaired or replaced does not exceed the original footprint.
- (3) The structure as repaired or replaced meets the minimum setback required under 15A NCAC 07H .0306(a)(2)(A).
- (4) The property on which the structure is built is subject to covenants and restrictions that include specifications which help minimize the impact of man-made structures in sensitive areas.
- (5) The owners of the property on which the structure is built are members of a property owners association that has expended at least one million five hundred thousand dollars (\$1,500,000) for purposes of dune restoration.
- (6) The property on which the structure is built is subject to covenants and restrictions that require the property owners association to maintain a dune restoration fund of at least one million five hundred thousand dollars (\$1,500,000).
- (7) The owners of the property on which the structure is built are members of a property owners association that has engaged a professional coastal engineer for consulting purposes and contracted with a local provider for dune management services.

**SECTION 2.** This act applies to Currituck County only.

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







## **COUNTY OF CURRITUCK**

### **BOARD OF COMMISSIONERS**

John D. Rorer, Chairman  
Marion J. Gilbert, Vice-Chair  
O. Vance Aydtlett  
J. Owen Etheridge  
S. Paul O'Neal  
Paul R. Martin  
H.M. "Butch" Petrey

County Manager's Office  
153 Courthouse Road, Suite 204  
Currituck, North Carolina 27929  
Telephone (252) 232-2075 / Fax (252) 232-3551  
State Courier # 10-69-17

DANIEL F. SCANLON II  
County Manager  
DONALD I. McREE, JR.  
County Attorney  
GWEN H. KEENE, CMC  
Clerk to the Board

May 25, 2012

The Honorable Stan M. White  
1121 Legislative Building  
16 W. Jones Street  
Raleigh, NC 27601-2808

Dear Senator White,

I am writing you today concerning a proposed bill entitled Currituck CAMA Setback Req'ts./Grandfather Clause (copy enclosed).

As you may be aware, a recent fire in the Pine Island subdivision of Currituck County destroyed three oceanfront residences. Fortunately, no one was injured. The homeowners are now interested in rebuilding what they have historically owned and enjoyed, only to discover that recently adopted rules redefining the CAMA setback requirements will prohibit them from doing so. The Currituck County Board of Commissioners believes that this unfortunate occurrence uncovers an unintended consequence of the new rules; and, as such, we offer our support and are seeking your support of Currituck CAMA Setback Req'ts./Grandfather Clause.

As always, your continued support of the interests of Currituck County and its citizens and property owners is most appreciated. If you require further information regarding this request, please do not hesitate to contact me.

Sincerely,

John D. Rorer  
Chairman

Enclosure

cc: Board of Commissioners

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

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☐ Committee Substitute for

**SB 919**      A BILL TO BE ENTITLED AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRIBUTE ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**1**

**SENATE BILL 919\***

**Short Title:** Carteret Commissioner Election. (Local)

**Sponsors:** Senator Preston (Primary Sponsor).

**Referred to:** State and Local Government.

May 30, 2012

**A BILL TO BE ENTITLED  
AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO  
REDISTRICT ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND  
GENERAL ELECTIONS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 153A-22(e), a resolution adopted under that section before the opening of the 2012 filing period for the Carteret County Board of Commissioners may apply to the 2012 primary and general elections.

**SECTION 2.** This act applies to Carteret County only.

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



\* S 9 1 9 - V - 1 \*

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☒ Committee Substitute for

**SB 932**      A BILL TO BE ENTITLED AN ACT AUTHORIZING UNION COUNTY TO  
CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-  
BUILD DELIVERY METHODS.

☒ 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 2011**

**S**

**2**

**SENATE BILL 932\*  
Commerce Committee Substitute Adopted 6/7/12**

**Short Title: Union County Construction Methods.**

**(Local)**

**Sponsors:**

**Referred to:**

**May 31, 2012**

**A BILL TO BE ENTITLED**

**AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT  
AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY  
METHODS.**

**The General Assembly of North Carolina enacts:**

**SECTION 1.** Union County may contract for the design and construction or design, construction, and operation of law enforcement facilities including, without limitation, a jail and emergency dispatch center and facilities ancillary to law enforcement, and human services facilities and facilities ancillary to human services, without being subject to the requirements of Article 3D (Procurement of Architectural, Engineering, and Surveying Services) or Article 8 (Public Contracts) of Chapter 143 of the General Statutes. The authorization includes, if deemed appropriate by the Union County Board of Commissioners, the use of the single-prime contractor method of design and construction, the design-build or design-build-operate method of construction, or a request for proposals and negotiation as an alternative design and construction method.

**SECTION 2.** Pursuant to the authority to conduct a request for proposals and negotiation as an alternative design and construction method, Union County may enter into build-to-suit capital leases of real or personal property for use as law enforcement facilities or human services facilities. For purposes of this act, (i) the term "build-to-suit capital lease" means a capital lease, as defined by generally accepted accounting principles, regardless of how the parties describe the agreement, which provides for the construction of new facilities or the renovation of existing facilities by a private developer at a cost estimated to be greater than three hundred thousand dollars (\$300,000); and (ii) the term "private developer" means the entity with which the Board of Commissioners enters into a build-to-suit capital lease under the provisions of this act. A build-to-suit capital lease may provide that the private developer is responsible for providing or contracting for construction, repair, or renovation work. The lease may include contractual provisions by the private developer regarding the provision of products, services, and guaranties related to a facility that is the subject of a build-to-suit capital lease. The Board of Commissioners may also enter into a separate agreement or a series of related agreements regarding the provision of products, services, and guaranties related to a facility that is the subject of a build-to-suit capital lease. Construction, repair, or renovation work undertaken or contracted by a private developer is not subject to the requirements of Article 3D or Article 8 of Chapter 143 of the General Statutes.

**SECTION 3.** In recognition of the potential economic and technical utility of build-to-suit capital leases, which may include in their scope combinations of design, construction, operation, management, and maintenance responsibilities over prolonged periods



of time, and the potential desirability of a single point of responsibility for these matters in connection with build-to-suit capital leases, any build-to-suit capital lease may include provisions imposing responsibility on the private developer or any identified affiliated entity for any of the following matters:

- (1) Site selection, land acquisition, and site preparation, including wetlands delineation, archaeological review, and State and local government land-use permitting.
- (2) Facility programming, planning, and design, including both architectural and engineering services.
- (3) Qualification and prequalification of contractors and subcontractors.
- (4) Construction and construction management.
- (5) Financing.
- (6) Facility maintenance and repairs.
- (7) Energy usage guaranties.
- (8) Transfer of ownership of the leased property to Union County at the end of the lease term.
- (9) Any other guaranties, products, and services the Board of Commissioners deem appropriate.

**SECTION 4.** The Board of Commissioners may enter into predevelopment agreements with a private developer in advance of entering into a build-to-suit capital lease. Predevelopment agreements may include, without limitation, provisions for each of the following: (i) site selection, land acquisition, and site preparation, including services such as wetlands delineation, archaeological review, and State and local government land-use permitting; and (ii) building programming and design, including both architectural and engineering services.

**SECTION 5.** Notwithstanding any provisions of law to the contrary, the Board of Commissioners may, pursuant to the provisions of G.S. 160A-267, and without limitation as to value of the interest conveyed or the consideration received, sell, lease, or otherwise transfer real or personal property to any private developer for construction, repair, or renovation of the facilities subject to a build-to-suit capital lease. The Board of Commissioners may subject the property to any covenants, conditions, or restrictions it deems necessary to carry out the purposes of this act. The facilities subject to a build-to-suit capital lease may be constructed on real property owned by Union County or real property owned by the private developer.

**SECTION 6.** A build-to-suit capital lease shall also be subject to the following requirements:

- (1) The lease shall not contain a nonsubstitution clause that restricts the right of the Board of Commissioners to continue to provide a service or activity or to replace or provide a substitute for any property financed or purchased by the capital lease.
- (2) No deficiency judgment may be rendered against Union County or the Board of Commissioners in any action for breach of a contractual obligation in a lease authorized by this act, and the taxing power of Union County is not and may not be pledged directly or indirectly to secure any moneys due under a lease authorized by this act. A build-to-suit capital lease shall state that it does not constitute a pledge of the taxing power or full faith and credit of the Board of Commissioners.
- (3) A build-to-suit capital lease entered into pursuant to this act is subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if it meets the standards provided in G.S. 159-148(a)(2) and G.S. 159-148(a)(3). For purposes of determining

whether the standards provided in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar (\$500,000) threshold shall apply.

- (4) The Board of Commissioners, in its discretion, may require the private developer to provide a performance and payment bond for construction work in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes and may require the private developer to provide a bond or other appropriate guaranty to cover any other guaranties, products, or services to be provided by the private developer. In addition, the Board of Commissioners may require that the private developer (i) provide an irrevocable letter of credit for the benefit of laborers and materialmen in an amount not less than five percent (5%) of the total cost of the improvements that are the subject of the build-to-suit capital lease; and (ii) maintain the letter of credit throughout the construction of the project and for the succeeding six-month period.

**SECTION 7.** Union County shall request proposals from and interview at least five design-build teams, design-build-operate teams, or private developers, as appropriate, that have submitted proposals for a project authorized under the provisions of this act. If five proposals are not received and the project has been publicly advertised for a minimum of 30 days, the County may proceed with the proposal or proposals received. If it determines to proceed, the Board of Commissioners shall award the contract to the best qualified contractor or private developer for the project as deemed by the Board of Commissioners, in its sole discretion, to be in the county's best interests under all the circumstances, taking into account (i) the knowledge, skill, and reputation of the contractor or private developer and its associated persons; (ii) the time, cost, and quality of design, engineering, and construction, including the time required to begin and the time required to complete a particular activity; (iii) occupancy costs, including lease payments, life-cycle maintenance, repair, and energy costs; (iv) any other factors and information set forth in the request for proposals that the county determines to have a material bearing on the ability to evaluate any proposal; and (v) any other factors the Board of Commissioners deems relevant.

**SECTION 8.** This act is effective when it becomes law and expires five years after the effective date.

**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**SB 934**      A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS SERVICE AREA.

☒ 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 2011**

**S**

**1**

**SENATE BILL 934**

**Short Title:** Lower Cape Fear Design-Build. (Local)

**Sponsors:** Senator Rabon (Primary Sponsor).

**Referred to:** State and Local Government.

May 31, 2012

**A BILL TO BE ENTITLED**  
**AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO**  
**UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A**  
**FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS**  
**SERVICE AREA.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32, the Lower Cape Fear Water and Sewer Authority may use the design-build method of construction for the construction of a 14-mile parallel water transmission line within its service area. The Authority shall seek to prequalify and solicit at least three design-build teams to bid on the project and shall receive at least three sealed proposals from those teams for each project. The proposals shall not require the design-build team to submit project design solutions. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the Authority may proceed with the proposals received. The Authority shall interview at least two of the design-build teams that submit proposals. The Authority shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of any project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

**SECTION 2.** Notwithstanding Article 8 of Chapter 143 of the General Statutes, the Lower Cape Fear Water and Sewer Authority may contract for the construction of a 14-mile parallel water transmission line within its service area. The Authority shall award the contract to the best qualified contractor, taking into consideration in its selection the time of completion of the project and the cost of the project.

**SECTION 3.** This act is effective when it becomes law and expires December 31, 2015.



**2012 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

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

By Representative Ingle, L. Brown (Chairs) for the Committee on GOVERNMENT.

---

☐ Committee Substitute for

**SB 939** A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF FAYETTEVILLE TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.

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

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ 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 2011**

**S**

**1**

**SENATE BILL 939**

**Short Title:** Fayetteville Review Board.

**(Local)**

**Sponsors:** Senators Meredith (Primary Sponsor); and Mansfield.

**Referred to:** State and Local Government.

May 31, 2012

**A BILL TO BE ENTITLED**  
**AN ACT TO PERMIT THE CITY OF FAYETTEVILLE TO DISCLOSE LIMITED**  
**PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW**  
**BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-168(c) is amended by adding a new subdivision to read:

**"(8)** In order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police, or their designees, may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining that disposition to the Citizen Complaint Review Board, and may release the disposition of the disciplinary charges to the person alleged to have been aggrieved by the officer's actions or to that person's survivor. Board members shall maintain as confidential all personnel information released to them under this subdivision that is not a matter of public record under this section, and any member who violates that confidentiality is guilty of the violations set forth in subsections (e) and (f) of this section. Each member of the Board shall execute and adhere to a confidentiality agreement that is satisfactory to the city. For purposes of this subdivision, the term "disposition of disciplinary charges" includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the city police department."

**SECTION 2.** This act applies only to the City of Fayetteville.

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



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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

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

DATE \_\_\_\_\_

S. B. No. 939

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

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

(to be filled in by  
Principal Clerk)

Rep. )

Sen. )

Parfitt

1 moves to amend the bill on page 1, line 25

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting that line to read:

4

5 " Section 3. This act becomes

6 effective March 1, 2013.

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18

19

SIGNED

Karen Parfitt

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

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

6-21-12  
Date

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

NAME	FIRM OR AGENCY AND ADDRESS
JOHN MIDGETTE	NCPBA
RANDY BRAD	NCPBA
David Cranford	AIA NC
Mark Lanier	UNCW
Cody Thomas	KLAR
Matt Meinig	NCLM
Lisa Martin	NCHBA
Kelli [unclear]	NCUM
Margaret Brooks	
[unclear]	LA
Anthony Greco	NCGA

# VISITOR REGISTRATION SHEET

Government  
Name of Committee

6-21-12  
Date

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

NAME	FIRM OR AGENCY AND ADDRESS
John McMiller	MFOS
Penny Guffin	School of Gov.
Amy McConkey	NC Bev Assn
Bruce Thompson	PARKER POC
Ashleigh Thomson	MNC
Mig Bailey	Electri Cities
Justin Reimer	NC Family Policy Council
Gene Byrd	NC Family Policy Council
Du'S	CALC
George Smith	
Weldon James	Jonathan Smith

# VISITOR REGISTRATION SHEET

GOVERNMENT

Name of Committee

6-21-12

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Org LCAsen

Phil Brooks

NC General Assembly

NCFPL

# VISITOR REGISTRATION SHEET

GOVERNMENT  
Name of Committee

6-21-12  
Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Lori Ann Harris

LATA



House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE GOVERNMENT Comm.

DATE: 6-21-2012 Room: 643

\*Name: Olivia KNOX \*6. Julia Kempf

County: MECKLENBURG MECKLENBURG

Sponsor: Tillis Killian

\*Name: CATHERINE CARTER \*7. Jaclyn Kempf

County: WAKE MECKLENBURG

Sponsor: Stam Hastings

\*Name: MARIAH Bishop \*8. Luke Sasser

County: WAKE WAKE

Sponsor: Dollar Ross

\*Name: Michael BEAM IV

County: WAKE

Sponsor: Dollar

\*Name: SAM DEVINE

County: GASTON

Sponsor: Hastings

House Sgt-At Arms:

1. Name: GARLAND SHEPHEARD 4. Name: Jesse Hayes

2. Name: Doug Harris 5. Name: Joe Crook

3. Name: Reggie Sills 6. Name: \_\_\_\_\_