2011-2012

SENATE
STATE & LOCAL
GOVERNMENT

MINUTES

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, February 8, 2011 at 12:00 Noon
Room 1124 Legislative Building

MINUTES

The Senate State and Local Government Committee convened at 12:00 Noon on February 8, 2011, in Room 1124 of the Legislative Building. Thirteen members of the committee were present. Senator Michael Walters presided.

Senator Walters called the meeting to order and introduced committee members and staff.

Senate Bill 27, Involuntary Annexation Moratorium, was discussed. Senator Andrew Brock explained the bill. Senators White, Goolsby, Robinson, Tucker, Jones, Blake, East, and Kinnaird added comments. Senator Walters opened the floor for comments from visitors. Senators East and Stevens added comments. Sen. Jones moved to place the bill on a future meeting's agenda for further consideration. Sen. Jones moved for adjournment with unanimous approval.

The meeting adjourned at 12:40 PM.

Senator Michael Walters, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, February 8, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 27	Involuntary Annexation Moratorium.	Senator Brock Senator Newton Senator Goolsby

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 27

Short Title:	Involuntary Annexation Moratorium.	(Public)
Sponsors:	Senators Brock, Newton, Goolsby; Apodaca, Bingham, Brown, Daniel, Harrington, Hartsell, Jackson, Meredith, Preston, Rabon, Rucho, Soucek, Tillman, and Tucker.	
Referred to:	State and Local Government.	

February 3, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. 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, 2012. 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.

SECTION 2. 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, 2012, unless the municipality by ordinance adopts a new effective date later than July 1, 2012, 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, 2012, unless the municipality by ordinance adopts a new effective date later than July 1, 2012, for the annexation ordinance.

SECTION 3. Any annexation litigation under Parts 2 or 3 of Article 4A of Chapter 160A of the General Statutes pending in any court of this State shall be stayed upon enactment of this act.

SECTION 4. 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.

SECTION 5. 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 6. This act is effective when it becomes law and expires on June 30, 2012.



SENATE BILL 27:
Involuntary Annexation Moratorium

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 7, 2011
Introduced by:	Sens. Brock, Newton, Goolsby	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 27 would place a moratorium on involuntary municipal annexations until July 30, 2012.***

CURRENT LAW: Under current State law, municipalities are authorized to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

Involuntary annexations are initiated by a resolution of intent, adopted by the municipal board. Involuntary annexations may also be initiated by an earlier and optional resolution of consideration, which allows the annexation ordinance to become effective earlier.

Once the municipal resolution of intent to annex is adopted, the statutes impose a timetable for the remaining steps prior to the adoption of an annexation ordinance. Once the annexation ordinance is adopted, there is an additional statutory time period prior to it becoming effective.

The statutory time lines for the involuntary annexation process are illustrated in the attached charts.

BILL ANALYSIS: Senate Bill 27 makes the following changes:

Section 1:

- Prohibits municipal adoption of an involuntary annexation resolution of consideration, resolution of intent, or annexation ordinance for cities of less than 5,000 (Part 2 of Article 4A of Chapter 160A) or by cities of 5,000 or more (Part 3 of Article 4A of Chapter 160A).
- Tolls (suspends) any action or notice required for any involuntary annexation ordinance that has been initiated, but not yet adopted.
- Allow municipalities to continue to develop polices, plan, collect data, or develop materials for potential future annexations.

Section 2:

- Provides that any involuntary annexation ordinance adopted prior to the effective date of this act with an effective date or or after the effective date of this act shall not become effective until July 1, 2012, or a later date adopted by the municipality.
- Provides that an annexation ordinance adopted prior to the effective date of this act that is the subject of litigation in any court on the effective date of this act shall not become effective until July 1, 2012, or a later date adopted by the municipality.

Section 3:

- Stays (suspends) any pending involuntary annexation litigation.

Section 4:

- Provides that a municipality may amend its budget ordinance to account for the effect of this act, including establishment of a different tax rate.

Section 5:

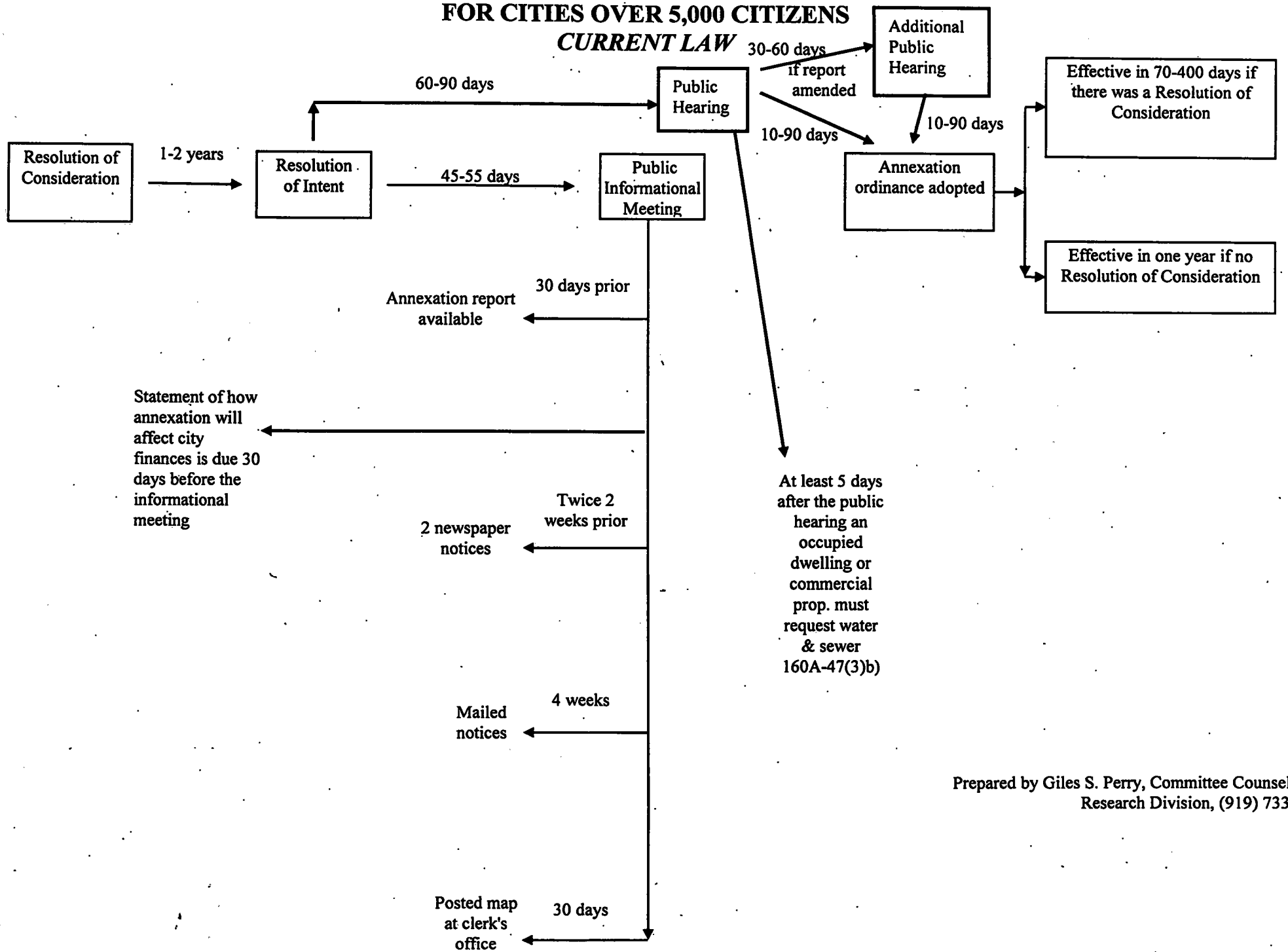
- Contains a severability clause.

EFFECTIVE DATE: Effective when it becomes law, expires June 30, 2012.

S27-SMRW-3(e1) v4

INVOLUNTARY ANNEXATION PROCEDURE FOR CITIES OVER 5,000 CITIZENS

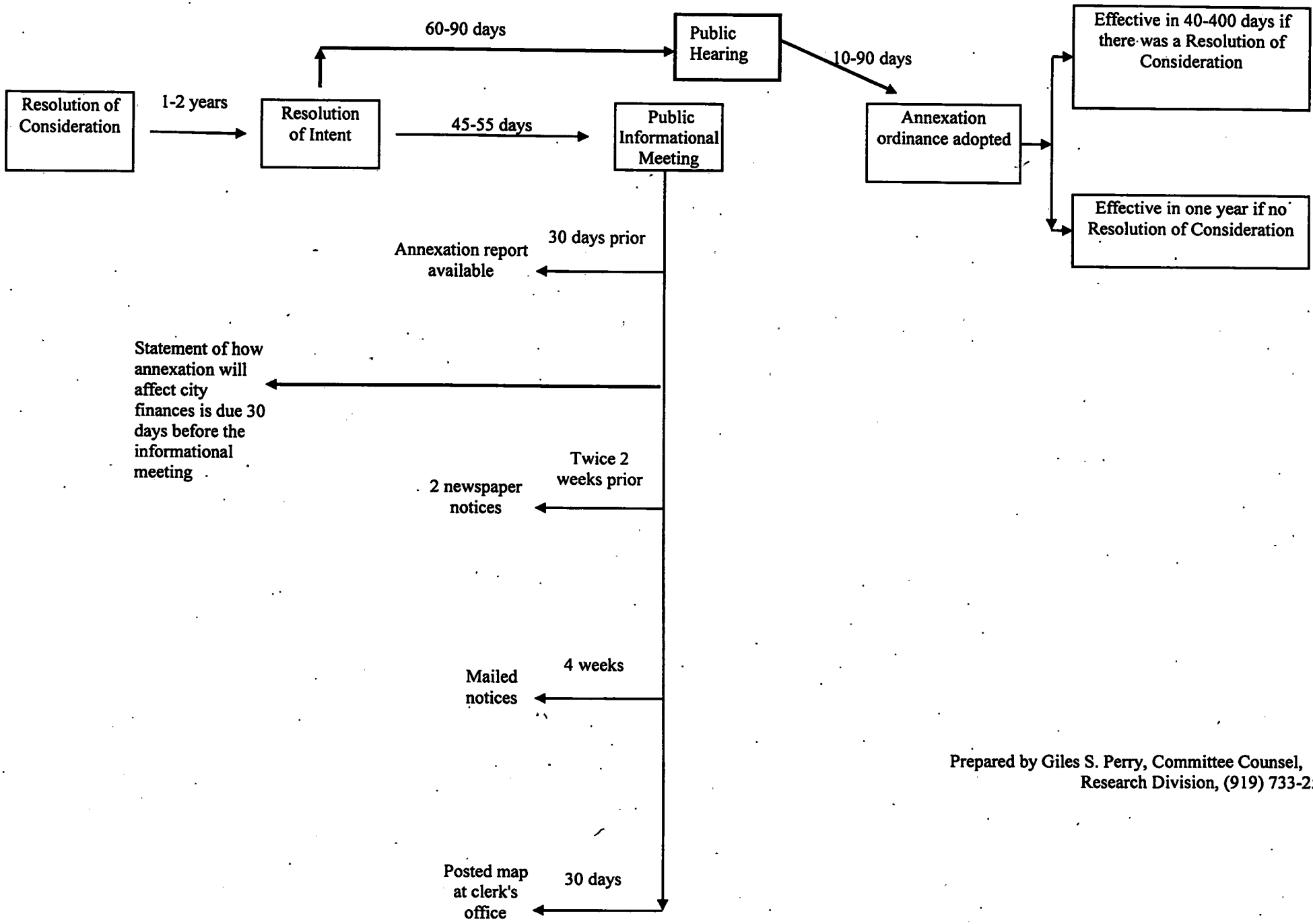
CURRENT LAW



Prepared by Giles S. Perry, Committee Counsel,
Research Division, (919) 733-257

INVOLUNTARY ANNEXATION PROCEDURE FOR CITIES UNDER 5,000 CITIZENS

CURRENT LAW



Prepared by Giles S. Perry, Committee Counsel,
Research Division, (919) 733-2578

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 02-08-2011

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert E. Ward	R. Ward & Assoc.
John Goodman	NC Chamber
Will Polk	Gov Office
Forrest Gilliam	Governor Office
Christy Agner	DOA
Camera Manley	Electricities of NC
Pat Garner	Wilm Star-News
Bob Slocum	NCFA
Becki Gray	John Locke Foundation
Jessi Hayes	NC HBA

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 02-08-2011
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID WINSTEAD	NASH CO. - OLCAFA
Tony Tetterton	Johnston
Charlene Moore	Nash-Wilson OLCAFA
Rose Chappell	NashCo. OLCAFA
Charles Chappell	Nash Co. OLCAFA
Herbert Moore	Nash Co OLCAFA
Cathy Hart	NC WAKE - STOPNCANNEXATION
Kathy Hartkopf	NC FreedomWorks
GENE BAKER	NASH OLCAFA
Robt & Jean Britt	Nash OLCAFA
Roberta Keyes	

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 02-08-2011

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dana Fenton	City of Charlotte
ANDY DULIN	CHARLOTTE CITY COUNCIL
Mitch Leonard	SEANC
Chuck Stone	SEANC
David Steele	NCCN
Medford L. Sorrells	Rep. Lucas
Karl Knapp	NCLM
[illegible]	TCTC
Brent McConkey	Parker Poe Adams + Bernstein LLP
Carl Howell	DST
Jason Sheffield	DST
Drew Saunders	ElectriCities

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, February 15, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on February 15, 2011, in Room 1124 of the Legislative Building. Nine members of the committee were present. Sen. Walters, presided.

Senator Walters called the meeting to order and introduced the Sergeant-at-Arms and Pages.

Senate Bill 44 Henderson County Fire Districts was removed from the agenda.

Senate Bill 39 Parmele Town Board Size was explained by Senator Jenkins. After discussion, Sen. Jones moved for unfavorable as to bill, but favorable as to committee substitute bill with unanimous approval.

Senate Bill 35 Orange Co./No Deer Hunting With Dogs was explained by Sen. Kinnaird. Sen. Pate commented on the bill. The committee voted to table the bill.

Senate Bill 19 Union Fire Fee Sunset Repealed was explained by Sen. Tucker. With no discussion, Sen. _____ moved for a favorable report with unanimous approval. The bill was sequentially referred to the Finance Committee.

Senate Bill 27 Involuntary Annexation Moratorium was explained by Sen. Brock. After comments from visitors, Sen. Brock answered questions from Sens. Hartsell, Blake, and Kinnaird . Sen. _____ moved for a favorable report with unanimous approval.

Senate Bill 46 Surry Fox and Coyote Trapping Season was explained by Sen. East. After discussion, Sen. _____ moved for an unfavorable report as to bill, but favorable as to committee substitute bill with unanimous approval.

The meeting adjourned at 12:27 PM.

Senator Michael Walters, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, February 15, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB	19	Union Fire Fee Sunset Repealed.	Senator Tucker
SB	27	Involuntary Annexation Moratorium.	Senator Brock Senator Newton Senator Goolsby
SB	35	Orange Co./No Deer Hunting With Dogs.	Senator Kinnaird
SB	39	Parmele Town Board Size.	Senator Jenkins
SB	44	Henderson County Fire Districts.	Senator Apodaca
SB	46	Surry Fox and Coyote Trapping Season.	Senator East

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 19

Short Title:	Union Fire Fee Sunset Repealed.	(Local)
Sponsors:	Senator Tucker.	
Referred to:	State and Local Government.	

February 2, 2011

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2010-84 is repealed.

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

SENATE BILL 19:
Union Fire Fee Sunset Repealed

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	February 14, 2011
Introduced by:	Sen. Tucker	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 19 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.

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: Senate Bill 19 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.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 27

Short Title:	Involuntary Annexation Moratorium.	(Public)
Sponsors:	Senators Brock, Newton, Goolsby; Apodaca, Bingham, Brown, Daniel, Harrington, Hartsell, Jackson, Meredith, Preston, Rabon, Rucho, Soucek, Tillman, and Tucker.	
Referred to:	State and Local Government.	

February 3, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. 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, 2012. 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.

SECTION 2. 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, 2012, unless the municipality by ordinance adopts a new effective date later than July 1, 2012, 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, 2012, unless the municipality by ordinance adopts a new effective date later than July 1, 2012, for the annexation ordinance.

SECTION 3. Any annexation litigation under Parts 2 or 3 of Article 4A of Chapter 160A of the General Statutes pending in any court of this State shall be stayed upon enactment of this act.

SECTION 4. 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.

SECTION 5. 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 6. This act is effective when it becomes law and expires on June 30, 2012.



SENATE BILL 27:
Involuntary Annexation Moratorium

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 7, 2011
Introduced by:	Sens. Brock, Newton, Goolsby	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 27 would place a moratorium on involuntary municipal annexations until July 30, 2012.***

CURRENT LAW: Under current State law, municipalities are authorized to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

Involuntary annexations are initiated by a resolution of intent, adopted by the municipal board. Involuntary annexations may also be initiated by an earlier and optional resolution of consideration, which allows the annexation ordinance to become effective earlier.

Once the municipal resolution of intent to annex is adopted, the statutes impose a timetable for the remaining steps prior to the adoption of an annexation ordinance. Once the annexation ordinance is adopted, there is an additional statutory time period prior to it becoming effective.

The statutory time lines for the involuntary annexation process are illustrated in the attached charts.

BILL ANALYSIS: Senate Bill 27 makes the following changes:

Section 1:

- Prohibits municipal adoption of an involuntary annexation resolution of consideration, resolution of intent, or annexation ordinance for cities of less than 5,000 (Part 2 of Article 4A of Chapter 160A) or by cities of 5,000 or more (Part 3 of Article 4A of Chapter 160A).
- Tolls (suspends) any action or notice required for any involuntary annexation ordinance that has been initiated, but not yet adopted.
- Allow municipalities to continue to develop polices, plan, collect data, or develop materials for potential future annexations.

Section 2:

- Provides that any involuntary annexation ordinance adopted prior to the effective date of this act with an effective date or or after the effective date of this act shall not become effective until July 1, 2012, or a later date adopted by the municipality.
- Provides that an annexation ordinance adopted prior to the effective date of this act that is the subject of litigation in any court on the effective date of this act shall not become effective until July 1, 2012, or a later date adopted by the municipality.

Section 3:

- Stays (suspends) any pending involuntary annexation litigation.

Section 4:

- Provides that a municipality may amend its budget ordinance to account for the effect of this act, including establishment of a different tax rate.

Section 5:

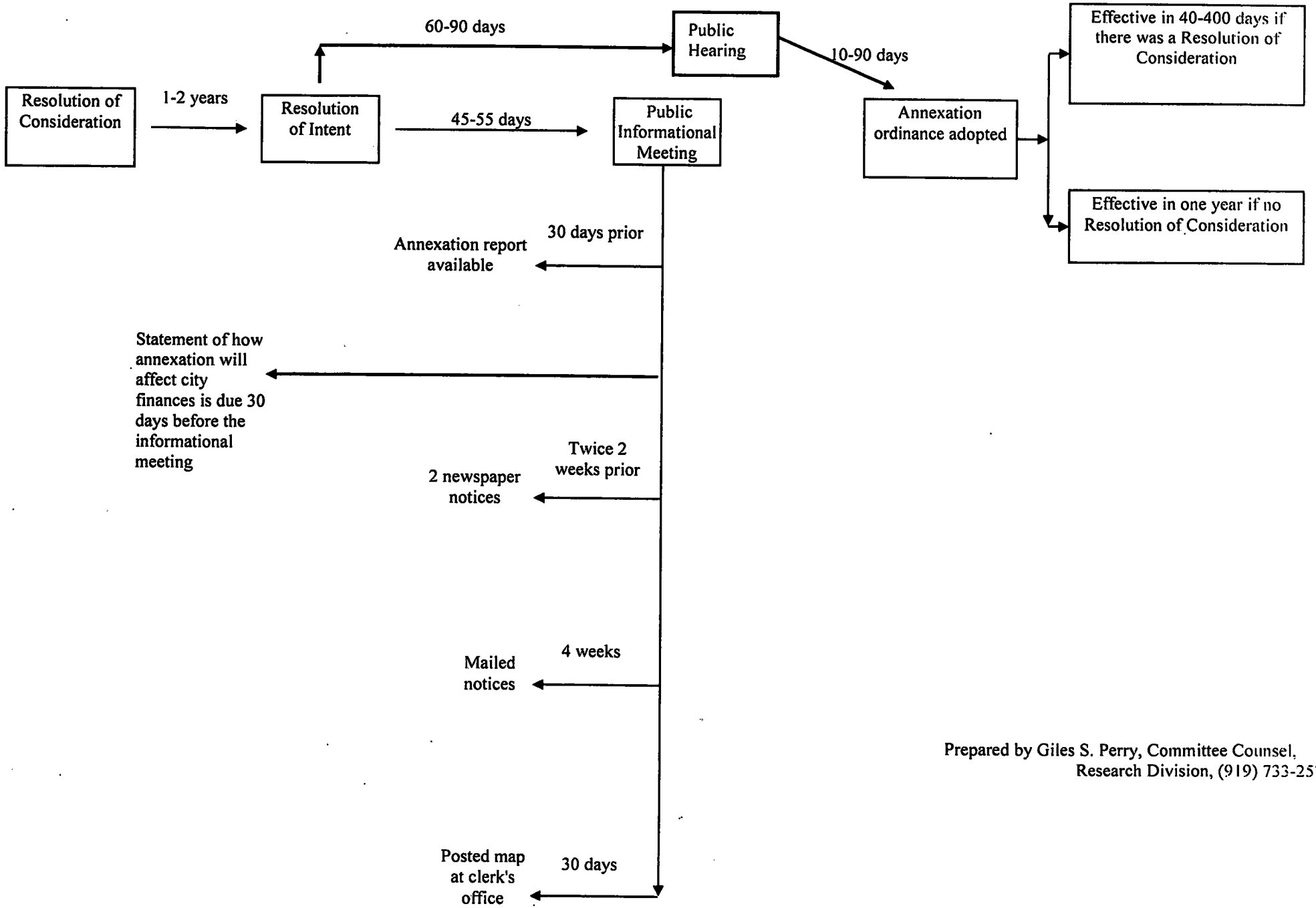
- Contains a severability clause.

EFFECTIVE DATE: Effective when it becomes law, expires June 30, 2012.

S27-SMRW-3(e1) v4

INVOLUNTARY ANNEXATION PROCEDURE FOR CITIES UNDER 5,000 CITIZENS

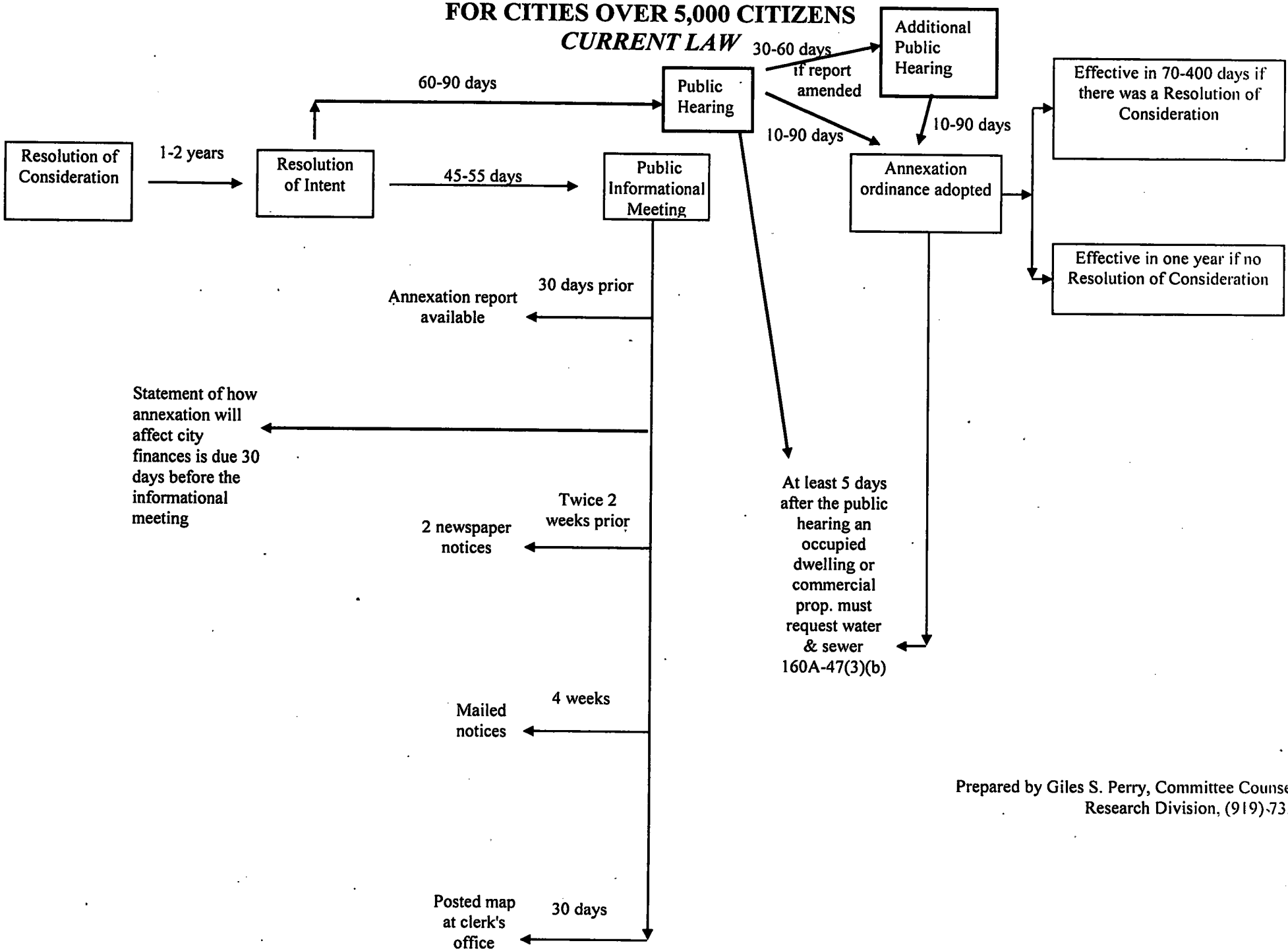
CURRENT LAW



Prepared by Giles S. Perry, Committee Counsel,
Research Division, (919) 733-2578

INVOLUNTARY ANNEXATION PROCEDURE FOR CITIES OVER 5,000 CITIZENS

CURRENT LAW



Prepared by Giles S. Perry, Committee Counsel,
Research Division, (919)-733-257

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 35

Short Title:	Orange Co./No Deer Hunting With Dogs.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	Judiciary II.	

February 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE HUNTING OF DEER WITH DOGS IN ORANGE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt deer or attempt to take deer with the aid of dogs at any time.

SECTION 2. Violation of this act is a Class 3 misdemeanor.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Orange County.

SECTION 5. This act becomes effective October 1, 2011, and applies to acts committed on or after that date.

SENATE BILL 35:
Orange Co./No Deer Hunting With Dogs

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 15, 2011
Introduced by:	Sen. Kinnaird	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: Senate Bill 35 would prohibit the hunting of deer with dogs in Orange County.

BILL ANALYSIS: Senate Bill 35 makes it unlawful to hunt deer or attempt to take deer with the aid of dogs. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction. A violation of the act is a Class 3 misdemeanor. It applies only to Orange County.

EFFECTIVE DATE: The act becomes effective October 1, 2011, and applies to acts committed on or after that date.

CURRENT LAW AND BACKGROUND: It is unlawful to use dogs to hunt, run, or chase deer at any time in these counties and all counties west of the line they form:

- Rockingham
- Guilford
- Randolph
- Montgomery
- Stanly
- Union

It is unlawful to use dogs to hunt, run or chase deer at any time in these counties and parts of counties:

- Alamance
- Chatham
- Durham
- Johnston
- Lee
- Wayne
- Anson (west of N.C. 742)
- Chowan (Parts of Chowan County)
- Orange (south of I-85)
- Richmond (Parts of Richmond County)
- Wake (south of N.C. 98)

In all other counties, hunting deer with dogs is permitted, but local law may impose further restrictions.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 39
PROPOSED COMMITTEE SUBSTITUTE S39-CSTB-1 [v.1]

2/14/2011 5:17:50 PM

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 39

Short Title:	Parmele Town Board Size.	(Local)
Sponsors:	Senator Jenkins.	
Referred to:	State and Local Government.	

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, 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 PCS 39:
Parmele Town Board Size

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 15, 2011
Introduced by:	Sen. Jenkins	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	PCS to First Edition S39-CSTB-1		

SUMMARY: ***Senate Bill 39 (PCS) makes several changes to the Board of Commissioners of the Town of Parmele. The Proposed Committee Substitute adds clarifying language in Section 1 of the bill.***

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 (PCS) 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. The PCS 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 by the U.S. Department of Justice as the Town of Parmele in 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-3(CSTB-1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 46
PROPOSED COMMITTEE SUBSTITUTE S46-CSSA-2 [v.2]

2/15/2011 12:10:27 PM

Short Title: Surry Fox and Coyote Taking Season. (Local)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes and coyotes with lawful weapons or traps from October 15 through March 1 of each year.

SECTION 2. No season bag limit applies to foxes and coyotes taken under this act.

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

SECTION 4. This act applies only to Surry County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 46

Short Title:	Surry Fox and Coyote Trapping Season.	(Local)
Sponsors:	Senator East.	
Referred to:	State and Local Government.	

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES AND COYOTES IN SURRY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes and coyotes by trapping from October 15 through March 1 of each year.

SECTION 2. No season bag limit applies to foxes and coyotes taken under this act.

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

SECTION 4. This act applies only to Surry County.

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

SENATE BILL 46:
Surry Fox and Coyote Trapping Season

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 15, 2011
Introduced by:	Sen. East	**Prepared by:**	Susan Sitze Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 46 establishes a season for trapping foxes and coyotes in Surry County***

BILL ANALYSIS: Senate Bill 46 creates an open season for trapping foxes and coyotes from October 15 to March 1. No season or bag limit applies to foxes or coyotes taken under this act.

This act applies only to Surry County

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

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Tuesday, February 15, 2011

Senator WALTERS,

submits the following with recommendations as to passage:

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

S.B. **39** Parmele Town Board Size.

Draft Number:	PCS55054
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Wednesday, February 16, 2011

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

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

S.B. 46 Surry Fox and Coyote Trapping Season.

Draft Number:	PCS85026
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, February 15, 2011

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

FAVORABLE

S.B.	**19**	Union Fire Fee Sunset Repealed.	
		Sequential Referral:	Finance
		Recommended Referral:	None
S.B.	**27**	Involuntary Annexation Moratorium.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 2

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

State and Local Government — 02-15-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	HCTBA
Monique Edwards	City
LaVerne Winstead	NASH CTY
DAVID WINSTEAD	NASH COUNTY
Nelson Jeffreys	Nash City
Deborah Jeffreys	Nash City
Mary Cameron	Village of Clemmons
GARY LOOPER	" " "
Chris Jones	" " "
Jack Inglis	Village of Clemmons
Mark Scruggs	NCSM

VISITOR REGISTRATION SHEET

State and Local Government — **Name of Committee**

02-15-2011 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert + Jean Britt	OLCAFA Rocky Mount NC
Rose Chappell	Rocky mount nc OLCAFA
Lois Farmer	Rocky Mount N.C. OLCAFA
Joan Hawley	Rocky Mt. N.C. OLCAFA
Herbert Moore	Nash Co nc. OLCAFA
GENE BAKER	NASH CO OLCAFA
LONNIE LORBACHER	NASH CO OLCAFA
Jessie Godwin	Nash Co. OLCAFA
Lois Dixon	Rockymt NC. OICAFA
CATHERINE A HEATH	STOPNCANNEXATION - WAKE
Shirley W Litaker	Nash County

VISITOR REGISTRATION SHEET

State and Local Government — **Name of Committee**

02-15-2011 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Cook	Freedom Works - Alamance
Kathy Hartkopf	NC Freedom Works
Roy Laffin	NC Freedom Works
Hal Jolly	NC. Freedom works
Molly Black	NC Freedom Works Iredell
Allen Pogue	Freedom Works
Justin Hall	Freedom Works
Steve Carter	Freedom Works - AlamanceConservative.org
Judy Carter	Freedom Works - Alamance County
Barbara Brown	Freedom Works - Alamance County
Gloria Brown	Freedom Works - Alamance County

VISITOR REGISTRATION SHEET

SENATE STATE & LOCAL GOVERNMENT 02-15-2011

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bonnie Hauser	A disappointed Orange County resident since assistant senator was allowed to interfere with our safety wnt Dog Deer Hunting
STEVE GRAF	CEDAR GROVE NC
ELLIS HANKINS	NC LM
WIN BATTEN	WARSAW NC 28398
George T Wilson	Warsaw, N.C. 28398

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, February 22, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on February 22, 2011, in Room 1124 of the Legislative Building. 8 members of the committee were present. Senator Jim Davis presided.

Senator Davis called the meeting to order and introduced the Sergeant-at-Arms and Page.

Senate Bill 68 Robeson Hunting and Fishing was the only item of business. Senator Walters explained the bill and provided points of clarification for Senators Blake and Tucker. With no further discussion or questions from the Committee or visitors, Senator East's motion for the bill to receive a Favorable Report passed unanimously.

The meeting adjourned at 12:20.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, February 22, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 68	Robeson Hunting and Fishing.	Senator Walters
SB 80	Lewisville Annexations.	Senator Brunstetter

Presentations

Other Business

Adjournment

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

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Chapter 204 of the 1985 Session Laws, as amended by Chapter 483 of the 1991 Session Laws, reads as rewritten:

"Sec. 4. This act applies only to Hoke, Cleveland, Robeson, and Scotland Counties."

SECTION 2. This act applies only to Robeson County.

SECTION 3. This act becomes effective October 1, 2011, and applies to offenses committed on or after that date.

SENATE BILL 68:
Robeson Hunting and Fishing

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 22, 2011
Introduced by:	Sen. Walters	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		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 of 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).

S68-SMRN-4(e1) v4

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Tuesday, February 22, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **68** Robeson Hunting and Fishing.

Sequential Referral: None

Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State and Local Government — 02-22-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael James	NCGA
Kathy Hartkopf	NC FreedomWorks
[signature]	NCBA
Chris Dillon	NC WRC
[signature]	NCBA
Carl Howell	OST
Gordon Myers	NCWRC
Paul Meyer	NCLM
Aubrey Incorvaia	Dept. of Commerce
Doug Lassiter	NCSTA

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, March 8, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on March 8, 2011, in Room 1124 of the Legislative Building. 13 members of the committee were present. Sen. Walters presided.

After a brief explanation to the committee on Sen. Kinniard's Senate Bill 81 (Orange County Local Disclosure Act Repeal.) Sen. Pate made a motion for a favorable report and the motion carried.

After a brief explanation to the committee on Sen. Rabon's Senate Bill 82 (Town of Atkinson/Charter Amendment.) Sen. Blake made a motion for a favorable report and the motion carried.

After a brief explanation and discussion by the committee on Sen. Preston's Senate Bill 118 (Downtown Service District Definition.) Sen. East made a motion for a favorable report and the motion carried. The bill was referred to the Finance Committee.

After a brief explanation to the committee on Sen. White's Senate Bill 145 (Southern Shores Canal Dredging/Maintenance.) Sen. Robinson made a motion for a favorable report and the motion carried. The bill was referred to the Finance Committee.

After a brief explanation to the committee on Sen. Stein's Senate Bill 155 (Wake Local Stormwater Utility Fees.) Sen. Robinson made a motion for a favorable report and the motion carried. The bill was referred to the Finance Committee.

The meeting adjourned at 12:30 p.m.

Sen. Walters, Presiding

Vickie Spears, Committee Clerk

Senate State and Local Government Committee
Tuesday, March 8, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 80	Lewisville Annexations.	Senator Brunstetter
SB 81	Orange County Local Disclosure Act Repeal.	Senator Kinnaird
SB 82	Town of Atkinson/Charter Amendment.	Senator Rabon
SB 118	Downtown Service District Definition.	Senator Preston
SB 120	New Bern Charter Amendments.	Senator Preston
SB 124	Add Supt. to NC Econ. Dev. Bd.	Senator Hartsell
SB 145	Southern Shores Canal Dredging/Maintenance.	Senator Brown Senator White
SB 155	Wake Local Stormwater Utility Fees.	Senator Stein

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected: SB 80 has been removed.

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	March 8, 2011	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 81	Orange County Local Disclosure Act Repeal.	Senator Kinnaird
SB 82	Town of Atkinson/Charter Amendment.	Senator Rabon
SB 118	Downtown Service District Definition.	Senator Preston
SB 120	New Bern Charter Amendments.	Senator Preston
SB 124	Add Supt. to NC Econ. Dev. Bd.	Senator Hartsell Senator Brown
SB 145	Southern Shores Canal Dredging/Maintenance.	Senator White
SB 155	Wake Local Stormwater Utility Fees.	Senator Stein

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

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

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.

Whereas, pursuant to the mandate of G.S. 160A-86 requiring local governing boards adopt a Code of Ethics by December 31, 2010, the Orange County Board of Commissioners adopted a Code of Ethics on June 1, 2010; and

Whereas, included in the adopted Code of Ethics are disclosure requirements for the Orange County Commissioners substantially similar to those mandated by Chapter 460 of the 1987 Session Laws; and

Whereas, it is unduly burdensome to Orange County to be the sole county subject to disclosure requirements both pursuant to a local act and general law; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Title VII of Chapter 460 of the 1987 Session Laws, being Sections 19 through 26 of that act, is repealed.

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

SENATE BILL 81:
Orange County Local Disclosure Act Repeal

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 7, 2011
Introduced by:	Sen. Kinnaird	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		Committee Counsel

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.

S81-SMRF-5(e1) v1

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Atkinson, being Chapter 163 of the Private Laws of 1921, reads as rewritten:

"Section 1. That the inhabitants of the ~~town~~ Town of Atkinson shall be and continue as they have been heretofore, a body politic and corporate, and the corporation shall bear the name and style of 'The Town of Atkinson," and under such name it may sue and be sued, plead and be impleaded, vested with the rights of property which may now belong or hereafter belong to the ~~said town~~Town or possessed by it under any corporate name, and may acquire, hold for the purpose of its government and the welfare of its people and its improvement or otherwise all such estates as may be devised, bequeathed, conveyed or purchased with the power to contract and be contracted with and to convey or purchase both real and personal property, and shall have all powers and rights appertaining to the municipal welfare.

Sec. 2. That the ~~town~~ Town of Atkinson shall have the same ~~town~~ Town limits as laid out in its original charter, chapter one hundred and twenty-five, Private Laws of one thousand nine hundred and ~~nine, except that the said town shall be divided up into four wards denominated, first, second, third, and fourth located as follows:~~

~~First Ward—All that section of the town lying and being east of the Atlantic Coast Line Railroad and south of Church Street.~~

~~Second Ward—All that section of the town lying and being situated east of the Atlantic Coast Line Railroad and north of Church Street.~~

~~Third Ward—All that section of the town lying, and being situated west of the Atlantic Coast Line Railroad and south of Church Street.~~

~~Fourth Ward—All that section of the town lying and being west of the Atlantic Coast Line Railroad and north of Church Street.~~nine.

Sec 3. ~~That the officers of said town shall consist of four aldermen, a mayor and a town marshal, one alderman to be elected from each ward by the qualified voters of their respective wards or by a general election for all aldermen and mayor by the qualified voters of all wards at a general election, and that such election shall be held on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty one, and every two years thereafter, and that all elections held in the town of Atkinson shall be held in compliance with the prevailing election laws governing "Municipal Elections."~~The officers of the Town shall be

four Commissioners and the Mayor, who shall be elected according to the nonpartisan plurality method of election, as provided in G.S. 163-292. The Commissioners shall be elected in a multiseat contest, and the Mayor shall be elected separately. Except as provided in Section 3.1 of this Charter, regular municipal elections shall be held in the Town every two years and shall be conducted in accordance with the uniform municipal elections laws of North Carolina.

Sec. 3.1. Except as provided otherwise in this section, the Commissioners shall be elected to four-year terms by the qualified voters of the entire Town, and the Mayor shall be elected to a two-year term by the qualified voters of the entire Town. In 2011, and biennially thereafter, a Mayor shall be elected separately from the Commissioners to a two-year term. In 2011, for the position of Commissioner, the two persons receiving the highest numbers of votes in a multiseat contest shall be elected to four-year terms, and the two persons receiving the next highest number of votes shall be elected to two-year terms. In 2013, and quadrennially thereafter, two persons shall be elected to four-year terms. In 2015, and quadrennially thereafter, two persons shall be elected to four-year terms.

Sec 4. That it shall be the duty of the mayor and ~~aldermen~~ commissioners of ~~said town~~ the Town to make laws and ordinances for the regulation and government of ~~said town.~~the Town.

Sec 5. It shall be the duty of the officers of ~~said town~~the Town to make such laws as necessary that will improve the well-being of the inhabitants of the ~~said town~~ Town and to make laws, and to raise revenue for the necessary expense of the ~~said town~~ Town and for the improvement of its streets and sidewalks and public buildings, to call elections when necessary to raise special revenue from the sale of bonds to meet the requirements and expenditures of the ~~said town~~Town for any and all purposes.

Sec 6. That the ~~town~~ Town of Atkinson shall have the power and authority to own and control, purchase or sell, operate and contract in, all modern utilities such as electric power plants, public play-grounds, parks, hospitals, water-works, and to levy special taxes or sell bonds taxable against the property of the inhabitants of ~~said town,~~the Town, to improve streets, extend streets, condemn land of private persons for the purpose of street and sidewalk improvement, raise revenue for such purposes, to buy, take over and sell any telephone system for the benefit and convenience of the inhabitants of ~~said town.~~the Town.

Sec 7. That the ~~said town~~ Town shall have the right to call elections and hold elections at any regular meeting of the mayor and board of ~~aldermen~~ commissioners for the purpose of the sale of bonds to raise revenue to purchase electric power plants, telephone systems, water-works, public play-grounds and parks when necessary for the welfare and improvement of the ~~said town.~~Town.

Sec 8. That no part of the former charter of the ~~town~~ Town of Atkinson is repealed or destroyed by this act, but the same is by this amendment amended and revised.

Sec 9. That the ~~said town~~Town shall have all the rights, privileges and immunities conferred or hereafter to be conferred on towns and cities by chapter seventy-three of Revisal of North Carolina, and all acts amendatory or supplemental thereto, and by such acts as may hereafter be passed by the General Assembly with reference to towns and cities when the same is not inconsistent with this charter or within its provisions.

Sec 10. That all laws inconsistent or coming in conflict with the provisions of this act be and the same is hereby rescinded and repealed.

Sec 11. This act shall be in force and effect from and after its ratification."

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

SENATE BILL 82:
Town of Atkinson/Charter Amendment

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 8, 2011
Introduced by:	Sen. Rabon	**Prepared by:**	Susan Sitze Committee Counsel
Analysis of:	First Edition		

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.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SENATE BILL 118

Short Title:	Downtown Service District Definition.	(Public)
Sponsors:	Senator Preston.	
Referred to:	State and Local Government.	

February 24, 2011

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE DEFINITION OF DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-536(b) reads as rewritten:

"(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" include by way of illustration but not limitation public buildings, restrooms, docks, visitor centers, and tourism facilities, 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. In addition, a downtown revitalization project may, in order to revitalize a downtown area and further the public health, safety, welfare, and convenience, include the provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city. A downtown revitalization project may also include 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. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district shall not prejudice the city's authority to undertake urban renewal projects in the same area."

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

SENATE BILL 118:
Downtown Service District Definition

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 7, 2011
Introduced by:	Sen. Preston	**Prepared by:**	Giles S. Perry
Analysis of:	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.

S118-SMRW-21(e1) v1

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2004-104 as rewritten by S.L. 2005-47 and S.L. 2005-90 reads as rewritten:

"**SECTION 7.** This act applies only within the municipal boundaries of the Towns of Emerald Isle, Holden Beach, ~~and Ocean Isle Beach.~~"Ocean Isle Beach, and Southern Shores."

SECTION 2.(a) This section applies only to the Town of Southern Shores.

SECTION 2.(b) Sections 1 through 4 of S.L. 2004-104 as amended by Section 1 of S.L. 2007-335 reads as rewritten:

"**SECTION 1.** Fee-Supported Canal Dredging and Maintenance District. – A municipality by resolution may create a fee-supported canal dredging and maintenance district for all properties that are contiguous to a canal within the corporate limits.

"**SECTION 2.** Imposition of Annual Fees. – A municipality may impose annual fees for the dredging and maintenance of canals, both natural and concrete, within the corporate limits. The governing board shall establish the fees on or before July 1 each year.

"**SECTION 3.** Fees. – The fees imposed by the municipality may not exceed the cost of providing for the dredging and maintenance of the canals within the municipality. The fees shall be imposed on owners of each dwelling unit or parcel of property that could or does benefit from water access through the canal system ~~on the island~~ within the municipality's corporate limits, and shall be made on the basis of one of the following:

(1) The frontage abutting the project at an equal rate per foot of frontage.

(2) Per unit or parcel of property.

"**SECTION 4.** Billing of Fees. – The municipality may include a fee imposed under this section on the property tax bill for each parcel of property lying within the municipal limits on which the fee is imposed. Said fee shall be collected in the same manner as provided for in the General Statutes for the collection of ad valorem taxes, and remedies available by statute for the collection of taxes shall apply to the collection of the canal dredging and maintenance fees."

SECTION 3. Section 3 of Chapter 725 of the 1985 Session Laws reads as rewritten:

"Sec. 3. This act applies to the ~~Town of~~ Towns of Southern Shores and Sunset Beach only."

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

SENATE BILL 145:
Southern Shores Canal Dredging/Maintenance

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	March 8, 2011
Introduced by:	Sen. White	**Prepared by:**	Brad Krehely Committee Co-Counsel
Analysis of:	First Edition		

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: Sections 1 and 2 would allow the Town of Southern Shores to impose a canal dredging and maintenance fee. The act does all of the following:

1. Allows the Town to create a **fee-supported canal dredging and maintenance district** for all properties that are contiguous to a canal within corporate limits.

2. Permits the Town to impose **annual fees** for the dredging and maintenance of canals, both natural and concrete, on or before July 1 of each year.

3. Requires that 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.

4. Provides that fees may be **imposed on the property tax bill** and allows them to be collected in the same manner as ad valorem taxes.

5. Provides that the district may be **abolished** if there is no longer a need for it.

6. Provides that if a **capital reserve fund** is established to build up funds to provide the service, then it may delay providing the service until sufficient funds have accumulated (but not for longer than five years).

Section 3 would permit the Town of Southern Shores to impose special assessments for navigation projects.

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

BACKGROUND: Currently, the Towns of Ocean Isle Beach, Emerald Isle, and Holden Beach have similar authority to create a fee-supported canal dredging district (S.L. 2004-104, S.L. 2005-47, and S.L. 2005-90). Senate Bill 145 allows the Town of Southern Shores to impose its fee for canal dredging and maintenance. Currently, the Town of Sunset Beach may impose an assessment for navigation projects (S.L. 1985-725), and Senate Bill 145 extends this authority to the Town of Southern Shores.

S145-SMRN-10(e1) v4

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2005-441 reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law and applies to stream-clearing activities commenced on or after that date. Section 3 of this act applies only to the ~~Town~~Towns of Garner, ~~Kernersville~~ Kernersville, Knightdale, Morrisville, Wendell, and Zebulon and the Village of Clemmons."

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

SENATE BILL 155:
Wake Local Stormwater Utility Fees

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 8, 2011
Introduced by:	Sen. Stein	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: ***Senate Bill 155 would is a local act that would 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.***

[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: A city may establish and revise from time to schedules of fees and penalties for the use of or the services furnished by any public enterprise. Schedules of fees and penalties for stormwater management and stormwater drainage system service may vary based on the type of property and other characteristics, but they cannot exceed the city's cost. A city can collect delinquent accounts by any remedy provided law for collecting and enforcing private debts. A city may discontinue service to any customer whose account remains delinquent for more than 10 days. Generally, fees and penalties are the legal obligation of the person contracting for them and are not a lien upon the property or premises served.

Tax collectors may collect delinquent property taxes using 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.

BILL ANALYSIS: Senate Bill 155 is a local act that would allow the towns of Garner, Knightdale, Morrisville, Wendell, and Zebulon to adopt an ordinance providing that stormwater utility fees (1) may be billed with property taxes, (2) may be payable in the same manner as property taxes, and (3) in the case of nonpayment, may be collected in the same manner as they may collect delinquent personal and real 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.

BACKGROUND: Currently, the Town of Kernersville and the Village of Clemmons have this authority.

S155-SMRN-9(e1) v4

Trina Griffin contributed to the drafting of this summary.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, March 08, 2011

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

FAVORABLE

S.B.	**81**	Orange County Local Disclosure Act Repeal.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**82**	Town of Atkinson/Charter Amendment.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**118**	Downtown Service District Definition.	
		Sequential Referral:	None
		Recommended Referral:	Finance
S.B.	**145**	Southern Shores Canal Dredging/Maintenance.	
		Sequential Referral:	Finance
		Recommended Referral:	None
S.B.	**155**	Wake Local Stormwater Utility Fees.	
		Sequential Referral:	None
		Recommended Referral:	Finance

TOTAL REPORTED: 5

Committee Clerk Comments:

PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 1124

DATE: 3-8 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 Mullie McLean	Kenansville	Jackson
2 Jasmine Gary	Raleigh	P. Berger P
4		
5		
6		
7		
8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

State and Local Government — 3/8/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ellie Edwards	NC Retirees
Michael R Thompson	Dominion
Mia Bailey	Electricities
David McGowan	NC Realtors
Bryan Jenkins	NC Realtors
Kay Emanuel	Legislative Reporting Service
Casey Best	Sen. Pate Intern
Aubrey Incorvaia	Dep. of Commerce
Liza Martin	NC Home Builders
Jessi Hayes	
Carl Howell	DST

VISITOR REGISTRATION SHEET

State and Local Government — 3/8/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jason Sheffield	DST
Bruce Thompson	Ratner Pos
Andrew Lynch	DST
Kelli Kuhlman	NCLM

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, March 15, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on March 15, 2011, in Room 1124 of the Legislative Building. 9 members of the committee were present. Senator Jim Davis, presided.

Senator Davis called the meeting to order and introduced pages.

Senate Bill 182 Greenville/Email Subscription Lists was explained by Senators Pate and Jenkins. Senator Davis opened the floor for discussion. With no discussion, Senator Bingham moved for a Favorable report with unanimous agreement.

Senate Bill 270 Huntersville E-mail lists/Electronic Access was explained by Senator Graham. Senator Davis opened the floor for discussion. With no discussion, Senator Tucker moved for a Favorable report with unanimous agreement.

Senate Bill 212 Cemeteries/Survey Stamp was explained by Senator Rabon. Senator Davis opened the floor for discussion. With no discussion, Senator Harrington moved for a Favorable report with unanimous agreement.

Senate Bill 227 Haywood Community College Leases was explained by Senator Hise. Senator Davis opened the floor for discussion. Senator Pate moved to approve a Committee Substitute. Barbara Riley, Staff provided technical clarification. Senator Hartsell moved for an Unfavorable report as to bill, Favorable report as to Committee Substitute with unanimous agreement.

Senate Bill 261 Chowan Fox Seasons was explained by Senator Jones. Senator Davis opened the floor for discussion. Senator Tucker asked for clarification from Senator Jones. Senator Bingham moved for a Favorable report with unanimous agreement.

Senate Bill 263 ETJ/Wake Municipal Farm Exemption was explained by Senator Blue. Senator Davis opened the floor for discussion. With no discussion, Senator Hartsell moved for a Favorable report with unanimous agreement.

With no further business, Senator Jones motioned to adjourn, seconded by Senator Hartsell with unanimous agreement.

The meeting adjourned at 12:30.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, March 15, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 182	Greenville/Email Subscription Lists.	Senator Pate Senator Jenkins
SB 212	Cemeteries/Survey Stamp.	Senator Rabon
SB 227	Haywood Community College Leases.	Senator Hise
SB 261	Chowan Fox Seasons.	Senator Jones
SB 263	ETJ/Wake Municipal Farm Exemption.	Senator Blue Senator Hunt
SB 270	Huntersville E-mail lists/Electronic Access.	Senator Graham

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

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

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:	Senate State and Local Government	**Date:**	March 15, 2011
Introduced by:	Sens. Jenkins, Pate	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 182 exempts the City of Greenville from the requirement the city must provide copies of the city's email subscription list to the public and clarifies the appropriate uses of Greenville's email list.***

CURRENT LAW: Chapter 132 of the North Carolina General Statutes, the Public Records Act, broadly defines a public record to mean any document "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." The law generally requires that the custodian of the public record must provide public access to the record and make copies of the record for free or at minimal cost.

BILL ANALYSIS: Senate Bill 182 would add the city of Greenville to the list of local governments exempt from the part of the Public Records Act that requires local governments to provide copies of an electronic mail (email) list of individual subscribers. Greenville would still be responsible for making a list of email subscribers available for public inspection, either in printed or electronic format, or both, but the city would not be required to provide copies.

Senate Bill 182 also provides that the government of Greenville use the list of email subscribers only for the following purposes:

1. The purpose for which it was subscribed.
2. To notify subscribers of an emergency to the public health or public safety.
3. In the event the list is deleted, to notify subscribers of similar lists to subscribe to.

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

BACKGROUND: The provisions of Senate Bill 182 currently apply to 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 as enacted in 2010 (S.L. 2010-83).

S182-SMTB-6(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2010-83
HOUSE BILL 1921

AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY WAKE COUNTY AND CERTAIN LOCAL GOVERNMENTS WITHIN THAT COUNTY AND BY YADKIN COUNTY ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Chapter 132 of the General Statutes, when a unit of local government maintains an electronic mail list of individual subscribers, Chapter 132 of the General Statutes does not require that unit of local government to provide a copy of the list. The list shall be available for public inspection in either printed or electronic format or both as the unit of local government elects.

SECTION 2. If a unit of local government maintains an electronic mail list of individual subscribers, the unit of local government and its employees and officers may use that list only: (i) for the purpose for which it was subscribed to; (ii) to notify subscribers of an emergency to the public health or public safety; or (iii) in case of deletion of that list, to notify subscribers of the existence of any similar lists to subscribe to.

SECTION 3. This act applies only to Wake County, the City of Raleigh, and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, and to Yadkin County.

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

In the General Assembly read three times and ratified this the 9th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

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:	Senate State and Local Government	**Date:**	March 15, 2011
Introduced by:	Sen. Rabon	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		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.

S212-SMRN-12(e1) v3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 227
PROPOSED COMMITTEE SUBSTITUTE S227-PCS75069-RF-3

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 227

Short Title:	Haywood Community College Leases.	(Local)
Sponsors:	Senators Hise; and Davis.	
Referred to:	State and Local Government.	

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE 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. Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57 and S.L. 2010-63, reads as rewritten:

"**SECTION 3.** Section 2 of this act applies to the Cities of Asheville, Raleigh and Winston-Salem and the Towns of Chapel Hill and Carrboro. This act also applies to Catawba County. This act also applies to Haywood Community College."

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

SENATE PCS 227:
Haywood Community College Leases

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 14, 2011
Introduced by:	Sen. Hise	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition S227-CSRF-3		

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.***

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-8(CSRF-3) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 227
PROPOSED COMMITTEE SUBSTITUTE S227-CSRF-3 [v.2]

3/14/2011 5:07:55 PM

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 261

Short Title:	Chowan Fox Seasons.	(Local)
Sponsors:	Senator Jones.	
Referred to:	State and Local Government.	

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2009-43 reads as rewritten:

"**SECTION 3.** This act applies only to ~~Davidson County.~~Chowan and Davidson Counties."

SECTION 2. Section 6 of S.L. 1999-301 is repealed.

SECTION 3. This act becomes effective October 1, 2011.

SENATE BILL 261:
Chowan Fox Seasons

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 14, 2011
Introduced by:	Sen. Jones	**Prepared by:**	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 261 would establish a season for taking foxes with weapons and by trapping in Chowan County.***

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.

[As introduced, this bill was identical to H265, as introduced by Rep. Spear, which is currently in House Agriculture.]

S261-SMSA-17(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-360 is amended by adding a new subsection to read:

"(k) A municipality may provide in its zoning ordinance that an accessory building of a 'bona fide farm' as defined by G.S. 153A-340(b) has the same exemption from the building code as it would have under county zoning as provided by Part 3 of Article 18 of Chapter 153A of the General Statutes."

SECTION 2. This act applies only to the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon.

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

SENATE BILL 263:
ETJ/Wake Municipal Farm Exemption

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 14, 2011
Introduced by:	Sens. Blue, Hunt	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		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 exempts 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

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-24(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 270

Short Title:	Huntersville E-Mail Lists/Electronic Access.	(Local)
Sponsors:	Senator Graham.	
Referred to:	State and Local Government.	

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE 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 of Raleigh, and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Huntersville, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, and to Yadkin County."

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

SENATE BILL 270:
Huntersville E-Mail Lists/Electronic Access

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 15, 2011
Introduced by:	Sen. Graham	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 270 exempts the Town of Huntersville from the requirement the town must provide copies of the town's email subscription list to the public and clarifies the appropriate uses of Huntersville's email list.***

CURRENT LAW: Chapter 132 of the North Carolina General Statutes, the Public Records Act, broadly defines a public record to mean any document "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." The law generally requires that the custodian of the public record must provide public access to the record and make copies of the record for free or at minimal cost.

BILL ANALYSIS: Senate Bill 270 would add the town of Huntersville to the list of local governments exempt from the part of the Public Records Act that requires local governments to provide copies of an electronic mail (email) list of individual subscribers. Huntersville would still be responsible for making a list of email subscribers available for public inspection, either in printed or electronic format, or both, but the town would not be required to provide copies.

Senate Bill 270 also provides that the government of Huntersville use the list of email subscribers only for the following purposes:

1. The purpose for which it was subscribed.
2. To notify subscribers of an emergency to the public health or public safety.
3. In the event the list is deleted, to notify subscribers of similar lists to subscribe to.

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

BACKGROUND: The provisions of Senate Bill 270 currently apply to 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 as enacted in 2010 (S.L. 2010-83).

S270-SMTB-7(e1) v2

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Wednesday, March 16, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

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

S.B. **227** Haywood Community College Leases.

Draft Number:	PCS75069
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, March 15, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **182** Greenville/Email Subscription Lists.

Sequential Referral: None

Recommended Referral: None

S.B. **212** Cemeteries/Survey Stamp.

Sequential Referral: None

Recommended Referral: None

S.B. **261** Chowan Fox Seasons.

Sequential Referral: None

Recommended Referral: None

S.B. **263** ETJ/Wake Municipal Farm Exemption.

Sequential Referral: None

Recommended Referral: None

S.B. **270** Huntersville E-mail lists/Electronic Access.

Sequential Referral: None

Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

State and Local Government — 03-15-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mia Bailey	Electricities of NC, Inc
Kay Emanuel	Legislative Reporting Service
[signature]	WRL
Michael James	NGGA
Kim Arbourn	HSUS
Lucius Pullen	Attorney
Kevin Leonard	NCACC
Paul Meyer	NCLM
Keith Richardson	City of Charlotte
Aubrey Incorvaia	Dept. of Commerce
Carl Dean	OSP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, March 22, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on March 22, 2011, in Room 1124 of the Legislative Building. 9 members of the committee were present. Sen. Walters presided.

After a brief explanation to the committee on Sen. Jenkins' Senate Bill 275 (Official Herring Festival.) Sen. Jones made a motion for a favorable report and the motion carried.

After a vote by the committee to adopt the Proposed Committee Substitute, Sen. Preston's Senate Bill 120 (New Bern Charter Amendments.) Sen. Jones made a motion for an unfavorable report as to the original bill, but favorable as to the Committee Substitute and the motion was carried.

After a brief explanation to the committee on Sen. Robinson's Senate Bill 177 (Greensboro Rental Property Utility Liens.) Sen. Jones made a motion for a favorable report and the motion carried.

After a brief explanation to the committee on Sen. Preston's Senate Bill 288 (Atlantic Beach/Beaufort/Parking.) Sen. Blake made a motion for a favorable report and the motion carried.

The meeting adjourned at 12:23 p.m.

Sen. Walters, Presiding

Vickie Spears, Committee Clerk

Senate State and Local Government Committee
Tuesday, March 22, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 120	New Bern Charter Amendments.	Senator Preston
SB 177	Greensboro Rental Property Utility Liens.	Senator Robinson
SB 275	Official Herring Festival.	Senator Jenkins
SB 288	Atlantic Beach/Beaufort/Parking.	Senator Preston
SB 295	Marshville Charter Consolidation.	Senator Tucker

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected:

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	March 22, 2011	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 120	New Bern Charter Amendments.	Senator Preston
SB 177	Greensboro Rental Property Utility Liens.	Senator Robinson
SB 275	Official Herring Festival.	Senator Jenkins
SB 288	Atlantic Beach/Beaufort/Parking.	Senator Preston
SB 295	Marshville Charter Consolidation.	Senator Tucker

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.83 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended, reads as rewritten:

"Sec. 6.83. Liens for Utility Charges.

(a) ~~In case~~Except as provided in subsection (b) of this section, when any charge for utility service or for the use of utility facilities is not paid within ten days after it becomes due, the same shall become a lien upon the property served or in connection with which the service or facility is used. The charge may at any time thereafter be collected, either by suit in the name of the city or by the city tax collector for the city, by the sale of the property upon which the lien attaches at the Guilford County courthouse door, after advertising the sale once a week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices. The sale shall be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided by law for the foreclosure of the lien on real estate for taxes.

(b) When any charge for utility service or for the use of utility facilities is for a rental property and the tenants of the rental property are individually liable for the charge, the city shall collect any charge that is incurred and becomes past-due after July 1, 2010, pursuant to the provisions of G.S. 160A-314 and any other applicable general or local law. The city shall not collect any charge from a tenant that is incurred and becomes past-due after July 1, 2010, under the provisions of subsection (a) of this section."

SECTION 2. This act is effective from and after July 1, 2010.

SENATE BILL 177:
Greensboro Rental Property Utility Liens

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 21, 2011
Introduced by:	Sen. Robinson	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

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.***

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.

S177-SMRW-32(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 275*

Short Title:	Official Herring Festival.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State and Local Government.	

March 10, 2011

A BILL TO BE ENTITLED

AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, since 1949 the Town of Jamesville in Martin County has held an annual Herring Festival each spring; and

Whereas, the Herring Festival is a vital fundraiser for the Town of Jamesville, Jamesville Fire Department, Jamesville Rescue Department, Jamesville Ruritan Club, and many local businesses and residents; and

Whereas, the Herring Festival serves as a celebration of the heritage that was once an important way of life in the area; and

Whereas, the Herring Festival offers visitors many family-oriented activities, such as a parade, arts and crafts, rides, games, live music, and local foods and traditions; and

Whereas, each year, citizens in the area demonstrate their community pride by volunteering to make the festival a success; Now, therefore,

The General Assembly of North Carolina enacts:

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

"**§ 145-33. State herring festival.**

The Herring Festival held in the Town of Jamesville is adopted as the official herring festival of the State of North Carolina."

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

SENATE BILL 275:
Official Herring Festival

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 22, 2011
Introduced by:	Sen. Jenkins	**Prepared by:**	Denise Adams
Analysis of:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 275 adopts the Herring Festival held in the Town of Jamesville as the official herring festival of North Carolina.***

[As introduced, this bill was identical to H286, as introduced by Rep. E. Warren, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW: Currently, the state of North Carolina does not have an official herring festival. Other such festivals, however, have been recognized in the statutes including the Ayden Collard Festival as the official collard festival of the State (S.L. 2007-28) and the Lexington Barbecue Festival as the official food festival of the Piedmont Triad Region of the State (S.L. 2007-533).

BILL ANALYSIS: Senate Bill 275 amends Chapter 145 of the General Statutes, State Symbols and Other Official Adoptions, to designate the Herring Festival in the town of Jamesville as the official herring festival of the State of North Carolina.

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

BACKGROUND: Jamesville has celebrated the arrival of spring with an annual herring festival for over half a century. Easter weekend of 2011 will mark the 61st anniversary of Jamesville's herring festival.

S275-SMTB-8(e1) v1

SENATE BILL 288

Short Title:	Atlantic Beach/Beaufort/Parking.	(Local)
Sponsors:	Senator Preston.	
Referred to:	State and Local Government.	

March 10, 2011

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 COMMERCIALLY 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.

The General Assembly of North Carolina enacts:

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

"**§ 160A-301. Parking.**

(a) On-Street Parking. – A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by ~~coins or tokens.~~coins, tokens, or any other commercially available means of providing prepayment credit. Proceeds from the use of parking meters on public streets ~~must~~ may be used to defray the cost of enforcing and administering traffic and parking ordinances and ~~regulations.~~regulations and may be used in the same manner in which proceeds from off-street parking facilities are permitted under subsection (b) of this section.

...

(b1) If a city ordinance for on-street or off-street parking provides that a violation of the ordinance shall subject the offender only to a civil penalty to be recovered by the city in a civil action in the nature of a debt, the city may retain the civil penalties collected in the civil action and use the funds in the same manner in which proceeds from on-street and off-street parking facilities are permitted under subsections (a) and (b) of this section.

...."

SECTION 2. This act applies to the Towns of Atlantic Beach and Beaufort only.

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

SENATE BILL 288:
Atlantic Beach/Beaufort/Parking

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 21, 2011
Introduced by:	Sen. Preston	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		Committee Counsel

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.[1]

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.
- 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.

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[1] See, Caudle v. City of Asheville, 301 N.C. 340 (1981)

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

S288-SMRF-12(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 120
PROPOSED COMMITTEE SUBSTITUTE S120-PCS85108-SA-7

Short Title: New Bern Charter Amendments. (Local)

Sponsors:

Referred to:

February 24, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6 of the Charter of the City of New Bern, being Chapter 1281 of the 1957 Session Laws, as amended by Chapter 266 of the 1983 Session Laws, Section 4 of Chapter 64 of the 1985 Session Laws, and Section 1 of S.L. 2000-42, reads as rewritten:

"Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of December the board of aldermen shall choose one of its members as mayor pro tem to serve for a term of one year. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office and he shall possess all the rights and powers of the mayor during the continuance of such vacancy, absence or disability. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the city. The ~~Mayor~~ mayor shall have the right to vote on ~~a~~ any question before the board of ~~aldermen only in the case of a tie.~~aldermen and shall do so as if he were a member of the board. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. For the purposes of Sections 8, 9, and 10 of this Charter, the mayor shall be considered to be an elected member of the board of aldermen."

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

SENATE BILL 120

Short Title:	New Bern Charter Amendments.	(Local)
Sponsors:	Senator Preston.	
Referred to:	State and Local Government.	

February 24, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM AND TO THE ELIGIBILITY OF CANDIDATES FOR ALDERMEN AND MAYOR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6 of the Charter of the City of New Bern, being Chapter 1281 of the 1957 Session Laws, as amended by Chapter 266 of the 1983 Session Laws, Section 4 of Chapter 64 of the 1985 Session Laws, and Section 1 of S.L. 2000-42, reads as rewritten:

"Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of December the board of aldermen shall choose one of its members as mayor pro tem to serve for a term of one year. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office and he shall possess all the rights and powers of the mayor during the continuance of such vacancy, absence or disability. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the city. The ~~Mayor~~ mayor shall have the right to vote on ~~a~~ any question before the board of ~~aldermen only in the case of a tie.~~aldermen, and shall do so as if he were a member of the board. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. For the purposes of Sections 8, 9, and 10 of this Charter, the mayor shall be considered to be an elected member of the board of aldermen."

SECTION 2. Section 18 of the Charter of the City of New Bern, being Chapter 1281 of the 1957 Session Laws, as amended by Section 9 of Chapter 1111 of the 1961 Session Laws, reads as rewritten:

"Sec. 18. Eligibility of Candidates for Aldermen; Residence in Ward and Certain Other Qualifications Required. That no person shall be eligible as alderman unless he shall be eligible to be a member of the General Assembly of this State, and shall have resided in the city thirty (30) days next preceding the day of election, and shall be a registered voter within the ward wherein he resides and from which he seeks to be elected to the office of alderman. No person who has been elected alderman for two full terms shall be eligible as his own immediate successor."

SECTION 3. Section 19 of the Charter of the City of New Bern, being Chapter 1281 of the 1957 Session Laws, as amended by Section 10 of Chapter 1111 of the 1961 Session Laws and Section 2 of S.L. 2000-42, reads as rewritten:

"Sec. 19. Eligibility of Candidates for Mayor; 30-Day Residence and Certain Other Qualifications ~~Required.~~Required; No Third Term in Succession. That no person shall be

eligible as mayor unless he shall be a qualified voter for a member of the General Assembly of this State, and shall have been a resident of the City of New Bern for thirty (30) days immediately preceding his election. No person who has been elected mayor for two full terms shall be eligible as his own immediate successor."

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

SENATE BILL 120:
New Bern Charter Amendments

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 21, 2011
Introduced by:	Sen. Preston	**Prepared by:**	Susan Sitze
Analysis of:	PCS to First Edition S120-CSSA-7		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 120 would amend the Charter of the City of New Bern relating to the Mayor and Mayor Pro Tem.***

BILL ANALYSIS:

The proposed committee substitute would 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. This provision was added to the charter in 1983, but was removed in 2000.

Additionally, this section would have the mayor considered a member of the board for the purposes of Sections 8, 9 & 10 of the charter, those sections relating to the establishment of quorum, the adoption of ordinances, and the adoption of emergency measures. This provision was added to the charter in 1985, but was removed in 2000.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, March 22, 2011

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

FAVORABLE

S.B. **177** Greensboro Rental Property Utility Liens.
Sequential Referral: None
Recommended Referral: None

S.B. **275** Official Herring Festival.
Sequential Referral: None
Recommended Referral: None

S.B. **288** Atlantic Beach/Beaufort/Parking.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, March 22, 2011

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

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

S.B. **120** New Bern Charter Amendments.

Draft Number:	PCS85108
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

PAGES ATTENDING

COMMITTEE: State & Local Gov't **ROOM:** 1124 LB

DATE: 3-22 **TIME:** Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 Kayla Benda	Aberdeen	Blake
2 Mercedes Bright	Pembrooke	Walters
4		
5		
6		
7		
8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

Senate State and Local Government — March 22, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mia D. Bailey	ElectriCities
Aubrey Incorvaia	Dept. of Commerce
Kay Emanuel	Legislative Reporting Services
Cady Thomas	NCAR

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, March 29, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on March 29, 2011, in Room 1124 of the Legislative Building. 13 members of the committee were present. Senator Jim Davis presided.

Senator Davis called the meeting to order and introduced the Pages and Sergeants at Arms.

Senate Bill 399 Minority Appeal From County Bd Elections was explained by Senator Clary. Senator Davis opened the floor for discussion. Senators Jones' and East's questions were answered by Senator Clary and Staff. Senator Harrington moved for a Favorable report with unanimous agreement.

Senate Bill 295 Marshville Charter Consolidation was explained by Senator Tucker. Senator Davis opened the floor for discussion. Senators Jones', Pate's, and Jackson's questions were answered by Senator Tucker and Staff. Senator Bingham moved for a Favorable report with unanimous approval.

With no further business, Senator Bingham moved to adjourn with unanimous approval.

The meeting adjourned at 12:15.

Senator Jim Davis, Presiding

Kaye D. Culberson, Committee Clerk

AGENDA

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, March 29, 2011, at 1200 NOON
Room 1124, Legislative Building

I. Welcome and Opening Remarks
II. Introductions of the Pages
III. Bills to be Considered

SB 295	Marshville Charter Consolidation	Senator Tucker
SB 399	Minority Appeal From County Board Of Elections	Senator Clary

IV. Presentations

IV. Other Business

VI. Adjournment

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.

"Section 3.5. **Meetings.** In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 3.6. **Quorum; Voting.** Official actions of the Council and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

"Section 3.7. **Compensation; Qualifications for Office; Vacancies.** The compensation, qualifications, and filing of vacancies of the Mayor and members of the Council shall be in accordance with general law.

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. 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. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law.

"ARTICLE V. ADMINISTRATION.

"Section 5.1. **Council-Manager Form.** The Town of Marshville shall operate under a council-manager form of government as provided in Part 2 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 required by law or as the Council may direct.

"Section 5.3. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Council may direct.

"Section 5.4. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all taxes owed to the Town and perform those duties specified in G.S. 105-350 and such other duties as prescribed by law or assigned by the Council.

"Section 5.5. **Police Chief.** The Town Manager shall appoint a police chief to perform the duties of Chief of Police for the Town.

"Section 5.6. **Administrative Head Appointment.** The Town Manager may appoint other administration and department heads as permitted by Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.7. **Other Appointments.** The Town may authorize other positions to be filled by appointment and organize the Town governance as deemed appropriate subject to requirements of general law.

"ARTICLE VI. MISCELLANEOUS.

"Section 6.1. **Utility Billing and Termination.** The Town may provide that any fee imposed pursuant to G.S. 160A-314 for the purpose of G.S. 160A-311(2), 160A-311(3), and 160A-311(6) may be billed together in one itemized statement. The Town Council may provide by ordinance the order in which partial payments are to be applied among services. In the case of nonpayment within a period of not less than 30 days, the town may terminate any or all such service for which full payment has not been made."

SECTION 2. This act does not affect the terms of office of the current Mayor and Town Council of the Town of Marshville.

SECTION 3. No action of proceeding by any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against

the Town of Marshville or any of its departments or agencies shall be abated or otherwise affected by adoption of this act.

SECTION 4. The purpose of this act is to revise the Charter of the Town of Marshville and to consolidate herein certain acts concerning the property affairs and government of the Town.

SECTION 5. The following acts or portion of acts, having served the purposes for which they were enacted or having been consolidated into this act, are hereby repealed:

(1) Chapter 313 of the Private Laws of 1913.
(2) Chapter 243 of the Private Laws of 1933.
(3) Chapter 195 of the Private Laws of 1935.
(4) Chapter 124 of the Public-Local Laws of 1941.
(5) Chapter 652 of the 1973 Session Laws.
(6) Chapter 842 of the 1973 Session Laws.
(7) Chapter 978 of the 1987 Session Laws.
(8) S.L. 2000-62.

SECTION 6. This act does not affect the following:

(1) Chapter 854 of the Session Laws of 1951, relating to bird sanctuaries.
(2) S.L. 2006-171, relating to zoning.
(3) S.L. 2008-25, relating to violators of the Town's overgrown vegetation ordinance.

SECTION 7. All existing ordinances and resolutions of the Town of Marshville and all existing rules and regulations of departments or agencies of the Town of Marshville not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified, or amended.

SECTION 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. This act is effective when it becomes law.

SENATE BILL 295:
Marshville Charter Consolidation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 21, 2011
Introduced by:	Sen. Tucker	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		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-SMRF-11(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 399

Short Title:	Minority Appeal From County Bd Elections.	(Public)
Sponsors:	Senators Clary; Apodaca, Brock, Daniel, Gunn, Jackson, Jones, Meredith, Newton, Preston, Soucek, and Vaughan.	
Referred to:	State and Local Government.	

March 23, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PROCESS FOR AN APPEAL OF A DECISION OF THE COUNTY BOARD OF ELECTIONS TO THE STATE BOARD OF ELECTIONS BY A MEMBER OF THE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-33 reads as rewritten:

"**§ 163-33. Powers and duties of county boards of elections.**

(a) The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

(1) To make and issue such rules, regulations, and instructions, not inconsistent with law, with directives promulgated under the provisions of G.S. 163-132.4, or with the rules, orders, and directives established by the State Board of Elections, as it may deem necessary for the guidance of election officers and voters.

(2) To appoint all chief judges, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any chief judge, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.

(3) To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the State Board of Elections. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised. Provided that in any hearing on an irregularity no board of elections shall consider as evidence the testimony of a voter who cast a ballot, which ballot that voter was not eligible to cast, as to how that voter voted on that ballot.

(4) As provided in G.S. 163-128, to establish, define, provide, rearrange, discontinue, and combine election precincts as it may deem expedient, and to fix and provide for places of registration and for holding primaries and elections.

(5) To review, examine, and certify the sufficiency and validity of petitions and nomination papers.

(6) To advertise and contract for the printing of ballots and other supplies used in registration and elections; and to provide for the delivery of ballots, pollbooks, and other required papers and materials to the voting places.

(7) To provide for the purchase, preservation, and maintenance of voting booths, ballot boxes, registration and pollbooks, maps, flags, cards of instruction, and other forms, papers, and equipment used in registration, nominations, and elections; and to cause the voting places to be suitably provided with voting booths and other supplies required by law.

(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159.

(9) To receive the returns of primaries and elections, canvass the returns, make abstracts thereof, transmit such abstracts to the proper authorities, and to issue certificates of election to county officers and members of the General Assembly except those elected in districts composed of more than one county.

(10) To appoint and remove the board's clerk, assistant clerks, and other employees; and to appoint and remove precinct transfer assistants as provided in G.S. 163-82.15(g).

(11) To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.

(12) To perform such other duties as may be prescribed by this Chapter, by directives promulgated pursuant to G.S. 163-132.4, or by the rules, orders, and directives of the State Board of Elections.

(13) Notwithstanding the provisions of any other section of this Chapter, to have access to any ballot boxes and their contents, any voting machines and their contents, any registration records, pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any precinct or municipality over whose elections it has jurisdiction or for whose elections it has responsibility.

(b) With respect to any decision made by the county board of elections, a member voting in the minority may appeal that decision to the State Board if the appeal is submitted in

writing to the State Board within 10 days of the decision. The board member voting in the minority may direct the staff to the county board to prepare and submit the report."

SECTION 2. This act becomes effective January 1, 2012, and applies to decisions of the county board of elections made on or after that date.

SENATE BILL 399:
Minority Appeal From County Bd Elections

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 28, 2011
Introduced by:	Sen. Clary	**Prepared by:**	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 399 would provide a process for an appeal of a decision of the county board of elections to the State Board of Elections by a member of the county board of elections.***

BILL ANALYSIS: Senate Bill 399 would allow a member of a county board of elections, who voted in the minority on any decision made by that county board of elections, to appeal that decision to the State Board of Elections if the appeal is submitted in writing within 10 days of the decision. The board member voting in the minority may direct the staff to the county board to prepare and submit the report.

EFFECTIVE DATE: This act becomes effective January 1, 2012, and applies to decisions of the county board of elections made on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Tuesday, March 29, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **295** Marshville Charter Consolidation.

Sequential Referral: None

Recommended Referral: None

S.B. **399** Minority Appeal From County Bd Elections.

Sequential Referral: None

Recommended Referral: None

TOTAL REPORTED: 2

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate [redacted] Committee — March 29, 2011

Name of Committee — **Date**

State and Local Government

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
Johnnie McLean	St. Bd of Elections
C O'Donnell	TA Insure
Daniel Amburn	NCLM
Mia Bailey	Electri Cities

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, April 12, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on April 12, 2011, in Room 1124 of the Legislative Building. 10 members of the committee were present. Senator Jim Davis presided.

Sen. Davis called the meeting to order and introduced the Sergeant-at-Arms and Pages.

House Bill 26 Henderson County Fire Districts was explained by Rep. McGrady. With no discussion from the Committee or visitors, Sen. Harrington moved for a favorable report with unanimous agreement.

House Bill 68 Tax Certification – Add Counties was explained by Rep. Iler. With no discussion from the Committee or visitors, Sen. East moved for a favorable report with unanimous agreement.

House Bill 140 Oak Island/Recall Officials was explained by Rep. Iler. Rep. Iler responded to questions by Senators Pate, East, Robinson, Stevens and Goolsby. Additional information was requested from the Committee and the Chair pulled the Bill for reconsideration at the next Committee meeting.

House Bill 156 Lenoir Fox Trapping was explained by Rep. LaRoque. With no discussion from the Committee or visitors, Sen. East moved for a favorable report with unanimous agreement.

House Bill 365 Pink Hill Elections was explained by Rep. LaRoque. Rep. LaRoque responded to comments by Sen. East. With no further discussion from the Committee or visitors, Sen. Bingham moved for a favorable report with unanimous agreement.

Senate Bill 200 Alamance/Orange 9% Boundary was explained by Sen. Gunn. With no discussion from the Committee or visitors, Sen. Tucker moved for a favorable report with unanimous agreement. The bill has a sequential referral to the Finance Committee.

Senate Bill 201 Alamance/Orange Boundary was explained by Sen. Gunn. Sen. Bingham moved to hear a committee substitute. Sen. Gunn responded to questions from Sen. Pate. Sen. Bingham moved for unfavorable as to bill but favorable as to committee substitute bill with unanimous approval. The bill has a sequential referral to the Finance Committee.

House Bill 171 Municipal Self-Annexations was explained by Sen. Brunstetter. Sen. Brunstetter responded to questions from Sens. Bingham and Jones. Kelli Kukura from the Government Association for the League of Municipalities spoke in support of the bill. Sen. Bingham moved for a favorable report with unanimous approval.

The meeting adjourned at 12:40 PM.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, April 12, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 26	Henderson County Fire Districts.	Representative McGrady Representative Guice
HB 68	Tax Certification - Add Counties.	Representative Hill Representative Iler
HB 140	Oak Island/Recall Officials.	Representative Iler
HB 156	Lenoir Fox Trapping.	Representative LaRoque
SB 200	Alamance/Orange 9% Boundary.	Senator Kinnaird Senator Gunn
SB 201	Alamance/Orange Boundary.	Senator Kinnaird Senator Gunn
HB 171	Municipal Self-Annexations.	Representative Brown
HB 365	Pink Hill Elections.	Representative LaRoque

Presentations

Other Business

Adjournment

Daily Bulletin

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February 1, 2011

H 26. HENDERSON COUNTY FIRE DISTRICTS. Filed 2/1/11. *TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.*

Amends SL 2000-4 to provide that the boundaries of any fire protection district in Henderson County may be changed by resolution of the Henderson County Board of Commissioners to include any unincorporated area if (1) all the unincorporated areas, except those owned by the U.S., are placed in a fire protection district and (2) no fire district contains any new noncontiguous territory, other than a noncontiguity caused by federally owned property. Makes any resolution effective on the first day of the next fiscal year. Makes a technical change.

Intro. by McGrady, Guice. HENDERSON Henderson

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

A BILL TO BE ENTITLED

AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

The General Assembly of North Carolina enacts:

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

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

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

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

HOUSE BILL 26:
Henderson County Fire Districts

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 11, 2011
Introduced by:	Reps. McGrady, Guice	**Prepared by:**	Susan Sitze*
Analysis of:	First Edition		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: House Bill 26 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, by resolution, to include any unincorporated area of the county not already in a fire protection district if the following requirements are met:

- All unincorporated areas, other than those areas owned by the United States, are placed in a fire protection district.
- 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.

**Giles S. Perry, Staff Attorney, contributed substantially to this summary.*

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

Daily Bulletin

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The University of North Carolina at Chapel Hill
Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601
Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

February 9, 2011

H 68. TAX CERTIFICATION - ADD BRUNSWICK COUNTY. Filed 2/9/11. *TO AUTHORIZE BRUNSWICK COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.* Amends GS 161-31(b) as the title indicates.
Intro. by Iler. BRUNSWICK Brunswick

March 9, 2011

H 68. TAX CERTIFICATION - ADD COUNTIES (NEW). Filed 2/9/11. House committee substitute makes the following changes to 1st edition.

Amends GS 161-31(b) to authorize Alamance, Brunswick, Buncombe, and Yancey counties to require the payment of delinquent property taxes before recording deeds that convey property (was, added Brunswick County). Makes conforming change to the title.

Previously: Brunswick
Now: Brunswick; Buncombe; Alamance; Yancey

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 68
Committee Substitute Favorable 3/9/11

Short Title: Tax Certification - Add Counties. (Local)

Sponsors:

Referred to:

February 10, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES 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(b) 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, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, ~~and Yadkin~~Yadkin, and Yancey Counties."

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

HOUSE BILL 68:
Tax Certification - Add Counties

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 11, 2011
Introduced by:	Reps. Iler, Hill	**Prepared by:**	Barbara Riley
Analysis of:	Second Edition		Committee Counsel

SUMMARY: HB 68 authorizes Alamance, Brunswick, Buncombe, and Yancey Counties 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.[1]

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[2]
Ashe County	S.L. 1993-657, as amended by S.L. 1997-410 and S.L. 2005-433[3]
Alleghany County	S.L. 1997-410
Mitchell County	S.L. 1987-537, as amended by S.L. 1997-410 and S.L. 1999-326[4]

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 Alamance, Brunswick, Buncombe, and Yancey Counties 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-SMRF-24(e2) v1

[1] 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.
[2] The Town of Newland was added in 1997; the Town of Banner Elk was added in 1998.
[3] 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.
[4] 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.

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February 17, 2011

H 140. OAK ISLAND/RECALL OFFICIALS. Filed 2/17/11. *AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM.*

Subject to the approval of the registered voters of Oak Island in a referendum conducted on November 8, 2011, adds a new Section 5.4 to the town charter providing for the recall of the mayor or any member of the Town Council (Council). Allows a recall petition committee, comprised of at least five members who are registered voters within the town, to file an affidavit with the Brunswick County Director of Elections (Director) naming the individual for which removal is sought and the grounds for removal. Sets requirements for petition forms to be provided by the Director upon the filing of an affidavit and provides for recordation of the petition. Requires that the petition be signed by at least 25% of the town's registered voters and that the petition be returned to the Board of Elections (Board) within 30 days of filing of an affidavit. Establishes the process to be followed by the Board in investigating the sufficiency of a petition and allows amending a petition upon a finding that the petition is insufficient. Requires an officer to resign within five days if it is determined the recall petition is sufficient; if the official does not resign, requires the Council to order and fix a date for a recall election. Provides for the scheduling and notice of the recall election. Also provides for filling the vacancy when the official does resign. Provides that if less than a majority of the votes in the recall election are for recall, then the official continues in office for the remainder of the term; if a majority of the votes are for recall, the official is deemed removed from office on the date that the Board certifies the results. Provides guidelines for a recall petition against an official who has already been the subject of a recall petition and for the recall of two or more members of the Council (or the Mayor and one or more members of the Council).

Intro. by Iler. BRUNSWICK Brunswick

March 7, 2011

H 140. OAK ISLAND/RECALL OFFICIALS. Filed 2/17/11. House committee substitute makes the following changes to 1st edition.

Clarifies that the recall provisions of this act apply to elected officials by replacing the word *official* wherever it occurs with the term *elected official*. Clarifies that if a recall petition under the provisions of subsection (d) of this act filed against an elected official is unsuccessful, then a subsequent recall petition may not be filed until at least six months after that recall election. Also clarifies that no recall petition may be filed under subsection (d) of this section during the first three months of the term of office of an elected official or during the six months before the expiration of the elected official's term of office. Provides that if a recall of all or a *majority* (was, all) of the members of the Town Council is in a single election the members of the Town Council continue in office only for the purpose of calling a special municipal election of their successors.

Brunswick

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 140
Committee Substitute Favorable 3/7/11

Short Title: Oak Island/Recall Officials. (Local)

Sponsors:

Referred to:

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 elected 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.

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

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

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

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

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

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

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

"[ ] FOR [ ] AGAINST

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

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

(m) If an elected official concerning whom a sufficient recall petition is submitted to the Town Council resigns before the recall election or is removed from office as a result of the recall election, the vacancy shall be filled in the manner provided by Section 4.3 or Section 4.4 of this Charter for filling vacancies in that office, except as provided in subsection (o) of this

section. An elected official who resigns after a sufficient petition for his or her recall has been submitted to the Town Council or who is removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that elected official's own resignation or removal.

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

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

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

"[ ] FOR [ ] AGAINST

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

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

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

HOUSE BILL 140:
Oak Island/Recall Officials

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 11, 2011
Introduced by:	Rep. Iler	**Prepared by:**	Giles S. Perry
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 140 would provide a process for recalling the mayor and members 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, a few municipalities and one school board have a procedure for a recall election.

BILL ANALYSIS: House Bill 140 amends 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 10 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 by 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-SMRW-60(e2) v1

Erika Churchill of the Research Division substantially contributed to this summary.

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February 21, 2011

H 156. LENOIR FOX TRAPPING. Filed 2/21/11. *TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.*

Provides for an open season for taking foxes with rubber jaw or foothold traps in Lenoir County from January 2 to February 28 of each year. Specifies that no season bag limit applies to foxes taken under the provision, and directs the Wildlife Resources Commission to provide for the sale of foxes so taken.

Intro. by LaRoque. LENOIR Lenoir

March 30, 2011

H 156. LENOIR FOX TRAPPING. Filed 2/21/11. House committee substitute makes the following changes to 1st edition. Deletes the requirement that the Wildlife Resources Commission provide for the sale of lawfully taken foxes.

Lenoir

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 156
Committee Substitute Favorable 3/30/11

Short Title: Lenoir Fox Trapping. (Local)

Sponsors:

Referred to:

February 22, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes with the use of rubber jaw or foothold traps from January 2 through February 28 of each year.

SECTION 2. No season bag limit applies to foxes taken under this act.

SECTION 3. This act applies only to Lenoir County.

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

HOUSE BILL 156:
Lenoir Fox Trapping

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 11, 2011
Introduced by:	Rep. LaRoque	**Prepared by:**	Barbara Riley
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 156 would establish a fox trapping season in Lenoir County.

[As introduced, this bill was identical to S161, as introduced by Sen. Jackson, which is currently in Senate State and Local Government.]

CURRENT LAW: G.S. 113-291.4(f) provides that when the Wildlife Resources Commission (WRC) determines that a local fox population is adequate to support harvesting and local legislation is enacted providing for trapping foxes, it may open a local season for taking foxes by trapping. The WRC may provide for the sale of foxes taken pursuant to G.S. 113-291.4(f).

BILL ANALYSIS: This act would establish an open season for taking foxes with the use of rubber jaw or foothold traps from January 2 through February 28 of each year. No bag limit applies to foxes taken under this act. This act would apply only to Lenoir County.

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

H156-SMRF-25(e2) v2

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March 3, 2011

S 200. ALAMANCE/ORANGE 9% BOUNDARY (=H 213). Filed 3/3/11. *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.*

Identical to H 213, filed 3/2/11.

Intro. by Gunn, Kinnaird. ALAMANCE, ORANGE. Alamance; Orange

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 200*

Short Title:	Alamance/Orange 9% Boundary.	(Local)
Sponsors:	Senators Gunn and Kinnaird.	
Referred to:	State and Local Government.	

March 7, 2011

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.

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 (NCGS) perform a preliminary resurvey and present a proposed map for consideration by both counties.

SECTION 2. The Alamance County Board of Commissioners agreed, by vote on April 21, 2008, and the Orange County Board of Commissioners on May 20, 2008, to approve authorizing NCGS to conduct the preliminary survey and the placing of monuments by NCGS consistent with their research to form a boundary baseline. On July 8, 2010, the North Carolina General Assembly enacted S.L. 2010-61, which enabled Alamance County and Orange County to transition properties between the two counties for the purpose of recommending to the North Carolina General Assembly a mutually agreed upon boundary line between the two counties.

SECTION 3. Following an extended process pursuant to the terms of S.L. 2010-61, Alamance County and Orange County have agreed upon and have recommended the General Assembly, through a separate local act, establish and adopt ninety-one percent (91%) of the boundary line separating Alamance County and Orange County.

SECTION 4. The Alamance County and Orange County Boards of Commissioners require further time to determine the most appropriate location of the final nine percent (9%) of the boundary line separating Alamance County and Orange County in order to make a final recommendation to the General Assembly. 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, 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.

SECTION 7. Pending the establishment of a final boundary line separating Alamance County and Orange County, the two counties shall maintain, in the nine percent (9%) boundary area, the currently recognized boundary line for all governmental purposes, including, but not limited to, taxation, elections, emergency services, zoning, and education.

SECTION 8. This act is effective when it becomes law.

SENATE BILL 200:
Alamance/Orange 9% Boundary

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	April 12, 2011
Introduced by:	Sens. Gunn, Kinnaird	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 200 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 H213, as introduced by Reps. Ingle, Bordsen, Insko, Faison, which is currently in House Government, if favorable, Finance.]

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.

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.

S200-SMRN-16(e1) v6

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March 3, 2011

S 201. ALAMANCE/ORANGE BOUNDARY (=H 214). Filed 3/3/11. *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.*

Identical to H 214, filed 3/2/11.

Intro. by Gunn, Kinnaird. ALAMANCE, ORANGE Alamance; Orange

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 201*

Short Title:	Alamance/Orange Boundary.	(Local)
Sponsors:	Senators Gunn and Kinnaird.	
Referred to:	State and Local Government.	

March 7, 2011

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.

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 commissions passed resolutions (Alamance County, December 17, 2007, and Orange County, January 18, 2008) to request that North Carolina Geodetic Survey (NCGS) perform a preliminary resurvey and present a proposed map for consideration by both counties.

SECTION 2. The Alamance County Board of Commissioners agreed, by vote on April 21, 2008, and Orange County on May 20, 2008, to approve authorizing NCGS to conduct the preliminary survey and the placing of monuments by NCGS consistent with their research to form a boundary baseline. On July 8, 2010, the North Carolina General Assembly enacted S.L. 2010-61, which enabled Alamance County and Orange County to transition properties between the two counties for the purpose of recommending to the North Carolina General Assembly a mutually agreed upon boundary line between the two counties.

SECTION 3. Section 3 of S.L. 2010-61 reads as rewritten:

"**SECTION 3.** In the 160 years since the initial survey of the Alamance County/Orange County boundary line, Alamance and Orange Counties have entered into multiple taxing agreements that have resulted in properties being taxed in one county by the adjoining county. Other situations have arisen in which children of one county attend school in the adjoining county and voters in one county have voted in the adjoining county. The General Assembly recognizes the difficulties in addressing these issues and authorizes Alamance County and Orange County to maintain the current taxing, elections, education, and any other recognized government functions in place until July 1, ~~2011.~~ 2012."

SECTION 4. Section 4 of S.L. 2010-61 reads as rewritten:



~~"SECTION 4.(a) On and after July 1, 2011, all papers, documents, and instruments required or permitted to be filed or registered that involve residents and property located in areas affected by the resurvey of the boundary line that previously may have been recorded in the adjoining counties shall be recorded in the county to which the property has been annexed.~~ Except as otherwise provided in this act, on and after January 1, 2012, 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) All public records related to residents and property located in areas affected by the resurvey of the boundary line that were filed or recorded prior to July 1, 2011, in the adjoining counties shall remain in those respective adjoining counties where filed or recorded, and such records shall be valid public records as to the property and persons involved, even though they are recorded in an adjoining county which is a county where the property is no longer located as evidenced by the 2008 North Carolina Geodetic Survey and the subsequent partial resurvey pursuant to Section 7 of this act.

~~"SECTION 4.(c) On and after July 1, 2011, all real and personal property located in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation on January 1, 2011, shall be subject to ad valorem taxes in the county to which the property is annexed for the fiscal year beginning July 1, 2011, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on January 1, 2011, except as hereinafter provided with respect to classified registered motor vehicles. On July 1, 2011, the tax administrators of the adjoining counties 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 that were registered in the adjoining counties prior to July 1, 2011. For the fiscal year that begins July 1, 2011, all real and personal property located in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation in that area on January 1, 2011, 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 June 30, 2011, 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 June 30, 2011, 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 annexed.~~

~~(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 the county tax assessor without adjustment in computing taxes due for the fiscal year beginning July 1, 2011. All such taxes shall be assessed and collected by the appropriate county tax department.~~

~~(3) For the interim time period between the annexation 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 annexed into their respective 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.

"**SECTION 4.(e)** The board of elections of each adjoining county shall, effective July 1, ~~2011,~~ 2011 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 action related in any way to the Alamance County/Orange County boundary or properties affected by changes in the boundary, is stayed, and no new cause of action relating to these matters shall be commenced until ratification of the official line by the North Carolina General Assembly. Thereafter, causes of action related to the taxation of property shall be defended as described in subdivision (5) of Section 4(c) of this act."

SECTION 5.(a) Any properties affected by S.L. 2010-61 or this act and which are subject to taxation under G.S. 105-274 and which 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, 2011. 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, 2012. Should a claim for relief pursuant to this section not be made by February 28, 2012, 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, 2012, 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 after this act becomes 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. Section 6 of S.L. 2010-61 reads as rewritten:

"**SECTION 6.** Any child who was a resident of any area ~~annexed by this act on its date of ratification~~ reassigned by this act on its date of enactment and who was a student in the Orange County or Alamance County school system during the ~~2009-2010 or 2010-2011 school year~~ 2010-2011 or 2011-2012 school year, and the siblings of any such person, may attend school in the same school system as their siblings without necessity of a release or payment of tuition. ~~in the same school system previously attended 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 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 201*
PROPOSED COMMITTEE SUBSTITUTE S201-CSRN-3 [v.1]

3/21/2011 11:32:09 AM

Short Title: Alamance/Orange Boundary. (Local)

Sponsors:

Referred to:

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"**SECTION 3.** In the 160 years since the initial survey of the Alamance County/Orange County boundary line, Alamance and Orange Counties have entered into multiple taxing agreements that have resulted in properties being taxed in one county by the adjoining county. Other situations have arisen in which children of one county attend school in the adjoining county and voters in one county have voted in the adjoining county. The General Assembly recognizes the difficulties in addressing these issues and authorizes Alamance County and

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(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

action related in any way to the Alamance County/Orange County boundary or properties affected by changes in the boundary, is stayed, and no new cause of action relating to these matters shall be commenced until ratification of the official line by the North Carolina General Assembly. Thereafter, causes of action related to the taxation of property shall be defended as described in subdivision (5) of Section 4(c) of this act."

SECTION 5.(a) Any properties affected by S.L. 2010-61 or this act and which are subject to taxation under G.S. 105-274 and which 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, 2011. 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, 2012. Should a claim for relief pursuant to this section not be made by February 28, 2012, 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, 2012, 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 after this act becomes 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. Section 6 of S.L. 2010-61 reads as rewritten:

"**SECTION 6.** Any child who was a resident of any area ~~annexed by this act on its date of ratification~~ reassigned by this act on its date of enactment and who was a student in the Orange County or Alamance County school system during the ~~2009-2010 or 2010-2011 school year~~ 2010-2011 or 2011-2012 school year, and the siblings of any such person, may attend school in the same school system as their siblings without necessity of a release or payment of tuition. ~~in the same school system previously attended 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 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.

SENATE BILL 201:
Alamance/Orange Boundary

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	April 12, 2011
Introduced by:	Sens. Gunn, Kinnaird	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition S201-CSRN-3		Committee Counsel

SUMMARY: Senate Bill 201 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 H214, as introduced by Reps. Ingle, Bordsen, Insko, Faison, which is currently in House Government, if favorable, Finance.]

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.

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 (Senate Bill 200).

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.

S201-SMRN-18(CSRN-3) v4

Daily Bulletin

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February 23, 2011

H 171. MUNICIPAL SELF-ANNEXATIONS. Filed 2/23/11. *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.*

Enacts new subsection (b) to GS 160A-58.7 (annexation of municipal property) to provide as title indicates. Specifies that, for the purposes of the subsection, a municipality has no legal interest in a state-maintained street unless it owns the underlying fee and not just an easement. Makes conforming changes to GS 160A-31 (annexation by petition). Makes a technical change.

Intro. by L. Brown. GS 160A Local Government

March 16, 2011

H 171. MUNICIPAL SELF-ANNEXATIONS. Filed 2/23/11. House committee substitute makes the following changes to 1st edition.

Adds new section amending GS 160A-58.1(a) (concerning voluntary satellite annexations) to add that a petition for annexation is not valid when: (1) it is unsigned; (2) it is signed by the city for the annexation of property the city does not own or have a legal interest in; or (3) it is for the annexation of property for which a signature is not required and the property owner objects to the annexation. Clarifies that a city (in proposed GS 160A-58.7(b)) and a municipality (in proposed GS 160A-31(i)) have no authority to *adopt a resolution* or petition for annexation of property it does not own or have any legal interest in. Makes a clarifying change, and changes the bill's title to reflect new content.

Local Government

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 171
Committee Substitute Favorable 3/16/11

Short Title: Municipal Self-Annexations. (Public)

Sponsors:

Referred to:

February 24, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY 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, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION.

The General Assembly of North Carolina enacts:

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

"(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

(1) It is unsigned.

(2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation."

SECTION 2. 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 city has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement."

SECTION 3. 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: _____

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of his investigation. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing all persons owning property in the area to be annexed who allege an error in the petition shall be given an opportunity to be heard, as well as residents of the municipality who question the necessity for annexation. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or on any specified date within six months from the date of passage of the ordinance.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. In describing the area to be annexed in the annexation ordinance, the municipal governing board

may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part 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 4. This act is effective when it becomes law.

HOUSE BILL 171:
Municipal Self-Annexations

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 11, 2011
Introduced by:	Rep. L. Brown	**Prepared by:**	Giles S. Perry
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 171 clarifies that a municipality does not have the authority to petition itself for annexation of property that it does not own or in which it does not have a legal interest. The bill also clarifies that a petition for voluntary satellite annexation must be signed and may not include property for which no signature is required if the owner objects to the annexation. This clarification codifies principles established by North Carolina case law.***

CURRENT LAW: North Carolina law sets forth four basic ways in which a municipality 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 noncontiguous area into the town or city limits upon receipt of a petition signed by all of the owners of real property in the area to be annexed. [G.S. 160A-58.1] 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, in lieu of filing a petition, provided the property meets all other prerequisites for satellite annexation. A public hearing is required prior to the adoption of the ordinance to annex. [G.S. 160A-58.7].
- **Involuntary 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: House Bill 171 makes the following changes:

Section 1 of the bill clarifies that a petition for *voluntary satellite annexation* is not valid if any of the following circumstances exist:

1. The petition is unsigned.
2. The petition is signed by the city, but the city does not own the property it seeks to annex. This is the same language being added to G.S. 160A-58.7 and G.S. 160A-31 in Sections 2 and 3 of this bill.
3. The petition is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

Section 2 of the bill clarifies, with respect to *voluntary 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 section also clarifies that a municipality has no legal interest in a State-maintained street unless it owns the underlying fee.

Section 3 of the bill clarifies, with respect to *voluntary contiguous annexation*, that 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 section also clarifies 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.

BACKGROUND: This is a public bill with general applicability. However, the genesis of this bill relates to the Town of Lewisville's attempt to annex approximately three miles of eight State-maintained roads near the town limits using the voluntary satellite annexation process. The Town received a petition under G.S. 160A-58.1, signed by the City Manager, to annex this property. Under G.S. 160A-58.1, a petition must be signed by all of the owners of real property in the area to be annexed. The statute further provides that certain categories of owners need not sign the petition.[1] The North Carolina Court of Appeals case of *County of Brunswick v. Town of Bolivia*[2] suggests that even though G.S. 160A-58.1 does not require the signature of certain property owners, the petition must be signed by at least one property owner to be a valid petition.[3] The case also sets forth the principle that an owner who is not required to sign a satellite annexation petition may object to annexation of its property and force the town to remove it from the annexation area. Otherwise, the signature provision would convert this voluntary annexation procedure into an involuntary one for any owner not required to sign the petition.

In this situation, the Town initiated the annexation process through the use of a petition under G.S. 160A-58.1, rather than by adopting a resolution of intent to annex municipal property under G.S. 160A-58.7. Under either method, the Town could not proceed. Since the Town does not own the property it sought to annex, it could not proceed under G.S. 160A-58.7, and since the petition did not contain the signatures of all the real property owners,[4] it could not proceed under G.S. 160A-58.1. On March 11, 2011, the Lewisville Town Council voted unanimously to withdraw its annexation petition. The bill clarifies the current law, which supports the fact that the Town's petition was not valid, and is consistent with North Carolina case law.

Trina Griffin and Erika Churchill of the Research Division substantially contributed to this summary.

H171-SMRW-57(e2) v1

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[1] Owners of property "wholly exempt from property taxation," and railroad companies, public utilities, and electric or telephone membership companies.

[2] 56 N.C. App. 732 (1982).

[3] In that case, the Town of Bolivia attempted to satellite-annex certain county property. The petition was signed by a number of residents of the Town and surrounding areas. The county did not sign the petition because the property was exempt from taxation. The Court of Appeals found the petition invalid because G.S. 160A-58.1 does not require, or even authorize, the signature of non-property owners. Therefore, the signatures of all those who did not own property in the annexation area should have been excluded from consideration. Doing that left the petition with no signatures since the county was not required to sign the petition. Therefore, there was nothing for the town to consider. This reasoning suggests that a petition without any valid signatures is not a valid petition.

[4] For purposes of state roads or highways, only the underlying fee simple owners of the right-of-way are owners with the power to sign the petition; the holder of an easement is not considered the owner of the property.

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March 15, 2011

H 365. PINK HILL ELECTIONS. Filed 3/15/11. *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.*

Adds new Section 3.1 to the Pink Hill Charter, as amended, to provide that the mayor will be elected for a four-year term in 2011 and every four years thereafter. Details the election procedure for staggered commissioner terms.

Intro. by LaRoque. LENOIR Lenoir

March 31, 2011

H 365. PINK HILL ELECTIONS. Filed 3/15/11. House committee substitute makes the following changes to 1st edition. Makes the amendment to the town charter providing for a four-year term for the mayor and for staggered four-year terms for the town commissions effective only if approved by the qualified voters at the November 8, 2011 election. Provides that if the majority of the votes are in favor of the change to the charter, then the changes apply to those elected in 2011. Makes conforming changes to the title.

Lenoir

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 365
Committee Substitute Favorable 3/31/11

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.

HOUSE BILL 365:
Pink Hill Elections

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 12, 2011
Introduced by:	Rep. LaRoque	**Prepared by:**	Denise Adams
Analysis of:	Second Edition		Committee Staff

SUMMARY: House Bill 365 amends 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.

CURRENT LAW: The Town of Pink Hill is governed by a mayor and three commissioners. Officers serve two-year terms. Municipal elections are conducted under the general municipal election laws set forth in Chapter 163 of the General Statutes.

BILL ANALYSIS: Section 1 of House Bill 365 adds a new section to the charter of Pink Hill providing that, beginning in 2011, the mayor will serve 4-year terms and the commissioners will serve staggered four-year terms.

Section 2 of House Bill 365 provides that Section 1 of the bill only becomes effective if approved by the qualified voters of Pink Hill in a referendum. The referendum shall be conducted by the Lenoir County Board of Elections on November 8, 2011.

Section 3 states that if the referendum passes, Section 1 becomes effective upon certification of the results of the referendum and applies to those elected in 2011.

EFFECTIVE DATE: Effective when it becomes law, but the term changes 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 Pink Hill is located in Lenoir County, one of the 40 counties in North Carolina subject to Section 5.

Barbara Riley, Counsel to House Government, contributed substantially to this summary.

H365-SMTB-14(e2) v2

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Thursday, April 14, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **200** Alamance/Orange 9% Boundary.

Sequential Referral: Finance

Recommended Referral: None

H.B. **26** Henderson County Fire Districts.

Sequential Referral: None

Recommended Referral: None

H.B.(CS #1) **68** Tax Certification - Add Counties.

Sequential Referral: None

Recommended Referral: None

H.B.(CS #1) **156** Lenoir Fox Trapping.

Sequential Referral: None

Recommended Referral: None

H.B.(CS #1) **171** Municipal Self-Annexations.

Sequential Referral: None

Recommended Referral: None

H.B.(CS #1) **365** Pink Hill Elections.

Sequential Referral: None

Recommended Referral: None

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

S.B. **201** Alamance/Orange Boundary.

Draft Number: 85160

Sequential Referral: Finance

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 7

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

State and Local Government — 04-12-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kay Emanuel	Legislative Reporting Service
Joe McCleeS	McCleeS Consult
Jessi Hays	NCHBA
MIKE MANN	NCTA
John Roberts	Orange County
Mia Bailey	Electricities
Clyde Albright	Alamance County Attorney
CHRIS DILLON	NCWRC
GORDON MYERS	NCWRC
Kelli Ulma	NCACC
Dave Horne	NCM

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, April 19, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on April 19, 2011, in Room 1124 of the Legislative Building. 14 members of the committee were present. Sen. Walters, presided.

Sen. Brock explained Senate Bill 560 (Sport Shooting Range Protection.) to the committee and Sen. Harrington made a motion for a favorable report and the motion carried.

Sen. Pate explained HB 17 (Wayne Board of Education Vacancies.) to the committee. Sen. Blake made a motion for a favorable report and the motion carried.

Rep. Iler explained HB 140 (Oak Island/Recall Officials.) to the committee . Sen. Tucker made a motion for a favorable report and the motion carried.

Sen. Stevens explained Senate Bill 273 (Wake Municipalities Energy Efficiency.) to the committee. At this time the committee adopted an amendment which was rolled into a committee substitute. Sen. East made a motion for a favorable report on the Senate Committee Substitute and the motion carried.

Sen. Purcell explained Senate Bill 472 (Norwood Water Lines.) to the committee. At this time the committee adopted a committee substitute. Sen. Kinniard made a motion for a favorable report and the motion carried.

The meeting adjourned at 12:45 p.m.

Sen. Walters, Presiding

Vickie Spears, Committee Clerk

Senate State and Local Government Committee
Tuesday, April 19, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 17	Wayne Board of Education Vacancies.	Representative Sager Representative LaRoque
HB 140	Oak Island/Recall Officials.	Representative Iler
SB 273	Wake Municipalities Energy Efficiency.	Senator Stein Senator Hunt Senator Stevens
SB 294	Matthews Tree Ordinance Correction.	Senator Tucker
SB 319	Wilmington Civil Service Board.	Senator Goolsby
SB 472	Norwood Water Lines.	Senator Purcell
SB 320	Municipal Systems.	Senator Jenkins

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected: SB 310 Removed

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	April 19, 2011	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 17	Wayne Board of Education Vacancies.	Representative Sager Representative LaRoque
HB 140	Oak Island/Recall Officials.	Representative Iler
SB 273	Wake Municipalities Energy Efficiency.	Senator Stein Senator Hunt Senator Stevens
SB 472	Norwood Water Lines.	Senator Purcell
SB 530	Prohibit Involuntary Annexation of Farms.	Senator Jackson

SB 310 Removed

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

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

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES.

The General Assembly of North Carolina enacts:

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

"SECTION V

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

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

HOUSE BILL 17:
Wayne Board of Education Vacancies

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 19, 2011
Introduced by:	Reps. Sager, LaRoque	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

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: 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 vacant seat must also be from that district.

BILL ANALYSIS: 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 may ask the Board of County Commissioners for recommendations in filling that vacancy. If the vacant seat was filled by an individual elected from a district, the individual filling the vacancy 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 Act of 1965 by the U.S. Department of Justice as Wayne County is one of 40 counties in North Carolina subject to Section 5.

Erika Churchill, Counsel to House Government, contributed substantially to this summary.

H17-SMTB-17(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 140
Committee Substitute Favorable 3/7/11

Short Title: Oak Island/Recall Officials. (Local)

Sponsors:

Referred to:

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 elected 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.

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

section. An elected official who resigns after a sufficient petition for his or her recall has been submitted to the Town Council or who is removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that elected official's own resignation or removal.

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

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

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

"[ ] FOR [ ] AGAINST

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

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

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

HOUSE BILL 140:
Oak Island/Recall Officials

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 11, 2011
Introduced by:	Rep. Iler	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 140 would provide a process for recalling the mayor and members 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, legislation has been enacted authorizing nineteen municipalities and one school board to have recall elections.

BILL ANALYSIS: House Bill 140 amends 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 10 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 Town must reimburse the Board of Elections for the reasonable costs of the recall election.

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 by 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 session laws authorizing recall procedures:

Aberdeen	SL 1995-220
Asheville	Pr. 1931, c. 121; Pr. 1935, c. 30; SL 1969-165; SL 1969-313
Cajah's Mountain	SL 1983-52
Carrboro	SL 1993-358
Chapel Hill	SL 1993-358
Clemmons	SL 1981-57

Durham	SL 1975-671; SL 1987-280
Foxfire Village	SL 1977-237
Greensboro	SL 1959-1137; SL 1961-686; SL 1989-896
Lewisville	SL 1991-116
Lumberton	SL 1963-115; SL 1965-282; SL 1967-237; SL 1971-166
Morganton	SL 1975-180
Pinebluff	SL 1979-243; SL 1981-1193
Pleasant Garden	S.L. S.L. 2008-48
Raleigh	SL 1949-1184; SL 1957-121; SL 1973-319
Randleman	SL 2000-94
River Bend	SL 1995-636
Statesville	SL 1977-289; SL 1985-570
Troutman	SL 1981-144

H140-SMRW-60(e2) v2

Erika Churchill of the Research Division substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 472*

Short Title:	Norwood Water Lines.	(Public)
Sponsors:	Senator Purcell.	
Referred to:	State and Local Government.	

March 31, 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 1.5(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, provided that the lot was platted at the time of the construction of the bond-funded water line. 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.

SENATE BILL 472:
Norwood Water Lines

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 15, 2011
Introduced by:	Sen. Purcell	**Prepared by:**	Barbara Riley
Analysis of:	PCS to First Edition S472-CSRF-14		Committee Counsel

SUMMARY: SUMMARY: Senate Bill 472 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 and removes the requirement that a lot have been platted at the time of the construction of the bond funded waterline.

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: Senate Bill 472 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. 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.

S472-SMRF-32(CSRF-14) v2

Daily Bulletin

School of Government
The University of North Carolina at Chapel Hill
Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601
Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

March 9, 2011

S 273. WAKE MUNICIPALITIES ENERGY EFFICIENCY (=H 266). Filed 3/9/11. *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.*

Identical to H 266, filed 3/8/11.

Intro. by Stein, Stevens, Hunt. WAKE Wake

April 19, 2011

S 273. WAKE MUNICIPALITIES ENERGY EFFICIENCY. Filed 3/9/11. Senate committee substitute makes the following changes to 1st edition. Adds Wake County to the scope of the act. Makes a conforming change to the title.

Wake

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 273*
PROPOSED COMMITTEE SUBSTITUTE S273-PCS55279-RF-17

Short Title: Wake Municipalities Energy Efficiency. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW WAKE COUNTY AND 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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57 and S.L. 2010-63, reads as rewritten:

"**SECTION 3.** Section 2 of this act applies to the Cities of Asheville, Raleigh and Winston-Salem and the Towns of Chapel Hill and Carrboro only. This act also applies to Catawba ~~County.~~and Wake Counties and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

SECTION 2. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L. 2009-149 and by S.L. 2010-57, reads as rewritten:

"**SECTION 1.(a)** A municipality or county may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by its governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, a municipality or county may award a contract under this section in its sole discretion.

"**SECTION 1.(b)** This section applies to Wake County and to the Cities of Asheville and Raleigh and the Towns of Apex, ~~Chapel Hill and Carrboro~~ Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

SECTION 3. This act is effective when it becomes law, but Section 2 of this act expires at the same time that Section 1 of S.L. 2010-57 expires.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 273*

Short Title:	Wake Municipalities Energy Efficiency.	(Local)
Sponsors:	Senators Stein, Stevens, and Hunt.	
Referred to:	State and Local Government.	

March 10, 2011

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57 and S.L. 2010-63, reads as rewritten:

"**SECTION 3.** Section 2 of this act applies to the Cities of Asheville, Raleigh and Winston-Salem and the Towns of Chapel Hill and Carrboro only. This act also applies to Catawba ~~County.~~ County and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

SECTION 2. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L. 2009-149, and by S.L. 2010-57, reads as rewritten:

"**SECTION 1.(a)** A municipality or county may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by its governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, a municipality or county may award a contract under this section in its sole discretion.

"**SECTION 1.(b)** This section applies to the Cities of Asheville and Raleigh and the Towns of Apex, ~~Chapel Hill and Carrboro~~ Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

SECTION 3. This act is effective when it becomes law, but Section 2 of this act expires at the same time that Section 1 of S.L. 2010-57 expires.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE _____

S. B. No. 273 Amendment No. _____
(to be filled in by Principal Clerk)

Rep.)
Sen.) Stevens

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

by ADDING AFTER THE WORD "ALLOW" the phrase "WAKE COUNTY AND";

and on page 1, line 16 by deleting the word "County" and substituting the phrase "and WAKE Counties"

and on page 1, line 25, by adding after the word "applies" the phrase "to Wake County and"

SIGNED Richard J. Stevens

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 560

Short Title:	Sport Shooting Range Protection.	(Public)
Sponsors:	Senators Brock; and Daniel.	
Referred to:	State and Local Government.	

April 12, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A SPORT SHOOTING RANGE THAT RELOCATES DUE TO CERTAIN CIRCUMSTANCES IS STILL CONSIDERED TO BE CONTINUOUSLY IN EXISTENCE SINCE BEGINNING OPERATION AND NOT TO HAVE UNDERGONE A SUBSTANTIAL CHANGE IN USE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-409.46 is amended by adding a new subsection to read:

"(f) For the purposes of this Article, a sport shooting range that relocates due to condemnation, rezoning, annexation, road construction, or development:

(1) Is still considered to be continuously in existence since beginning operation at its previous location; and

(2) Is not considered to have undergone a substantial change in use as the result of the location."

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

SENATE BILL 560:
Sport Shooting Range Protection

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 18, 2011
Introduced by:	Sen. Brock	**Prepared by:**	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 560 would provide that a sport shooting range that relocates due to condemnation, rezoning, annexation, road construction, or development is still considered to be continuously in existence since beginning operation and not to have undergone a substantial change in use.***

CURRENT LAW:

Under the Sport Shooting Range Protection Act of 1997 (Article 53C of Chapter 14 of the General Statutes), any sport shooting range that was in existence at least 3 years prior to September 1, 1997 is granted protection from certain liabilities and regulations. Those protections are:

- The owners and users of the range are not subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was in compliance with any noise control laws or ordinances that applied to the range and its operation at the time the range operation began.
- The owners and users of the range are not subject to an action for nuisance on the basis of noise or noise pollution.
- No person who acquires title to real property adversely affected by the use of property with a permanently located and improved sport shooting range constructed and initially operated prior to the time the person acquires title shall maintain a nuisance action on the basis of noise or noise pollution unless there is a substantial change in use of the range after the person acquires title.
- A sport shooting range that is operated and not in violation of existing law at the time of enactment of a new or amended ordinance shall be permitted to continue in operation even if it is in violation of the new or amended ordinance, provided there has been no substantial change in use.

For purposes of these provisions, a "substantial change in use" means the current primary use of the range no longer represents the activity previously engaged in at the range.

BILL ANALYSIS:

Senate Bill 560 would provide that a sport shooting range that relocates due to condemnation, rezoning, annexation, road construction, or development would:

- Be considered to be continuously in existence since beginning operation at its previous location.
- Not be considered to have undergone a substantial change in use as a result of the relocation.

If a sport shooting range was in existence at least 3 years prior to September 1, 1997 and relocated due to one of the listed circumstances, they would continue to have the protections for liability and regulation that apply in their current location.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, April 19, 2011

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

FAVORABLE

S.B. **560** Sport Shooting Range Protection.
Sequential Referral: None
Recommended Referral: None

H.B. **17** Wayne Board of Education Vacancies.
Sequential Referral: None
Recommended Referral: None

H.B. **140** Oak Island/Recall Officials.
Sequential Referral: None
Recommended Referral: None

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

S.B. **273** Wake Municipalities Energy Efficiency.
Draft Number: PCS 55279
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

S.B. **472** Norwood Water Lines.
Draft Number: PCS 55280
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Committee Clerk Comments:

April 18, 2011

Members of North Carolina General Assembly
Raleigh, North Carolina

Dear Honorable Members,

Please let me introduce myself. I am a resident of North Carolina now for 31 years. I moved from Indiana in the spring of 1980 to accept a surgical residency program at Duke University School of Medicine. After finishing my surgical training at Duke, I joined the Bradford Clinic in Charlotte, North Carolina in the summer of 1984, practicing obstetrics and gynecology. I have enjoyed a very successful practice delivering over 5000 babies and caring for thousands of women in the area for over 27 years. In the spring of 1991, I purchased a second home on 6 acres in Union county near Waxhaw. The purpose of this purchase was to construct and maintain a shooting facility to teach my six sons the safe practice of enjoying shooting sports. I spent over $25,000 over the next several years upgrading and changing the direction of fire of my range due to expanding growth in the newly developed city of Wesley Chapel. Early in 1999 the subdivision developed by Centex called Stonegate was developed and eventually grew to several hundred homes on 300 + acres next to my range. By the fall of 2007 several complaints were raised due to the noise factor and safety of my range that I agreed to limit shooting during non-school hours of the newly built Newtown Grade school. By early 2008, I upgraded my range by adding higher berms and other safety items to include security fencing around the entire property and a locked security gate and barricade to my garage. Also, I installed multiple levels of security devices to my residence to safeguard my weapons. I incurred the wrath of the local media on TV and online blogs depicting me as a "madman" with multiple guns. My family and I suffered thru death threats through the US mail that were investigated by the NC SBI and also the FBI. My practice of medicine and my personal integrity were challenged on multiple fronts including the local media, newspapers, internet, radio, and TV. I engaged the services of the NRA to inspect my range as to safety. I invited all interested parties , media, local law enforcement and neighbors to attend the all day inspection of my range in April of 2008. An official report from the NRA range inspection department declared that my range was of no threat to the neighboring areas from the point of stray rounds or of environmental threats. They declared my range as " one of the safest if not the safest private shooting range in the US" .Despite this report the newly created city of Wesley Chapel quickly passed an ordinance banning all gunfire in the area ignoring my protection under the North Carolina Sport Shooting Range protection Act of 1994. My range was shut down in the fall of 2008, and I appealed to the city and lost. In the summer of 2009, the local court upheld my right to operate my range, and the range reopened in July 2009. The city appealed and took the case to the North Carolina Court of Appeals in the spring of 2010. A verdict was returned in my favor. Three out of three justices agreed that my range was legal . I reopened my range in August 2010. At that time, I was not able to relocate my range to a more rural area and maintain my range protection rights under North Carolina law. I spent upwards of $60,000 of my own money defending and protecting my property rights under the law at that time. Any enhancement of the current shooting range protection laws would certainly be of significant benefit to all citizens of this state who enjoy safe and accessible access to shooting facilities in there area.

Sincerely,

Michael R. Land, M.D.

Bryan Yerke
9909 Earney Dr.
Charlotte, NC 28214-8307
704-975-0542

North Carolina General Assembly
Raleigh, NC
Members

4/17/2011

To Members and Legislators of the North Carolina General Assembly

On behalf of my fellow members of the Mecklenburg Wildlife Club in Charlotte, NC, I want to thank you for considering legislation to protect our ability to continue to serve our area with safe and convenient shooting facilities to the many lawfully armed citizens who use our facilities and are educated on our ranges in the safe use firearms for recreation, hunting, and self protection. Close to 10,000 people per year pass through our gates to take courses in the legal carrying of a concealed weapon, hunter safety courses, basic firearms courses, or to compete in the many competitions held at our facilities or just to sight in a rifle or casually practice shooting on pistol, rifle, and shotgun facilities. Facilities like ours are becoming a rare breed in North Carolina and every effort should be made to preserve not only current facilities, but to encourage the development of new or replacement shooting facilities.

As we are located in Mecklenburg County and now inside the city boundary of Charlotte, we have felt increasing pressure in recent years from the development which has now occurred completely surrounding the Mecklenburg Wildlife Club. Founded in 1948 amidst the wilderness and farmland of Western Mecklenburg County, some 12 miles from Charlotte at that time, none of our founders envisioned a time when nearly the whole of Mecklenburg County would be a metropolis. During the last ten years housing developments and shopping centers have sprung up around three sides of our rough rectangle that once was all considered prime farm and gameland, requiring additional expense in securing our borders from trespassers to prevent accidents from new residents unfamiliar with our property who could stumble onto our ranges, for their safety as well as our liability, a newfound concern as more folks take up residence nearby. As you can imagine, we now have folks who occasionally summon the local police when they hear gunfire on our ranges tying up officers' time as they are required to respond to all calls even though our usage is legal and safe, just because folks new to the area are unaware of our presence.

However, the biggest danger to the continued existence of our club at its current location is the constant threat of rights of way being established across our property, which has already happened. During the construction of Interstate 485, the state of North Carolina claimed 26 acres along our western border which included an archery range, a prime spring fed bass fishing lake, and principally our shotgun and skeet range. Although we were able to reach a settlement with the state to prevent condemnation of our entire property, we nonetheless lost a part of our preserve which is irreplaceable as it sat. Should we have a similar encroachment by either state or local government, or by a utility or pipeline company extending service to the many new local residence, Mecklenburg

County would lose a valuable resource for recreation and firearms safety, a situation which would at best be inconvenient for those who would need to travel out of county for shooting and safety training, but disastrous for those unable to travel and who would otherwise have no means to avail themselves of safety training and certification classes we sponsor. More so, a resource that may not be re-established to function in its current form elsewhere due to local regulations and the threat of nuisance lawsuits from folks who oppose firearms in any form and would not hesitate were we not protected by statute as we currently are at the present location by the previous Range Protection Act from 1996 protecting only ranges pre-existing to 1996.

Hence, speaking on behalf of our members, families, and the many local citizens and voters who value the shooting facilities at the Mecklenburg Wildlife Club, I implore you not just to consider but to sponsor and pass legislation to protect all facilities and shooting ranges such as ours, both those already established, as well as those which will be established in the future, grandfathering in the ability of those forced due to urban or other pressures to relocate and re-establish themselves, as well as new endeavors to create safe and accessible shooting ranges our current and our children's use and enjoyment.

Sincerely,

Bryan Yerke
9909 Earney Dr.
Charlotte, NC 28214-8307

PAGES ATTENDING

COMMITTEE: State & Local Gov't **ROOM:** 1124

DATE: 4-19 **TIME:** Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 Ben Rice	Raleigh	Stevens
2 Kristen Johnson	Cary	Blue
3 Samuel Holmes	Raleigh	~~Raleigh~~ Hunt
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Do not add names below the grid.

VISITOR REGISTRATION SHEET

State and Local Government — 4/19/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J. Ben Miles, Jr.	GRNC
John Lanareth	GRNC
Lana Hygh	Town of Cary
[signature]	N.C. Bronze
Jack Cozort	NSS
Rick Zechini	Progress Energy
Penny Buffin	School of Gov.
Carmen Hooker	Electricities of NC
David Barnes	PS
Donald Ragavage	Wilmington Fire Fighters
[signature]	OFFPNC
[signature]	SEANC
Mitch Leonard	

VISITOR REGISTRATION SHEET

State and Local Government — 4/19/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
dimdohnsw	BSA
Mike Taylor	Town of Norwood
Kathy Hawkins	Duke Energy
David Anders	PFFPNC
Kelli Umbra	NCLM
MIA BAILEY	Electric Cities
Allison Fowler	NC Grange
[illegible]	City of Wilmington
Lori Moye	NCLM

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, April 26, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on April 26, 2011, in Room 1124 of the Legislative Building. 11 members of the committee were present. Senator Jim Davis presided.

Senator Davis called the meeting to order and introduced the Sergeant-at-Arms and Pages.

House Bill 310 Kinston Mayoral Veto was explained by Representative LaRoque. With no questions or comments, Senator Walters moved for a favorable report with unanimous approval.

Senate Bill 319 Wilmington Civil Service Board was pulled from the agenda at Senator Goolsby's request.

Senate Bill 320 Municipal Systems was pulled from the agenda at Senator Jenkin's request.

Senate Bill 530 Prohibit Involuntary Annexation of Farms was explained by Senator Jackson. Visitor Paul Meyer commented on the bill. With no further questions or comments, Senator Goolsby motioned for a favorable report with unanimous approval.

Senator Walters assumed the role of Committee Chair for Senator Davis to explain Senate Bill 572.

Senate Bill 572 Omnibus County Bill was explained by Senator Davis. Visitor Rebecca Troutman, County Commissioners Association, commented on the bill. The Committee recommended re-referral to the Finance Committee. With no further questions or comments, Senator Goolsby moved for a favorable report with unanimous approval.

Senator Davis re-assumed the role of Committee Chair.

Senate Bill 624 Modify Hearing & Mailings for Rule Making was explained by Senator Preston. Senator Preston responded to questions from Senators Jackson and East. The Committee recommended re-referral to Judiciary I Committee. With no further questions or comments, Senator East moved for a favorable report with unanimous approval.

Senate Bill 675 Require Community Service/Work First Program was explained by Senator Rouzer. Senator Rouzer responded to questions from Senators Jones, Jackson, White, Harrington, and Kinnaird. The Committee recommended referral to "Health and Human Services Committee" for clarification of "disability" and to identify other potential issues. With no further questions or comments, Senator Jackson moved for a favorable report with unanimous approval.
NOTE: Following the adjournment of State and Local Government Committee on 04-26-2011, Staff was contacted for clarification of "Health and Human Services Committee" as there is no Committee so named. Senator Rouzer later requested that SB 675 not be reported out of State

and Local Government Committee and advised that he would re-calendar a committee substitute for a future meeting.

The meeting adjourned at 1PM.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, April 26, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 310	Kinston Mayoral Veto.	Representative LaRoque
SB 319	Wilmington Civil Service Board.	Senator Goolsby
SB 320	Municipal Systems.	Senator Jenkins
SB 530	Prohibit Involuntary Annexation of Farms.	Senator Jackson
SB 572	Omnibus County Bill.	Senator Davis
SB 624	Modify Hearing & Mailings for Rule Making.	Senator Preston
SB 675	Require Community Service/Work First Program.	Senator Rouzer

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 310
Committee Substitute Favorable 3/31/11

Short Title: Kinston Mayoral Veto. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON.

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 2.6 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. Sections 1 and 2 of this act become effective only if approved by the qualified voters of the City of Kinston 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 City of Kinstonto give the Mayor the right to veto City Council actions, subject to an override by four-fifths of the City Council."

SECTION 4. If a majority of the votes cast are in favor of the question, Sections 1 and 2 of this act become effective 30 days after certification of the results of the question. Otherwise, Sections 1 and 2 of this act do not become effective.

SECTION 5. The City Attorney of the City of Kinston shall submit the date of the election under this act for preclearance under section 5 of the Voting Rights Act of 1965 within 30 days of this act becoming law, as provided by G.S. 120-30.9F. If it is not so submitted, the Attorney General shall submit it under G.S. 120-30.9I.

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

HOUSE BILL 310:
Kinston Mayoral Veto

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 25, 2011
Introduced by:	Rep. LaRoque	**Prepared by:**	Barbara Riley
Analysis of:	Second Edition		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-SMRF-45(e2) v1

**Brad Krehely contributed to the drafting of this summary.*

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 310 DATE _____

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

COMMITTEE SUBSTITUTE _____

Rep.)
(Sen.) Klatters

1 moves to amend the bill on page 1, line 35

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "Kinstonto" and inserting "Kinston".

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 319

Short Title:	Wilmington Civil Service Board.	(Local)
Sponsors:	Senators Goolsby; and Apodaca.	
Referred to:	State and Local Government.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON AS IT RELATES TO THE CITY'S CIVIL SERVICE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XI of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 342 of the 1981 Session Laws and S.L. 2010-73, reads as rewritten:

"ARTICLE XI.

"Civil Service.

"Sec. 11.1. Civil Service Commission established. ~~There is created a Civil Service Commission consisting of five members. Each member must be a citizen and a resident of the City of Wilmington. No member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city or a former employee of the police or fire department. Applicants to the Civil Service Commission shall complete the City of Wilmington Boards and Commissions application process.~~

~~The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one member. The employees of the City of Wilmington Police Department who are subject to this Article, by a majority vote, shall name one member. The City Council of the City of Wilmington, by a majority vote, shall name one member. The New Hanover County Medical Society governing board, by a majority vote, shall name one member. The sitting members of the Civil Service Commission, by a majority vote, shall name one member.~~

~~The members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.~~

~~A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any other provision in this section, the member previously named by the Wilmington Ministerial Association governing body, shall be replaced with another member chosen by a majority vote of the sitting members of the Civil Service Commission. The member, who must complete the City of Wilmington Boards and Commissions application process, shall fill an at-large seat for a one year term to run from August 1, 2010, through August 1, 2011.~~

~~The city council shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the commission shall elect a chairman and may~~

~~elect other officers. A majority of the members of the commission constitutes a quorum. The commission may determine its own rules of procedure.~~

~~The city clerk shall be designated as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, keep custody of commission records and notify members of meetings. The director of personnel shall act as an ex officio member of the commission representing the city on personnel matters to be handled by the commission. The commission shall within a reasonable time, supply the director of personnel with notification of any actions, reports, or recommendations made by the commission. The personnel office shall notify affected police and fire department members of actions, reports and recommendations made by the commission.~~

(a) Establishment, Qualifications, and Restrictions. There is created a Civil Service Commission consisting of five regular members and one nonvoting ex officio member. Each regular member must be a citizen and a resident of the City of Wilmington. No regular member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city, or a former employee of the police or fire department. Applicants to the Civil Service Commission shall complete the City of Wilmington Boards and Commissions application process.

(b) Appointment, Term, and Removal of Regular Members. The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one regular member. The employees of the City of Wilmington Police Department who are subject to this Article, by a majority vote, shall name one regular member. The City Council of the City of Wilmington, by a majority vote, shall name one regular member. The New Hanover County Medical Society governing board, by a majority vote, shall name one regular member. The sitting members of the Civil Service Commission, by a majority vote, shall select one member as a regular member of the Commission. The regular members of the Commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

(c) Vacancy. A vacancy on the Commission may be caused by the death, resignation, disqualification, or removal of a regular member. Such vacancy shall be filled by the appointing authority authorized to name the member causing the vacancy. If the appointing agency fails to fill the vacancy within 60 days after notification, the senior resident superior court judge of the judicial district that includes New Hanover County shall be notified and shall immediately fill the vacancy. Regular members appointed to fill a vacancy shall serve for the remainder of the unexpired term.

(d) Compensation, Officers, and Quorum. The City Council shall set the compensation for allowances, if any, to be paid the members of the Commission. In November of each year, the regular members of the Commission shall elect a chairman and may elect other officers. A majority of the regular members of the Commission constitutes a quorum. There shall be a minimum of four regular members present to consider the appeal of a dismissal or demotion under this Article. A quorum will be required to consider nondisciplinary matters.

(e) Secretary. The city clerk shall act as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of Commission meetings and hearings, shall be custodian of all papers and records pertaining to the business of the Commission, shall notify Commission members of meetings, shall administer required oaths, shall be responsible for transmitting to the Superior Court of New Hanover County a complete transcript of all proceedings and papers concerning any Commission order appealed to the court, and shall perform other duties as the Commission may require.

(f) Ex Officio Member. The director of human resources shall act as a nonvoting ex officio member of the Commission and shall advise the Commission on all city and departmental policies, rules, regulations, and procedures. The Commission shall, within a

reasonable time, supply the director of human resources with notification of any actions, reports, or recommendations made by the Commission. The human resources department shall notify affected police and fire department members of actions, reports, and recommendations made by the Commission.

"Sec. 11.2. ~~Jurisdiction.~~ Application of Article. ~~The Civil Service Act has jurisdiction over an employee of the Police Department of the City of Wilmington certified in accordance with Section 11.5 of this act and who is clothed with the full power of arrest and whose primary duty is that of enforcing the criminal laws of the city and State, excluding those employees whose primary responsibility is that of issuing parking tickets or collecting fees. The chief of the police department is not covered by the Civil Service Act.~~

~~The act shall apply to an employee of the Fire Department of the City of Wilmington certified in accordance with Section 11.5 of this act and whose primary function is that of protecting life and property through firefighting, including those fire officers assigned to supporting services of the fire service. The chief of the fire department is not covered by the Civil Service Act.~~

(a) General Application. The provisions of this Article shall only apply to civil service certified employees of the City of Wilmington police and fire departments as defined in this section.

(b) Police Department. An employee of the police department shall be civil service certified only if that employee (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as a criminal justice officer by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the police department as a criminal justice officer. Other than Section 11.4 of this act, the provisions of this Article shall not apply to the chief of police. The provisions of this Article shall not apply to any deputy chief or auxiliary police officer appointed to such position after the date of the enactment of this Article.

(c) Fire Department. An employee of the fire department shall be civil service certified only if that employee (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as either a firefighter or fire inspector by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the fire department in a primary function of protecting life and property through firefighting, including those fire officer positions assigned to supporting services of the fire service. Other than Section 11.4 of this act, the provisions of this Article shall not apply to the fire chief. The provisions of this Article shall not apply to any deputy fire chief appointed to such position after the date of the enactment of this Article.

"Sec. 11.3. Powers and duties. The ~~commission:~~Commission:

~~(a)~~(1) Shall approve reasonable requirements for employment and for examination of applicants. ~~Positions shall be publicized. Examinations shall be competitive, open, and free to all persons meeting the commission's requirements. Examinations shall be practical in character, shall be limited to matters that fairly test the relative ability of the applicant to discharge the duties of the position and shall include tests of mental and physical qualifications and health. Employment procedures shall be consistent with federal and State regulations and the affirmative action policy as adopted by the city council. The director of personnel shall be responsible for implementing and administering personnel policies and procedures approved by the commission. Any standards for police or fire employees that are established by the State of North Carolina shall be included in the requirements for employment.~~

~~(b)~~(2) ~~Shall cause to be prepared and kept a register of persons passing the examinations. The established policy of the city will be followed in filling vacancies from the register.~~ Shall only hear and decide appeals of dismissals or demotions filed by civil service certified employees of the police or fire department.

(3) Shall subpoena on behalf of the Commission, or any party to a hearing before the Commission, witnesses and compel the production of records, books, papers, documents, or tangible things. If a person fails or refuses to obey a subpoena issued pursuant to this subdivision, the Commission may apply to the Superior Court of New Hanover County for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to the proper parties.

(4) Shall comply with the provisions of G.S. 160A-168 during the conduct of an appeal hearing before the Commission.

~~(c)~~(5) Shall make an annual report to the ~~city council, city manager, and to the chiefs of the police and fire departments for posting on departmental bulletin boards.~~ city council and city manager. The ~~commission~~ Commission may prescribe the form and content of the report.

~~(d)~~(6) May secure necessary staff services and request assistance in the performance of its duties from the city manager.

~~(e)~~(7) The ~~commission~~ Commission may use the facilities of the city for holding any of its activities.

(8) May determine its own rules of procedure. The North Carolina Rules of Evidence and the North Carolina Rules of Civil Procedure shall not apply to any hearing before the Commission.

"Sec. 11.4. Appointment of chief of fire department and chief of police department. Appointments of the chief of the fire department and chief of the police department shall be made by the city council and in making appointments to chiefs of the fire and police departments, due consideration shall be given to persons already employees of the respective department.

"Sec. 11.5. Probationary police and fire officers. Employees of the police and fire departments may be hired on a probationary basis for a period not to exceed 18 months. During this period the chief of the respective department may dismiss after notifying the city manager. At the end of the probationary period, an employee shall become certified, unless terminated prior thereto by action of the chief, with all rights and privileges contained in this Article.

~~"Sec. 11.6. Disciplinary action. (a) Except as provided in Section 11.5 of this act, an employee of the Police or Fire Department of the City of Wilmington may be dismissed only for cause and with an opportunity to be heard in his or her own defense. Council retains the authority to demote or terminate positions because of a lack of work or conditions beyond the control of the city. And furthermore, nothing in this Article shall be so construed as to deprive city council of its control over the finances of the city.~~

~~(b) The chief of the appropriate department may suspend, with or without pay, any employee of the police or fire department charged with violating any rule or regulation of the department, for a period not to exceed 30 calendar days. Within three working days after making any suspension, the chief shall file with the city manager a written statement setting forth the reasons for the suspension in detail. Within the same time, the chief shall give to the suspended officer a signed copy of the statement of the basis for the suspension. Within 10 working days after his suspension, the employee may file with the city manager a written request for a hearing. The city manager shall conduct the hearing within 30 calendar days thereafter.~~

~~If the employee is suspended without pay and the city manager finds that the suspension was not justified, or if the charges are dismissed, the employee shall be fully reimbursed for any loss of pay.~~

~~(c) With the approval of the city manager, the chief of the appropriate department may dismiss or demote any employee for violating any rule or regulation of the department of which the employee is a member. Within three working days after making any dismissal or demotion, the chief of the department shall file with the Secretary of the commission a written list of charges supporting the discharge or demotion. A copy of this statement shall be given to the city manager and the employee.~~

~~Within 10 working days after dismissal or demotion, the employee may appeal by first filing with the secretary of the commission a written request for a hearing before the Civil Service Commission. Such request for hearing shall contain a written response to each of the enumerated charges which was filed in support of the discharge or demotion. The commission shall conduct a hearing within 60 calendar days after receipt of the request. Hearings shall be administrative in nature. 'Working days' for purposes of this subsection shall mean 8:30 a.m. to 5:00 p.m., Monday through Friday except legal holidays.~~

~~If the commission determines that the employee has not violated a rule or regulation of the department, the commission shall reinstate with appropriate back pay. In the conduct of its investigations, the commission may subpoena witnesses, administer oaths and compel the production of evidence.~~

~~The commission upon finding any employee guilty may sustain the action of the chief or take any other action that may be deemed appropriate.~~

~~Any employee found guilty by the commission may appeal to a court of competent jurisdiction. The trial upon appeal shall be governed by the provisions of Article 4, Chapter 150A, of the General Statutes of North Carolina pertaining to Judicial Review of Decisions of Certain Administrative Agencies except that for purpose of G.S. 150A-45 the person seeking review must file a petition in the Superior Court of New Hanover County.~~

~~A person who may wish to appeal to the superior court shall file with the secretary of the commission a bond in an amount set by the commission, with sufficient surety conditioned that the person shall pay the cost of such appeal in the event such cost shall be levied against the person, and shall pay to the secretary the necessary fee for entering such appeal in the superior court within 10 calendar days after entry of such order or decree appealed from, and upon appeal, the secretary of the Civil Service Commission shall forthwith transmit to the superior court a complete transcript of all papers and proceedings concerning the order or decree or action of the Civil Service commission appealed from, together with the appeal bond and fee.~~

"Sec. 11.6. Dismissal, demotion, and appeal.

(a) General. A civil service certified employee of the police or fire department of the City of Wilmington may be dismissed or demoted only for cause and with an opportunity to be heard in his or her own defense. Notwithstanding any provision of this Article, the city council shall retain the authority to demote or terminate positions because of a lack of work or conditions beyond the control of the city and nothing in this Article shall be so construed as to deprive the city council of its control over the finances of the city. Further, notwithstanding any provision in this Article, the city manager shall retain all powers and authority granted to him by law and by the Charter of the City of Wilmington.

(b) Dismissal and Demotion. The chief of the appropriate department may, with the prior approval of the city manager, dismiss or demote any civil service certified employee of the police or fire department for violating any rule, regulation, policy, or procedure of the city or of the department of which the employee is a member. Within five working days after making any such dismissal or demotion, the chief of the department shall file with the secretary of the Commission a written list of charges supporting the discharge or demotion. A copy of this statement shall be given to the city manager and the employee.

(c) Appeal of Dismissal or Demotion. No more than 10 working days after the effective date of his or her dismissal or demotion, the employee may appeal such dismissal or demotion to the Civil Service Commission by filing a written notice of appeal and request for a hearing with the secretary of the Commission. The notice of appeal and request for a hearing shall contain a written response to each of the enumerated charges which was filed in support of the discharge or demotion. The Commission shall conduct a hearing within a reasonable time after receipt of the request. Hearings shall be administrative in nature and shall be conducted in closed session unless an open session is requested by the employee. For purposes of this subsection, the term "working days" means 8:00 A.M. to 5:00 P.M., Monday through Friday, except legal or city holidays.

(d) Appeal Powers of the Commission. If, at the completion of its hearing, the Commission shall find that:

(1) The employee has not committed the offense or offenses with which he or she has been charged, the Commission shall reinstate the employee and direct the city manager to reimburse any lost pay and benefits to the employee.

(2) The employee has committed the offense or offenses with which he or she has been charged, the Commission shall sustain the action taken or may impose such other punishment as it deems just and proper.

(e) Appeal from Action of the Commission. Every decision of the Commission shall be subject to review by the Superior Court of New Hanover County by proceedings in the nature of certiorari. Any party to a hearing before the Commission may appeal any order of the Commission to the Superior Court of New Hanover County by giving notice of appeal, in writing, to the clerk of superior court not later than 10 days after the entry of the order. Assignments of error must be filed with the court and served upon the Commission and other parties no later than 30 days after entry of the order. The appeal to superior court shall be heard upon the record of proceedings at the hearing before the Commission.

"Sec. 11.7. ~~Enforcement of subpoenas.~~Testimony before the Commission. ~~In the conduct of hearings or investigations, the members of the commission shall have the right and power to compel by subpoena both the attendance and testimony of witnesses or for the production of evidence that may be relevant to the case to be heard. The commission may apply to a court of competent jurisdiction for an order requiring that its order be obeyed. No testimony of any witness before the commission may be used against the witness on the trial of any criminal prosecution other than for false swearing committed on examination.~~

All persons testifying before the ~~commission~~ Commission shall be administered the appropriate oath by the city clerk. The city clerk or other designated court recorder shall be responsible for recording all proceedings. Any person, while under oath, at an investigation by the ~~commission,~~ Commission, willfully swearing falsely, shall be guilty of a misdemeanor.

"Sec. 11.8. ~~Personnel policies.~~Other city policies. Unless specifically excepted by this ~~act,~~Article, all other ~~ordinances and policies~~ordinances, rules, regulations, policies, and procedures affecting the employees of the City of Wilmington shall apply to ~~employees under the Civil Service Act.~~civil service certified employees."

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

SENATE BILL 319:
Wilmington Civil Service Board

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 18, 2011
Introduced by:	Sen. Goolsby	**Prepared by:**	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 319 would amend the Charter of the City of Wilmington as it relates to the city's Civil Service Commission.

BILL ANALYSIS:

Senate Bill 319 would amend the Charter of the City of Wilmington, as it relates to the city's Civil Service Commission, as follows:

- Would place the director of human resources on the Commission as a nonvoting ex officio member.
- Would require the presence of at least 4 of the 5 regular members of the Commission to consider the appeal of a dismissal or demotion of an employee.
- Would clarify which employees of the police department and fire department are subject to civil service requirements and the Commission.
- Would clarify the powers of the Commission, including the power to subpoena and set its own rules of procedure.
- Would make the provisions on privacy of employee personnel records in G.S. 160A-168 applicable to Commission appeal hearings.
- Would remove the power of the chief or police or fire chief to suspend an employee, with or without pay, prior to receiving approval from the city manager.
- Would change the time period the Commission has to conduct a hearing for appeal of dismissal or demotion from 60 days to "within a reasonable time" after receipt of the request.
- Would make judicial review of Commission decisions by writ of certiorari rather than by the administrative procedures act.

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

SENATE BILL 320

Short Title:	Municipal Systems.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State and Local Government.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO BROADEN THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-321 reads as rewritten:

"**§ 160A-321. Sale, lease, or discontinuance of city-owned enterprise.**

A city is authorized to sell or lease as lessor any enterprise that it may own upon any terms and conditions that the council may deem best. However, except as to transfers to another governmental entity pursuant to G.S. 160A-274, a city-owned enterprise shall not be sold, leased to another, or discontinued unless the proposal to sell, lease, or discontinue is first submitted to a vote of the people and approved by a majority of those who vote thereon. Voter approval shall not be required for the sale, lease, or discontinuance of airports, off-street parking systems and facilities, water treatment systems, water distribution systems, wastewater treatment systems, or solid waste collection and disposal systems."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 530

Short Title:	Prohibit Involuntary Annexation of Farms.	(Public)
Sponsors:	Senators Jackson; Atwater, Bingham, Brock, Brown, Daniel, East, Goolsby, Harrington, Hise, Meredith, Pate, Rabon, Rouzer, Soucek, Tucker, Walters, and White.	
Referred to:	State and Local Government.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4A of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-58.29. No involuntary annexation of farms.**

No land being used for bona fide farm purposes, as defined in G.S. 153A-340, on the date of the resolution of intent to consider annexation shall be annexed without the written consent of the owner or owners of the property."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 572

Short Title:	Omnibus County Bill.	(Public)
Sponsors:	Senator Davis.	
Referred to:	State and Local Government.	

April 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ENACT THE OMNIBUS COUNTY BILL OF 2011.

The General Assembly of North Carolina enacts:

SECTION 1.1. Commission Established. – There is created the Records Preservation Modernization Commission. The Commission shall consist of 13 members to be appointed as follows:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Three members of the Senate appointed by the President Pro Tempore of the Senate.

(3) The Secretary of Cultural Resources, or the Secretary's designee.

(4) Three members of the public appointed by the Speaker of the House of Representatives with two of the appointments based on the recommendation of the North Carolina Association of County Commissioners and one of the appointments based on the recommendation of the North Carolina League of Municipalities.

(5) Three members of the public appointed by the President Pro Tempore of the Senate with two of the appointments based on the recommendation of the North Carolina Association of County Commissioners and one of the appointments based on the recommendation of the North Carolina League of Municipalities.

SECTION 1.2. Administration. – The Speaker of the House of Representatives shall designate one representative as cochair, and the President Pro Tempore of the Senate shall designate one senator as cochair. Vacancies on the Commission shall be filled by the same appointing authority making the initial appointment.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.3. Duties. – The Commission shall study issues relating to records preservation standards, procedures, and techniques and consider any other issues the Commission deems relevant.

SECTION 1.4. Report. – The Commission may make a report, including any proposed legislation, to each regular session of the General Assembly upon its convening.

SECTION 2. G.S. 105-282.1(a1) reads as rewritten:

"(a1) Late Application. – ~~Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subsection applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.~~An application for a property tax exemption or exclusion provided by this section should be filed during the regular listing period but may be filed and must be accepted through June 1 preceding the tax year for which the exemption or exclusion is claimed."

SECTION 3. G.S. 105-164.4B(a) reads as rewritten:

"(a) General Principles. – The following principles apply in determining where to source the sale of a product. These principles apply regardless of the nature of the product.

(1) Over-the-counter. – When a purchaser receives a product at a business location of the seller, the sale is sourced to that business location.

(2) Delivery to specified address. – When a purchaser receives a product at a location specified by the purchaser and the location is not a business location of the seller, the sale is sourced to the location where the purchaser receives the product. For taxpayers required to make monthly prepayments of sales and use taxes pursuant to G.S. 105-164.16(b2), the appropriate expanded zip code of the United States Postal Service Zip + 4 system shall be used for the location where the purchaser receives the product.

(3) Delivery address unknown. – When a seller of a product does not know the address where a product is received, the sale is sourced to the first address or location listed in this subdivision that is known to the seller:

a. The business or home address of the purchaser.

b. The billing address of the purchaser or, if the product is prepaid wireless calling service, the location associated with the mobile telephone number.

c. The address from which tangible personal property was shipped or from which a service was provided."

SECTION 4. Section 3 of this act becomes effective July 1, 2011. The remainder of this act is effective when it becomes law.

SENATE BILL 572:
Omnibus County Bill

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 26, 2011
Introduced by:	Sen. Davis	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 572 creates the Record Preservation Modernization Commission to study issues related to the preservation of records. The bill also amends the property tax laws to extend the time for filing an application for a property tax exemption and requires a zip + 4 as part of the address for a determination of where to source the sale of a product delivered to a purchaser who is required to make monthly prepayments of sales and use taxes.***

BILL ANALYSIS: Section 1 of Senate Bill 572 creates the Record Preservation Modernization Commission to study issues related to the preservation of records. The Commission is established as a permanent commission under Chapter 120 of the General Statutes. The Commission shall consist of 13 members: three House members appointed by the Speaker, three Senate members appointed by the President Pro Tem, the Secretary of Cultural Resources or the Secretary's designee, three members of the public appointed by the Speaker with 2 of those appointments based on recommendation of the County Commissioners Association and 1 based on recommendation by the League of Municipalities, and 3 members of the public appointed by the President Pro Tem, with 2 of those appointments based on recommendation of the County Commissioners Association and 1 based on recommendation by the League of Municipalities.

Section 2 of the bill amends the property tax laws to extend the time for filing an application for a property tax exemption to June 1 preceding the tax year for which the exemption is filed.

Section 3 amends the sales and use tax law to require a zip + 4 as part of the address for a determination of where to source the sale of a product delivered to a purchaser who is required to make monthly prepayments of sales and use taxes.

EFFECTIVE DATE: Section 3 of the act becomes effective July 1, 2011. The remainder of the act is effective when it becomes law.

S572-SMRF-46(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 624

Short Title:	Modify Hearing & Mailings for Rule Making.	(Public)
Sponsors:	Senators Preston; and Brown.	
Referred to:	State and Local Government.	

April 19, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE GREATER NOTIFICATION OF AND ABILITY TO ATTEND HEARINGS FOR RULE MAKING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-21.2(a) reads as rewritten:

"(a) Steps. – Before an agency adopts a permanent rule, it must take the following actions:

(1) Publish a notice of text in the North Carolina Register.

(1a) For each county that will be impacted by the proposed rule, notify the governing unit of and publish in at least one newspaper having general circulation in each county specific instructions as to how to access, by Internet, the notice of text published in the North Carolina Register.

(2) When required by G.S. 150B-21.4, prepare or obtain a fiscal note for the proposed rule.

(3) Repealed by Session Laws 2003-229, s. 4, effective July 1, 2003.

(4) When required by subsection (e) of this section, hold a public hearing on the proposed rule after publication of the proposed text of the ~~rule.~~rule within 60 miles of each county that will be impacted by the proposed rule and from which a resident timely submitted a written request for a public hearing.

(5) Accept oral or written comments on the proposed rule as required by subsection (f) of this section."

SECTION 2. This act is effective when it becomes law and applies to rules adopted on or after that date.

SENATE BILL 624:
Modify Hearing & Mailings for Rule Making

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 26, 2011
Introduced by:	Sen. Preston	**Prepared by:**	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 624 would require greater notification of and ability to attend hearings for rule making.***

CURRENT LAW: Before an agency adopts a permanent rule, it must take the following actions:

- Publish a notice of text in the North Carolina Register.
- Prepare or obtain a fiscal note for the proposed rule if required by statute.
- Hold a public hearing on the proposed rule if a written request for a public hearing is received within 15 days of publication of text in the North Carolina Register.
- Accept oral or written comments on the proposed rule.

"Agency", for purposes of the Administrative Procedures Act, means an agency or an officer in the executive branch of the government of this State and includes the Council of State, the Governor's Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch. A local unit of government is not an agency.

BILL ANALYSIS: Senate Bill 624 would apply to all agencies and would require the agency to do the following before adopting a permanent rule:

- For each county that will be impacted by the proposed rule, notify the governing unit of and publish in at least one newspaper having general circulation in each county specific instructions as to how to access, by Internet, the notice of text published in the North Carolina Register.
- Hold a public hearing within 60 miles of each county impacted by the proposed rule and from which a resident submits a written request for public hearing within 15 days of the publication of text in the North Carolina Register.

If an agency adopted a rule that would apply statewide, the agency would have to comply with these provisions in all 100 counties.

EFFECTIVE DATE: This act is effective when it becomes law and applies to rules adopted on or after that date.

SENATE BILL 675

Short Title:	Require Community Service/Work First Program.	(Public)
Sponsors:	Senators Rouzer; and Daniel.	
Referred to:	State and Local Government.	

April 20, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING APPLICANTS FOR THE WORK FIRST PROGRAM TO PERFORM COMMUNITY SERVICE BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC ASSISTANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 2 of Chapter 108A of the General Statutes is amended by adding the following section to read:

"**§ 108A-31.1. Eligibility for assistance.**

(a) Notwithstanding any other provision of law, to be eligible for program assistance under this Part, an applicant shall submit evidence to the county department of social services in the county in which the applicant resides or, in the case of residents of Electing Counties, to the public or private entity designated by the board of county commissioners that the applicant is performing community service on a continual basis while receiving program assistance.

The board of county commissioners or the public or private entity shall determine the documentation required to establish that community service is being performed and the frequency of the performance of community service during the period in which the applicant is receiving program assistance under this Part.

(b) An applicant meeting the requirements of subsection (a) of this section shall be eligible for program assistance under this Part. Nothing in this section shall prevent an applicant from receiving program assistance when the applicant is unable to perform community service due to disability."

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Wednesday, April 27, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **530** Prohibit Involuntary Annexation of Farms.

Sequential Referral: None

Recommended Referral: None

S.B. **572** Omnibus County Bill.

Sequential Referral: None

Recommended Referral: Finance

S.B. **624** Modify Hearing & Mailings for Rule Making.

Sequential Referral: None

Recommended Referral: Judiciary I

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **310** Kinston Mayoral Veto.

Draft Number: 11196

Sequential Referral: None

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

State and Local Government — 04-26-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dana Fenton	City of Charlotte
GERRY COHEN	Bill Drafting
M. Bailey	Electricities
David Baker	NCDOR
Ray Starling	NC Dept of Agriculture
Cady Thomas	NCAR
Jesse Hayes	NCHBA
Sherna Weeks	NC/DST
Carl Howell	DST
KEVIN LEONARD	NCACC
REBECCA TROUTMAN	NCACC
AMY BASON	NCACC
TODD MCGEE	NCACC

VISITOR REGISTRATION SHEET

State and Local Government — 04-26-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Pam Meyer	NCLM
Jim Reilly	L-P COG Roanoke River RPO
Bob Steeves	NCFA

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, May 3, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on May 3, 2011, in Room 1124 of the Legislative Building. 10 members of the committee were present. Sen. Walters, presided.

Rep. Justice explained HB 415 (Topsail Beach/Littoral Rights.) to the committee. After discussion by the committee, a Senate Committee Substitute bill was adopted. Sen. Jones made a motion for unfavorable as to original bill, but favorable as to the Senate Committee Substitute. The motion was carried.

The meeting adjourned at 12:18 p.m.

Sen. Walters, Presiding

Vickie Spears, Committee Clerk

Senate State and Local Government Committee
Tuesday, May 3, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 415	Topsail Beach/Littoral Rights.	Representative Justice

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	May 3, 2011	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 415	Topsail Beach/Littoral Rights.	Representative Justice

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 415
PROPOSED SENATE COMMITTEE SUBSTITUTE H415-CSRF-23 [v.1]

5/2/2011 9:52:19 PM

Short Title: Topsail Beach/Nags Head/Littoral Rights. (Local)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWNS OF TOPSAIL BEACH AND NAGS HEAD AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.

Whereas, the majority of properties in the Towns of Topsail Beach and Nags Head 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 Towns of Topsail Beach and Nags Head 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, The Town of Nags Head with its own funds 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 by the Town of Topsail Beach 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, a means of erosion control to be employed by the Town of Nags Head will be 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 Nags Head; and

Whereas, to that end, the Towns of Topsail Beach and Nags Head have entered into contracts and intend 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, as a result of the beach nourishment projects, there will be made, constructed, or raised, new lands on the oceanfront of the Town of Nags Head which 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 Nags Head: 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, a question has arisen in the Town of Nags Head as to the effect of the projects on the littoral rights of the owners of property along the oceanfront where the new lands 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 Towns of Topsail Beach and Nags Head 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 Towns of Topsail Beach and Nags Head desire 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:

SECTION 1.(a) Where land in or immediately 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 which involve hydraulic dredging or deposition of spoil materials or sand by other means, the owners of the property abutting the newly raised lands before the beach nourishment projects shall, in front of their property, possess and 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.

SECTION 1.(b) Where land in or immediately along the Atlantic Ocean in the Town of Nags Head is raised above the mean high-water mark by publicly financed beach nourishment projects which involve hydraulic dredging or deposition of spoil materials or sand by other means, the owners of the property abutting the newly raised lands before the beach nourishment projects shall, in front of their property, possess and 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.

SECTION 2. Nothing herein shall otherwise affect or restrict title to or public trust rights in lands raised by the beach nourishment projects.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

HOUSE BILL 415

Short Title:	Topsail Beach/Littoral Rights.	(Local)
Sponsors:	Representative Justice (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

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:

SECTION 1. Where land in or immediately 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 which involve hydraulic dredging or deposition of spoil materials or sand by other means, the owners of the property abutting the newly raised lands before the beach nourishment projects shall, in front of their property, possess and 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.

SECTION 2. Nothing herein shall otherwise affect or restrict title to or public trust rights in lands raised by the beach nourishment projects.

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

HOUSE BILL 415:
Topsail Beach/Littoral Rights

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 2, 2011
Introduced by:	Rep. Justice	**Prepared by:**	Barbara Riley
Analysis of:	PCS to First Edition H415-CSRF-23		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. The proposed committee substitute adds the Town of Nags Head to the provisions of the bill.***

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.
- Where land along the Atlantic Ocean in the Town of Nags Head is 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.

Giles Perry, counsel to House Government, substantially contributed to this summary.

H415-SMRF-53(CSRF-23) v1

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Wednesday, May 04, 2011

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

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

H.B. **415** Topsail Beach/Littoral Rights.

Draft Number:	PCS80209
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Sen. Stan White will handle on Senate floor.

VISITOR REGISTRATION SHEET

State & Local Gov't — May 3, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cady Thomas	NCAR
GRIER FLEISCHHAUER	TOPSAIL BEACH, NC
[signature]	CC

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, May 10, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on May 10, 2011, in Room 1124 of the Legislative Building. 11 members of the committee were present. Sen. Jim Davis presided.

Sen. Davis called the meeting to order and introduced the Sergeant-at-Arms and Pages.

House Bill 168 (CS #1) Farms Exempt from City Annexation/ETJ/Zoning was explained by Reps. Sanderson and Cleveland. Rep. Sanderson responded to questions from Sens. East, Nesbitt, Kinnaird, Robinson, and White. Visitor Bo Sellers spoke in support of the bill. Visitor Kelli Kukura, NC League of Municipalities, commented on the bill. With no further discussion, Sen. East moved for a favorable report. Ten members voted in favor. Sen. Robinson opposed.

House Bill 194 Topsail Beach Charter Amendment was explained by Rep. Justice. Rep. Justice responded to a question from Sen. White. Sen. Goolsby moved for a favorable report with unanimous approval.

House Bill 193 Topsail Beach Recall Elections was explained by Rep. Justice. Visitor Grier Fleischhauer spoke against the bill. Visitor Howard Braxton, Mayor of Topsail Beach spoke in favor of the bill. Sens. Kinnaird, White, Nesbitt, East , Tucker, Jackson, Jones and Goolsby had questions and comments responded to by Rep. Justice. Sen. Tucker moved for a favorable report. Five members voted for and five against the bill. Sen. Davis, Committee Chair, voted for the bill bringing the vote to 6 for and 5 against.

The meeting adjourned at 12:55.

Sen. Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, May 10, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 168	Farms Exempt from City Annexation/ETJ/Zoning.	Representative Hill Representative Cleveland Representative Sanderson
HB 193	Topsail Beach Recall Elections.	Representative Justice
HB 194	Topsail Beach Charter Amendment.	Representative Justice

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 168
Committee Substitute Favorable 3/21/11

Short Title: Farms Exempt From City Annexation/ETJ/Zoning. (Public)

Sponsors:

Referred to:

February 24, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-340(b)(2) reads as rewritten:

"(b) (2) Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes 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~~ agriculture as defined in ~~G.S. 106-581.1 having a domestic or foreign market.~~ G.S. 106-581.1. For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a 'Goodness Grows in North Carolina' product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose."

SECTION 2. G.S. 160A-36 is amended by adding a new subsection to read:

"(f) No land being used for 'bona fide farm purposes,' as defined in G.S. 153A-340, on the date of the resolution of intent to consider annexation, shall be annexed without the written consent of the owner or owners of the property."

SECTION 3. G.S. 160A-48 is amended by adding a new subsection to read:

"(g) No land being used for 'bona fide farm purposes,' as defined in G.S. 153A-340, on the date of the resolution of intent to consider annexation, shall be annexed without the written consent of the owner or owners of the property."

SECTION 4. G.S. 160A-360 is amended by adding a new subsection to read:

"(k) Property used for 'bona fide farm purposes,' as defined in G.S. 153A-340, is exempt from a municipality's extraterritorial jurisdiction under this Article."

SECTION 5. 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 property used for bona fide farm purposes.**

The provisions of this Part are not applicable to property used for 'bona fide farm purposes,' as defined in G.S. 153A-340."

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

HOUSE BILL 168: Farms Exempt From City Annexation/ETJ/Zoning

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 9, 2011
Introduced by:	Reps. Sanderson, Cleveland, Hill	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 168 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.***

CURRENT LAW: There are special provisions that apply to the involuntary annexation of agricultural land, horticultural land, or forestland. For the provisions to apply, the property must meet one of the following conditions:

(1) The land is being taxed at present-use value pursuant to G.S. 105-277.4.
(2) The land meets both of the following conditions:
   a. On the date of the resolution of intent for annexation, it was being used for actual production and is eligible for present-use value taxation, but the land had not been in use for actual production for the required time under G.S. 105-277.3.
   b. The assessor for the county where the land subject to annexation is located has certified to the city that the land meets the requirements of this subdivision.

If the property meets (1) or (2) above, then it 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.[1]

If the property becomes ineligible for present-use value classification or otherwise doesn't meet the conditions above, then the property would become subject to property taxation by the city, and the city would be required to provide services to the property.

BILL ANALYSIS:

Section 1 clarifies the definition of "bona fide farm purposes" by deleting the phrase "agricultural products" and substituting the term "agriculture" as it is defined in G.S. 106-581.1 (*statute attached below*); and by deleting the phrase "having a domestic or foreign market." Property used for bona fide farm purposes is broader than and would include property that is eligible for present-use value.

Sections 2 and 3 prohibit the 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 exempts property used for bona fide farm purposes from municipal extraterritorial planning and zoning jurisdiction.

Section 5 exempts property used for bona fide farm purposes from municipal zoning.

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

[1] G.S. 160A-37, -49.

CROSS-REFERENCES:

§ 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.

§ 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.

Trina Griffin of the Research Division substantially contributed to this summary.

H168-SMRW-111(e2) v1

HB 168

Allee' Bubba Farms
Concord, NC

Senators,
Thank you for hearing us. Thank you for supporting NC #1 industry and land owners group: Farmers. We are here to seek your help in fighting the un bridled municipal assault on America's first profession: Family Farms.

On Thursday of last week my wife and mother-in-law received Mother's Day presents from the City of Concord: Annexation letters with intent to complete annexation of our historic family farm by 28 June 2011. That's 8 weeks and hardly due process, open, just or in any sense a relationship building attempt.

By Friday night we learned that Concord had declared a War on Blackwelder's (my mother-in-law and cousins) and Furr's in Cabarrus County. We are declaring War right back.

Who are we?

- **Farmers:** Wendy Austin-Sellers and Bo Sellers
- **Land Owners:** Deloris and Ken Austin
- Deloris: as a woman, inherited the farm as an USDA defined historically disadvantaged group
- Wendy: as a woman, will inherit the farm as an USDA defined historically disadvantaged group
- Ken: worked to keep the farm so his only daughter can inherit the family farm
- Bo
    1. Inaugural class, beginning organic farmer in the Elma C Lomax Farm Incubator Program of Cabarrus County
    2. Toured EC Lomax Farm with US Rep. Kissell in 2010
    3. Board member Cabarrus Agriculture Advisory Council
    4. Board member Charlotte Region Chapter USGBC
    5. Board certified Architect
- Our farm, Allee' Bubba
    1. Documented 113 years in the family and still researching to go further back
    2. Our family farm is a bona fide farm.
    3. Executing Year 3 of our farm business plan
    4. USDA Certified Organic 2011
    5. USDA/NRCS Organic EQIP 2011
    6. USDA/NRCS/NCSWC/DENR CREP 2011 (Conservation Easement)
    7. Supported by Cabarrus Extension, CEFS, ASAP, CFSA, NC Choices, NC Market Ready

Annexation of Farms Is Wrong
These annexation activities are tyranny, terrorist and communist. My family in NC and SC and my wife's family in NC, specifically Cabarrus County fought to give King George his just reward for tyranny and taxation without representation. Caleb Blackwelder founded Cabarrus County, fought in the Revolutionary War and he farmed. My wife's family is his descendants.

We each owe it to those who came before us to uphold Liberty, Freedom and Restraint on the Government they bled to give us. Today, we are bleeding and seeking relief due us under the Constitution: the Right to Own Property without Government Seizure.

Concord is using the NC Senate

Concord is using the NC Senate to intimidate and accomplish their evil deed of family farm genocide.

Specifically, Concord mentions Senate Bill 1444 stating it"specifically authorizes the City to pursue Annexation of properties, such as yours, that are completely surrounded by the city limits."

- S1444 did not nor does not "specifically authorize" Concord to "pursue annexation"!
- Concord infers farms should be annexed and that the NC Senate "told us to do it."
- It's not Concord, it's the NC Senate?

The City proceeds: "The City of Concord follows the State of NC philosophy and detailed process on expanding municipal boundaries."

- Is it the philosophy "what's yours is mine" aka King George and Karl Marx?
- Municipal boundaries *should be expanded*? Not hardly and not on the backs of farm families.

Concord's Obligation to Provide Emergency Services

Concord further writes "these areas are of particular concern due to the city's obligation to provide emergency services to surrounding areas already within the corporate limits and the confusion it creates as to primary responsibility response."

- Our County Tax Assessment includes taxes for emergency services.
- Jackson Park VFD is closer to our farm than the closest Concord emergency service.
- Harrisburg emergency service is closer than the closest Concord emergency service.
- A Jackson Park firefighter and EMT boards her horse at our farm.
- I think we have better emergency service at a lower cost than the tyranny being forced on us.
- Steve Blackwelder was instructed to name his farm's drive to fix emergency service confusion. So he did. The City of Concord apparently remains confused. Jackson Park is closer to Steve than us.
- *Following Concord's Communist logic*, if you are in an accident in Concord and you need emergency services, they can annex your property, regulate your rights and tax you to death.

Emergency Services, 911 Taxes and GPS

Today children in primary and elementary school carry GPS enabled phones to schools. There is no excuse If Concord has emergency professionals that cannot find us, they should ask their City Council. They know where we are and think we are stupid.

- We pay 911 taxes through 3 separate communication providers Windstream, AT&T and Verizon.
- The County's 911 tower is less than a mile from us and towers over our farm, lighting it up at night with its flashing lights.
- UPS and FedEx deliver to our front door on the farm.
- I can buy an App for $.99, download it in seconds and find anyone anywhere.
- I believe we are overpaying if monthly 911 taxes and technology can't do for emergency services what it could for me to find parking here today!

City Confusion

I saw a cartoon last week that showed a cow stuck in a fence. Then it showed a bull mounted on the cow. It read "not all who come to your aid are there to help". Bulls service cows. Servants serve. I believe Concord's service is serving some bull.

- Concord is not providing *any* services to our farm, nor can it be confused.
- We direct contract for garbage and recycling on a monthly basis.
- We use a well and septic system even though Glen Cove developers gave my in-laws a choice to connect to the infrastructure they installed.
- All incoming services are underground (electric, phone and cable).
- Our property is full fenced with ½ of our perimeter on a creek. No police needed, not even the Concord Navy!
- Our neighbors stop us to talk. They teens help us with hay and they gather in groups to watch us work the hay.
- We are a value to our neighbors and our Organic Certification is only adding to their health, safety, welfare and property values.

Our Farm's Services

We provide more services to Concord than they can ever provide to us.

- Ground water recharge: 27,500 gallons/inch/acre x 50 inches of rain/year x 47 acres = priceless
- Oxygen: by-product from plants, grass pastures and trees
- Carbon: absorption of CO2 from air and sequestration in plants, grasses and trees
- Floodplain: Concord develops upstream adding storm water discharge into Coddle Creek, using our farm as the lowest point in flood plain downstream of Philip Morris, a 2,300 acre undeveloped farm immediately upstream of our farm.
- Zoning and construction standards allow encroachment of existing flood plains by removing width and ground surface area needed for ground water recharge and water quality filtration. Developers may create a canyon, increasing speed and volume of water dumping onto out farm at the end of the current Glen Cove development. NC DENR should investigate the erosion and change in flood plain risking submersion of existing sewer manholes on our property and risk to health, safety and welfare.
- Good citizenship, working tax payers, support of businesses located in the city limits.

Current Concord City Limits

Attached is a copy of Concord's Voting Districts which highlights city limits.

- District 7 representative was appointed by Council to fill a vacant and has never been elected. This would be our family's district.
- Our farm is less than 500 feet from the county.
- Steve is less than 100 feet.

2015 Concord Master Plan

Attached is a copy of Concord's Master Plan. It is only 3.5 years away.

- All current farms in City of Concord, our farm and other family member annexation targeted farms are paved.
- No farms exist in the city.
- Please note that the City Dump (landfill) is shown as "green space". Currently, it is well over 100 feet high, the highest elevation point in Cabarrus. It can never be a green space as it appears or would seem to any layman viewer.

Zoning

It appears Concord has more in mind than annexation.

- In March 2011, we discovered our farm noted as a Concord Residential Zone on the City/County GIS website.
- This was discovered only after I applied for the ETJ seat on Concord City Zoning and was told I was not in an ETJ. Although my application for Ag Advisory Board had to go to the County Commissioners for approval because I lived in a high growth district.
- I am concerned that my constitutional rights were denied and am seeking clarification on how a seat representing farmers could go unfilled while Concord lobbied for S1444 and planned current annexation activity.
- In 2009, Concord re-zoned Speedway property to stop drag strip construction. The Council, attorney and others involved broke with established NC construction law, denied due process, constitutional rights and cost both Cabarrus and NC $80M. And, it's still in litigation.
- Is this latter point why Speedway property is not being annexed?

Planning and Zoning Leadership

Concord and Cabarrus are not growing. Concord has amassed a large land bank of farmland without the need for more. It's a land grab to add more sprawl and kill agriculture.

- City planning and zoning has not filled the ETJ representative seat in over 3 years.
- Cabarrus County has not taken initiative to fill the seat with a Non-ETJ Ag Advisory Board member or other qualified person. The seat has been restricted to living in the ETJ, with what I believe to be full knowledge they intended to annex farms elsewhere and pushed for S1444 to allow annexation to occur without restraint.
- City minutes quote Kevin Ashley, city planner as stating "commercial and agriculture zoning are incompatible" for a parcel that was Ag that had been zoned Commercial and could not return to Ag. It is adjacent to existing Ag and homeowners wanted the farmland.
- The neighbors were discouraged by the City attendees for supporting the change and used Ag disparagingly like it is a bad thing.

Taxes Increase

I hope Steve will share his package from Concord with you. We aren't calm enough to go to city hall like he did. Concord is calling taxes "Total Revenue" in column 3, page 8.

- Collect NPV taxes by forcing sale of the land...farmer pays city and county, not just county.
- Due to City Annually: $10,407!
- For 62 acres, that's $168/acre!
- I say we buy a GPS App for $.99 and sell it to Concord for a $10,406 profit as fast as we can.
- NC can balance the state budget by buying apps just for Concord's emergency responders☺

Concord Agriculture Zone

Concord Agriculture zoning dates to the Middle Ages removes existing farm business rights and denies agriculture and certified organic best practices. Clearly the picture emerges that Concord wants the land but not the farmers.

- No animals...not horses, boarding, lessons, poultry, cows, sheep, goats, pigs, nothing.
- No burning...the #1 treatment for plant disease and bee foulbrood...wood ash is a soil amendment.
- No noise or odor...not too early, not too late, not to loud and ooh, ooh that smell.
- Landscape buffers are required to separate zoning types. They did not require buffering from residents against our farm property.
- Severely restricts currently allowed businesses on farm property compared to County zoning (no restaurant/food service, cemetery, hotel/B&B, etc.)
- These all increase farm costs, decrease revenue potential and limit operating hours.
- Our FARMS were here first! Buyers know a farm is next door or nearby.
- We have property rights that will be immediately taken from us.

Previous Annexations

Concord has not completed previous annexation promises. Nor does an "understanding today" protect future family from more restrictions and farm killing activities. Once leaning, it doesn't take much to push someone the rest of the way over.

- The 2005 city annexation of Glen Cove whose main entrance leads directly to our farm's home driveway is not complete. The streets are cracked and patched, needing repaving, manholes are over 3" above the road surface, curbs are broken, sidewalks do not connect and no action by the city.
- The annexation of adjacent property, across the creek from us has not received the stated water and sewer extensions as promised.

Who's being targeted?

City Minutes specifically indicate Speedway property is not being annexed because it costs the city too much.

- If it's not too confusing to deliver emergency service to Bruton Smith's Speedway and +/- 1,000 acres, Concord could find our too, if we really needed them.
- One farm near us is not being targeted for annexation activity; however it is shown as residential in the 2015 Master Plan.
- Is the church and cemetery at the edge of this farm the reason? Too many folks to stir up? Don't want to spend any money managing the cemetery?
- Or is it because, like Bruton's land, the church can't be re-sold to a developer?

Our Request

Our farm is 113 years old. We are executing our business plan so we can remain a family farm for 100's of years more. Please hear us. We are not alone in facing annexations and other assaults on our existence.

Save the Farms! No one deserves land more than farmers. We are the only business that provides the 3 fundamental and inalienable physical needs we each have: 1) Food, 2) Clothing and 3) Shelter.

American farmers and NC farmers specifically provide all 3, while protecting the environment and not requiring municipal services such as those Concord is promoting...more water consumption, more streets, more emergency services, more utilities, more trash, more pollution, etc. etc.

Return our historic rights as land owners and farmers in NC. It should be the law of the land that farms have the right to peacefully exist. And, to own property without continuous municipal threats to steal our property, deny us representation and re-sale their ill gotten gains to developer campaign contributors and good ol' boy networks.

Give us representation, due process, access to courts and strengthen agriculture districts, ETJ and Non-ETJ rights and provide century farm designations additional historic protections before we are gone from entire regions of NC.

County's understand farms and are the only existing jurisdictions that have the experience and breadth of representation to protect farms. Farms are in counties and farmer's best know these situations and conditions.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 3

HOUSE BILL 193
Committee Substitute Favorable 3/24/11
Third Edition Engrossed 3/28/11

Short Title: Topsail Beach Recall Elections. (Local)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Topsail Beach, being Chapter 67, Session Laws of 1963, is amended by adding a new section to read:

"Sec. 23.1. **Recall.**

(a) The Mayor and members of the Board of Commissioners are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

A recall petition shall be filed with the Town Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the Town of Topsail Beach. A petition to recall the Mayor or a member of the Board of Commissioners shall bear the signatures equal in number to at least thirty percent (30%) of the registered voters of the Town of Topsail Beach.

The board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify its sufficiency to the governing body, and the governing body shall adopt a resolution calling for a recall election to be held at the same time as the next primary, general, or special election scheduled to be held more than 60 days after the petition has been certified to the governing body. The board of elections shall conduct the recall election, which shall be held as provided in G.S. 163-287. Each petition submitted shall contain the name of only one officer to be recalled. Multiple qualified petitions may be filed simultaneously with the Town Clerk, in which case the name of the officer on each petition, once certified, shall be included in the recall election. The proposition submitted to the voters shall be substantially in the following form:

'[ ] FOR [ ] AGAINST
The recall of [name of officer].'

The registered voters of the Town of Topsail Beach are eligible to vote in an election to recall the Mayor or a member of the Board of Commissioners.

If less than a majority of the votes cast on the question are for the officer's recall, the officer continues in office. If a majority of the votes cast on the question are for the officer's recall, the officer is removed on the date the board of elections certifies the results of the election. A vacancy created by removal of a member of the Board of Commissioners or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63. An officer who is removed may not be appointed or reappointed to any elective office of the town during the remainder of the unexpired term.

No petition to recall an officer may be filed during the first six months of the officer's term or during the six months before the expiration of the officer's term. No more than one election may be held to recall an officer within a single term of office of that officer.

(b) As used in this section 'Town Clerk' includes an officer of the town exercising the function of Town Clerk."

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

HOUSE BILL 193:
Topsail Beach Recall Elections

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 8, 2011
Introduced by:	Rep. Justice	**Prepared by:**	Giles S. Perry
Analysis of:	Third Edition		Committee Counsel

SUMMARY: ***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, legislation has been enacted authorizing twenty municipalities and one school board to have recall elections.

BILL ANALYSIS: House Bill 193 amends 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 6 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 session laws authorizing recall procedures:

Aberdeen	SL 1995-220
Asheville	Pr. 1931, c. 121; Pr. 1935, c. 30; SL 1969-165; SL 1969-313
Cajah's Mountain	SL 1983-52
Carrboro	SL 1993-358
Chapel Hill	SL 1993-358
Clemmons	SL 1981-57
Durham	SL 1975-671; SL 1987-280

Foxfire Village	SL 1977-237
Greensboro	SL 1959-1137; SL 1961-686; SL 1989-896
Lewisville	SL 1991-116
Lumberton	SL 1963-115; SL 1965-282; SL 1967-237; SL 1971-166
Morganton	SL 1975-180
Oak Island	SL 2011-51
Pinebluff	SL 1979-243; SL 1981-1193
Pleasant Garden	SL 2008-48
Raleigh	SL 1949-1184; SL 1957-121; SL 1973-319
Randleman	SL 2000-94
River Bend	SL 1995-636
Statesville	SL 1977-289; SL 1985-570
Troutman	SL 1981-144

H193-SMRW-110(e3) v2

Erika Churchill of the Research Division substantially contributed to this summary

HOUSE BILL 194

Short Title:	Topsail Beach Charter Amendment.	(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

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:

"Sec. 5. Meetings of the Board of Commissioners. At noon on the next business day following ~~a regular municipal election the board of commissioners shall assume the duties of office.~~the certification of election results for the mayor or board of commissioners by the Pender County Board of Elections, the newly elected mayor or newly elected members of the board of commissioners shall take the oath of office as provided in Section 23 of this Charter. The oath shall be administered by a person authorized by the laws of this State to administer oaths. Upon the taking of the oath, the mayor or members of the board of commissioners shall assume all the duties of their respective office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the board of commissioners. All meetings of the board of commissioners shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat."

SECTION 3. Section 8 of the Charter of the Town of Topsail Beach, being Chapter 67 of the 1963 Session Laws, reads as rewritten:

"Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. ~~The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinance, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present.~~No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved. The mayor shall preside at all meetings of the board of commissioners, but shall have the right to vote only when there are equal numbers of votes in the affirmative and in the negative."

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

HOUSE BILL 194:
Topsail Beach Charter Amendment

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 9, 2011
Introduced by:	Rep. Justice	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		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-SMRW-112(e1) v1

Erika Churchill of the Research Division substantially contributed to this summary.

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Wednesday, May 11, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **168** Farms Exempt from City Annexation/ETJ/Zoning.

Sequential Referral: None

Recommended Referral: None

H.B.(CS #1) **193** Topsail Beach Recall Elections.

Sequential Referral: None

Recommended Referral: None

H.B. **194** Topsail Beach Charter Amendment.

Sequential Referral: None

Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

State and Local Government — 05-10-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Pat Gannon	Wilmer Starbucks
Jodi Hayes	NC HBA
Anita Gentry	NC Grange
Jimmy Gentry	NC Grange
Allison Fowler	NC Grange
Henry Jones	NC Poultry Fed.
Paul Sherman	NCFB
David McLeod	NCDACS
John Harris	NCGA
Heather Barrett	Williams Mullen
Steve Blackwelder	Farmer Cabarrus Co.

VISITOR REGISTRATION SHEET

State and Local Government — 05-10-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Morrison	Topsail Beach
Michael Nelson	Topsail Beach
Ed Broadhurst	Topsail Beach
GRIER FLEISCHHAUER	" "
Julian Bowe	" "
Kelli' Kulcsa	NCLM
David Barnes	Topsail Beach
Tom Eggleston	Topsail Beach
Jimmie Autry	Topsail Beach
LARRY COMBS	TOPSAIL BEACH
HOWARD GRAYSON	MAYOR, TOPSAIL BEACH

VISITOR REGISTRATION SHEET

State and Local Government — 05-10-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wendy + Bo Sellers	Cabarrus Co. Concord.
Mia Bailey	ElectriCities
Kevin Leonard	NCACC
Jack Cozort	NSS
Brent McCorkey	Parker Poe
Dana Fenton	City of Charlotte
Paul Meyer	NCLM

PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 5-10 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 Jessica Williford	Fuquay-Varina	Berger, Phil
2 Ann Watkins	Albemarle	Purcell
3		
4		
5		
6		
7		
8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, May 17, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on May 17, 2011, in Room 1124 of the Legislative Building. 13 members of the committee were present. Sen. Walters presided.

After a brief explanation of HB 118 (Winston-Salem/Daily Currency/Coins Deposits.) by Sen. Garrou, a motion was made by Sen. Blake for a favorable report and the motion carried.

After a brief explanation of HB 280 (County Law Enforcement Service District.) by Sen. Tucker. a motion was made by Sen. Jackson for a favorable report and the motion carried.

After a brief explanation of HB 371 (Winston-Salem/Informal Bids Electronically.) by Sen. Garrou, a motion was made by Sen. Harrington for a favorable report and the motion carried.

After a brief explanation of HB 471 (Buncombe County Commission Districts.) by Sen. Apodaca, an amendment was offered by Sen. Nesbitt and failed. A motion was made by Sen. Bingham for a favorable report and the motion carried.

After a brief explanation of HB 506 (Wrightsville Beach/Abandoned Vessels.) by Sen. Goolsby, a motion was made by Sen. East for a favorable report and the motion carried.

After a brief explanation of SB 320 (Municipal Systems.) by Sen. Jenkins, he offered a PCS which was adopted by the committee and Sen. Harrington made a motion for a favorable report on the PCS and the motion carried.

After a brief explanation of HB 284 (Wayne County Design Build.) by Sen. Pate a PCS was offered and adopted by the committee. A motion was made by Sen. Bingham for a favorable report on the PCS and the motion carried.

The meeting adjourned at 12:53.

Sen. Walters, Presiding

Vickie Spears, Committee Clerk

Senate State and Local Government Committee
Tuesday, May 17, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 118	Winston-Salem/Daily Currency/Coins Deposits.	Representative Parmon Representative Brown Representative Womble Representative McGee
HB 371	Winston-Salem/Informal Bids Electronically.	Representative Parmon Representative Brown Representative Womble
HB 280	County Law Enforcement Service District.	Representative Murry Representative Brawley, Jr.
HB 284	Wayne County Design Build.	Representative Sager Representative LaRoque
HB 506	Wrightsville Beach/Abandoned Vessels.	Representative McComas
HB 410	Pinebluff/Preserve Land for Parks.	Representative Boles, Jr.
HB 532	Graham County/Cemetery Tax By General Law.	Representative West
HB 537	Wilkes Fire Tax Dist. Boundaries.	Representative Randleman
HB 566	Grantsboro Charter Amendment.	Representative Sanderson
SB 320	Municipal Systems.	Senator Jenkins
SB 151	17th Senatorial District Local Act.	Senator Stevens
HB 471	Buncombe County Commission Districts.	Representative Moffitt

Presentations

Other Business

Adjournment

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	May 17, 2011	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 118	Winston-Salem/Daily Currency/Coins Deposits.	Representative Parmon Representative Brown Representative Womble Representative McGee
HB 371	Winston-Salem/Informal Bids Electronically.	Representative Parmon Representative Brown Representative Womble
HB 280	County Law Enforcement Service District.	Representative Murry Representative Brawley, Jr.
HB 284	Wayne County Design Build.	Representative Sager Representative LaRoque
HB 506	Wrightsville Beach/Abandoned Vessels.	Representative McComas
HB 410	Pinebluff/Preserve Land for Parks.	Representative Boles, Jr.
HB 532	Graham County/Cemetery Tax By General Law.	Representative West
HB 537	Wilkes Fire Tax Dist. Boundaries.	Representative Randleman
HB 566	Grantsboro Charter Amendment.	Representative Sanderson
SB 320	Municipal Systems.	Senator Jenkins
SB 151	17th Senatorial District Local Act.	Senator Stevens
HB 471	Buncombe County Commission Districts.	Representative Moffitt

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

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

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina enacts:

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

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

"**§ 159-32. Daily deposits.**

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

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

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

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

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

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

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 16, 2011
Introduced by:	Reps. Womble, Parmon, McGee, L. Brown	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 118 applies only to the City of Winston-Salem. The bill 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.[1]

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 the law regarding 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.

Theresa Matula, counsel to House Government, substantially contributed to this summary.

H118-SMRF-66(e1) v1

[1] 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.

HOUSE BILL 280
Committee Substitute Favorable 3/31/11

Short Title: County Law Enforcement Service District. (Public)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-301(a)(10) reads as rewritten:

"(a) The board of commissioners of any county may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county:

...

(10) Law enforcement if all of the following apply:

a. The population of the county is (i) over ~~500,000~~ 900,000 according to the most recent federal decennial ~~census.~~ census, and (ii) less than ten percent (10%) of the population of the county is in an unincorporated area according to the most recent federal decennial census.

b. The county has an interlocal agreement or agreements with a ~~city~~ municipality or municipalities for the provision of ~~in the county under which the city provides~~ law enforcement services in the ~~entire~~ unincorporated area of the county.

...."

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

HOUSE BILL 280:
County Law Enforcement Service District

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 17, 2011
Introduced by:	Reps. Brawley, Murry	**Prepared by:**	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 280 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-SMRN-44(e2) v2

**Giles Perry contributed substantially to the drafting of this summary.*

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.

HOUSE BILL 371:
Winston-Salem/Informal Bids Electronically

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 17, 2011
Introduced by:	Reps. Parmon, Womble, L. Brown	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

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 (1) contracts for construction or repair work between $30,000 and $500,000 and (2) contracts for the purchase of apparatus, supplies, materials, or equipment between $30,000 and $90,000.

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* ("apparatus, supplies, materials, or equipment"). 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-SMRN-47(e1) v2

**Barbara Riley contributed to the drafting of this summary.*

HOUSE BILL 471

Short Title:	Buncombe County Commission Districts.	(Local)
Sponsors:	Representative Moffitt (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
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.

HOUSE BILL 471:
Buncombe County Commission Districts

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 16, 2011
Introduced by:	Rep. Moffitt	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

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.

Barbara Riley and Kelly Quick of the Research Division substantially contributed to this summary.

H471-SMRW-120(e1) v1

failed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 471

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

H471-ARW-32 [v.3]

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

Date _____,2011

Senator Nesbitt

moves to amend the bill on page 1, line 4, by adding after the word "DISTRICTS" and before the period the phrase ", SUBJECT TO A REFERENDUM"; and

on page 1, lines 30-31, by adding between those lines the following:

"**SECTION 2.** Section 1 of this act becomes effective only if approved by a majority of the qualified voters of the County of Buncombe in a referendum. The election shall be conducted by the Buncombe County Board of Elections in the 2011 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Increase the size of the county commissioners board from 5 to 7 members and establish electoral districts for all members of the county commission except the chair."; and

on page 1, line 31, by rewriting that line to read:

SECTION 3. If a majority of the votes cast are in favor of the question, Section 1 of this act becomes effective on the first Monday in".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 471

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

H471-ARW-32 [v.3]

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

Date _____,2011

Senator Nesbitt

moves to amend the bill on page 1, line 4, by adding after the word "DISTRICTS" and before the period the phrase ", SUBJECT TO A REFERENDUM"; and

on page 1, lines 30-31, by adding between those lines the following:

"**SECTION 2.** Section 1 of this act becomes effective only if approved by a majority of the qualified voters of the County of Buncombe in a referendum. The election shall be conducted by the Buncombe County Board of Elections in the 2011 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Increase the size of the county commissioners board from 5 to 7 members and establish electoral districts for all members of the county commission except the chair."; and

on page 1, line 31, by rewriting that line to read:

SECTION 3. If a majority of the votes cast are in favor of the question, Section 1 of this act becomes effective on the first Monday in".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 506
Committee Substitute Favorable 4/14/11

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.

HOUSE BILL 506:
Wrightsville Beach/Abandoned Vessels

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 16, 2011
Introduced by:	Rep. McComas	**Prepared by:**	Barbara Riley
Analysis of:	Second Edition		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 expand the definition of "abandoned motor vehicle" to include certain vessels. An abandoned motor vehicle now may include one 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 definition, however, excludes older shipwrecks and archeological remains from the provisions of the bill.

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.

Giles Perry, counsel to House Government, substantially contributed to this summary.

H506-SMRF-67(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 320
PROPOSED HOUSE COMMITTEE SUBSTITUTE S320-CSRN-11 [v.2]

4/28/2011 12:47:16 PM

Short Title: Municipal Systems. (Public)

Sponsors:

Referred to:

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-321 reads as rewritten:

"**§ 160A-321. Sale, lease, or discontinuance of city-owned enterprise.**

(a) A city is authorized to sell or lease as lessor any enterprise that it may own upon any terms and conditions that the council may deem best. However, except as to transfers to another governmental entity pursuant to G.S. 160A-274 or as provided in subsection (b) of this section, a city-owned enterprise shall not be sold, leased to another, or discontinued unless the proposal to sell, lease, or discontinue is first submitted to a vote of the people and approved by a majority of those who vote thereon. Voter approval shall not be required for the sale, lease, or discontinuance of airports, off-street parking systems and facilities, or solid waste collection and disposal systems.

(b) 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 to its voters the question of whether such sale, lease, or discontinuance shall be undertaken. The referendum is to be conducted pursuant to the general and local laws applicable to special elections in such city."

SECTION 2. This act becomes effective January 1, 2012.

SENATE BILL 320

Short Title:	Municipal Systems.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State and Local Government.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO BROADEN THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-321 reads as rewritten:

"**§ 160A-321. Sale, lease, or discontinuance of city-owned enterprise.**

A city is authorized to sell or lease as lessor any enterprise that it may own upon any terms and conditions that the council may deem best. However, except as to transfers to another governmental entity pursuant to G.S. 160A-274, a city-owned enterprise shall not be sold, leased to another, or discontinued unless the proposal to sell, lease, or discontinue is first submitted to a vote of the people and approved by a majority of those who vote thereon. Voter approval shall not be required for the sale, lease, or discontinuance of airports, off-street parking systems and facilities, water treatment systems, water distribution systems, wastewater treatment systems, or solid waste collection and disposal systems."

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

SENATE BILL 320: Municipal Systems

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 17, 2011
Introduced by:	Sen. Jenkins	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition S320-CSRN-11		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute (PCS) for 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. The PCS differs from the 1st Edition by (1) clarifying that cities may submit the issue to voters through a referendum (The 1st Edition simply said that voter approval was not required), (2) changing the effective date to January 1, 2012 (was "when the act becomes law"), and (3) using the term "wastewater collection and treatment systems" (was "wastewater treatment systems").***

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: The PCS for 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-SMRN-41(CSRN-11) v3

HOUSE BILL 284
Committee Substitute Favorable 4/11/11
Third Edition Engrossed 4/14/11

Short Title: Wayne County Design Build. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COUNTIES OF WAYNE AND CURRITUCK 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 1.5. Notwithstanding Article 8 of Chapter 143 of the General Statutes, Currituck County may contract for the construction or renovation of buildings owned by the County. The County 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 2. This act is effective when it becomes law and expires December 31, 2014.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 284
Committee Substitute Favorable 4/11/11
Third Edition Engrossed 4/14/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H284-PCS50343-RW-39

Short Title: Wayne County Design Build. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COUNTIES OF WAYNE AND CURRITUCK 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. 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. Notwithstanding Article 8 of Chapter 143 of the General Statutes, Currituck County may contract for the construction or renovation of buildings owned by the County. The County 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, 2014.

PCS
Jan

HOUSE BILL 284:
Wayne County Design Build

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 16, 2011
Introduced by:	Reps. Sager, LaRoque	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	Third Edition		

SUMMARY: ***House Bill 284 exempts Wayne and Currituck Counties from specified public building contracting laws. 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. Article 3D of the Chapter 143 governs public procurement of architectural, engineering, and surveying services.

BILL ANALYSIS: House Bill 284 makes the following changes:

- **Section 1** of the bill 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 in Article 3D of Chapter 143 for the construction or renovation of county buildings. The bill authorizes Wayne County to use the design build method of construction for the construction or renovation of buildings owned by the County
- **Section 2** of the bill exempts **Currituck County** from the bidding and contracting procedures in Article 8 of Chapter 143. The bill provides that Currituck County may contract for the construction or renovation of buildings owned by the County, and 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.

EFFECTIVE DATE: The act is effective when it becomes law and expires December 31, 2014.

H284-SMRW-121(e3) v1

Barbara Riley of the Research Division substantially contributed to this summary.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 284 DATE _____

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

COMMITTEE SUBSTITUTE _____

Rep.) Pate
Sen.)

moves to amend the bill on page 1, line 10

( ) WHICH CHANGES THE TITLE

by adding after the word " project." the following:

"The proposals shall not require the design-build team to submit project design solutions."

SIGNED Louis M Pate Jr.

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, May 17, 2011

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

FAVORABLE

H.B. **118** Winston-Salem/Daily Currency/Coins Deposits.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **280** County Law Enforcement Service District.
Sequential Referral: None
Recommended Referral: None

H.B. **371** Winston-Salem/Informal Bids Electronically.
Sequential Referral: None
Recommended Referral: None

H.B. **471** Buncombe County Commission Districts.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **506** Wrightsville Beach/Abandoned Vessels.
Sequential Referral: None
Recommended Referral: None

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Wednesday, May 18, 2011

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

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

S.B. **320** Municipal Systems.

Draft Number:	PCS35250
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO., BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **284** Wayne County Design Build.

Draft Number:	PCS50343
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

PAGES ATTENDING

Davis

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 5-17 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 Deon Jackson	Salemburg	Jackson
2 Ali Smith	Salemburg	"
3 River Annisa	Morganton	Daniel
4 Tyler Hinnant	Tabor City	Jackson
5		
6		
7		
8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

Senate State and Local Government — May 17, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Johnson	BSA
David Crawford	AIANC
John Harris	NCGA
Michael James	NCGA
Brian Lehrschall	NCGA
Melissa Carter	NCGA
[illegible]	NCSBA
Kay Emanuel	Legislative Reporting Services
Daniel Baum	Troutman Sanders
Brian Francis	Mecklenburg County
Dana Fenton	City of Charlotte

VISITOR REGISTRATION SHEET

Senate State and Local Government — May 17, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Newkerd	CMAS
Denise Foreman	Wake County
Henry Jones	Attorney Raleigh
Josh Hayes	NCHBA

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, June 7, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on June 7. 2011. in Room 1124 of the Legislative Building. 15 members of the committee were present. Sen. Walters presided.

After a brief explanation of SB289 (Cape Carteret Deannexation) by Sen. Preston. a motion was made by Sen. Bingham for a favorable report and the motion carried. This bill was also referred to finance.

After a brief explanation of HB150 (Greensboro Charter Amendments) by Rep. Blust. a motion was made by Sen. Bingham for a favorable report and the motion carried.

After a brief explanation of HB528 (Duplin Elections) by Rep. Dixon. a motion was made by Sen. Jackson for a favorable report and the motion carried.

After a brief explanation of SB151 (17th Senatorial District Local Act) by Sen. Stevens. the committee adopted the Proposed Committee Substitute .(Wake Commissioners Districting/Vacancies) and a motion was made by Sen. Bingham for a favorable report and the motion carried.

After a brief explanation of SB250 (2nd Senatorial District Local Act) by Sen. Preston. the committee adopted the Proposed Committee Substitute (Harkers Island Sanitary District Elections) and a motion was made by Sen. Jones for a favorable report and the motion carried.

After a brief explanation of SB260 (5th Senatorial District Local Act) by Sen. Pate. the committee adopted the Proposed Committee Substitute (Pitt County School Board Election) and a motion was made by Sen. East for a favorable and the motion carried.

After a brief explanation of SB294 (Matthews Tree Ordinance Correction) by Sen. Tucker. the committee adopted the Proposed Committee Substitute (Madison Elections) and a motion was made by Sen. Bingham for a favorable report and the motion carried.

After a brief explanation of SB675 (Require Community Service/Work First Program) by Sen. Rouzer, the committee adopted the Proposed Committee Substitute (pcs95101) and a motion was made by Sen. Bingham for a favorable report and the motion carried.

The meeting adjourned at 1:00.

Sen. Walters, Presiding

Vickie Spears. Committee Clerk

Senate State and Local Government Committee
Tuesday, June 7, 2011, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 150	Greensboro Charter Amendments.	Representative Brown
HB 170	Winston-Salem/Council Meetings.	Representative Brown
HB 207	Local Development for Winston-Salem.	Representative Parmon Representative Womble
HB 266	Wake Local Energy Efficiency.	Representative McGee Representative Jackson Representative Martin Representative Weiss Representative Dollar
HB 362	Pasquotank Hunting.	Representative Owens, Jr.
HB 416	Expand Joyce Creek District Board.	Representative Owens, Jr.
HB 516	Mount Airy Charter Amendments.	Representative Stevens
HB 528	Duplin Elections.	Representative Dixon
SB 151	17th Senatorial District Local Act.	Senator Stevens
SB 250	2nd Senatorial District Local Act.	Senator Preston
SB 260	5th Senatorial District Local Act.	Senator Pate
SB 289	Cape Carteret Deannexation.	Senator Preston
SB 675	Require Community Service/Work First Program.	Senator Rouzer

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected:

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	June 7, 2011	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 260	5th Senatorial District Local Act.	Senator Pate
SB 151	17th Senatorial District Local Act.	Senator Stevens
SB 675	Require Community Service/Work First Program.	Senator Rouzer
SB 250	2nd Senatorial District Local Act.	Senator Preston
SB 289	Cape Carteret Deannexation.	Senator Preston
HB 150	Greensboro Charter Amendments.	Representative Brown
HB 207	Local Development for Winston-Salem.	Representative Parmon Representative Womble Representative McGee
HB 170	Winston-Salem/Council Meetings.	Representative Brown
HB 266	Wake Local Energy Efficiency.	Representative Jackson Representative Martin Representative Weiss Representative Dollar
HB 516	Mount Airy Charter Amendments.	Representative Stevens
HB 528	Duplin Elections.	Representative Dixon

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 289

Short Title:	Cape Carteret Deannexation.	(Local)
Sponsors:	Senator Preston.	
Referred to:	Rules and Operations of the Senate.	

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Cape Carteret are reduced by removing the following described area:

The area known as Blackbeard's Galley, beginning at a point in the western right-of-way line of S.R. 1111; said point being located S 87-16-51 E 261.48 feet from a point in the eastern right-of-way line of NC Highway 58, which is 817.79 feet in a northerly direction from the Northeast right of way intersection of NC Highway 58 and S.R. 1111; thence from said point of beginning N 87-16-51 W 111.67 feet to a point, the common corner between L. E. McNeill Property, Blackbeard's Galley Property, and Blackbeard's Pantry Property, thence along the eastern property line of Blackbeard's Pantry Property, N 15-03-05 W 245.00 feet to a point, thence S 86-34-29 E 122.37 feet to a point in the western right-of-way line of the S.R. 1111; thence along the western right of way line of S.R. 1111 the following courses: S 08-46-47 E 103.86 feet; S 15-03-07 E 102.35 feet; thence S 17-41-54 E 34.80 feet to the point and place of beginning and containing 0.6 acres.

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

SENATE BILL 289:
Cape Carteret Deannexation

2011-2012 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 7, 2011
Introduced by:	Sen. Preston	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 289 would remove the area described in the bill from the corporate limits of the Town of Cape Carteret.

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: Senate Bill 289 would remove the area described in the bill from the corporate limits of the Town of Cape Carteret.

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

S289-SMRN-57(e1) v1

Giles Perry contributed to the drafting of this summary.

HOUSE BILL 150
Committee Substitute Favorable 5/9/11
Third Edition Engrossed 5/11/11

Short Title: Greensboro Charter Amendments. (Local)

Sponsors:

Referred to:

February 22, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.21 of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, reads as rewritten:

"Sec. 4.21. **City Attorney; Appointment, Compensation, Powers, and Duties.** ~~Powers and Duties of the City Attorney.~~

(a) The city council shall appoint the city attorney, who shall hold office at the pleasure of the city council and shall receive such compensation as it may fix.

(b) The city attorney shall (1) serve as legal advisor to the city council, the city manager and all city departments, officers and agencies; (2) represent as counsel the city, its officers, agents, or employees, in any legal action arising out of or connected with the proper functions of the city, its officers, agents, or employees, unless disqualified to so act; (3) approve as to form all ordinances and resolutions, including initiated or referred ordinances, prior to their introduction."

SECTION 2. Section 4.111 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Section 6 of Chapter 74 of the 1967 Session Laws; Section 7 of Chapter 142 of the 1969 Session Laws; Section 17 of Chapter 213 of the 1973 Session Laws; Section 4 of Chapter 159 of the 1981 Session Laws; Section 1 of Chapter 6 of the 1993 Session Laws; and Section 1 of S.L. 2003-134, reads as rewritten:

"Section 4.111. **Contract procedures.**

All contracts, except as otherwise provided for in this Charter, shall be authorized and approved by the Council and reduced to writing in order to be binding upon the City. All contracts and all ordinances or resolutions authorizing the same shall be drawn by the City Attorney or shall be approved by him before authorization by the Council. A contract for the purchase of apparatus, supplies, materials or equipment ~~or a contract for the performance of services~~ may be approved, awarded and executed by the city manager on behalf of the city provided that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year. 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. A contract for construction or demolition may be approved, awarded and executed by the City Manager on behalf of the City when the amount of such contract does not exceed three hundred thousand dollars ($300,000); provided that the City Council shall have approved a sufficient appropriation in the Annual Budget for the current fiscal year for the general purposes specified under the contract. Before any such contract is

awarded, the City Manager shall comply with all other requirements set forth in G.S. 143-129, and G.S. 143-131, and said contract shall be subject to the approval of the City Attorney. Any person aggrieved by an award made pursuant to this Section may appeal to the City Council by filing notice thereof with the City Clerk immediately following a decision granting such award."

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

HOUSE BILL 150:
Greensboro Charter Amendments

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 29, 2011
Introduced by:	Rep. L. Brown	**Prepared by:**	Giles S. Perry
Analysis of:	Third Edition		Committee Counsel

SUMMARY: ***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 bill 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 amends Section 4.111 of the Charter to 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-SMRW-134(e3) v1

Theresa Matula of the Research Division substantially contributed to this summary.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 150

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

H150-ARW-39 [v.1]

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

Date _____ ,2011

Senator Robinson

moves to amend the bill on page 2, line 6, by rewriting that line to read:

"**SECTION 3.** This act becomes effective December 15, 2011.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 966 of the 1987 Session Laws reads as rewritten:

"Section 1. ~~Except as provided in Section 4 of this act following the 1988 elections the~~ Effective the first Monday in December of 2012, the Duplin County Board of Commissioners and Board of Education shall each consist of ~~six~~ seven members elected in partisan ~~elections~~ elections, one each from the six districts described in Section ~~8.~~ 8, and one from the county at large. Only voters who reside in a district may vote in the party primaries and general elections for that district."

SECTION 2. Section 5 of Chapter 966 of the 1987 Session Laws reads as rewritten:

"Sec. 5. In 1990 and every four years thereafter, one commissioner each shall be elected from Districts II and III. In 1992 and every four years thereafter, one commissioner each shall be elected from Districts I, IV, V and VI. In 2012 and every four years thereafter, one commissioner shall be elected at large."

SECTION 3. Section 6 of Chapter 966 of the 1987 Session Laws reads as rewritten:

"Sec. 6. In 1988 and every four years thereafter, three members shall be elected to the Board of Education, one each from Districts I, V and VI. The three other members of the Board of Education shall be elected in 1990 and every four years thereafter. In those years one member each shall be elected from Districts II, III and IV. In 2012 and every four years thereafter, one member shall be elected at large."

SECTION 4. G.S. 153A-22 applies to the Duplin County Board of Commissioners. G.S. 115C-37(i) applies to the Duplin County Board of Education.

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

HOUSE BILL 528: Duplin Elections

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 1, 2011
Introduced by:	Rep. Dixon	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		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 7th 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-SMRW-140(e1) v1

Barbara Riley and Erika Churchill contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 151
PROPOSED COMMITTEE SUBSTITUTE S151-PCS95090-LB-50

Short Title: Wake Commissioners Districting/Vacancies. (Local)

Sponsors:

Referred to:

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE WAKE COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS AND TO BRING WAKE COUNTY UNDER THE GENERAL LAW CONCERNING FILLING OF VACANCIES ON ITS COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995 Session Laws, and as rewritten by S.L. 1998-175, reads as rewritten:

"(f) This section applies to ~~Henderson and Moore~~ Henderson, Moore, and Wake Counties only."

SECTION 2. G.S. 153A-27.1(h) reads as rewritten:

"(h) This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, ~~Wake,~~ and Yancey."

SECTION 3. Section 12 of Chapter 763 of the 1981 Session Laws is repealed.

SECTION 4. This act is effective when it becomes law, except that Sections 2 and 3 of this act apply only to vacancies occurring on or after the date this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 151

Short Title:	17th Senatorial District Local Act.	(Local)
Sponsors:	Senator Stevens.	
Referred to:	Rules and Operations of the Senate.	

March 1, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 17th Senatorial District.

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

SENATE BILL 151:
17th Senatorial District Local Act

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 16, 2011
Introduced by:	Sen. Stevens	**Prepared by:**	Barbara Riley
Analysis of:	PCS to First Edition S151-CSLB-50		Committee Counsel

SUMMARY: ***The proposed committee substitute for Senate Bill 151 would allow the Wake County Board of Commissioners to redistrict their residency districts and would bring Wake County under the general law on the filling of vacancies on the Wake County Board of Commissioners.***

CURRENT LAW: S.L. 1995-215, as rewritten by S.L. 1998-175, allows Moore and Henderson Counties by resolution to redefine residency districts when it finds as fact that there is substantial inequality of population among the districts. The test for compliance with the act is a reduction in the relative overall range of deviation. A residency district is defined as a district in which the candidate resides and represents the district, but the candidates are voted on in the primaries and general elections by the qualified voters of the entire county.

G.S. 153A-27 and G.S. 153A-27.1 provide alternate methods for filling vacancies on boards of commissioners. Under G.S. 153A-27.1 which currently governs 35 counties including Wake County, the appointing authority is bound by the party recommendation, if it is made within 30 days of the occurrence of the vacancy.

Under G.S. 153A-27, the general law, the appointing authority has discretion to make the appointment without being bound by the recommendation of the executive committee of party of the vacating official.

Section 12 of S.L. 1981-763 provided a special method for Wake County to fill vacancies on the Board. If the vacancy occurs more than one year before the next general election after election to a 4 year term, or after that general election, but more than 1 year before the next general election the County Commissioners may reject the nomination of a party to fill the vacancy made pursuant to G.S. 153A-27.1, but the Board must then call a special primary election to allow members of that party to make a recommendation. Vacancies occurring at other times are governed under the provisions of G.S. 153A-27.1.

BILL ANALYSIS:

Section 1 adds Wake County to the counties who may, by resolution, redefine residency districts when it finds as fact that there is substantial inequality of population among the districts.

Section 2 removes Wake County from G.S. 153A-27.1 providing that, in filling vacancies on board of commissioners, the appointing authority is bound by the party recommendation, if such recommendation is made within 30 days of the vacancy. Wake County would therefore fall under the general law, G.S. 153A-27, in which the appointing authority has discretion to make the appointment without being bound by the recommendation of the executive committee of party of the vacating official.

Section 3 repeals the provisions of S.L. 1981-763 that provided for a special method of filling vacancies on the Wake County Board of Commissioners.

EFFECTIVE DATE: The act is effecting when it becomes law except that Sections 2 and 3 apply only to vacancies occurring or after that date.

S151-SMRF-65(CSLB-50) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 250
PROPOSED COMMITTEE SUBSTITUTE S250-PCS35212-LB-31

Short Title: Harkers Island Sanitary District Elections. (Local)

Sponsors:

Referred to:

March 9, 2011

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-279(c) reads as rewritten:

"(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district elections shall be held at the times provided in this section or in G.S. 130A-50(f) or G.S. 130A-50(b1)."

SECTION 2. G.S. 130A-50 is amended by adding a new subsection to read:

"(f) Notwithstanding any provision to the contrary in this section, sanitary district elections shall be held on the same date as general elections in even-numbered years under G.S. 163-1."

SECTION 3. This act applies to the Harkers Island Sanitary District only. The terms of office of those sanitary district board members whose terms end in 2011 are extended until their successors are elected and qualified in 2012. The terms of office of those sanitary district board members whose terms end in 2013 are extended until their successors are elected and qualified in 2014.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 250

Short Title:	2nd Senatorial District Local Act.	(Local)
Sponsors:	Senator Preston.	
Referred to:	Rules and Operations of the Senate.	

March 9, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 2nd Senatorial District.

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

SENATE BILL 250:
Harkers Island Sanitary District Elections

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7, 2011
Introduced by:	Sen. Preston	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition S250-CSLB-31		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 250 would provide 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: The PCS would provide 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.

S250-SMRN-58(CSLB-31) v3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 260
PROPOSED COMMITTEE SUBSTITUTE S260-PCS75116-LB-22

Short Title: Pitt County School Board Election. (Local)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Section 1.** Beginning ~~December 7, 1987,~~ December 1, 2014, the Pitt County Board of Education shall consist of ~~12 members, with two~~ seven members, one of whom is elected at-large and one each elected from six districts in nonpartisan plurality elections. Only voters residing in a district may vote for the members from that district."

SECTION 2. Section 4 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Sec. 4.** ~~After the initial election, elections~~ Other than for the at-large member elected in 2014, elections shall be held in ~~1990 and subsequent even-numbered years~~ 2016 and quadrennially thereafter as terms expire, at the time set by general State law for the election of county boards of education. Members elected in ~~1990~~ 2016 and subsequent years shall take office at the time set by general State law and shall serve for terms of ~~six~~ four years."

SECTION 3. In the 2014 election, one member shall be elected at large for a two-year term. No election shall be held for full terms of district members of the Pitt County Board of Education in 2014 so as to reduce the total number of members from 12 to 7. This act does not affect the terms of office of members elected for six-year terms in 2008.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 260

Short Title:	5th Senatorial District Local Act.	(Local)
Sponsors:	Senator Pate.	
Referred to:	Rules and Operations of the Senate.	

March 9, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 5th Senatorial District.

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

SENATE BILL 260:
Pitt County School Board Election.

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 3, 2011
Introduced by:	Sen. Pate	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	PCS to First Edition S260-CSLB-22		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 260 would make the following changes to the Pitt County Board of Education:***

- Reduce the number of School Board members.
- Reduce the length of terms for members of the School Board.
- Add an at-large member.

CURRENT LAW: Currently, the Pitt County Board of Education (Board) consists of 12 members, with two each elected from six districts in nonpartisan plurality elections. Only voters residing in a district may vote for the members from that district. Members of the Board serve for terms of six years. S.L. 1987-193.

BILL ANALYSIS: Section 1 of the Proposed Committee Substitute reduces the number of Board members from 12 to 7. Beginning December 1, 2014, one member instead of two will be elected from each of the six districts. The seventh member will be elected at-large. Only voters residing in a district may vote for the member from that district.

Sections 2 and 3 of the Proposed Committee Substitute provide that one member shall be elected at large in 2014 for a two-year term. No election shall be held for full terms in 2014 to allow the Board to be reduced from 12 members to 7. Beginning with the 2016 election, elected members will serve four-year terms.

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

S260-SMTB-21(CSLB-22) v4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 294
PROPOSED COMMITTEE SUBSTITUTE S294-PCS35263-ST-51

Short Title: Madison Elections. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MADISON REGARDING THE CONDUCTION OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article IV of the Charter of the Town of Madison, being Chapter 289 of the 1973 Session Laws, reads as rewritten:

"ARTICLE IV. ELECTIONS

"Sec. 4.1. Regular Municipal Elections. Notwithstanding G.S. 163-279, ~~Regular~~regular municipal elections shall be held biennially in ~~odd-numbered~~even-numbered years on the day set by general law for ~~municipal~~ general elections. In each election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two years and the six candidates for Alderman who receive the largest number of votes cast for Alderman shall be declared elected for terms of ~~two~~ four years.

"Sec. 4.2. Regulation of Elections. All Town elections shall be conducted in accordance with the general laws of North Carolina relating to municipal ~~elections.~~ elections except for G.S. 163-279."

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

SENATE BILL 294:
Matthews Tree Ordinance Correction

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7. 2011
Introduced by:	Sen. Tucker	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition S294-CSST-51		

SUMMARY:
The proposed committee substitute for SB 294 deals with elections for the Town of Madison. The bill changes the time of regular municipal elections from odd numbered years to even numbered years on the day for general elections. The bill also makes a conforming change to the Charter from a 2004 change in election method for the town (2 year terms to 4 year terms).

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

S294-SMRF-90(CSST-51) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 675
PROPOSED COMMITTEE SUBSTITUTE S675-PCS95101-TK-17

Short Title: Require Community Service/Work First Program. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE CHANGES TO THE WORK FIRST PROGRAM FOR STANDARD AND ELECTING COUNTIES AND TO DIRECT THE DEPARTMENT TO EXEMPT ONLY ONE VEHICLE PER HOUSEHOLD WHEN CONSIDERING RESOURCES FOR THE PURPOSES OF ELIGIBILITY FOR PUBLIC ASSISTANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Except where prohibited by federal law, the Department of Health and Human Services (Department) shall make the following changes to the Work First Program, applicable to Standard and Electing counties:

(1) All Mutual Responsibility Agreements (MRAs) shall contain the requirement that all Work Eligible Individuals participate in four hours per month of Community Service activity or the maximum amount of Community Service hours allowable under the Fair Labor Standards Act, whichever is less. Any recipient that meets the definition of disabled under the Americans with Disabilities Act (ADA) shall be provided reasonable accommodations, which may include exemption from the Community Service requirement.

(2) Any individual participating in Job Search/Job Readiness for four consecutive weeks shall be required to participate in the Community Service work activity above the mandatory four hours per month included in the recipient's MRA. The amount of additional Community Service work activity shall be determined by the Standard or Electing county and shall not exceed the maximum number of hours allowable under the Fair Labor Standards Act. This additional Community Service requirement shall cease when Job Search/Job Readiness activities terminate.

(3) Job Search/Job Readiness activities shall be limited as State countable activities to no more than 12 weeks in a year. Of these 12 weeks, no more than eight weeks may be consecutive.

SECTION 2. Except where prohibited by federal law, the Department of Health and Human Services, when considering resources that can readily be converted to cash for purposes of the financial rules for eligibility for all public assistance programs, shall exempt only one vehicle owned or leased per household. This exemption shall not exceed fifteen

thousand dollars ($15,000), and any vehicle with a fair market value greater than fifteen thousand dollars ($15,000) shall have the amount in excess of the fifteen thousand dollars ($15,000) considered as a resource that can be readily converted to cash.

SECTION 3. Section 1 of this act becomes effective October 1, 2011, and applies to Mutual Responsibility Agreements entered into on or after that date. All changes which necessitate a change in the Work First Program State Plan shall be effected by temporary rule until the next State Plan is approved by the General Assembly. Section 2 of this act becomes effective October 1, 2011. The remainder of this act is effective when it becomes law.

SENATE BILL 675

Short Title:	Require Community Service/Work First Program.	(Public)
Sponsors:	Senators Rouzer; and Daniel.	
Referred to:	State and Local Government.	

April 20, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING APPLICANTS FOR THE WORK FIRST PROGRAM TO PERFORM COMMUNITY SERVICE BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC ASSISTANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 2 of Chapter 108A of the General Statutes is amended by adding the following section to read:

"**§ 108A-31.1. Eligibility for assistance.**

(a) Notwithstanding any other provision of law, to be eligible for program assistance under this Part, an applicant shall submit evidence to the county department of social services in the county in which the applicant resides or, in the case of residents of Electing Counties, to the public or private entity designated by the board of county commissioners that the applicant is performing community service on a continual basis while receiving program assistance.

The board of county commissioners or the public or private entity shall determine the documentation required to establish that community service is being performed and the frequency of the performance of community service during the period in which the applicant is receiving program assistance under this Part.

(b) An applicant meeting the requirements of subsection (a) of this section shall be eligible for program assistance under this Part. Nothing in this section shall prevent an applicant from receiving program assistance when the applicant is unable to perform community service due to disability."

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

2011-2012 General Assembly

SENATE BILL 675: Require Community Service/Work First Program

Committee:	Senate State and Local Government	**Date:**	June 6, 2011
Introduced by:	Sen. Rouzer	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition S675-CSTK-17		

SUMMARY: ***Senate Bill 675 would amend the laws on eligibility for the Work First program to require that applicants to perform community service on a continual basis while receiving program assistance, except when the applicant is unable to do so because of a disability. The bill also provides that the Department of Health and Human Services, in determining eligibility for public assistance programs, shall exempt one vehicle per household from those resources that can be readily converted to cash. The exemption shall not exceed $15,000.***

CURRENT LAW: The Work First program was developed to "provide eligible families with short term assistance to facilitate their movement to self-sufficiency through gainful employment. not the mere reduction of the welfare rolls." G.S. 108A-27. Cash assistance is limited to 24 months. After 24 months a person or family may reapply after a 36 month period. G.S. 108A-27.1. Assistance is provided under a Mutual Responsibility Agreement (MRA) which is an agreement between a county and a recipient which describes the conditions for eligibility for the assistance (including work activities) and what the county will provide the recipient in his or her effort to move toward self-sufficiency. Failure to comply with an MRA will result in no Work First benefits the following month if there was no good cause for the failure. G.S. 108A-27.2. Recipients of assistance must register with the Employment Security Commission for employment services and continued receipt of Work First benefits is contingent upon successful participation in employment services in the MRA. If evaluation by the Employment Security Commission so indicates, a person may be referred to a Job Preparedness program. G.S. 108A-29.

BILL ANALYSIS:

Section 1 would make changes to the Work First Program as follows:

(a) Mutual Responsibility Agreements must contain a requirement for recipients to perform 4 hours of community service per month, or the maximum amount of community service allowable under the Fair Labor Standards Act. Persons with disabilities shall be provided reasonable accommodation which may include exemption from the community service requirement.

(b) Persons participating in Job Search/Job Readiness for 4 consecutive weeks shall be required to perform more than 4 hours of community service per month, with the additional amount to be determined by the county, not to exceed the maximum number of hours allowable under the Fair Labor Standards Act. This requirement for additional community service ceases when the Job Search/Job Readiness activities terminate.

(c) Job Search/Job Readiness activities shall be limited as State countable activities to no more than 12 weeks per year. No more than 8 of these weeks may be consecutive.

Section 2 of the bill provides that the Department of Health and Human Services, in determining eligibility for public assistance programs, shall exempt one vehicle per household from those resources that can be readily converted to cash. The exemption shall not exceed $15,000.

EFFECTIVE DATE: Section 1 of the act becomes effective October 1, 2011 and applies to Mutual Responsibility Agreements entered into on or after that date. Changes which require a change in the Work First Program State Plan shall be effected by a temporary rule until the next State Plan is approved by the General Assembly. The remainder of the bill is effective when it becomes law.

S675-SMRF-88(CSTK-17) v1

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 675 Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.) Davis

1 moves to amend the bill on page 1, line 30

2 ( ) WHICH CHANGES THE TITLE

3 by inserting the phrase "owned or leased" between the

4 word "vehicle" and the word "per."

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, June 07, 2011

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

FAVORABLE

S.B. **289** Cape Carteret Deannexation.
- Sequential Referral: Finance
- Recommended Referral: None

H.B.(CS #1) **150** Greensboro Charter Amendments.
- Sequential Referral: None
- Recommended Referral: None

H.B. **528** Duplin Elections.
- Sequential Referral: None
- Recommended Referral: None

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

S.B. **151** 17th Senatorial District Local Act.
- Draft Number: PCS95090
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: Yes

S.B. **250** 2nd Senatorial District Local Act.
- Draft Number: PCS35212
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: Yes

S.B. **260** 5th Senatorial District Local Act.
- Draft Number: PCS75116
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: Yes

TOTAL REPORTED: 6

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, June 07, 2011

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

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

S.B. **294** Matthews Tree Ordinance Correction.

Draft Number:	pcs35263
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **675** Require Community Service/Work First Program.

Draft Number:	pcs95101
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-7 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

	Page Name	Hometown	Sponsoring Senator
1	Blythe Layne	Cary	R. Stevens
2	Corinne May	Raleigh	Nesbitt
3	Nick Pruthi	Durham	Kinnaird
4	Vincent Rogland	Henderson	D. Berger
5			
6			
7			
8			
9			

Do not add names below the grid.

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 7, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Sonnabody	Pitt county schools
Kathy Herring	Pitt County Parent supporting SB260
Susanne Sartelle	Greenville - Pitt County Chamber of Commerce (support SB260)
Dan Nichols	Greenville-Pitt Co Chamber Support SB260
Thelma B. James	Wallace, NC Duplin Co 332 N. Orange St
Frances S. Parks	P.O. Box 183 Calypso N.C. 28325
Zettie Williams	770 old NC 903 Magnolia, NC, 28453
ReaterJames Warren	246 Oak Street Wallace NC 28466
Jessie Ladson	209 Bartlett Rd Warsaw N.C. 28398
Joe F. Sullivan	109 Leon Dr Greenville NC 27858-9744
Steve McGee	Greenville-Pitt Co. Chamber (Support SB260)

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 7, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jack Wall	405 Winchester Dr. Greenville N.C
Cameron McCormick	NCGOP
Pam Carraway	Parent/Voter 27858 1801 Rosewood Dr., Greenville, NC
Jill Cannitz	Pitt County Bd of Education 124 Longmeadow Rd, Greenville 27858
Jennifer Little	Pitt. Co. BOE 700 Daventry Dr. Greenville, nc 27858
Bill Knight	Mayor — Greensboro.
[illegible]	Miss Clark
[illegible]	Mayor Pro-Tem Winterville
Danielle Mearis	APPCNC / LLPP
John Harris	NCGGA
Andrew Rell	NCGA

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 7, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael James	NCGA
Lana Hugh	Town of Cary
Adam Pridemore	UNC School of Govt.
Denise Foreman	Wake County
Alissa Willett	NCACC
Amy Brown	NCACC
Daniel Baum	Troutman Sanders
Matt Harrell	NCSBA
Sharon Moore	NCDHHS/DSS
Johnice Tabron	NCDHHS/DSS
Benjie Forest	Pitt Co. Schools
Rep Bill McGee	NC House

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 7, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CHRIS DILLON	NCWRC
Worth Forbes	Pitt Co Schools
Billy Peaden	Pitt Co Schools
Emily Grimm	mwc
Elise Bouchard	Sen. Bingham
JACK CozORT	CARY
Rhea Taut	NCMA
Lori Lord	NCACC
Leeann Nunn	NCSBA
Dean Plunkett	PS
Chris Anderson	

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 7, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David McGowan	NCAR
Kelli Ludlum	NCLM
Joey Stansbury	office of Senator Tucker
Scott Mooneyham	Insider

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, June 14, 2011 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on June 14, 2011, in Room 1124 of the Legislative Building. 13 members of the committee were present. Senator Jim Davis, presided.

Senator Davis called the meeting to order and introduced the Sergeants-at-Arms and Pages.

House Bill 362 (CS #1) Pasquotank Hunting was explained by Rep. Owens. With no discussion or questions, Sen. East moved for an unfavorable report with unanimous approval.

House Bill 360 (CS #1) Columbia Municipal Early Voting was explained by Rep. Owens. With no discussion or questions, Sen. Tucker moved for a favorable report with unanimous approval.

House Bill 416 Expand Joyce Creek District Board was explained by Rep. Owens. With no questions or discussion, Senator East moved for a favorable report with unanimous approval.

House Bill 291 (CS #1) Belhaven Recall Elections was explained by Rep. Cook. With no discussion or questions, Sen. Robinson moved for a favorable report with unanimous agreement.

House Bill 420 Oak Island/Wheel Locks was explained by Rep. Iler. With no questions or discussion, Sen. Stevens moved for a favorable report with unanimous approval.

House Bill 266 (CS #1) Wake Local Energy Efficiency was explained by Rep. Jackson. After some discussion, Sen. Stevens moved to adopt a Senate Committee Substitute Bill. With no further discussion or questions, Sen. Robinson moved for an unfavorable report on the Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute Bill with unanimous approval.

House Bill 463 Rockingham/Taking of Foxes was explained by Rep. Jones. With no questions or discussion, Sen. Walters moved for a favorable report with unanimous approval.

Senate Bill 319 Wilmington Civil Service Board was pulled from the agenda by Sen. Goolsby.

House Bill 403 (CS#1) Wilmington/Contributing Structures was offered by Sen. Goolsby and Rep. Hamilton as a Committee Substitute for Senate Bill 319 Wilmington Civil Service Board. Sen. Goolsby and Rep. Hamilton explained the bill. With no discussion or questions Sen. Stevens moved for an unfavorable report as to Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute Bill with unanimous approval.

House Bill 170 Winston-Salem/Council Meetings was explained by Rep. Brown. With no questions or discussion Sen. Robinson moved for a favorable report with unanimous approval.

House Bill 207 Local Development for Winston-Salem was explained by Rep. Womble. With no discussion or questions Sen. Tucker moved for a favorable report with unanimous approval.

House Bill 208 Acquiring by Right-Condemnation of Property was explained by Rep. Womble. With no questions or discussion Sen. Stevens moved for a favorable report with unanimous approval.

House Bill 558 Forsyth/Winston-Salem Zoning Amendments was explained by Rep. Womble. Angela Carmen, Winston Salem city attorney responded to a question by Sen. Tommy Tucker. Tucker moved for a favorable report with unanimous approval.

House Bill 212 Town of Cramerton/Regulate Utility Vehicles was explained by Rep. Torbett. Sen. Harrington moved for a favorable report with unanimous approval.

House Bill 328 Wayne Sheriff Vacancies was explained by Sen. Pate. Sen. Kinnaird moved for a favorable report with unanimous approval. The bill was subsequently re-referred to the Senate State and Local Government Committee and therefore was not reported out.

House Bill 358 (CS #1) Apex/Cary Annexation Into Chatham Restricted was explained by Rep. Hackney. The committee recommended referral to the Finance Committee. Sen. Stevens moved for a favorable report with unanimous approval.

House Bill 410 Pinebluff/Preserve Land for Parks was explained by Rep. Boles. Rep. Boles introduced Earlene McLamb, the Mayor of Pinebluff. Sen. Blake moved for a favorable report with unanimous approval.

House Bill 411 (CS #1) Iredell Correctional Facility/DOT Storage was explained by Rep. Howard and Sen. East. Sen. Harrington moved for a favorable report with unanimous approval.

House Bill 516 Mount Airy Charter Amendments was explained by staff. Sen. Walters moved for a favorable report with unanimous approval.

House Bill 523 (CS #1) CHANGE Winston-Salem/Forsyth Election Method was explained by Rep. Folwell and Sen. Brunstetter. Sen. Blake moved for a favorable report with unanimous approval.

House Bill 338 Burke School Board Recall was explained by Rep. Blackwell. Sen. Robinson submitted a Senate Committee Substitute. Rep. Blackwell responded to questions from Sens. Tucker, Robinson, and Jones. Sen. Stevens commented on the committee substitute and moved for an unfavorable report as to bill but favorable as to committee substitute. Staff responded to questions from Sens. Jones and Kinnaird. Six members voted for and four voted against the Senate Committee Substitute.

House Bill 510 Reidsville Elections was explained by Rep. Jones. Sen. Tucker moved for a favorable report with unanimous approval.

House Bill 498 (CS #1) Wake School Board Presiding Officer Voting was explained by Rep. Dollar. Sen. Stevens moved for a favorable report. Rep. Dollar responded to a question from Sen. Jones. The committee voted unanimous approval.

Sen. Davis passed the role of committee chair to Sen. Walters.

House Bill 486 Tryon Deannexation was explained by Sen. Davis. Sen. Tucker moved for a favorable report. The bill was referred to the Finance Committee. The committee voted unanimous approval.

Sen. Walters passed the role of committee chair back to Sen. Davis

House Bill 442 (CS #1) Cornelius Design-Build and Investments was explained by Sen. Walters. Sen. Robinson moved for a favorable report with unanimous approval.

House Bill 518 Authorize Add'l Person County Occupancy Tax was explained by Rep. Wilkins. Sen. Kinnaird moved for a favorable report. There was unanimous approval. The bill was withdrawn from committee and re-referred to the Finance Committee.

House Bill 332 Clarify Development Moratoria Authority was explained by Reps. Crawford and Mills. Sen. Harrington moved for a favorable report with unanimous approval.

House Bill 66 (CS #1) Greene County Commissioners was explained by Rep. LaRoque. Rep. LaRoque answered a question from Sen. Tucker. A resolution opposing the bill was distributed from Greene County Commissioners. Sen. Tucker moved for a favorable report with unanimous approval.

A Committee Substitute for House Bill 467 Guilford Board of Cty Comm. Districts was explained by Rep. Blust. Sen. Tucker moved to accept the committee substitute. Rep. Blust answered questions from Sen. Robinson. Sen. Tucker's motion for a favorable report failed.

The meeting adjourned at 1:10 PM.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

AGENDA

State and Local Government

DAY	DATE	TIME	ROOM
Tuesday	June 14, 2011	12:00 Noon until 2:00	1124 LB

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 319	Wilmington Civil Service Board.	Senator Goolsby
HB 170	Winston-Salem/Council Meetings.	Representative Brown
HB 207	Local Development for Winston-Salem.	Representative Parmon Representative Womble Representative McGee
HB 208	Acquiring by Right-Condemnation of Property.	Representative Parmon Representative Womble Representative McGee
HB 212	Town of Cramerton/Regulate Utility Vehicles.	Representative Torbett
HB 266	Wake Local Energy Efficiency.	Representative Jackson Representative Martin Representative Weiss Representative Dollar
HB 328	Wayne Sheriff Vacancies.	Representative Sager Representative LaRoque
HB 358	Apex/Cary Annexation Into Chatham Restricted.	Representative Hackney Representative Stam
HB 403	Wilmington/Contributing Structures.	Representative Hamilton
HB 410	Pinebluff/Preserve Land for Parks.	Representative Boles, Jr.
HB 411	Iredell Correctional Facility/DOT Storage.	Representative Howard
HB 420	Oak Island/Wheel Locks.	Representative Iler
HB 516	Mount Airy Charter Amendments.	Representative Stevens
HB 558	Forsyth/Winston-Salem Zoning Amendments.	Representative Parmon Representative Brown Representative Womble Representative McGee

HB 467	Guilford Board of Cty Comm. Districts.	Representative Blust
HB 463	Rockingham/Taking of Foxes.	Representative Jones, Jr.
HB 523	CHANGE Winston-Salem/Forsyth Election Method.	Representative Folwell Representative Brown Representative McGee
HB 338	Burke School Board Recall.	Representative Blackwell
HB 498	Wake School Board Presiding Officer Voting.	Representative Dollar
HB 486	Tryon Deannexation.	Representative Guice
HB 291	Belhaven Recall Elections.	Representative Cook
HB 416	Expand Joyce Creek District Board.	Representative Owens, Jr.
HB 362	Pasquotank Hunting.	Representative Owens, Jr.
HB 332	Clarify Development Moratoria Authority.	Representative Crawford, Jr. Representative Mills Representative Killian Representative Hamilton
HB 360	Columbia Municipal Early Voting.	Representative Owens, Jr.
HB 442	Cornelius Design-Build and Investments.	Representative Moore
HB 518	Authorize Add'l Person County Occupancy Tax.	Representative Wilkins, Jr.
HB 510	Reidsville Elections	Representative Jones
HB 66	Greene County Commissioners	Representative LaRoque

Presentations

Other Business

Adjournment

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 319

Short Title:	Wilmington Civil Service Board.	(Local)
Sponsors:	Senators Goolsby; and Apodaca.	
Referred to:	State and Local Government.	

March 14, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON AS IT RELATES TO THE CITY'S CIVIL SERVICE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Article XI of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 342 of the 1981 Session Laws and S.L. 2010-73, reads as rewritten:

"ARTICLE XI.

"Civil Service.

"Sec. 11.1. Civil Service Commission established. ~~There is created a Civil Service Commission consisting of five members. Each member must be a citizen and a resident of the City of Wilmington. No member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city or a former employee of the police or fire department. Applicants to the Civil Service Commission shall complete the City of Wilmington Boards and Commissions application process.~~

~~The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one member. The employees of the City of Wilmington Police Department who are subject to this Article, by a majority vote, shall name one member. The City Council of the City of Wilmington, by a majority vote, shall name one member. The New Hanover County Medical Society governing board, by a majority vote, shall name one member. The sitting members of the Civil Service Commission, by a majority vote, shall name one member.~~

~~The members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.~~

~~A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any other provision in this section, the member previously named by the Wilmington Ministerial Association governing body, shall be replaced with another member chosen by a majority vote of the sitting members of the Civil Service Commission. The member, who must complete the City of Wilmington Boards and Commissions application process, shall fill an at-large seat for a one-year term to run from August 1, 2010, through August 1, 2011.~~

~~The city council shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the commission shall elect a chairman and may~~

~~elect other officers. A majority of the members of the commission constitutes a quorum. The commission may determine its own rules of procedure.~~

~~The city clerk shall be designated as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, keep custody of commission records and notify members of meetings. The director of personnel shall act as an ex officio member of the commission representing the city on personnel matters to be handled by the commission. The commission shall within a reasonable time, supply the director of personnel with notification of any actions, reports, or recommendations made by the commission. The personnel office shall notify affected police and fire department members of actions, reports and recommendations made by the commission.~~

(a) Establishment, Qualifications, and Restrictions. There is created a Civil Service Commission consisting of five regular members and one nonvoting ex officio member. Each regular member must be a citizen and a resident of the City of Wilmington. No regular member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city, or a former employee of the police or fire department. Applicants to the Civil Service Commission shall complete the City of Wilmington Boards and Commissions application process.

(b) Appointment, Term, and Removal of Regular Members. The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one regular member. The employees of the City of Wilmington Police Department who are subject to this Article, by a majority vote, shall name one regular member. The City Council of the City of Wilmington, by a majority vote, shall name one regular member. The New Hanover County Medical Society governing board, by a majority vote, shall name one regular member. The sitting members of the Civil Service Commission, by a majority vote, shall select one member as a regular member of the Commission. The regular members of the Commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

(c) Vacancy. A vacancy on the Commission may be caused by the death, resignation, disqualification, or removal of a regular member. Such vacancy shall be filled by the appointing authority authorized to name the member causing the vacancy. If the appointing agency fails to fill the vacancy within 60 days after notification, the senior resident superior court judge of the judicial district that includes New Hanover County shall be notified and shall immediately fill the vacancy. Regular members appointed to fill a vacancy shall serve for the remainder of the unexpired term.

(d) Compensation, Officers, and Quorum. The City Council shall set the compensation for allowances, if any, to be paid the members of the Commission. In November of each year, the regular members of the Commission shall elect a chairman and may elect other officers. A majority of the regular members of the Commission constitutes a quorum. There shall be a minimum of four regular members present to consider the appeal of a dismissal or demotion under this Article. A quorum will be required to consider nondisciplinary matters.

(e) Secretary. The city clerk shall act as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of Commission meetings and hearings, shall be custodian of all papers and records pertaining to the business of the Commission, shall notify Commission members of meetings, shall administer required oaths, shall be responsible for transmitting to the Superior Court of New Hanover County a complete transcript of all proceedings and papers concerning any Commission order appealed to the court, and shall perform other duties as the Commission may require.

(f) Ex Officio Member. The director of human resources shall act as a nonvoting ex officio member of the Commission and shall advise the Commission on all city and departmental policies, rules, regulations, and procedures. The Commission shall, within a

reasonable time, supply the director of human resources with notification of any actions, reports, or recommendations made by the Commission. The human resources department shall notify affected police and fire department members of actions, reports, and recommendations made by the Commission.

"Sec. 11.2. ~~Jurisdiction.~~ Application of Article. ~~The Civil Service Act has jurisdiction over an employee of the Police Department of the City of Wilmington certified in accordance with Section 11.5 of this act and who is clothed with the full power of arrest and whose primary duty is that of enforcing the criminal laws of the city and State, excluding those employees whose primary responsibility is that of issuing parking tickets or collecting fees. The chief of the police department is not covered by the Civil Service Act.~~

~~The act shall apply to an employee of the Fire Department of the City of Wilmington certified in accordance with Section 11.5 of this act and whose primary function is that of protecting life and property through firefighting, including those fire officers assigned to supporting services of the fire service. The chief of the fire department is not covered by the Civil Service Act.~~

(a) General Application. The provisions of this Article shall only apply to civil service certified employees of the City of Wilmington police and fire departments as defined in this section.

(b) Police Department. An employee of the police department shall be civil service certified only if that employee (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as a criminal justice officer by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the police department as a criminal justice officer. Other than Section 11.4 of this act, the provisions of this Article shall not apply to the chief of police. The provisions of this Article shall not apply to any deputy chief or auxiliary police officer appointed to such position after the date of the enactment of this Article.

(c) Fire Department. An employee of the fire department shall be civil service certified only if that employee (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as either a firefighter or fire inspector by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the fire department in a primary function of protecting life and property through firefighting, including those fire officer positions assigned to supporting services of the fire service. Other than Section 11.4 of this act, the provisions of this Article shall not apply to the fire chief. The provisions of this Article shall not apply to any deputy fire chief appointed to such position after the date of the enactment of this Article.

"Sec. 11.3. Powers and duties. The ~~commission:~~Commission:

~~(a)~~(1) Shall approve reasonable requirements for employment and for examination of applicants. ~~Positions shall be publicized. Examinations shall be competitive, open, and free to all persons meeting the commission's requirements. Examinations shall be practical in character, shall be limited to matters that fairly test the relative ability of the applicant to discharge the duties of the position and shall include tests of mental and physical qualifications and health. Employment procedures shall be consistent with federal and State regulations and the affirmative action policy as adopted by the city council. The director of personnel shall be responsible for implementing and administering personnel policies and procedures approved by the commission. Any standards for police or fire employees that are established by the State of North Carolina shall be included in the requirements for employment.~~

~~(b)~~(2) ~~Shall cause to be prepared and kept a register of persons passing the examinations. The established policy of the city will be followed in filling vacancies from the register.~~ Shall only hear and decide appeals of dismissals or demotions filed by civil service certified employees of the police or fire department.

(3) Shall subpoena on behalf of the Commission, or any party to a hearing before the Commission, witnesses and compel the production of records, books, papers, documents, or tangible things. If a person fails or refuses to obey a subpoena issued pursuant to this subdivision, the Commission may apply to the Superior Court of New Hanover County for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to the proper parties.

(4) Shall comply with the provisions of G.S. 160A-168 during the conduct of an appeal hearing before the Commission.

~~(c)~~(5) Shall make an annual report to the ~~city council, city manager, and to the chiefs of the police and fire departments for posting on departmental bulletin boards.~~ city council and city manager. The ~~commission~~ Commission may prescribe the form and content of the report.

~~(d)~~(6) May secure necessary staff services and request assistance in the performance of its duties from the city manager.

~~(e)~~(7) The ~~commission~~ Commission may use the facilities of the city for holding any of its activities.

(8) May determine its own rules of procedure. The North Carolina Rules of Evidence and the North Carolina Rules of Civil Procedure shall not apply to any hearing before the Commission.

"Sec. 11.4. Appointment of chief of fire department and chief of police department. Appointments of the chief of the fire department and chief of the police department shall be made by the city council and in making appointments to chiefs of the fire and police departments, due consideration shall be given to persons already employees of the respective department.

"Sec. 11.5. Probationary police and fire officers. Employees of the police and fire departments may be hired on a probationary basis for a period not to exceed 18 months. During this period the chief of the respective department may dismiss after notifying the city manager. At the end of the probationary period, an employee shall become certified, unless terminated prior thereto by action of the chief, with all rights and privileges contained in this Article.

~~"Sec. 11.6. Disciplinary action. (a) Except as provided in Section 11.5 of this act, an employee of the Police or Fire Department of the City of Wilmington may be dismissed only for cause and with an opportunity to be heard in his or her own defense. Council retains the authority to demote or terminate positions because of a lack of work or conditions beyond the control of the city. And furthermore, nothing in this Article shall be so construed as to deprive city council of its control over the finances of the city.~~

~~(b) The chief of the appropriate department may suspend, with or without pay, any employee of the police or fire department charged with violating any rule or regulation of the department, for a period not to exceed 30 calendar days. Within three working days after making any suspension, the chief shall file with the city manager a written statement setting forth the reasons for the suspension in detail. Within the same time, the chief shall give to the suspended officer a signed copy of the statement of the basis for the suspension. Within 10 working days after his suspension, the employee may file with the city manager a written request for a hearing. The city manager shall conduct the hearing within 30 calendar days thereafter.~~

~~If the employee is suspended without pay and the city manager finds that the suspension was not justified, or if the charges are dismissed, the employee shall be fully reimbursed for any loss of pay.~~

~~(c) With the approval of the city manager, the chief of the appropriate department may dismiss or demote any employee for violating any rule or regulation of the department of which the employee is a member. Within three working days after making any dismissal or demotion, the chief of the department shall file with the Secretary of the commission a written list of charges supporting the discharge or demotion. A copy of this statement shall be given to the city manager and the employee.~~

~~Within 10 working days after dismissal or demotion, the employee may appeal by first filing with the secretary of the commission a written request for a hearing before the Civil Service Commission. Such request for hearing shall contain a written response to each of the enumerated charges which was filed in support of the discharge or demotion. The commission shall conduct a hearing within 60 calendar days after receipt of the request. Hearings shall be administrative in nature. 'Working days' for purposes of this subsection shall mean 8:30 a.m. to 5:00 p.m., Monday through Friday except legal holidays.~~

~~If the commission determines that the employee has not violated a rule or regulation of the department, the commission shall reinstate with appropriate back pay. In the conduct of its investigations, the commission may subpoena witnesses, administer oaths and compel the production of evidence.~~

~~The commission upon finding any employee guilty may sustain the action of the chief or take any other action that may be deemed appropriate.~~

~~Any employee found guilty by the commission may appeal to a court of competent jurisdiction. The trial upon appeal shall be governed by the provisions of Article 4, Chapter 150A, of the General Statutes of North Carolina pertaining to Judicial Review of Decisions of Certain Administrative Agencies except that for purpose of G.S. 150A-45 the person seeking review must file a petition in the Superior Court of New Hanover County.~~

~~A person who may wish to appeal to the superior court shall file with the secretary of the commission a bond in an amount set by the commission, with sufficient surety conditioned that the person shall pay the cost of such appeal in the event such cost shall be levied against the person, and shall pay to the secretary the necessary fee for entering such appeal in the superior court within 10 calendar days after entry of such order or decree appealed from, and upon appeal, the secretary of the Civil Service Commission shall forthwith transmit to the superior court a complete transcript of all papers and proceedings concerning the order or decree or action of the Civil Service commission appealed from, together with the appeal bond and fee.~~

"Sec. 11.6. Dismissal, demotion, and appeal.

(a) General. A civil service certified employee of the police or fire department of the City of Wilmington may be dismissed or demoted only for cause and with an opportunity to be heard in his or her own defense. Notwithstanding any provision of this Article, the city council shall retain the authority to demote or terminate positions because of a lack of work or conditions beyond the control of the city and nothing in this Article shall be so construed as to deprive the city council of its control over the finances of the city. Further, notwithstanding any provision in this Article, the city manager shall retain all powers and authority granted to him by law and by the Charter of the City of Wilmington.

(b) Dismissal and Demotion. The chief of the appropriate department may, with the prior approval of the city manager, dismiss or demote any civil service certified employee of the police or fire department for violating any rule, regulation, policy, or procedure of the city or of the department of which the employee is a member. Within five working days after making any such dismissal or demotion, the chief of the department shall file with the secretary of the Commission a written list of charges supporting the discharge or demotion. A copy of this statement shall be given to the city manager and the employee.

(c) Appeal of Dismissal or Demotion. No more than 10 working days after the effective date of his or her dismissal or demotion, the employee may appeal such dismissal or demotion to the Civil Service Commission by filing a written notice of appeal and request for a hearing with the secretary of the Commission. The notice of appeal and request for a hearing shall contain a written response to each of the enumerated charges which was filed in support of the discharge or demotion. The Commission shall conduct a hearing within a reasonable time after receipt of the request. Hearings shall be administrative in nature and shall be conducted in closed session unless an open session is requested by the employee. For purposes of this subsection, the term "working days" means 8:00 A.M. to 5:00 P.M., Monday through Friday, except legal or city holidays.

(d) Appeal Powers of the Commission. If, at the completion of its hearing, the Commission shall find that:

(1) The employee has not committed the offense or offenses with which he or she has been charged, the Commission shall reinstate the employee and direct the city manager to reimburse any lost pay and benefits to the employee.

(2) The employee has committed the offense or offenses with which he or she has been charged, the Commission shall sustain the action taken or may impose such other punishment as it deems just and proper.

(e) Appeal from Action of the Commission. Every decision of the Commission shall be subject to review by the Superior Court of New Hanover County by proceedings in the nature of certiorari. Any party to a hearing before the Commission may appeal any order of the Commission to the Superior Court of New Hanover County by giving notice of appeal, in writing, to the clerk of superior court not later than 10 days after the entry of the order. Assignments of error must be filed with the court and served upon the Commission and other parties no later than 30 days after entry of the order. The appeal to superior court shall be heard upon the record of proceedings at the hearing before the Commission.

"Sec. 11.7. ~~Enforcement of subpoenas.~~Testimony before the Commission. ~~In the conduct of hearings or investigations, the members of the commission shall have the right and power to compel by subpoena both the attendance and testimony of witnesses or for the production of evidence that may be relevant to the case to be heard. The commission may apply to a court of competent jurisdiction for an order requiring that its order be obeyed. No testimony of any witness before the commission may be used against the witness on the trial of any criminal prosecution other than for false swearing committed on examination.~~

All persons testifying before the ~~commission~~ Commission shall be administered the appropriate oath by the city clerk. The city clerk or other designated court recorder shall be responsible for recording all proceedings. Any person, while under oath, at an investigation by the ~~commission,~~ Commission, willfully swearing falsely, shall be guilty of a misdemeanor.

"Sec. 11.8. ~~Personnel policies.~~Other city policies. Unless specifically excepted by this ~~act,~~Article, all other ~~ordinances and policies~~ordinances, rules, regulations, policies, and procedures affecting the employees of the City of Wilmington shall apply to ~~employees under the Civil Service Act.~~civil service certified employees."

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

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 207
Committee Substitute Favorable 5/5/11

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.

HOUSE BILL 208

Short Title:	Acquiring by Right-Condemnation 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.

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

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CRAMERTON TO REGULATE UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, S.L. 2007-259, and S.L. 2009-459 reads as rewritten:

"**SECTION 1.** Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Towns of Beech Mountain, Cramerton, North Topsail Beach, and Seven Devils, and the City of Conover may, by ordinance, regulate the operation of utility vehicles on any public street or road within the City or Town. By ordinance, the City or Town may require the registration of utility vehicles, specify the persons authorized to operate utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the utility vehicles."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 266*
Committee Substitute Favorable 4/7/11

Short Title: Wake Local Energy Efficiency. (Local)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW WAKE COUNTY AND 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 LOCAL GOVERNMENTS UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2009-149, as rewritten by S.L. 2010-57 and S.L. 2010-63, reads as rewritten:

"**SECTION 3.** Section 2 of this act applies to the Cities of Asheville, Raleigh and Winston-Salem and the Towns of Chapel Hill and Carrboro only. This act also applies to Catawba and Wake ~~County.~~ Counties and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."

SECTION 2. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L. 2009-149, and by S.L. 2010-57, reads as rewritten:

"**SECTION 1.(a)** A municipality or county may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by its governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, a municipality or county may award a contract under this section in its sole discretion.

"**SECTION 1.(b)** This section applies to the Cities of Asheville and Raleigh and the Towns of Apex, ~~Chapel Hill and Carrboro~~ Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only. This section also applies to Wake County."

SECTION 3. This act is effective when it becomes law, but Section 2 of this act 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 328

Short Title:	Wayne Sheriff 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.	

March 14, 2011

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.

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, Wayne, and Yancey."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 358
Committee Substitute Favorable 3/24/11

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 403
Committee Substitute Favorable 4/21/11

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 410

Short Title:	Pinebluff/Preserve Land for Parks.	(Local)
Sponsors:	Representative Boles (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 21, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Pinebluff (hereafter "Town") owns the following tracts of undeveloped property in the southern part of the Town, which the Town desires to preserve as park land for future generations:

(1) Being all of that property having the Moore County LRK number 54213, which is separated by an unopened portion of Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property and which was conveyed to the Town by deed recorded in the Moore County Registry at Book 177, Page 111.

(2) Being all of that property having the Moore County LRK number 54214, which is separated by an unopened portion of Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property and which was conveyed to the Town by deed recorded in the Moore County Registry at Book 146, Page 216.

(3) Being all of that property having the Moore County LRK number 54215, which is separated by an unopened portion of Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property and which was conveyed to the Town by deed recorded in the Moore County Registry at Book 218, Page 587.

(4) Being all of that property having the Moore County LRK number 54217 and which consists of the center court of the block bounded by New England Avenue on the north, Pecan Street on the east, an unopened portion of Boston Avenue on the south, and an unopened portion of Pine Street on the west.

(5) Being all that property having the Moore County LRK number 56645 and which consists of the center court of the block bounded by New England Avenue on the north; Walnut Street, which is also U.S. Highway 1, on the west; Boston Avenue on the south; and Pecan Street on the west.

(6) Being all of the property having the Moore County LRK number 56640, which is separated by Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property.

(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

access to the public utilities. Vegetation may be cleared within utility areas as is reasonably necessary to maintain the utilities and access thereto.

(5) Notwithstanding the provisions of G.S. 160A-265, none of the properties, or any portion thereof, may be sold, transferred, or conveyed by the Town, except that the Town may sell, transfer, or convey any of the properties, or any portion thereof, to any governmental or nonprofit organization, subject to restrictions that limit the use of the properties substantially to the uses allowed by this act.

SECTION 3. The Town may use up to 15 acres of the total acreage of the properties described in Section 1 of this act for any lawful governmental purpose, including, but not limited to, the construction of a new fire station or Town hall. The Town may use the 15 acres for various projects occurring at different times, and the acreage used may include one or any combination of the properties described in Section 1 of this act.

SECTION 4. Fifty years from the effective date of this act, the Board of Commissioners of the Town may remove some or all of the restrictions imposed in this act on the properties described in Section 2 of this act. In order for the removal or modification of the restrictions to become effective, the Board of Commissioners shall adopt a resolution detailing the removal or modification, and the terms of the resolution must be approved by at least sixty percent (60%) of the residents of the Town casting votes in a referendum on the matter. The referendum must be held at the same time as a general election and must be called in the same manner as a special election in accordance with the requirements of G.S. 163-287 or such other statute that shall be in effect at the time that governs the calling of a special election.

SECTION 5. Any resident of the Town shall have standing to sue to enforce the provisions of this act. The action shall be brought in the Superior Court of Moore County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 411
Committee Substitute Favorable 5/9/11

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 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

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2003-240, as amended by S.L. 2007-330 and S.L. 2010-50, reads as rewritten:

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

SECTION 2. Section 1 of this act applies to the Town of Oak Island only.

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

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."

SECTION 3. Article VI of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"ARTICLE VI. PUBLIC CONTRACTS.

"Section 6.1. **Award of Certain Contracts.**

(a) The City Manager may award, approve, and execute contracts or agreements of any kind or nature on behalf of the City when the amount of the contract or agreement does not exceed one hundred thousand dollars ($100,000) if the Board has approved the appropriation in the annual budget for the current fiscal year for the ~~general~~ purpose specified in the contract or agreement. In addition, the City Manager, or the City Manager's duly authorized designee appointed in accordance with Section 5.2(a) of this Charter, may approve and execute amendments to contracts or agreements, including contracts initially approved solely by the Board when the amount in question does not exceed one hundred thousand dollars ($100,000).

(b) The City Manager, upon specific authorization by the Board, may 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, regardless of the amount in question, where the construction and installation was or shall be the sole responsibility and expense of another person, firm, or corporation.

"Section 6.2. **Procedures.**

(a) The City Manager shall, at or before the next regular meeting of the Board, report ~~within 45 days of~~ the award of any contract described in Section 6.1 of this ~~Charter, report such award to the Board.~~ Charter. However, the City Manager shall not be required to report contracts in a minimum amount that may be set from time to time by the Board.

(b) In awarding, approving, and executing contracts described in this Article, the City Manager shall comply with all applicable provisions of this Charter and Article 8 of Chapter 143 of the General Statutes. The City Manager may take any action that the Board is required or authorized to take under Article 8 of Chapter 143 of the General Statutes in making, approving, awarding, or executing contracts."

SECTION 4. Article VII of the Charter of the City of Mount Airy, being Section 1 of S.L. 2003-281, reads as rewritten:

"ARTICLE VII. ACQUISITION OF PROPERTY.

"Section 7.1. **Delegation to City Manager.** The Board may delegate authority to the City Manager to purchase real property, any interest in real property, or personal property provided that: (i) the Board shall have approved the appropriation for the purchase in the annual budget for the current fiscal year; and (ii) at the next regular meeting of the Board, the City Manager ~~the City Manager, within 45 days following the purchase~~ shall submit to the Board a written report setting forth the names of the persons or entities from whom the real property or interest in real property was purchased, a general description of the property or interest in property acquired, the purchase price paid, and the intended use of the property or interest in property."

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

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

pursuant to this section is inferior to all prior liens and shall be collected as a money judgment. This section does not apply if the person in default can show that the violation was created solely by the actions of another.

Furthermore, the Building Inspector or Administrative Officer or that person's designee is authorized to provide, upon the issuance of a notice of violation, for the filing of a notice of lis pendens in the office of the Clerk of Superior Court of Forsyth County. When a notice of lis pendens and a copy of the notice of violation are filed with the Clerk of Superior Court, it shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the notice of violation shall be binding upon the successors and assigns of the owner or owners of the premises in violation. A copy of the notice of lis pendens shall be served upon the owner or owners of the premises in violation at the time of filing in accordance with the procedure for serving the notice of violation set forth herein. The notice of lis pendens shall remain in full force and effect until cancelled. The Building Inspector or Administrative Officer or that person's designee may authorize the cancellation of the notice of lis pendens upon compliance with the notice of violation, and receipt of such cancellation, the Clerk of Superior Court shall cancel the notice of lis pendens.

The Building Inspector or Administrative Officer, or that person's designee, may notify a chronic violator of the City's zoning ordinance that, if the violator's property is found to be in violation of the zoning ordinance, the City shall, without further notice in the calendar year in which notice (hereinafter 'chronic violator notice') is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The chronic violator notice shall be served by registered or certified mail in conjunction with regular mail and posting. If regular mail is not returned in 10 days, and the registered or certified mail is returned refused or unclaimed, service by regular mail shall be deemed sufficient. A 'chronic violator' is a person who owns property whereupon, during the 18-month period prior to the issuance of the chronic violator notice, the City took remedial action at least three times under the City's zoning ordinance."

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 467
Committee Substitute Favorable 6/7/11

Short Title: Guilford Board of Cty Comm. Districts. (Local)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTRUCTURE THE GUILFORD COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136, Session Laws of 1991, as reenacted by Section 1 of Chapter 521, Session Laws of 1993, is repealed.

SECTION 2.(a) Effective on the first Monday of December 2012, the Board of Commissioners of Guilford County shall consist of nine members. The members shall be elected on a partisan basis at the time of the regular county primary and general elections. One member shall be elected from each of six single-member districts established under subsection (d) of this section. Two members shall be elected at large from within the entirety of Guilford County. The chair of the board shall be elected at large from within the entirety of Guilford County.

SECTION 2.(b) In 2012 and quadrennially thereafter, members for Districts 1, 4, and 6, and the chair of the board shall be elected for four-year terms. In 2014 and quadrennially thereafter, members for Districts 2, 3, and 5, and two at-large members shall be elected for four-year terms.

SECTION 2.(c) The qualified voters of each district shall elect the member of the board for that district. Candidates must reside in the district for which they seek to be elected.

SECTION 2.(d) The districts are as follows:

District 1: Guilford County: VTD: FR1, VTD: FR2, VTD: G50, VTD: G51, VTD: G54, VTD: G55, VTD: G56, VTD: G57, VTD: G58, VTD: G59, VTD: G60, VTD: G61, VTD: G62, VTD: G66, VTD: H05, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H18, VTD: H19A, VTD: H19B, VTD: HP: Block(s) 0810163061002, 0810163061003, 0810163061004, 0810163061006, 0810163061007, 0810163061008, 0810163061009, 0810163061010, 0810163061011, 0810163061012, 0810163061013, 0810163061014, 0810163061015, 0810163061016, 0810163061017, 0810163061018, 0810163061019, 0810163061020, 0810163061022, 0810163061023, 0810163061024, 0810163061025, 0810163061026, 0810163061027, 0810163061028, 0810163061029, 0810163061030, 0810163061031, 0810163061032, 0810163061033, 0810163061034, 0810163061035, 0810163061037, 0810163061038, 0810163061040, 0810163061042, 0810163061043, 0810163061046, 0810163061047, 0810163061048, 0810163061049, 0810163061050, 0810163061054, 0810163061055, 0810163061056, 0810163061057, 0810163061058, 0810163061059, 0810163061060, 0810163061061, 0810163061062, 0810163061063, 0810163061064, 0810163061065, 0810163061066, 0810163061067, 0810163061068, 0810163061069, 0810163061070, 0810163061071, 0810163061072, 0810163061073,

0810163061074, 0810163061075, 0810163061076, 0810163061077, 0810163061078, 0810163061079, 0810163061080, 0810163061081, 0810163061082, 0810163061083, 0810163061084, 0810163061085, 0810163061086, 0810163061087, 0810163061088, 0810163061089, 0810163061090, 0810163061091, 0810163061092, 0810163061093, 0810163061094, 0810163061095, 0810163061097, 0810163061098, 0810164061076, 0810164061092, 0810164071000, 0810164071001, 0810164071002, 0810164071003, 0810164071004, 0810164071005, 0810164071006, 0810164071007, 0810164071008, 0810164071009, 0810164071010, 0810164071011, 0810164071012, 0810164071013, 0810164071014, 0810164071015, 0810164071016, 0810164071017, 0810164071018, 0810164071019, 0810164071020, 0810164071021, 0810164071022, 0810164071023, 0810164071024, 0810164071025, 0810164071026, 0810164071027, 0810164071028, 0810164071029, 0810164071030, 0810164071031, 0810164071032, 0810164071033, 0810164071034, 0810164071035, 0810164071036, 0810164071037, 0810164071038, 0810164071039, 0810164071040, 0810164071041, 0810164071046, 0810164071047, 0810164071048, 0810164071049, 0810164071050, 0810164071051, 0810164071052, 0810164071053, 0810164071054, 0810164071055, 0810164071056, 0810164071057, 0810164071059, 0810164071060, 0810164071061, 0810164081010, 0810164081044, 0810164081045, 0810164081046, 0810164081047, 0810164091028, 0810164091068, 0810164091069, 0810164091070, 0810164091071, 0810164091072, 0810164091073, 0810164091074, 0810164091075, 0810164091076, 0810164091077, 0810164091078, 0810164091079, 0810164091080, 0810164091081, 0810164091082, 0810164091083, 0810164091084, 0810164091085, 0810164091086, 0810164091087, 0810164091088, 0810164091089.

District 2: Guilford County: VTD: FR4, VTD: FR5, VTD: G43, VTD: G64, VTD: H01, VTD: H02, VTD: H03, VTD: H04, VTD: H12, VTD: H13, VTD: H14, VTD: H15, VTD: H16, VTD: H17, VTD: H20A, VTD: H20B, VTD: H21, VTD: H22, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27, VTD: HP: Block(s) 0810162041037, 0810162041038, 0810162041040, 0810162041041, 0810164051025, 0810164051027, 0810164051028, 0810164051029, 0810164051033, 0810164051034, 0810164051035, 0810164051036, 0810164051037, 0810164051039, 0810164051054, 0810164051064, 0810164061002, 0810164061003, 0810164061004, 0810164061005, 0810164061006, 0810164061007, 0810164061008, 0810164061009, 0810164061010, 0810164061011, 0810164061012, 0810164061013, 0810164061014, 0810164061015, 0810164061016, 0810164061017, 0810164061018, 0810164061019, 0810164061020, 0810164061021, 0810164061022, 0810164061023, 0810164061024, 0810164061025, 0810164061026, 0810164061027, 0810164061028, 0810164061029, 0810164061030, 0810164061031, 0810164061032, 0810164061033, 0810164061034, 0810164061039, 0810164061040, 0810164061041, 0810164061042, 0810164061043, 0810164061044, 0810164061045, 0810164061046, 0810164061047, 0810164061048, 0810164061049, 0810164061050, 0810164061051, 0810164061052, 0810164061053, 0810164061054, 0810164061055, 0810164061056, 0810164061057, 0810164061058, 0810164061059, 0810164061060, 0810164061061, 0810164061062, 0810164061063, 0810164061064, 0810164061065, 0810164061066, 0810164061067, 0810164061068, 0810164061069, 0810164061070, 0810164061071, 0810164061072, 0810164061073, 0810164061074, 0810164061075, 0810164061077, 0810164061078, 0810164061079, 0810164061080, 0810164061081, 0810164061082, 0810164061083, 0810164061084, 0810164061085, 0810164061086, 0810164061087, 0810164061088, 0810164061089, 0810164061090, 0810164061091, 0810164061093, 0810164061094, 0810164061095, 0810164061096, 0810164061097; VTD: NDRI, VTD: SDRI.

District 3: Guilford County: VTD: CG1, VTD: CG2, VTD: CG3A, VTD: CG3B, VTD: FR3, VTD: G27, VTD: G28, VTD: G39, VTD: G40A1, VTD: G40A2, VTD: G40B, VTD: G41,

VTD: G42, VTD: MON2, VTD: MON3, VTD: NCGR1, VTD: NCGR2, VTD: OR1, VTD: OR2, VTD: SF1, VTD: SF2, VTD: SF3, VTD: SF4, VTD: STOK.

District 4: Guilford County: VTD: FEN2, VTD: G65, VTD: GIB, VTD: GR, VTD: H06, VTD: JAM1, VTD: JAM2, VTD: JAM3, VTD: JAM4, VTD: JAM5, VTD: JEF1, VTD: JEF2, VTD: JEF4, VTD: NCLAY1, VTD: NCLAY2, VTD: NMAD, VTD: NWASH, VTD: PG1, VTD: PG2, VTD: RC1, VTD: RC2, VTD: SCLAY, VTD: SMAD, VTD: SUM1, VTD: SUM2, VTD: SUM3, VTD: SUM4, VTD: SWASH.

District 5: Guilford County: VTD: FEN1, VTD: G01, VTD: G02, VTD: G03, VTD: G04, VTD: G05, VTD: G06, VTD: G07, VTD: G08, VTD: G10, VTD: G46, VTD: G47, VTD: G52, VTD: G53, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G71, VTD: G72, VTD: G73, VTD: G74, VTD: G75, VTD: JEF3, VTD: MON1.

District 6: Guilford County: VTD: G09, VTD: G11, VTD: G12, VTD: G13, VTD: G14, VTD: G15, VTD: G16, VTD: G17, VTD: G18, VTD: G19, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G24, VTD: G25, VTD: G26, VTD: G29, VTD: G30, VTD: G31, VTD: G32, VTD: G33, VTD: G34, VTD: G35, VTD: G36, VTD: G37, VTD: G38, VTD: G44, VTD: G45, VTD: G48, VTD: G49, VTD: G63.

SECTION 3. Following the return of the 2020 Census, and each Census thereafter, the Guilford County Board of Commissioners may revise the election districts.

SECTION 4. The Guilford County Commissioners shall submit the changes required by this act to the U.S. Department of Justice pursuant to section 5 of the Voting Rights Act of 1965.

SECTION 5. This act becomes effective January 1, 2012.

House Bill 467 – Rep. Blust

- Highways w/Limited Access
- US Highways
- NC Highways
- County
- *Voter Tabulation Districts*

District
- 1
- 2
- 3
- 4
- 5
- 6

0 0.5 1 2 3 4 5
Miles

Rockingham County

Guilford County

Alamance County

Davidson County

Randolph County

District 1

District 2

District 3

District 4

District 5

District 6

STOK SF1 SF2 SF3 SF4 NCGR1 NCGR2 OR1 OR2 CG1 CG2 CG3A CG3B MON1 MON2 MON3 NMAD SMAD NWASH SWASH FR3 FR4 FR5 NDRI G01 G02 G03 G04 G05 G06 G07 G08 G09 G10 G11 G12 G13 G14 G15 G16 G17 G18 G19 G20 G21 G22 G23 G24 G25 G26 G27 G28 G29 G30 G31 G32 G33 G34 G35 G36 G37 G38 G39 G40A1 G40A2 G40B G41 G42 G43 G44 G45 G46 G47 G48 G49 G50 G51 G52 G53 G54 G55 G56 G57 G58 G59 G60 G61 G62 G63 G64 G65 G66 G67 G68 G69 G70 G71 G72 G73 G74 G75 SDRI FR1 FR2 JAM1 JAM2 JAM3 JAM4 JAM5 HP H01 H02 H03 H04 H05 H06 H07 H08 H09 H10 H11 H12 H13 H14 H15 H16 H17 H18 H19A H19B H20A H20B H21 H22 H23 H24 H25 H26 H27 SUM1 SUM2 SUM3 SUM4 PG1 PG2 FEN1 FEN2 JEF1 JEF2 JEF3 JEF4 RC1 RC2 NCLAY1 NCLAY2 SCLAY GR GIB

Produced by North Carolina General Assembly, Information Systems Division, June 7, 2011.

Ideal Versus Actual Populations Based on 2010 Census Results
Plan_0_TC_5

District	2010 Pop	Ideal Pop	Ideal +/-	% +/-
1	82,246	81,401	845	1.04%
2	81,685	81,401	284	0.35%
3	80,225	81,401	-1,176	-1.44%
4	80,592	81,401	-809	-0.99%
5	83,261	81,401	1,860	2.28%
6	80,397	81,401	-1,004	-1.23%

Stat. Pack Report of Total Population by Race and Ethnicity
Plan_0_TC_5

Total Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	Total % Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	82,246	29,972	36.44%	38,950	47.36%	610	0.74%	5,295	6.44%	5,113	6.22%	2,306	2.80%	1,492	1.81%	40,442	49.17%	9,294	11.30%	72,952	88.70%	26,731	32.50%
2	81,685	52,379	64.12%	18,378	22.50%	451	0.55%	4,884	5.98%	3,628	4.44%	1,965	2.41%	1,052	1.29%	19,430	23.79%	7,203	8.82%	74,482	91.18%	49,473	60.57%
3	80,225	63,759	79.48%	11,029	13.75%	234	0.29%	2,341	2.92%	1,337	1.67%	1,525	1.90%	750	0.93%	11,779	14.68%	3,431	4.28%	76,794	95.72%	61,922	77.19%
4	80,592	59,895	74.32%	14,677	18.21%	460	0.57%	1,914	2.37%	2,089	2.59%	1,557	1.93%	848	1.05%	15,525	19.26%	4,196	5.21%	76,396	94.79%	58,228	72.25%
5	83,261	15,495	18.61%	58,771	70.59%	528	0.63%	2,508	3.01%	3,829	4.60%	2,130	2.56%	1,560	1.87%	60,331	72.46%	6,818	8.19%	76,443	91.81%	13,559	16.28%
6	80,397	57,025	70.93%	17,094	21.26%	311	0.39%	2,469	3.07%	1,679	2.09%	1,819	2.26%	1,076	1.34%	18,170	22.60%	3,884	4.83%	76,513	95.17%	55,315	68.80%
Totals:	**488,406**	**278,525**	**57.03%**	**158,899**	**32.53%**	**2,594**	**0.53%**	**19,411**	**3.97%**	**17,675**	**3.62%**	**11,302**	**2.31%**	**6,778**	**1.39%**	**165,677**	**33.92%**	**34,826**	**7.13%**	**453,580**	**92.87%**	**265,228**	**54.30%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

Voting Age Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	61,692	24,777	40.16%	28,383	46.01%	432	0.70%	3,798	6.16%	3,206	5.20%	1,096	1.78%	617	1.00%	29,000	47.01%	5,799	9.40%	55,893	90.60%	22,713	36.82%
2	62,067	42,074	67.79%	13,078	21.07%	343	0.55%	3,370	5.43%	2,268	3.65%	934	1.50%	424	0.68%	13,502	21.75%	4,498	7.25%	57,569	92.75%	40,234	64.82%
3	60,135	48,833	81.21%	8,005	13.31%	151	0.25%	1,631	2.71%	829	1.38%	686	1.14%	290	0.48%	8,295	13.79%	2,136	3.55%	57,999	96.45%	47,674	79.28%
4	62,061	47,908	77.20%	10,544	16.99%	340	0.55%	1,343	2.16%	1,214	1.96%	712	1.15%	301	0.49%	10,845	17.47%	2,451	3.95%	59,610	96.05%	46,912	75.59%
5	62,379	12,919	20.71%	43,849	70.29%	393	0.63%	1,689	2.71%	2,358	3.78%	1,171	1.88%	816	1.31%	44,665	71.60%	4,129	6.62%	58,250	93.38%	11,748	18.83%
6	65,589	48,343	73.71%	12,989	19.80%	230	0.35%	1,867	2.85%	1,126	1.72%	1,034	1.58%	557	0.85%	13,546	20.65%	2,661	4.06%	62,928	95.94%	47,101	71.81%
Totals:	**373,923**	**224,854**	**60.13%**	**116,848**	**31.25%**	**1,889**	**0.51%**	**13,698**	**3.66%**	**11,001**	**2.94%**	**5,633**	**1.51%**	**3,005**	**0.80%**	**119,853**	**32.05%**	**21,674**	**5.80%**	**352,249**	**94.20%**	**216,382**	**57.87%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

		Registration by Party																Registration by Race Without Regard to Party			
			Racial %s among D's					Racial %s among R's					Racial %s among U's								
District	VR Total	% D	White % of D	Black % of D	NA % of D	Other % of D	% R	White % of R	Black % of R	NA % of R	Other % of R	% U	White % of U	Black % of U	NA % of U	Other % of U	% L	% White	% Black	% NA	% Other
1	51,870	60.58%	22.28%	72.26%	0.43%	5.03%	19.32%	87.32%	6.67%	0.40%	5.62%	19.99%	56.58%	30.73%	0.54%	12.15%	0.11%	41.76%	51.23%	0.45%	6.57%
2	55,582	39.31%	52.39%	41.85%	0.27%	5.49%	37.37%	96.01%	1.42%	0.17%	2.40%	23.17%	78.12%	12.52%	0.31%	9.05%	0.15%	74.71%	19.88%	0.24%	5.16%
3	59,386	35.79%	65.89%	29.44%	0.16%	4.51%	39.92%	97.10%	0.80%	0.10%	2.00%	24.15%	84.69%	8.03%	0.20%	7.08%	0.15%	82.92%	12.80%	0.14%	4.14%
4	57,972	37.95%	57.97%	38.00%	0.33%	3.70%	40.26%	97.23%	1.15%	0.17%	1.45%	21.64%	84.49%	9.28%	0.35%	5.88%	0.15%	79.56%	16.91%	0.27%	3.27%
5	59,086	75.98%	10.36%	86.51%	0.27%	2.86%	8.58%	74.09%	20.13%	0.53%	5.25%	15.36%	31.96%	58.71%	0.45%	8.88%	0.08%	19.17%	76.52%	0.32%	4.00%
6	65,091	47.61%	64.47%	31.20%	0.20%	4.14%	28.15%	96.28%	1.70%	0.11%	1.90%	24.04%	80.71%	11.85%	0.24%	7.21%	0.20%	77.37%	18.19%	0.18%	4.25%
Totals:	348,987	49.40%	40.50%	55.09%	0.28%	4.13%	29.01%	94.64%	2.72%	0.18%	2.46%	21.45%	72.41%	19.10%	0.33%	8.17%	0.14%	63.11%	32.12%	0.26%	4.52%

D=Democratic, R=Republican, U=Unaffiliated, L=Libertarian, NA= American Indian.
Voters who do not designate a race are omitted from this chart, so the percentages may not add up to 100%

Stat. Pack Report of Voter Registration by Gender, Age & Ethnicity
Plan_0_TC_5

	Voter Registration by Gender							Voter Registration by Age									Voter Registration by Ethnicity						
District	Total	Male	Male %	Female	Female %	Undes.		Total	18-25	18-25 %	26-40	26-40 %	41-65	41-65 %	66+	66+ %	Total	Hispanic	Hisp %	Non-Hisp	Non H %	Undesign.	Undes. %
1	51,722	22,239	43.00%	29,352	56.75%	131	0.25%	51,744	6,387	12.35%	15,662	30.28%	22,008	42.55%	7,687	14.86%	51,727	723	1.40%	43,650	84.39%	7,354	14.22%
2	55,730	24,965	44.80%	30,663	55.02%	102	0.18%	55,708	5,219	9.36%	15,185	27.25%	25,240	45.29%	10,064	18.06%	55,725	799	1.43%	49,312	88.49%	5,614	10.07%
3	59,386	27,122	45.67%	32,173	54.18%	91	0.15%	59,386	6,025	10.15%	14,356	24.17%	29,515	49.70%	9,490	15.98%	59,386	551	0.93%	54,168	91.21%	4,667	7.86%
4	57,972	26,877	46.36%	30,994	53.46%	101	0.17%	57,972	5,105	8.81%	13,659	23.56%	27,954	48.22%	11,254	19.41%	57,972	447	0.77%	52,685	90.88%	4,840	8.35%
5	59,086	24,450	41.38%	34,485	58.36%	151	0.26%	59,086	11,656	19.73%	16,427	27.80%	21,965	37.17%	9,038	15.30%	59,086	516	0.87%	48,387	81.89%	10,183	17.23%
6	65,091	28,674	44.05%	36,279	55.74%	138	0.21%	65,091	9,500	14.59%	18,427	28.31%	25,216	38.74%	11,948	18.36%	65,091	504	0.77%	57,483	88.31%	7,104	10.91%
Totals:	**348,987**	**154,327**	**44.22%**	**193,946**	**55.57%**	**714**	**0.20%**	**348,987**	**43,892**	**12.58%**	**93,716**	**26.85%**	**151,898**	**43.53%**	**59,481**	**17.04%**	**348,987**	**3,540**	**1.01%**	**305,685**	**87.59%**	**39,762**	**11.39%**

Please note that if a district splits VTDs, there may be differences in the totals reflected at the district level, due to the mechanics of the process by which VTD-level values are allocated down to the census block level.

	2004 Auditor Campbell-Merritt				2004 Governor Easley-Ballantine-Howe						2004 President Kerry-Bush-Badnarik-Cobb-Nader-Brown								2004 US Senate Bowles-Burr-Bailey-Rucker							
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %
1	11,683	68.86%	5,283	31.14%	12,931	73.12%	4,427	25.03%	326	1.84%	11,598	65.45%	6,057	34.18%	65	0.37%	0	0.00%	12,079	68.20%	5,373	30.34%	258	1.46%	0	0.00%
2	7,579	42.19%	10,385	57.81%	9,948	52.06%	8,792	46.01%	367	1.92%	7,368	38.46%	11,697	61.05%	95	0.50%	0	0.00%	8,093	42.30%	10,759	56.23%	281	1.47%	0	0.00%
3	7,828	41.78%	10,906	58.22%	10,623	52.70%	9,166	45.47%	368	1.83%	7,781	38.30%	12,426	61.16%	109	0.54%	0	0.00%	8,498	42.04%	11,421	56.50%	296	1.46%	0	0.00%
4	7,510	37.15%	12,703	62.85%	10,362	48.04%	10,819	50.16%	388	1.80%	6,815	31.53%	14,688	67.95%	112	0.52%	0	0.00%	7,820	36.28%	13,387	62.10%	350	1.62%	0	0.00%
5	15,685	86.04%	2,545	13.96%	16,069	86.05%	2,345	12.56%	261	1.40%	15,480	82.52%	3,179	16.95%	99	0.53%	0	0.00%	15,894	85.09%	2,595	13.89%	190	1.02%	0	0.00%
6	12,098	57.55%	8,923	42.45%	14,496	63.97%	7,626	33.65%	538	2.37%	12,505	54.71%	10,221	44.72%	131	0.57%	0	0.00%	13,134	57.75%	9,211	40.50%	398	1.75%	0	0.00%
Totals:	62,383	55.14%	50,745	44.86%	74,429	62.10%	43,175	36.02%	2,248	1.88%	61,547	51.11%	58,268	48.38%	611	0.51%	0	0.00%	65,518	54.58%	52,746	43.94%	1,773	1.48%	0	0.00%

	2008 A. G. Cooper-Crumley				2008 Comm. Ag Ansley-Troxler				2008 Comm. of Lab Donnan-Berry				2008 Governor Perdue-McCrory-Munger						2008 President Obama-McCain-Barr-Wrt. In						2008 US Senate Hagan-Dole						2008 Straight Party					
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib.	Lib%
1	25,756	77.59%	7,439	22.41%	23,148	70.32%	9,772	29.68%	23,568	71.89%	9,215	28.11%	24,611	72.89%	8,311	24.61%	842	2.49%	25,545	74.48%	8,533	24.88%	218	0.64%	25,539	75.49%	7,567	22.37%	726	2.15%	18,857	80.63%	4,407	18.84%	122	0.52%
2	20,271	56.07%	15,883	43.93%	15,067	42.26%	20,582	57.74%	15,818	44.72%	19,557	55.28%	17,601	47.57%	18,259	49.35%	1,138	3.08%	17,789	47.66%	19,198	51.43%	340	0.91%	19,038	51.43%	16,868	45.57%	1,109	3.00%	10,909	52.09%	9,881	47.18%	154	0.74%
3	22,397	52.89%	19,952	47.11%	14,761	35.20%	27,178	64.80%	16,639	40.35%	24,602	59.65%	19,003	43.69%	22,964	52.80%	1,526	3.51%	19,774	44.99%	23,772	54.09%	407	0.93%	21,614	49.56%	20,768	47.62%	1,230	2.82%	10,116	45.54%	11,907	53.60%	192	0.86%
4	21,159	52.26%	19,326	47.74%	13,430	33.30%	26,900	66.70%	15,060	38.07%	24,500	61.93%	17,538	42.46%	22,391	54.21%	1,374	3.33%	16,814	40.39%	24,401	58.62%	410	0.98%	18,919	45.75%	21,111	51.05%	1,322	3.20%	9,614	43.85%	12,121	55.28%	191	0.87%
5	33,650	89.69%	3,869	10.31%	32,036	85.65%	5,367	14.35%	32,434	86.96%	4,865	13.04%	33,223	87.57%	4,009	10.57%	705	1.86%	34,525	89.19%	4,048	10.46%	137	0.35%	33,654	88.59%	3,770	9.92%	563	1.48%	27,366	92.80%	2,018	6.84%	104	0.35%
6	29,189	66.92%	14,432	33.08%	21,374	49.78%	21,564	50.22%	23,202	54.65%	19,252	45.35%	24,752	55.20%	18,365	40.95%	1,727	3.85%	27,326	60.19%	17,636	38.85%	436	0.96%	28,919	64.28%	14,955	33.24%	1,113	2.47%	14,942	64.91%	7,868	34.18%	208	0.90%
Totals:	**152,422**	**65.33%**	**80,901**	**34.67%**	**119,816**	**51.83%**	**111,363**	**48.17%**	**126,721**	**55.41%**	**101,991**	**44.59%**	**136,728**	**57.37%**	**94,299**	**39.57%**	**7,312**	**3.07%**	**141,773**	**58.75%**	**97,588**	**40.44%**	**1,948**	**0.81%**	**147,683**	**61.85%**	**85,039**	**35.61%**	**6,063**	**2.54%**	**91,804**	**65.12%**	**48,202**	**34.19%**	**971**	**0.69%**

	2010 Straight Party						2010 US Senate Marshall-Burr-Beitler-Write-In					
District	Dem	Dem %	Rep	Rep %	Lib.	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %
1	6,420	69.41%	2,791	30.17%	39	0.42%	11,084	66.15%	5,394	32.19%	277	1.65%
2	3,685	37.68%	6,048	61.84%	47	0.48%	7,512	35.97%	12,903	61.78%	471	2.26%
3	4,499	34.54%	8,467	65.01%	59	0.45%	9,190	34.29%	17,037	63.57%	575	2.15%
4	4,555	34.09%	8,756	65.53%	50	0.37%	8,640	33.59%	16,574	64.43%	509	1.98%
5	11,281	88.90%	1,360	10.72%	49	0.39%	16,417	85.24%	2,663	13.83%	180	0.93%
6	6,006	52.58%	5,369	47.01%	47	0.41%	12,298	47.49%	13,015	50.25%	585	2.26%
Totals:	**36,446**	**52.42%**	**32,791**	**47.16%**	**291**	**0.42%**	**65,141**	**48.14%**	**67,586**	**49.94%**	**2,597**	**1.92%**

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 463

Short Title:	Rockingham/Taking of Foxes.	(Local)
Sponsors:	Representative Jones (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Agriculture.	

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROVIDING FOR THE TAKING OF FOXES WITH WEAPONS AND BY TRAPPING IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 179 of the 1985 Session Laws reads as rewritten:

"Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with ~~weapons from December 1 through January 1 of each year.~~ firearms, bow and arrow, or crossbow during any open small game season each year.

Sec. 2. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from ~~January 2 through January 31~~ November 1 through February 28 of each year. During this season, all leghold traps set on dry land ~~with solid anchor shall have at least three swivels in the trap chain and no leghold traps larger than size one and one-half may be used.~~ shall be in accordance with State law.

Sec. 3. ~~A season bag limit of 30 applies in the aggregate to all foxes taken during the weapons and trapping seasons established in this act.~~ No bag limit applies to foxes taken under this act.

Sec. 4. ~~The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.~~ No tags shall be required for the sale of the fur of foxes taken in accordance with this act.

Sec. 5. This act shall apply only to Rockingham County.

Sec. 6. This act shall become effective October 1, 1985."

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

HOUSE BILL 523
Committee Substitute Favorable 5/12/11
Third Edition Engrossed 5/17/11

Short Title: Change Winston-Salem/Forsyth Election Method. (Local)

Sponsors:

Referred to:

March 31, 2011

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.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-279(b), which is applicable only to the City of Winston-Salem, is repealed.

SECTION 1.(b) Paragraphs 1 and 2 of Section 12A of Chapter 232 of the Private Laws of 1927, as amended by Chapter 53, Session Laws of 1965, as amended by the Ordinance of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, reads as rewritten:

"1. Election of Mayor. ~~On the same day that the regular biennial general election for county officials is held in 1966, and quadrennially thereafter, there shall be elected a mayor, who shall be a resident of the City of Winston-Salem.~~ The time for election of Mayor shall be as provided in Section 12J of this Charter. The mayor shall be a resident of the City of Winston-Salem. ~~All persons voting for mayor shall cast their ballot in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be declared elected.~~ The Mayor shall be elected by all the qualified voters of the City. ~~It is the intent and purpose of this Section that the mayor elected in 1965 shall serve for a term expiring on the first Monday in December, 1966, and that the mayors elected in 1966, and quadrennially thereafter,~~ Except as provided in Section 12J of this Charter, the Mayor shall serve for ~~terms~~ a term of four years commencing ~~on the first Monday in December~~ as provided by G.S. 160A-68 at the organizational meeting of the city council following the election.

2. Election of City Council. ~~On the same day that the regular biennial general election for county officials is held in 1966, and quadrennially thereafter,~~ The time for election of city council members shall be as provided in Section 12J of this Charter. ~~there~~ There shall be elected eight ~~alderman~~ council members for the City of Winston-Salem, who shall hold their office until their successors are qualified, of whom one shall be elected from North Ward, one from Northeast Ward, one from East Ward, One from Southeast Ward, one from South Ward, one from Southeast Ward, one from West Ward, and one from Northwest Ward. Each ~~alderman~~ council member shall be a resident of the ward in which ~~he is~~ elected, and ~~he~~ shall be elected by the qualified voters of ~~his~~ the council member's ward only. ~~It is the intent and purpose of this Section that the alderman elected in 1965 shall serve for terms expiring on the first Monday in December, 1966, and that the alderman elected in 1966, and quadrennially~~

~~thereafter,~~Except as provided in Section 12J of this Charter, city council members shall serve for terms of four years commencing ~~on the first Monday on December~~ as provided by G.S. 160A-68 at the organizational meeting of the city council following the election."

SECTION 1.(c) Section 12B of Chapter 232 of the Private Laws of 1927, as amended by Chapter 13, Session Laws of 1965, as amended by the Ordinance of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, reads as rewritten:

"Sec. 12B. Primary elections.

1. Generally. Primary elections to nominate candidates of each qualified political party for mayor and for members of the city council shall be held as needed and shall be conducted in the same manner and pursuant to the same statutes, rules, and regulations as other primary elections for local offices conducted under the provisions of Article ~~XIX~~ 23 of Chapter 163 of the General Statutes of North Carolina, except that to the extent such statutes, rules, and regulations differ from or conflict with the provisions of the Charter of the City of Winston-Salem, the latter shall control. ~~A "qualified political party" shall be one which was qualified as a political party at the preceding gubernatorial election as defined by General Statute 163-144. The persons receiving the highest number of votes of their respective parties shall be deemed to be the nominees of their said respective parties and for said offices; provided, that no one shall participate in such election except duly qualified voters who affiliate with the political party in whose primary seeks to vote.~~ In the event of a tie vote between two or more candidates, all of whom received the same highest vote for party nomination, the city executive committee or other duly constituted administrative body of the political party of said candidates shall determine which shall be the nominee.

2. Time of holding. ~~The primary in 1965 shall be held at a date to be fixed by the board of elections, which date shall be not later than the second Tuesday before the general municipal election in 1965, and in 1966 and biennially thereafter the primary shall be held on the same day as the regular biennial primary election for county officials.~~ The time for holding primaries shall be as provided in Section 12J of this Charter.

~~3. Notice of candidacy to be filed; pledge. Every candidate for selection as the nominee of any political party for the office of mayor or member of the board of alderman shall file with the secretary of the board of elections by twelve o'clock Noon on the third Friday before such primary election is to be held in 1965, and by twelve o'clock Noon on or before the Friday preceding the sixth Saturday before such primary election is to be held in 1966 and thereafter, a notice of his candidacy and pledge in the following form, the blanks being properly filled in and the same signed by the candidate:~~

~~"I hereby file my notice as a candidate for the nomination as ..... In the primary election to be held on the ..... day of ....., ... I affiliate with the ..... party, and I hereby pledge myself to abide by the results of said primary, and to support in the next general municipal election all candidates nominated by the .....party."~~

SECTION 1.(d) The Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, is amended by adding a new section to read:

"Sec. 12J. Time of Election; Terms.

(a) In 2013, the primary and election for mayor and council members shall be held on the dates provided in G.S. 163-279(a)(2).

(b) The terms of the mayor and council members of the City of Winston-Salem elected in 2013 expire at the organizational meeting after the 2016 regular municipal election.

(c) Notwithstanding G.S. 163-279, in 2016 and quadrennially thereafter, primaries and elections for mayor and city council shall be held at the same time as for county officers as provided in G.S. 163-1."

SECTION 2.(a) Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991 Session Laws, and by S.L. 2009-72, reads as rewritten:

"(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County Board of Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the general election in each even-numbered year as terms expire. ~~The names of the candidates shall be printed on the ballot without reference to any party affiliations. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294, and the primary shall be held on the date provided by G.S. 163-1 for county partisan primaries.~~ Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes. ~~Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106(c).~~ Candidates for election to the Winston-Salem/Forsyth County Board of Education shall be nominated at the same time and in the same manner as other county officers. Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of filing notice of candidacy, certify in writing the exact location of that candidate's residence and that the candidate is a bona fide resident thereof."

SECTION 2.(b) Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws, and by S.L. 2009-72, reads as rewritten:

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine members. In the 2010 election, nine persons shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on the first Monday in December of 2014. In ~~2010:~~2014:

(1) Two persons shall be elected from District 1. ~~The person receiving the highest number of votes is elected to a four-year term, and the person receiving the next highest number of votes is elected to a two-year term.~~

(2) Four persons shall be elected from District 2. ~~The two persons receiving the two highest numbers of votes are elected to a four-year term, and the two persons receiving the two next highest numbers of votes are elected to two-year terms.~~

(3) Three members shall be elected at large from all of Forsyth County. ~~The person receiving the highest number of votes is elected to a four-year term, and the two persons receiving the two next highest numbers of votes are elected to two-year terms.~~

Successors to those elected in ~~2010~~ 2014 shall serve four-year terms.

For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district seats, only residents of the district shall be eligible to be candidates and only qualified voters of the district shall be eligible to vote.

The districts as established for the purpose of this subparagraph are for the 2010 election those established under G.S. 115C-37(i), which are subject to change for the election in ~~2012~~ 2014 after the return of the 2010 census."

SECTION 3. This act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 338

Senate State and Local Government Committee Substitute Adopted 6/14/11

Short Title: Burke School Board Recall. (Local)

Sponsors:

Referred to:

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 such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition.



SECTION 2.(e) The Board of Elections shall complete its investigation and issue its certification of the results of such investigation within 15 days after the filing of any such petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate. The Board shall, within 10 days after such amendment, make like examination of the amended petition, and if its certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

SECTION 2.(f) Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this subsection, any such election shall be held not less than 60 or more than 90 days after the petition has been certified as being sufficient. If any other primary, general, or special election is scheduled within such period, the Board of Elections shall schedule the special election at the same time. If the provisions of general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the Board of Elections shall schedule the special recall election for some date within 10 days after the last day of the period of time during which special elections are prohibited by general law.

SECTION 2.(g) The Burke County Board of Elections shall cause legal notice of the election to be published, the notice to include the general statement of the grounds on which the recall is sought as alleged in the affidavit, and shall make all arrangements for holding such election in accordance with general law, and the same shall be conducted, returned, and the results thereof declared in all respects as other school administrative unit elections in the Burke County School Administrative Unit. The reasonable costs of such election shall be reimbursed to the Board of Elections by the school administrative unit.

SECTION 2.(h) The question of recalling any number of officials may be submitted at the same election, but, as to each such official, a separate petition shall be filed, and there shall be an entirely separate ballot.

SECTION 2.(i) The ballots used in a recall election shall submit the following proposition:

"[ ] FOR [ ] AGAINST
Recall of (name and title of official)."

SECTION 2.(j) If less than a majority of the votes cast on the question of recalling an official be for recall, the official shall continue in office for the remainder of the unexpired term, but, except as provided by Section 3(a) of this act, subject to the recall as before. If a majority of such votes be for the recall of the official designated on the ballot, the official shall, regardless of any defects in the recall petition, be deemed removed from office.

SECTION 2.(k) If an official is removed from office as a result of a recall election, the vacancy so caused shall be filled in the manner provided by law for filling vacancies in such office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

SECTION 3.(a) No recall petition shall be filed during that term of office against an officer who has been subjected to a recall election and not removed thereby.

SECTION 3.(b) No recall petition shall be filed against an officer during either the first or last six months of the term of that office. If a person is serving only until an election shall be held to fill the office for the remainder of a term, no recall petition shall be filed against that officer during the six-month period before that election.

SECTION 4. This act becomes effective January 1, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 498
Committee Substitute Favorable 4/7/11

Short Title: Wake School Board Presiding Officer Voting. (Local)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE PRESIDING OFFICER OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9 of Chapter 717 of the 1975 Session Laws reads as rewritten:

"**Sec. 9.** The Wake County Board of Education, acting jointly and by a majority vote of all members present, shall elect a ~~chairman~~ chair to preside at meetings and a ~~vice-chairman~~ vice-chair to preside at meetings in the absence of the ~~chairman; and the chairman and vice-chairman~~ chair; and the chair and vice-chair shall have a vote on all matters considered by the Wake County Board of ~~Education, but the presiding officer shall have no authority to vote except to break a tie.~~ Education. All vacancies occurring in the membership of the Wake County Board of Education by reason of death, resignation, removal of residence from the district from which elected, or for any cause whatsoever, shall be filled by the remaining members of said board by appointing a member from the voting district creating the vacancy for the unexpired term. The Wake County Board of Education shall have all power and authority as a Board of Education as herein conferred and as are conferred by the General Statutes of North Carolina on boards of education in general."

SECTION 2. This act becomes effective December 1, 2011.

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

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF TRYON.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Tryon:

Tracts 1, 2, 5, and 6 as shown and delineated upon a plat entitled "Subdivision of Property of Blandina A. Shields, Tryon Township, Polk County, North Carolina," made by H.B. Frankenfield, Jr., Forest Engineer and Surveyor, dated November 19, 1963, and reference is hereby had to said plat in aid of the foregoing description, said plat being a matter of public record in the Office of the Register of Deeds for Polk County on Map Slide A-51, Page 191, referenced in Book 235, Page 1453, for full and complete metes and bounds descriptions of said tracts, pursuant to North Carolina General Statutes Section 47-30(g).

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 291
Committee Substitute Favorable 4/11/11

Short Title: Belhaven Recall Elections. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Belhaven, being Chapter 714, Session Laws of 1969, is amended by adding a new section to read:

"Sec. 4.8. **Recall.**

(a) The Mayor and members of the Board of Aldermen are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the election of another person in a recall election.

(b) A recall petition shall be filed with the Town Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the Town of Belhaven. The petition shall contain a general statement of the grounds for which removal is sought. A petition to recall the Mayor or a member of the Board of Aldermen shall bear the signatures equal in number to at least twenty-five percent (25%) of the registered voters of the Town of Belhaven.

The board of elections shall verify the petition signatures are those of only registered voters in the Town of Belhaven and are sufficient in number. Each petition submitted shall contain the name of only one officer to be recalled. Multiple qualified petitions may be filed simultaneously with the Town Clerk in which case the name of the officer on each petition, once certified, shall be included in the recall election.

(c) If the petition shall be found to be sufficient, the board of elections shall set a date for holding an election for the remainder of the unexpired term, such election to be held not less than 60 days nor more than 120 days from the date of certification that a sufficient petition has been filed. Candidates' names shall be placed on the ballot, the election held, and the results canvassed, under the same rules, conditions, and regulations as provided under Section 4.4 of this Charter and under Chapter 163 of the General Statutes. Opening and closing dates for candidate filing shall be set by the county board of elections, and notice of the election shall be published at least three days prior to the opening of candidate filing. The election shall be conducted under the nonpartisan election and runoff election method set forth in G.S. 163-293, except that no runoff shall be held if the candidate with the highest number of votes receives forty percent (40%) or more of the votes cast, with a similar rule to apply if more than one Board of Aldermen member is being recalled.

(d) The successor of any officer so removed shall hold office for the unexpired term of the predecessor. Any person sought to be removed may be a candidate to succeed himself. Notwithstanding Section 4.4 of this Charter, unless that incumbent requests otherwise in writing, the incumbent's name shall be placed on the official ballot without filing. At the election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon the taking of the oath of office of the successor. The

registered voters of the Town of Belhaven are eligible to vote in an election to recall the Mayor or a member of the Board of Aldermen.

(e) No petition to recall an officer may be filed within six months of the officer's election nor within seven months before the expiration of the officer's term. No more than one election may be held to recall an officer within a single term of office of that officer."

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

HOUSE BILL 416

Short Title:	Expand Joyce Creek District Board.	(Local)
Sponsors:	Representative Owens (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW CAMDEN COUNTY TO EXPAND WATERSHED IMPROVEMENT COMMISSIONS FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 139-41(b) reads as rewritten:

"(b) The board of county commissioners may itself exercise such powers or, for that purpose, may create a watershed improvement commission to be composed of ~~three~~ three or five members appointed by the board. The terms of office of the members of the commission shall be six years, with the exception of the first two years of existence of the commission, in which one member shall be appointed to serve for a period of two years, one for a period of four years, and one for a period of six years; thereafter all members shall be appointed for six years, and shall serve until their successors have been appointed and qualified. Vacancies in the membership of the commission occurring otherwise than by expiration of term shall be filled by appointment to the unexpired term by the board of county commissioners. The commission shall hold its first meeting within 30 days after its appointment as provided for in this Article, and the beginning date of all terms of office of commissioners shall be the date on which the commission holds its first meeting. The commission at its first meeting shall select a chair, vice-chair, and secretary-treasurer to serve two-year terms. All acts done by the commission shall be entered in a book of minutes to be kept by the secretary-treasurer. A majority of the membership of the commission shall constitute a quorum. The commission shall meet in regular session at least quarterly and may meet specially upon the call of the chair or any members, and upon at least three-day notice of the time, place, and purpose of the meeting. The commission shall provide the board of county commissioners 30 days prior to July 1 a proposed budget for the fiscal year commencing on July 1 and shall provide the board of county commissioners an audit by a certified public accountant within 60 days after the expiration of the fiscal year ending on June 30."

SECTION 2. This act applies to Camden County only, and does not affect Chapter 387 of the Session Laws of 1973. If the Board of Commissioners chooses to expand an existing district from three to five members, it shall provide for initial terms of the two new members not to exceed six years as it sees fit, with successors serving six-year terms.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 3

HOUSE BILL 362

Committee Substitute Favorable 3/31/11
Senate State and Local Government Committee Substitute Adopted 6/14/11

Short Title: Pasquotank Hunting. (Local)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK COUNTY AND TO PROHIBIT HUNTING FROM VESSELS ON PORTIONS OF THE TAR RIVER IN EDGECOMBE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt with a centerfire rifle except from a platform which raises the lower level of the barrel to a minimum of eight feet above ground level. For purposes of this act, the term "hunt" is defined as provided in G.S. 113-130.

SECTION 2. Section 1 of this act does not apply to a landowner or lessee of property using a centerfire rifle for self-protection or to prevent crop depredation.

SECTION 3. A person who violates Section 1 of this act is responsible for an infraction and shall pay a penalty of ten dollars ($10.00) plus court costs.

SECTION 4.(a) It is unlawful to hunt from any vessel in the Tar River from Springfield Road to the Dunbar Bridge, whether the vessel is under power or not, except that a vessel may be used for transportation to and from otherwise lawful hunting stands upon land owned or leased by a person or upon which a person has written permission to hunt.

SECTION 4.(b) Violation of Section 4(a) of this act shall be a Class 3 misdemeanor.

SECTION 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 6. Sections 1 through 3 of this act apply only to Pasquotank County. Section 4 of this act applies only to Edgecombe County. Section 5 of this act applies to Pasquotank and Edgecombe Counties.

SECTION 7. This act becomes effective October 1, 2011, and applies to acts committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 332
Second Edition Engrossed 4/28/11

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 as to residential uses. 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.~~ law, except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses. 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 360
Committee Substitute Favorable 3/31/11

Short Title: Columbia Municipal Early Voting. (Local)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED OR NO ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS ARE ON THE BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-227.2(f) reads as rewritten:

"(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election and shall also be open on the last Saturday before the election. A county board may conduct one-stop absentee voting during evenings or on weekends, as long as the hours are part of a plan submitted and approved according to subsection (g) of this section. The boards of county commissioners shall provide necessary funds for the additional operation of the office during that time.

The governing board of a municipality located in a county with a modified full-time board of elections office may provide by resolution that either (i) the board of elections will not be open for one-stop absentee voting for elections beyond the hours or days it is regularly open or (ii) there will not be one-stop absentee voting for the municipal election. This paragraph only applies to a municipal election conducted on a date when there are no statewide or county issues or candidates on the ballot. Such resolution must be adopted no later than 90 days prior to an election in order to be effective for that election. Any such resolution shall remain effective for all future elections unless repealed no later than 90 days before an election. Mail-in absentee voting is still permitted, if authorized under G.S. 163-302."

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

SECTION 3. This act is effective with respect to elections conducted on or after September 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 442
Committee Substitute Favorable 6/8/11

Short Title: Cornelius Design-Build and Investments. (Local)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS AND TO SPECIFY THE TOWN'S INVESTMENT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article I of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, is amended by adding a new section to read:

"Sec. 1.4. **Town may utilize design-build delivery methods.** (a) The Town 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.

(b) The Town 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 Town may proceed with the proposals received. The Board 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 Town 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.

(c) The Town 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. Article VII of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, is amended by adding a new section to read:

"Sec. 7.3. **Investment Authority.** In addition to the authority granted in G.S. 159-30, the Town may invest and reinvest any of the Town's restricted or unrestricted capital reserves, as designated from time to time by the Town Board of Commissioners, in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)-(6) and (8), consistent with any conditions stated therein."

SECTION 3. This act is effective when it becomes law. Section 1 of this act shall expire July 1, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 518
Committee Substitute Favorable 6/1/11

Short Title: Authorize Add'l Person County Occupancy Tax. (Local)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE AN ADDITIONAL ONE PERCENT OCCUPANCY TAX FOR PERSON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 14 of S.L. 1997-364 reads as rewritten:

"Section 14. Person County occupancy tax. (a) Authorization and scope. – The Person County Board of Commissioners may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the 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 nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

(a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Person County Board of Commissioners may levy an additional room occupancy tax of up to one percent (1%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this section. Person County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

(b) Administration. – Except as otherwise provided in this section, a tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

(c) Distribution and use of tax revenue. – Person County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Person Tourism Development Authority. ~~Of the net proceeds that accrue during the first four years that a tax is levied under this section, the Authority may use up to two-thirds only for the following tourism-related expenditures: (i) constructing or operating the Person County Historical Museum, (ii) developing Lake Mayo for fishing tournaments, skiing tournaments, and other activities designed to attract tourists to the lake from outside the county, and (iii) supporting the May Festival and other festivals designed to attract tourists from outside the county. The Authority shall use the remaining net proceeds that accrue during the first four years that a tax is levied under this section only to promote travel and tourism in Person County.~~

~~Of the net proceeds that accrue after this four year period, the~~ The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Person County 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 county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the gross proceeds.

(2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred by the Authority in engaging in the listed activities.

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

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

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

A BILL TO BE ENTITLED

AN ACT TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. Effective with respect to elections held on or after January 1, 2013, Section 3.4 of the Charter of the City of Reidsville, being Chapter 957, Session Laws of 1989, as rewritten by Chapter 306 of the 1993 Session Laws, reads as rewritten:

"Section 3.4. **Time of City Elections.** Elections for Mayor and City Council Members shall be ~~in October four weeks before the Tuesday after~~ on the Tuesday after the first Monday in November. In years in which the Mayor is being elected, the runoff for Mayor, if necessary, shall be on the fourth Tuesday ~~after the first Monday in November.~~ thereafter."

SECTION 2. Section 1 of this act becomes effective only if approved by the qualified voters of the City of Reidsville in a referendum. The election shall be conducted by the Rockingham County Board of Elections on October 11, 2011, the date of the next municipal election in the City of Reidsville. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Amendment of the Charter of the City of Reidsville to provide that the municipal general election shall be in November beginning in 2013."

SECTION 3. If a majority of the votes cast are in favor of the question, Section 1 of this act becomes effective as provided therein. 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 2

HOUSE BILL 66
Committee Substitute Favorable 6/7/11

Short Title: Greene County Commissioners. (Local)

Sponsors:

Referred to:

February 10, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 4 of Chapter 153A of the General Statutes is suspended until January 1, 2015.

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, 0799503001023, 0799503001024, 0799503001025, 0799503001026, 0799503001027, 0799503001028, 0799503001029, 0799503001030, 0799503001031, 0799503001032, 0799503001033, 0799503001034, 0799503001035, 0799503001036, 0799503001037, 0799503001038, 0799503001039, 0799503001040, 0799503001041, 0799503001042, 0799503001043, 0799503001044, 0799503001045, 0799503001046, 0799503001047, 0799503001048, 0799503001049, 0799503001050, 0799503001051, 0799503001052, 0799503001054, 0799503001055, 0799503001056, 0799503001057, 0799503001058, 0799503001059, 0799503001060, 0799503001061.

District 5: Greene County: VTD: HOOK, VTD: MAUR: Block(s) 0799501021000, 0799501022010, 0799501022011, 0799501022012, 0799501022014, 0799501022015, 0799501022016, 0799501022017, 0799501022018, 0799501022019, 0799501022020, 0799501022021, 0799501022022, 0799501022023, 0799501022024, 0799501022025, 0799501022026, 0799501022027, 0799501022028, 07995C1022029, 0799501022030, 0799501022031, 0799501022032, 0799501022033, 0799501022034, 0799501022035, 0799501022036, 0799501022038, 0799501022042, 0799501022049, 0799501022050, 0799501022052, 0799501022053, 0799501022060, 0799501022062, 0799501022063, 0799501022065, 0799501022066.

SECTION 3. Following the return of the 2020 Census, and each Census thereafter, the Greene County Board of Commissioners may revise the election districts.

SECTION 4. The Greene County Commissioners shall submit the changes required by this act to the U.S. Department of Justice pursuant to section 5 of the Voting Rights Act of 1965.

SECTION 5. This act applies to Greene County only.

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

Commissioners
Jerry Jones – Chairman
James Shackleford Jr.– Vice Chairman
Jack Edmondson
Denny Garner
Bennie Heath

GREENE COUNTY

A Place To Grow. The Way To Live.

County Manager
Don Davenport

Finance Officer
Shawna Wooten

Home of Snow Hill 2010 USTA Top Ten Best Tennis Town USA

RESOLUTION
OPPOSING HOUSE BILL 66 (HB 66)
INTRODUCED BY REPRESENTATIVE STEPHEN LAROQUE

WHEREAS, the Greene County Board of Commissioners are currently elected by a method of "at large" voting whereby all citizens of Greene County vote for each seat; and

WHEREAS, NC Representative Stephen LaRoque has introduced HB 66 that changes the method of election from at-large to districts; and

WHEREAS, NC Representative LaRoque did not ask any of the Greene County Board of Commissioners for any support and/or advice on this bill prior to its introduction; and

WHEREAS, the County's understanding of local bills of this nature is that it should be agreed upon by all of Greene County's delegates prior to its submission.

BE IT THEREFORE RESOLVED, that the Greene County Board of Commissioners **oppose** HB 66 as submitted by Representative LaRoque and hereby request the members of the General Assembly oppose HB 66 and further request Representative LaRoque to immediately withdraw HB 66 from any additional consideration.

Adopted this the 6th day of June, 2011.

ATTEST:

Jerry R. Jones
Chairman

Don Doyle
Clerk to the Board

GREENE COUNTY COMMISSIONERS NORTH CAROLINA

fn:\Resolution\2011\Oppose.HB 66

229 Kingold Blvd., Suite D • Snow Hill, NC 28580 • (252) 747-3446 • FAX (252) 747-3884
www.co.greene.nc.us

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

CORRECTED REPORT

Tuesday, June 14, 2011

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

FAVORABLE

H.B.(CS #1) **66**	Greene County Commissioners.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **170**	Winston-Salem/Council Meetings.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **207**	Local Development for Winston-Salem.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **208**	Acquiring by Right-Condemnation of Property.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **291**	Belhaven Recall Elections.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **332**	Clarify Development Moratoria Authority.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **360**	Columbia Municipal Early Voting.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **410**	Pinebluff/Preserve Land for Parks.	
	Sequential Referral:	None
	Recommended Referral:	None

H.B.(CS #1) **411** Iredell Correctional Facility/DOT Storage.
Sequential Referral: Finance
Recommended Referral: None

H.B. **416** Expand Joyce Creek District Board.
Sequential Referral: None
Recommended Referral: None

H.B. **420** Oak Island/Wheel Locks.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **442** Cornelius Design-Build and Investments.
Sequential Referral: None
Recommended Referral: None

H.B. **463** Rockingham/Taking of Foxes.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **498** Wake School Board Presiding Officer Voting.
Sequential Referral: None
Recommended Referral: None

H.B. **510** Reidsville Elections.
Sequential Referral: None
Recommended Referral: None

H.B. **516** Mount Airy Charter Amendments.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **523** CHANGE Winston-Salem/Forsyth Election Method.
Sequential Referral: None
Recommended Referral: None

H.B. **558** Forsyth/Winston-Salem Zoning Amendments.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 18

Committee Clerk Comments:

H66 Senator Pate
H442 Senator Walters
H523 Senator Brunstter
H328 Senator Pate

H 410 Senator Blake

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Report Number 3

Tuesday, June 14, 2011

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

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **266** Wake Local Energy Efficiency.

Draft Number:	pcs50402
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **362** Pasquotank Hunting.

Draft Number:	pcs70256
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

H362 Senator Davis
H266 Senator Davis

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, June 14, 2011

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

FAVORABLE

H.B.(CS #1) **358** Apex/Cary Annexation Into Chatham Restricted.
Sequential Referral: None
Recommended Referral: Finance

H.B. **486** Tryon Deannexation.
Sequential Referral: None
Recommended Referral: Finance

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

H.B. **338** Burke School Board Recall.
Draft Number: pcs30342
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **403** Wilmington/Contributing Structures.
Draft Number: pcs70255
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

HB 403 Senator Goolsby
HB 486 Senator Davis
HB 358 Senator Stevens
HB 338 Senator Davis

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Wednesday, June 15, 2011

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

H.B. **212** Town of Cramerton/Regulate Utility Vehicles.

Sequential Referral: None

Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

~~Health Care Committee~~ — 6/14/11

Name of Committee — Date

State & Local Gov.

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

C/ NAME	FIRM OR AGENCY AND ADDRESS
Chris [illegible]	NCWRC
[illegible] Bass	City of Wilmington
Angela Cani	City of WS
Earlene McLamb	Pinebluff -
T.C. Morphis	Town of Pinebluff
Lana Hygh	Town of Cary
Eden Stiffman	Press
Blake Holt	NCJC
Leanne Lermier	NCSBA
Matt [illegible]	NCSBA
Andrew Blackburn	Civitas Institute
Daniel Ambrose	NCLM

VISITOR REGISTRATION SHEET

~~Health Care~~ Committee — 6/14/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
B Trahan	Ric Killian
Alissa Willett	NCACC
Kay Emanuel	Legislative Reporting Services
Lisa Martin	NC Home Builders
Morgan Bam	Legislative Assistant
Dave Mc	CHC
Jenn McClees	McClees Consulting
Andrew Cagle	NC Sheriffs' Assn.
Ken M	Benchmark
TARA E. Fields	Benchmark
CHRIS SEGRAVE	N+O

VISITOR REGISTRATION SHEET

~~Health Care Committee~~ — 6/14/11

Name of Committee — **Date**

Ifnt Local #40

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jori Hays	NCHBA
Bill Philpott	TWC
Tommy Brown	TWC
Ron Melton	K. M. A.

Members of the State and Local Government Committee



Sen. Jim Davis, Co-Chair



Sen. Michael Walters, Co-Chair



Sen. Stan Bingham



Sen. Harris Blake



Sen. Don East



Sen. Thom Goolsby



Sen. Fletcher Harsell



Sen. Kathy Harrington



Sen. Brent Jackson



Sen. Ed Jones



Sen. Ellie Kinniard



Sen. Martin Nesbitt



Sen. Louis Pate



Sen. Gladys Robinson



Sen. Richar Stevens



Sen. Tommy Tucker

Picture

Unavailable

Sen. Stan White

Senate State and Local Government

Sen. Jim Davis – Co. Chair
Kay Culbertson
Rm. 2111 Leg. Bldg.
733-5875

Sen. Michael Walters – Co. Chair
Vickie Spears
Rm. 1118 Leg. Bldg.
733-5651

Sen. Stan Bingham
Judy Chriscoe
Rm. 2117 Leg. Bldg.
733-5665

Sen. Harris Blake
Anne Kidd
Rm. 408 Leg. Off. Bldg.
733-4809

Sen. Don East
Steven Webb
Rm. 522 Leg. Off. Bldg.
733-5743

Sen. Thom Goolsby
Morgan Beam
Rm. 2115 Leg. Bldg.
715-2525

Sen. Fletcher Hartsell
Gerry Johnson
Rm. 300-C Leg. Off. Bldg.
733-7223

Sen. Kathy Harrington
Christopher Dean
Rm. 2113 Leg. Bldg.
733-5734

Sen. Brent Jackson
Cindy Davis
Rm. 525 Leg. Off. Bldg.
733-5705

Sen. Ed Jones
Irma Avent-Hurst
Rm. 578 Leg. Off. Bldg.
715-3032

Sen. Ellie Kinnaird
Kathie Yong
Rm. 628 Leg. Off. Bldg.
733-5804

Sen. Martin Nesbitt
Evelyn Costello
Rm. 1129 Leg. Bldg.
715-3001

Sen. Louis Pate
Edna Pearce
Rm. 406 Leg. Off. Bldg.
733-5621

Sen. Gladys Robinson
Phyllis Cameron
Rm. 1120 Leg. Bldg.
715-3042

Sen. Richard Stevens
Mary Marchman
Rm. 309 Leg. Off. Bldg.
733-5653

Sen. Tommy Tucker
Joey Stansbury
Rm. 311 Leg. Off. Bldg.
733-7659

Sen. Stan White
Suzell Crosswhite
Rm. 1121 Leg. Bldg.
715-8293

2011-2012 Biennium

Leg. Day: H-138/S-138

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
~~017	Sager	WAYNE BOARD OF EDUCATION VACANCIES.	SR	Ch. SL 2011-49	02-24-11	04-19-11
)26=	McGrady	HENDERSON COUNTY FIRE DISTRICTS.	*SR	Ch. SL 2011-50	03-23-11	04-14-11
H0066	LaRoque	GREENE COUNTY COMMISSIONERS.	*SR	Ch. SL 2011-169	06-09-11	06-14-11
H0068	Iler	TAX CERTIFICATION - ADD COUNTIES.	*SR	Ch. SL 2011-45	03-14-11	04-14-11
H0097=	Horn	UNION FIRE FEE SUNSET REPEALED.	S	Ref to State and Local Government. If fav, re-ref to Finance	06-02-11	
H0118	Womble	WINSTON-SALEM/DAILY CURRENCY/COINS DEPOSITS.	*SR	Ch. SL 2011-89	03-02-11	05-17-11
H0140	Iler	OAK ISLAND/RECALL OFFICIALS.	*SR	Ch. SL 2011-51	03-09-11	04-19-11
H0150	L. Brown	GREENSBORO CHARTER AMENDMENTS.	*SR	Ch. SL 2011-111	05-12-11	06-07-11
H0156=	LaRoque	LENOIR FOX TRAPPING.	*S	Re-ref Com On Judiciary I	04-04-11	04-14-11
H0168	Sanderson	FARMS EXEMPT FROM CITY ANNEXATION & ETJ.	*SR	Ch. SL 2011-363	04-14-11	05-11-11
H0170	L. Brown	WINSTON-SALEM/COUNCIL MEETINGS.	SR	Ch. SL 2011-130	03-09-11	06-14-11
H0171	L. Brown	MUNICIPAL SELF-ANNEXATIONS.	*SR	Ch. SL 2011-57	03-21-11	04-14-11
H0180	McComas	WILMINGTON VOLUNTARY ANNEXATIONS.	*SR	Ch. SL 2012-138	05-22-12	06-05-12
H0192=	Brandon	GREENSBORO RENTAL PROPERTY UTILITY LIENS.	S	Ref To Com On State and Local Government	03-23-11	
H0193	Justice	TOPSAIL BEACH RECALL ELECTIONS.	*SR	Ch. SL 2011-76	03-29-11	05-11-11
H0194	Justice	TOPSAIL BEACH CHARTER AMENDMENT.	SR	Ch. SL 2011-77	03-29-11	05-11-11
H0201	Brisson	BLADEN FOX HUNTING AND TRAPPING.	S	Ref To Com On State and Local Government	04-04-11	
H0204	Tolson	EDGECOMBE CO. TOURISM DEVELOPMENT AUTHORITY.	S	Ref To Com On State and Local Government	04-26-11	
H0207	McGee	LOCAL DEVELOPMENT FOR WINSTON-SALEM.	*SR	Ch. SL 2011-131	05-10-11	06-14-11
H0208	McGee	ACQUIRING BY RIGHT-CONDEMNATION OF PROPERTY.	SR	Ch. SL 2011-149	05-11-11	06-14-11
H0212	Torbett	TOWN OF CRAMERTON/ REGULATE UTILITY VEHICLES.	SR	Ch. SL 2011-171	03-30-11	06-15-11
H0224	Boles	FOXFIRE VILLAGE ASSESSMENT VALIDATED.	SR	Ch. SL 2012-53	04-26-11	06-05-12
H0265=	Spear	CHOWAN FOX SEASONS.	S	Ref To Com On State and Local Government	04-04-11	
H0266=	Weiss	LOCAL ENERGY	*SR	Ch. SL 2011-150	05-16-11	06-14-11

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2011-2012 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		EFFICIENCY.				
?80	Brawley	COUNTY LAW ENFORCEMENT SERVICE DISTRICT.	*SR	Ch. SL 2011-100	04-06-11	05-17-11
H0281	LaRoque	ETJ RESTRICTIONS.	*S	Re-ref Com On Rules and Operations of the Senate	06-09-11	06-14-11
H0284	Sager	WAYNE/CURRITUCK COUNTIES DESIGN BUILD.	*SR	Ch. SL 2011-98	04-19-11	05-18-11
H0291	Cook	BELHAVEN RECALL ELECTIONS.	*SR	Ch. SL 2011-156	04-14-11	06-14-11
H0296	Bell	SAMPSON-DELINQUENT TAXPAYERS.	*SR	Ch. SL 2012-23	04-19-11	06-05-12
H0310	LaRoque	KINSTON MAYORAL VETO.	*SR	Ch. SL 2011-67	04-14-11	04-27-11
H0322	Rapp	HAYWOOD SCHOOL BOARD FILING PERIOD.	SR	Ch. SL 2012-24	04-05-11	06-07-12
H0328	Sager	WAYNE SHERIFF VACANCIES.	*SR	Ch. SL 2012-25	04-05-11	06-05-12
H0332	Mills	CLARIFY DEVELOPMENT MORATORIA AUTHORITY.	*SR	Ch. SL 2011-286	05-02-11	06-14-11
H0338	Blackwell	BURKE SCHOOL BOARD RECALL.	*SR	Ch. SL 2011-157	04-05-11	06-14-11
H0352	Steen	DELAY KANNAPOLIS ANNEXATION.	SR	Ch. SL 2011-124	05-10-11	06-08-11
H0358	Hackney	APEX/CARY ANNEXATION INTO CHATHAM RESTRICTED.	*SR	Ch, SL 2011-151	04-06-11	06-14-11
H0360	Owens	COLUMBIA MUNICIPAL EARLY VOTING.	*SR	Ch. SL 2011-132	04-05-11	06-14-11
H0362	Owens	PASQUOTANK HUNTING.	*SR	Ch. SL 2011-152	04-07-11	06-14-11
H0365	LaRoque	PINK HILL ELECTIONS.	*SR	Ch. SL 2011-46	04-05-11	04-14-11
H0367=	Bradley	ROANOKE RAPIDS DEANNEXATION.	SR	Ch. SL 2011-158	05-24-11	06-08-11
H0371	Parmon	WINSTON-SALEM/ INFORMAL BIDS ELECTRONICALLY.	SR	Ch. SL 2011-80	05-10-11	05-17-11
H0372	Parmon	WINSTON-SALEM FRANCHISES.	*S	Ref To Com On State and Local Government	06-10-11	
H0378	Parmon	EXCLUSION FROM POST-CONSTRUCTION PRACTICES.	S	Ref to State and Local Government. If fav, re-ref to Transportation	06-10-11	
H0398	Hastings	CLEVELAND COUNTY WATER ADVISORY REFERENDUM.	*S	Ref To Com On State and Local Government	04-12-11	
H0403	Hamilton	CONTRIBUTING STRUCTURES.	*SR	Ch. SL 2011-367	05-02-11	06-14-11
H0410	Boles	PINEBLUFF/PRESERVE LAND FOR PARKS.	SR	Ch. SL 2011-133	04-12-11	06-14-11
H0411	Howard	IREDELL CORRECTIONAL FACILITY/DOT STORAGE.	*SR	Ch. SL 2011-359	05-26-11	06-14-11
H0415	Justice	TOPSAIL BEACH/NAGS HEAD/LITTORAL RIGHTS.	*SR	Ch. SL 2011-78	03-29-11	05-04-11
H0416	Owens	EXPAND JOYCE CREEK	SR	Ch. SL 2011-134	04-27-11	06-14-11

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		DISTRICT BOARD.				
120	Iler	OAK ISLAND/WHEEL LOCKS.	SR	Ch. SL 2011-135	04-19-11	06-14-11
H0435	Samuelson	MECKLENBURG ENERGY EFFICIENCY/RENEWABLE.	*S	Ref to State and Local Government. If fav, re-ref to Finance	05-11-11	
H0436	R. Brown	ECONOMIC DISCLOSURES FOR SANITARY DISTRICTS.	*S	Ref To Com On State and Local Government	04-20-11	
H0437	McComas	NH COUNTY COMMISSIONERS ACCOUNTABILITY ACT.	*SR	Ch. SL 2012-10	06-10-11	06-05-12
H0438	McComas	ACCOUNTABLE CO. COMMS./EXPAND LOC. BD. AUTH.	*SR	Ch. SL 2012-126	04-19-11	06-05-12
H0440=	T. Moore	ADOPT OFFICIAL LIVERMUSH FESTIVALS.	*S	Ref To Com On State and Local Government	06-08-11	
H0442	T. Moore	CORNELIUS DESIGN-BUILD AND INVESTMENTS.	*SR	Ch. SL 2011-180	06-10-11	06-14-11
H0460	Jones	ROCKINGHAM/ TRESPASSING ON PRIVATE LAND.	*S	Ref To Com On State and Local Government	04-21-11	
H0463	Jones	ROCKINGHAM/TAKING OF FOXES.	SR	Ch. SL 2011-136	04-12-11	06-14-11
H0467	Blust	GUILFORD BOARD OF CTY COMM. DISTRICTS.	*S	Ref To Com On State and Local Government	06-09-11	
H0471	Moffitt	BUNCOMBE COUNTY COMMISSION DISTRICTS.	SR	Ch. SL 2011-81	05-03-11	05-17-11
H0480	Burr	STANLY COUNTY SCHOOL BOARD FILING PERIOD.	S	Ref To Com On State and Local Government	04-19-11	
H0481	Burr	STANLY COUNTY SHERIFF VACANCY.	S	Ref To Com On State and Local Government	04-19-11	
H0486	Guice	TRYON DEANNEXATION.	SR	Ch. SL 2011-159	05-24-11	06-14-11
H0488	Collins	PRTF/EXTEND NASHVILLE WAIVER.	S	Ref To Com On State and Local Government	04-20-11	
H0498	Dollar	WAKE SCHOOL BOARD PRESIDING OFFICER VOTING.	*SR	Ch. SL 2011-138	04-14-11	06-14-11
H0506	McComas	WRIGHTSVILLE BEACH/ ABANDONED VESSELS.	*SR	Ch. SL 2011-82	04-19-11	05-17-11
H0510	Jones	REIDSVILLE ELECTIONS.	SR	Ch. SL 2011-139	05-10-11	06-14-11
H0511	Sager	GOLDSBORO-WAYNE AIRPORT AUTHORITY.	*SR	Ch. SL 2012-26	04-27-11	06-05-12
H0516	Stevens	MOUNT AIRY CHARTER AMENDMENTS.	SR	Ch. SL 2011-140	05-17-11	06-14-11
H0518	Wilkins	AUTHORIZE ADD'L PERSON COUNTY OCCUPANCY TAX.	*SR	Ch. SL 2011-161	06-06-11	06-15-11
H0523	Folwell	CHANGE WINSTON-SALEM/ FORSYTH ELECTION	*SR	Ch. SL 2011-141	05-18-11	06-14-11

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2011-2012 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		METHOD.				
528	Dixon	DUPLIN ELECTIONS.	SR	Ch. SL 2011-112	05-18-11	06-07-11
532	West	GRAHAM COUNTY/ CEMETERY TAX BY GENERAL LAW.	SR	Ch. SL 2011-116	05-11-11	05-17-11
H0537	Randleman	WILKES FIRE TAX DIST. BOUNDARIES.	*SR	Ch. SL 2011-86	04-27-11	05-17-11
H0552	Moffitt	ASHEVILLE AIRPORT/WNC AGRICULTURAL CENTER.	*SR	Ch. SL 2012-121	06-07-11	06-07-12
H0558	Womble	FORSYTH/WINSTON-SALEM ZONING AMENDMENTS.	SR	Ch. SL 2011-142	05-10-11	06-14-11
H0565	McElraft	MOREHEAD CITY/ BEAUFORT BOUNDARY.	SR	Ch. SL 2011-179	05-18-11	06-16-11
H0566	Sanderson	GRANTSBORO CHARTER AMENDMENT.	SR	Ch. SL 2011-83	04-19-11	05-17-11
H0567	McGrady	MOUNTAIN RESOURCES COMM'N/STAGGERED TERMS.	SR	Ch. SL 2011-372	04-19-11	06-09-11
H0573	Avila	RALEIGH/WAKE FOREST BOUNDARY.	*SR	Ch. SL 2011-162	05-24-11	06-13-11
H0605	McElraft	EXPAND SETOFF DEBT COLLECTION ACT.	*SR	Ch. SL 2012-88	05-23-11	06-07-12
H0627	Blackwell	STUDY EFFICIENCY AND COST SAVINGS/STATE GOVT.	*S	Ref To Com On State and Local Government	06-06-11	
H0806	Jordan	ZONING ST. OF LIMIT./ AG. DIST. CHANGE.	*SR	Ch. SL 2011-384	05-16-11	06-01-11
H0943	Dockham	DAVIDSON COUNTY ANNEXATIONS.	SR	Ch. SL 2012-54	06-12-12	06-19-12
H0945	Gillespie	MARION LEGISLATIVE ANNEXATION.	SR	Ch. SL 2012-97	06-14-12	06-26-12
H0963	Owens	TOWN OF COLUMBIA/ DEANNEXATION.	SR	Ch. SL 2012-98	06-14-12	06-26-12
H0987=	Weiss	WAKE TECH BOARD OF TRUSTEES.	SR	Ch. SL 2012-99	06-25-12	06-26-12
H0988	Lewis	AVERASBORO TOWNSHIP TDA CHANGES.	S	Re-ref Com On Finance	06-21-12	06-26-12
H0991	Haire	JACKSON CO. OCCUPANCY TAX CHANGES.	SR	Ch. SL 2012-100	06-12-12	06-26-12
H1009	McGrady	MSD AMENDMENTS.	*SR	Ch. SL 2012-203	06-19-12	06-26-12
H1018	Dockham	YADKIN VALLEY CAREER ACADEMY.	SR	Ch. SL 2012-48	06-14-12	06-19-12
H1029	Holloway	MAYODAN MANAGER RESIDENCY.	SR	Ch. SL 2012-101	06-05-12	06-26-12
H1032=	Blackwell	MORGANTON DEANNEXATION.	SR	Ch. SL 2012-61	06-14-12	06-19-12
H1041	Faircloth	HIGH POINT/ARCHDALE BOUNDARIES.	SR	Ch. SL 2012-102	06-19-12	06-21-12
H1049	Brisson	BLADEN COMMUNITY COLLEGE FED LOAN PROGRAM.	*S	Ref To Com On State and Local Government	06-14-12	
H1050	Brisson	ELIZABETHTOWN INDUSTR. PARK DEANNEXATION.	SR	Ch. SL 2012-103	06-21-12	06-26-12
H1051	Brisson	ELIZABETHTOWN HAYFIELDS	SR	Ch. SL 2012-104	06-21-12	06-26-12

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		DEANNEXATION.				
059	Brubaker	ASHEBORO TOWING.	SR	Ch. SL 2012-105	06-12-12	06-26-12
071	Gill	WAKE SCHOOL BOARD ORGANIZATIONAL MEETING.	*SR	Ch. SL 2012-106	06-25-12	06-26-12
H1086=	West	CLAY COUNTY COURTHOUSE.	S	Ref To Com On State and Local Government	06-14-12	
H1087=	West	FONTANA DAM OCCUPANCY TAX.	SR	Ch. SL 2012-107	06-13-12	06-21-12
H1090=	Insko	ORANGE-ALAMANCE REMAINING 9% BOUNDARY.	*SR	Ch. SL 2012-108	06-19-12	06-26-12
H1106	Murry	APEX ANNEXATION.	SR	Ch. SL 2012-109	06-21-12	06-26-12
H1107	Crawford	GRANVILLE COUNTY ABC PROFITS DISTRIBUTION MOD.	SR	Ch: SL 2012-49	06-13-12	06-19-12
H1108	Crawford	BUTNER PUBLIC SAFETY AUTHORITY CHANGES.	SR	Ch. SL 2012-50	06-12-12	06-19-12
H1109	Spear	DARE CAMA SETBACK REQ'TS./GRANDFATHER.	S	Re-ref Com On Rules and Operations of the Senate	06-13-12	06-26-12
H1110	Horn	MATTHEWS/STALLINGS BOUNDARY ADJUSTMENT.	SR	Ch. SL 2012-110	06-19-12	06-26-12
H1122=	E. Warren	MARTIN COUNTY FIRE DISTRICTS.	SR	Ch. SL 2012-111	06-19-12	06-26-12
H1123=	Michaux	DURHAM COUNTY MEMORIAL STADIUM.	SR	Ch. SL 2012-112	06-19-12	06-26-12
H1131	McElraft	CARTERET COMMISSIONER ELECTION.	S	Ref To Com On State and Local Government	06-12-12	
H1133	Justice	REVISE PENDER COUNTY COMMISSIONER DISTRICTS.	SR	Ch. SL 2012-51	06-12-12	06-19-12
H1138	R. Brown	DAVIDSON COUNTY DESIGN BUILD.	*SR	Ch. SL 2012-63	06-12-12	06-19-12
H1169=	Justice	TOWN OF BURGAW/ DEANNEXATION.	*SR	Ch: SL 2012-124	06-19-12	06-26-12
H1181	McElraft	STUDY MUNICIPAL LOCAL OPTION SALES TAX.	*SR	Ch: SL 2012-189	06-14-12	06-26-12
H1196	Owens	ALBEMARLE MENTAL HEALTH CENTER PROPERTY.	SR	Ch. SL 2012-113	06-13-12	06-26-12
H1197=	Holloway	ADD STOKES CTY TO TAX CERT BEFORE RECORDATION.	SR	Ch. SL 2012-114	06-12-12	06-26-12
H1199	Hager	LAKE LURE CONVEY PROPERTY.	*SR	Ch. SL 2012-115	06-14-12	06-26-12
H1200	McGee	WINSTON-SALEM/NEW BERN FIREFIGHTERS RETIRE.	*SR	Ch. SL 2012-123	06-14-12	06-26-12
H1202=	Bryant	ROANOKE RAPIDS DEANNEX/HALIFAX N'HMPT AIRPORT.	*SR	Ch. SL 2012-116	06-19-12	06-26-12
H1204=	Horn	UNION COUNTY CONSTRUCTION METHODS.	*S	Ref To Com On State and Local	06-12-12	

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				Government		
205	Crawford	AMEND TRESPASS/ GRANVILLE COUNTY.	SR	Ch. SL 2012-52	06-12-12	06-19-12
H1206	Crawford	BUTNER BOUNDARY CLARIFICATION.	*SR	Ch. SL 2012-117	06-19-12	06-26-12
H1207	Crawford	GRANVILLE/PERSON LOCAL STORMWATER FEES.	SR	Ch. SL 2012-55	06-14-12	06-19-12
H1212	Hackney	WAKE/CHATHAM LOCAL ACT.	*S	Re-ref Com On Rules and Operations of the Senate	06-13-12	06-21-12
H1212	Hackney	WAKE/CHATHAM LOCAL ACT.	*S	Re-ref Com On Rules and Operations of the Senate	06-25-12	06-26-12
H1216=	Dixon	TOWN OF WALLACE/ SATELLITE ANNEXATIONS.	*SR	Ch. SL 2012-118	06-21-12	06-26-12
H1217	Fisher	ASHEVILLE/WOODFIN BOUNDARY ADJUSTMENTS.	*SR	Ch. SL 2012-119	06-20-12	06-26-12
S0019=	Tommy Tucker	UNION FIRE FEE SUNSET REPEALED.	SR	Ch. SL 2011-105	02-02-11	02-15-11
S0027	Andrew C. Brock	LOCAL ANNEXATIONS SUBJECT TO 60% PETITION.	*SR	Ch. SL 2011-173	02-03-11	02-15-11
S0035	Eleanor Kinnaird	ORANGE CO./NO DEER HUNTING WITH DOGS.	S	Re-ref Com On State and Local Government	02-08-11	
S0039	Clark Jenkins	PARMELE TOWN BOARD SIZE.	*SR	Ch. SL 2011-125	02-08-11	02-15-11
S0044=	Tom Apodaca	HENDERSON COUNTY FIRE DISTRICTS.	S	Ref To Com On State and Local Government	02-09-11	
S0046=	Don East	SURRY FOX AND COYOTE TAKING SEASON.	*SR	Ch. SL 2011-32	02-09-11	02-16-11
S0046=	Don East	SURRY FOX AND COYOTE TAKING SEASON.	*SR	Ch. SL 2011-32	04-04-11	04-06-11
S0068	Michael P. Walte	ROBESON HUNTING AND FISHING.	SR	Ch. SL 2011-16	02-16-11	02-22-11
S0080=	Peter S. Brunste	LEWISVILLE ANNEXATIONS.	S	Re-ref Com On Rules and Operations of the Senate	02-17-11	03-15-11
S0081=	Eleanor Kinnaird	ORANGE COUNTY LOCAL DISCLOSURE ACT REPEAL.	SR	Ch. SL 2011-17	02-21-11	03-08-11
S0082	Bill Rabon	TOWN OF ATKINSON/ CHARTER AMENDMENT.	SR	Ch. SL 2011-44	02-21-11	03-08-11
S0118	Jean Preston	DOWNTOWN SERVICE DISTRICT DEFINITION.	*SR	Ch. SL 2011-322	02-24-11	03-08-11
S0120	Jean Preston	NEW BERN CHARTER AMENDMENTS.	*SR	Ch. SL 2011-101	02-24-11	03-22-11
S0124=	Harry Brown	ADD SUPT. TO NC ECON. DEV. BD.	S	Ref To Com On State and Local Government	02-28-11	
S0145	Stan White	SOUTHERN SHORES CANAL DREDGING/MAINTENANCE.	*SR	Ch. SL 2011-108	02-28-11	03-08-11
S0151	Richard Stevens	WAKE COMMISSIONERS	*SR	Ch. SL 2011-126	05-11-11	06-07-11

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		DISTRICTING/VACANCIES.				
155=	Josh Stein	LOCAL STORMWATER UTILITY FEES.	*SR	Ch. SL 2011-109	03-02-11	03-08-11
S0161=	Brent Jackson	LENOIR FOX TRAPPING.	S	Ref To Com On State and Local Government	03-02-11	
S0174	Bob Atwater	18TH SENATORIAL DISTRICT LOCAL ACT.	S	Re-ref Com On State and Local Government	06-06-12	
S0177=	Gladys A. Robins	GREENSBORO RENTAL PROPERTY UTILITY LIENS.	SR	Ch. SL 2011-127	03-03-11	03-22-11
S0182	Clark Jenkins	STATEWIDE EMAIL SUBSCRIPTION LISTS.	*SR	Ch. SL 2011-54	03-03-11	03-15-11
S0200=	Rick Gunn	ALAMANCE/ORANGE 9% BOUNDARY.	SR	Ch. SL 2011-87	03-07-11	04-14-11
S0201=	Rick Gunn	ALAMANCE/ORANGE BOUNDARY.	*SR	Ch. SL 2011-88	03-07-11	04-14-11
S0212	Bill Rabon	CEMETERIES/SURVEY STAMP.	SR	Ch. SL 2011-75	03-07-11	03-15-11
S0227=	Ralph Hise	SCHOOL BUS CRASH REPORTS NAME DISCLOSURE.	*SR	Ch. SL 2012-147	03-07-11	03-16-11
S0238=	William R. Purce	RICHMOND/DEER HUNTING WITH DOGS.	S	Re-ref Com On Agriculture/ Environment/ Natural Resources	03-08-11	03-09-11
S0250	Jean Preston	HARKERS ISLAND SANITARY DISTRICT ELECTIONS.	*SR	Ch. SL 2011-128	04-26-11	06-07-11
S0260	Louis Pate	PITT COUNTY SCHOOL BOARD ELECTION.	*SR	Ch. SL 2011-174	04-14-11	06-07-11
S0261=	Ed Jones	CHOWAN FOX SEASONS.	SR	Ch. SL 2011-40	03-09-11	03-15-11
S0263	Dan Blue	ETJ/WAKE MUNICIPAL FARM EXEMPTION.	SR	Ch. SL 2011-34	03-09-11	03-15-11
S0270=	Malcolm Graham	HUNTERSVILLE E-MAIL LISTS/ELECTRONIC ACCESS.	S	Re-ref Com On Rules, Calendar, and Operations of the House	03-09-11	03-15-11
S0273=	Josh Stein	WAKE MUNICIPALITIES ENERGY EFFICIENCY.	*S	Re-ref Com On Rules, Calendar, and Operations of the House	03-10-11	04-19-11
S0275=	Clark Jenkins	OFFICIAL HERRING FESTIVAL.	*SR	Ch. SL 2011-59	03-10-11	03-22-11
S0288	Jean Preston	ATLANTIC BEACH/ BEAUFORT/PARKING.	*SR	Ch. SL 2011-79	03-10-11	03-22-11
S0289	Jean Preston	CAPE CARTERET DEANNEXATION.	SR	Ch. SL 2011-167	04-26-11	06-07-11
S0291	Austin M. Allran	CATAWBA COUNTY/LOCAL BID PREFERENCE.	S	Ref To Com On State and Local Government	03-10-11	
S0294	Tommy Tucker	MADISON ELECTIONS.	*S	Re-ref Com On Rules and Operations of the Senate	03-10-11	06-07-11

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^^295=	Tommy Tucker	MARSHVILLE CHARTER CONSOLIDATION.	SR	Ch: SL 2011-70	03-10-11	03-29-11
310	Don East	30TH SENATORIAL DISTRICT LOCAL ACT.	S	Re-ref Com On State and Local Government	04-14-11	
S0319	Thom Goolsby	WILMINGTON CIVIL SERVICE BOARD.	S	Ref To Com On State and Local Government	03-14-11	
S0320	Clark Jenkins	MUNICIPAL SYSTEMS.	*SR	Ch. SL 2011-212	03-14-11	05-18-11
S0399	Debbie A. Clary	ECOSYSTEM ENHANCEMENT PROGRAM.	*S	Re-ref Com On Rules and Operations of the Senate	03-23-11	03-29-11
S0472=	William R. Purce	KINSTON PUBLIC ENTERPRISES.	*S	Re-ref Com On Rules, Calendar, and Operations of the House	03-31-11	04-19-11
S0530	Brent Jackson	PROHIBIT INVOLUNTARY ANNEXATION OF FARMS.	S	Ref to the Com on Government, if favorable, Finance	04-07-11	04-27-11
S0560	Andrew C. Brock	SPORT SHOOTING RANGE PROTECTION.	*S	Ref To Com On Agriculture	04-12-11	04-19-11
S0572	Jim Davis	COUNTY BROADBAND GRANTS.	*SR	Ch. SL 2012-86	04-14-11	04-27-11
S0624	Jean Preston	MODIFY HEARING & MAILINGS FOR RULE MAKING.	S	Re-ref Com On Judiciary I	04-19-11	04-27-11
S0675	David Rouzer	REQUIRE COMMUNITY SERVICE/WORK FIRST PROGRAM.	*S	Ref To Com On Health and Human Services	04-20-11	06-07-11
S0796	Stan Bingham	DAVIDSON COUNTY ANNEXATIONS.	S	Ref To Com On State and Local Government	05-16-12	
S0818=	Jim Davis	CLAY COUNTY COURTHOUSE.	SR	Ch. SL 2012-32	05-21-12	06-05-12
S0830=	Christopher "Chr	IREDELL REGISTER OF DEEDS SATELLITE OFFICE.	SR	Ch. SL 2012-22	05-21-12	06-05-12
S0831=	Warren Daniel	MORGANTON DEANNEXATION.	S	Ref To Com On State and Local Government	05-21-12	
S0848	Floyd B. McKissi	DURHAM CITY ASSESSMENTS.	SR	Ch. SL 2012-94	05-22-12	06-05-12
S0857=	Don East	ADD STOKES CTY TO TAX CERT BEFORE RECORDATION.	S	Ref To Com On Finance	05-23-12	06-05-12
S0859	Don East	PILOT MOUNTAIN/DOBSON EVEN-YEAR ELECTIONS.	*SR	Ch. SL 2012-47	05-23-12	06-05-12
S0873=	Eleanor Kinnaird	ORANGE-ALAMANCE REMAINING 9% BOUNDARY.	S	Ref To Com On State and Local Government	05-23-12	
S0876	Christopher "Chr	MOORESVILLE DEANNEXATION.	SR	Ch. SL 2012-137	05-24-12	06-19-12
S0883=	Clark Jenkins	MARTIN COUNTY FIRE DISTRICTS.	S	Ref To Com On State and Local Government	05-24-12	

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~~884=	Neal Hunt	WAKE TECH BOARD OF TRUSTEES.	S	Ref To Com On Education	05-24-12	06-19-12
898	Clark Jenkins	BEAR GRASS SCHOOL PROPERTY CONVEYANCE.	S	Ref To Com On State and Local Government	05-29-12	
S0899=	Bob Atwater	DURHAM COUNTY MEMORIAL STADIUM.	S	Ref To Com On State and Local Government	05-29-12	
S0900	Bill Rabon	SURF CITY DEANNEXATION.	SR	Ch. SL 2012-95	05-29-12	06-07-12
S0901	Bill Rabon	OCEAN ISLE BEACH SATELLITE ANNEXATIONS.	SR	Ch. SL 2012-96	05-29-12	06-07-12
S0906=	Stan White	NAGS HEAD CONVEYANCE.	SR	Ch: SL 2012-30	05-30-12	06-07-12
S0918	Floyd B. McKissi	AMEND DURHAM COUNTY OCCUPANCY TAX USES.	S	Ref To Com On Finance	05-30-12	06-07-12
S0919	Jean Preston	CARTERET COMMISSIONER ELECTION.	SR	Ch. SL 2012-58	05-30-12	06-07-12
S0934	Bill Rabon	LOWER CAPE FEAR DESIGN-BUILD.	SR	Ch. SL 2012-60	05-31-12	06-07-12
S0935	Ralph Hise	ABOLISH AVERY COUNTY CORONER.	S	Ref To Com On Government	05-31-12	06-19-12
S0939	Wesley Meredith	FAYETTEVILLE REVIEW BOARD.	*S	Re-ref Com On Government	05-31-12	06-07-12
S0941=	Jim Davis	GRAHAM/SWAIN TVA ALLOCATION/BORDER.	S	Re-ref Com On Finance	05-31-12	06-07-12
S0942=	Jim Davis	FONTANA DAM OCCUPANCY TAX.	S	Re-ref Com On Finance	05-31-12	06-07-12
S0943=	Clark Jenkins	MODIFY MARTIN COUNTY OCCUPANCY TAX.	S	Ref To Com On State and Local Government	05-31-12	
S0944=	Brent Jackson	TOWN OF WALLACE/ SATELLITE ANNEXATIONS.	*S	Re-ref Com On Finance	05-31-12	06-07-12
S0945	Bill Rabon	MODIFY SOUTHPORT OCCUPANCY TAX.	S	Re-ref Com On Finance	05-31-12	06-07-12
S0946=	Bill Rabon	TOWN OF BURGAW/ DEANNEXATION.	S	Re-ref Com On Finance	05-31-12	06-07-12
S0947=	Bill Rabon	LOWER CAPE FEAR DESIGN-BUILD.	S	Ref To Com On State and Local Government	05-31-12	
S0949	Dan Soucek	TOWN OF BOONE/ETJ.	*S	Re-ref Com On Rules, Calendar, and Operations of the House	05-31-12	06-07-12
S0950=	Bob Atwater	SANFORD/CONVEY PROPERTY.	S	Ref To Com On State and Local Government	05-31-12	
S0951	Wes Westmoreland	TRANSFER CERTAIN CORRECTIONAL FACILITIES.	*SR	Ch. SL 2012-177	05-31-12	06-19-12
S0952	Josh Stein	WAKE TOWNS LOCAL GOV'MT INFO/MINORS.	S	Ref To Com On State and Local Government	05-31-12	
S0954	Bill Rabon	MUNICIPALITIES ENFORCE PUBLIC TRUST RIGHTS.	S	Ref To Com On State and Local Government	06-04-12	
S0956=	Ed Jones	ROANOKE RAPIDS	S	Ref To Com On	06-04-12	

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2011-2012 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		DEANNEX/HALIFAX N'HMPT AIRPORT.	State and Local Government		

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, June 5, 2012 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on June 5, 2012, in Room 1124 of the Legislative Building. 14 members of the committee were present. Sen. Walters, presided.

After a brief explanation of SB859 (Pilot Mountain Even-Year Municipal Elections) by Sen. East, a motion was made by Sen. Jackson for a favorable report for the Proposed Committee Substitute and the motion carried. The PCS for SB 859 was passed with a favorable report.

After a brief explanation of SB328 (Wayne Sheriff Vacancies) by Rep. Sager, a motion was made for a favorable report for the Proposed Committee Substitute and the motion carried. The PCS for SB328 was passed with a favorable report.

After a brief explanation of SB296 (Sampson-Delinquent Taxpayers) by Sen. Jackson, a motion was made by Sen. Robinson for a favorable report for the Proposed Committee Substitute for SB296 and the motion carried. The PCS for SB296 was passed with a motion by Sen. Tucker for a favorable report.

After a brief explanation of HB437 (NH County Commissioners Accountability Act) by Rep. McComas, a motion was made by Sen. Goolsby for a favorable report for the Proposed Committee Substitute to HB437 and the motion carried. The PCS for HB437 was passed with a motion by Sen. Jackson for a favorable report.

After a brief explanation of HB180 (Wilmington Annexation Suspension) by Sen. Goolsby, a motion was made by Sen. Tucker for a favorable report for the Proposed Committee Substitute to HB180 and the motion carried. The PCS for HB180 was passed with a motion by Sen. Jackson for a favorable report.

After a brief explanation of HB438 (Accountable Co. Comms./Expand Loc. Bd. Auth.) by Sen. Hartsell, a motion was made by Sen. Tucker for a favorable report for the Proposed Committee Substitute for HB438 and the motion carried. The PCS for HB438 was passed with a motion by Sen. Stevens for a favorable report.

After a brief explanation of HB511 (Goldsboro-Wayne airport Authority) by Rep. Sager, the House Committee Substitute for HB511 received a favorable vote from the committee. A motion for a favorable report for HB511 was made by Sen. Pate and the motion passed.

The meeting adjourned at 1:00.

Sen. Michael Walters, Presiding

Vickie Spears, Committee Clerk

Senate State and Local Government Committee
Tuesday, June 5, 2012, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 224	Foxfire Village Assessment Validated.	Representative Boles, Jr.
HB 296	Sampson-Delinquent Taxpayers.	Representative Langdon, Jr. Representative Bell
SB 818	Clay County Courthouse.	Senator Davis
SB 830	Iredell Register of Deeds Satellite Office.	Senator Carney
SB 848	Durham City Assessments.	Senator McKissick Senator Atwater
SB 857	Add Stokes Cty to Tax Cert Before Recordation.	Senator East
SB 859	Pilot Mountain Even-Year Municipal Elections.	Senator East
HB 328	Wayne Sheriff Vacancies.	Representative Sager Representative LaRoque
HB 511	Goldsboro-Wayne Airport Authority.	Representative Sager Representative Bell Representative LaRoque
HB 437	NH County Commissioners Accountability Act.	Representative McComas
HB 438	Accountable Co. Comms./Expand Loc. Bd. Auth.	Representative McComas
HB 180	Wilmington Annexation Suspension.	Representative Justice Representative McComas

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected: Remove: HB 204
Add: SB 857, SB 859

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	June 5, 2012	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 224	Foxfire Village Assessment Validated.	Representative Boles. Jr.
HB 296	Sampson-Delinquent Taxpayers.	Representative Langdon. Jr. Representative Bell
SB 818	Clay County Courthouse.	Senator Davis
SB 830	Iredell Register of Deeds Satellite Office.	Senator Carney
SB 848	Durham City Assessments.	Senator McKissick Senator Atwater
SB 857	Add Stokes Cty to Tax Cert Before Recordation.	Senator East
SB 859	Pilot Mountain Even-Year Municipal Elections.	Senator East

Remove: HB 204
Add: SB 857, SB 859

Senator Jim Davis. Co-Chair
Senator Michael P. Walters. Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 859
PROPOSED COMMITTEE SUBSTITUTE S859-CSRW-77 [v.6]

6/4/2012 2:06:07 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.

(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 this Charter; provided, they shall serve until their successors are elected and ~~qualify~~qualify, provided further that (i) the Mayor elected in 2009 shall serve a term of five 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 five years, but the member's successors shall serve terms of four years.

(b) No person shall be eligible to be a candidate or to be elected as Mayor or as a member of the Board of Commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) In the event a vacancy occurs in the office of Mayor or Commissioner, the Board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term. "

SECTION 4. Section 4.1 of the Charter of the Town of Dobson, being Chapter 232 of the Session Laws of 1975, reads as rewritten:

"Sec. 4.1. Regular Elections. Elections shall be held biennially on the Tuesday after the first Monday in November, beginning in ~~2012~~2014. In the ~~2012~~2014 election and ~~biennially~~ quadrennially thereafter, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of ~~two~~four years. In the ~~2012~~2016 election and quadrennially thereafter, the three 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 5. This act is effective when it becomes law.

SENATE BILL 859

Short Title:	Pilot Mountain Even-Year Municipal Elections.	(Local)
Sponsors:	Senator East.	
Referred to:	State and Local Government.	

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN ARE HELD IN EVEN-NUMBERED YEARS BEGINNING IN 2012.

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, reads as rewritten:

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor shall serve for a term of two years and members of the Board of Commissioners shall serve for terms of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and ~~qualify.~~ qualify, provided further that (i) the Mayor elected in 2011 shall serve a term of one year, but the Mayor's successors shall serve terms of two-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 2012 election and biennially thereafter, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two 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. This act is effective when it becomes law.

SENATE BILL 859: Pilot Mountain/Dobson Even-Year Municipal Elections

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 4, 2012
Introduced by:	Sen. East	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	PCS to First Edition S859-CSRW-77		

SUMMARY: ***Senate Bill 859 (proposed committee substitute) amends the Charters of the Towns of Pilot Mountain and Dobson to provide for municipal elections in even-numbered years.***

CURRENT LAW:

- The Town of Pilot Mountain has four-year terms for mayor and its four Town commissioners, elected in odd-numbered years. The mayor and two Town commissioners were last elected in 2011. The other two Town commissioners were last elected in 2009.
- The Town of Dobson has four-year terms for mayor and its five Town commissioners, elected in odd-numbered years. The mayor and two Town commissioners were last elected in 2009. The other three Town commissioners were last elected in 2011.

BILL ANALYSIS:

Sections 1 and 2 of the bill amend the Charter of the Town of Pilot Mountain to provide for municipal elections in even-numbered years, beginning in 2012 for two Town commissioners and in 2014 for the mayor and the other two Town commissioners.

Sections 3 and 4 of the bill amend the Charter of the Town of Dobson to provide for municipal elections in even-numbered years, beginning in 2014 the Mayor and two Town commissioners and in 2016 for the other three commissioners.

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

S859-SMRW-195(CSRW-77) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 328
PROPOSED SENATE COMMITTEE SUBSTITUTE H328-CSSA-78 [v.1]

6/4/2012 2:46:34 PM

Short Title: Wayne Sheriff Vacancies. (Local)

Sponsors:

Referred to:

March 14, 2011

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.

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, Stokes, Surry, Transylvania, Wake, Wayne, and Yancey."

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



HOUSE BILL 328

Short Title:	Wayne Sheriff 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.	

March 14, 2011

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.

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, Wayne, and Yancey."

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

HOUSE BILL 328:
Wayne Sheriff Vacancies

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 5, 2012
Introduced by:	Reps. Sager, LaRoque	**Prepared by:**	Susan Sitze*
Analysis of:	PCS to First Edition H328-CSSA-78		Committee Counsel

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, Stokes, Surry, Transylvania, Wake, and Yancey.

**This summary was originally written by Kelly Quick, Research Assistant.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 296
Committee Substitute Favorable 3/31/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H296-CSSA-79 [v.1]

6/4/2012 3:21:57 PM

Short Title: Sampson-Delinquent Taxpayers. (Local)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SAMPSON COUNTY TO PROHIBIT THE ISSUANCE OF A SPECIAL USE OR CONDITIONAL USE PERMIT, OR A BUILDING PERMIT, TO A DELINQUENT TAXPAYER, AND TO AUTHORIZE SAMPSON COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-340 is amended by adding a new subsection to read:

"**§ 153A-340. Grant of power.**

...

(c2) A county may by ordinance provide that a special use permit or conditional use permit may not be issued under subsection (c1) of this section to a person who owes delinquent property taxes, determined under G.S. 105-360, on property owned by the person. Such ordinance may provide that a special use permit or conditional use permit may be issued to a person protesting the assessment or collection of property taxes.

...."

SECTION 1.(b) This section applies to Sampson County only.

SECTION 2. G.S. 153A-357(c) reads as rewritten:

"**§ 153A-357. Permits.**

...

(c) (1) A county may by ordinance provide that a permit may not be issued under subsection (a) of this section to a person who owes delinquent property taxes, determined under G.S. 105-360, on property owned by the person. Such ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes.

(2) This subsection applies to Alexander, Alleghany, Anson, Bertie, Catawba, Chowan, Currituck, Davie, Gates, Greene, Lenoir, Lincoln, Iredell, Sampson, Stokes, Surry, Tyrrell, Wayne, and Yadkin Counties only.

...."

SECTION 3. G.S. 161-31(b) reads as rewritten:

"**§ 161-31. Tax certification.**

...

(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, Sampson, Stanly, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey Counties."

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

HOUSE BILL 296:
Sampson-Delinquent Taxpayers

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 5, 2012
Introduced by:	Reps. Bell, Langdon	**Prepared by:**	Susan Sitze*
Analysis of:	PCS to Second Edition H296-CSSA-79		Committee Counsel

SUMMARY: ***House Bill 296 authorizes Sampson County to: (1) prohibit the issuance of a special use or conditional use permit to a person who owes delinquent property taxes; (2) prohibit the issuance of a building permit to a person who owes delinquent property taxes; and (3) to require payment of delinquent property taxes prior to recording deeds conveying property.***

CURRENT LAW:

County Authority to Deny Special Use Permit for Delinquent Property Taxes: G.S. 153A-340 grants counties authority to adopt zoning and development regulation ordinances to promote health, safety, morals, or the general welfare. G.S. 153A-340(c1) authorizes a county to issue special use permits or conditional use permits pursuant to zoning and development regulation ordinances enacted by the county. G.S. 153A-340(c2) has been enacted to allow certain counties to prohibit the issuance of a special use permit or conditional use permit when a person owes delinquent property taxes.[1]

County Authority to Deny Building Permit for Delinquent Property Taxes: In 2005, the General Assembly authorized Greene, Lenoir, Iredell, Wayne, and Yadkin Counties to deny issuance of a building permit to a person who owes delinquent property taxes on property owned by the person.[2] This authority was granted to Davie and Lincoln Counties in 2006,[3] to Gates County in 2007,[4] and to Alexander, Alleghany, Anson, Bertie, Catawba, Chowan, Stokes, Surry and Tyrell Counties in 2009.[5] In 2010, Currituck County was added to the list of counties previously authorized to deny issuance of a building permit to a person who owes delinquent property taxes.[6]

County Authority to Deny Registration of Deed for Delinquent Property Taxes: 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 73 counties to which this provision currently applies.[7]

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[1] S.L. 2010-30, s. 1 &2 applied to Currituck County.
[2] S.L. 2005-433, s. 3(b).
[3] S.L. 2006-150, s. 2.
[4] S.L. 2007-58, s. 1.
[5] S.L. 2009-117, s. 1.
[6] S.L. 2010-30, s. 3.
[7] 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.

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[8]
Ashe County	S.L. 1993-657, as amended by S.L. 1997-410 and S.L. 2005-433[9]
Alleghany County	S.L. 1997-410
Mitchell County	S.L. 1987-537, as amended by S.L. 1997-410 and S.L. 1999-326[10]

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:

Sections 1(a) and (b) of House Bill 296 authorize Sampson County to enact an ordinance prohibiting issuance of a special use permit or conditional use permit to a person who owes delinquent property taxes.

Section 2 of House Bill 296 amends G.S. 153A-357 to authorize Sampson County to enact an ordinance to prohibit the issuance of a building permit to a delinquent taxpayer.

Section 3 of House Bill 296 amends G.S. 161-31(b) to add Sampson 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: House Bill 296 would become effective when it becomes law.

**Theresa Matula, counsel to Government; Cindy Avrette, Trina Griffin, and Greg Roney, counsel to Finance; substantially contributed to this summary.*

H296-SMSA-99(CSSA-79) v1

[8] The Town of Newland was added in 1997; the Town of Banner Elk was added in 1998.

[9] 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.

[10] 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 437
Committee Substitute Favorable 6/8/11

Short Title: NH County Commissioners Accountability Act. (Local)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF THE AIRPORT AUTHORITY APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. It is the duty of the New Hanover County Board of Commissioners (Board) to provide oversight of, and to be accountable for, the activities of the authorities, boards, committees, and commissions acting under the Board's control or authority. To that end, the Board shall monitor the activities of the Airport Authority in order (i) to evaluate whether continued County funding is warranted in each case, as appropriate, and (ii) to determine whether the Board's appointees are carrying out their respective responsibilities in the best interest of New Hanover County.

SECTION 2. Notwithstanding any provision of law to the contrary, the members of the entities listed in Section 1 of this act who are appointed by the Board serve at the pleasure of the Board and may be removed by the Board immediately at any time upon the majority vote of the members of the Board.

SECTION 3. This act applies to New Hanover County only.

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

HOUSE BILL 437:
NH County Commissioners Accountability Act

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 5, 2012
Introduced by:	Rep. McComas	**Prepared by:**	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 437 requires the Board of Commissioners of New Hanover County to provide oversight of, and be accountable for, the activities of the Airport Authority.

BILL ANALYSIS: The bill:

- Declares it to be the duty of the New Hanover County Board of Commissioners to provide oversight of and be accountable for the activities of the authorities, boards, committees, and commissions acting under the Board's control or authority.
- Requires the Board to monitor activities of the County's Airport Authority (1) to evaluate whether continued County funding of the Airport Authority is warranted and (2) to determine if the Board's appointees to the Airport Authority are carrying out their responsibilities in the best interest of the County.
- Authorizes the Board to remove a Board appointee to any of the entities acting under the Board's control or authority immediately upon the majority vote of the Board.

EFFECTIVE DATE: The act is effective when it becomes law and applies to New Hanover County only.

H437-SMRN-84(e2) v4

Erika Churchill, Counsel to the House Government Committee, and Bill Patterson, Counsel to the House Rules Committee, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 180
PROPOSED SENATE COMMITTEE SUBSTITUTE H180-CSRWx-74 [v.3]

6/4/2012 8:09:01 PM

Short Title: Wilmington Voluntary Annexations. (Local)

Sponsors:

Referred to:

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the City of Wilmington are extended to include the following described area:

Belle Meade Plaza Tract: Commencing at an existing concrete monument in the centerline of St. Andrews Drive at its intersection with the north right-of-way line of U.S. 421 (Carolina Beach Road); thence along and with the north line of Carolina Beach Road South 39 degrees, 30 minutes, 53 seconds East a distance of 501.00 feet to an existing iron pipe, said pipe being the Point of Beginning; thence North 50 degrees, 25 minutes, 51 seconds East a distance of 200.00 feet to a point; thence North 39 degrees, 30 minutes, 53 seconds West a distance of 49.88 feet to an existing iron pipe; thence North 50 degrees, 29 minutes, 05 seconds East a distance of 732.86 feet to a point; thence North 40 degrees, 35 minutes, 47 seconds West a distance of 24.42 feet to a point; thence North 04 degrees, 24 minutes, 13 seconds East a distance of 45.26 feet to a point; thence North 40 degrees, 35 minutes, 46 seconds West a distance of 293.65 feet to a point; thence following along a curve to the left (Arc=50.11', Radius=170.00') a chord which bears North 49 degrees 02 minutes 29 seconds West a chord distance of 49.93 feet to a point; thence South 50 degrees, 29 minutes, 21 seconds West a distance of 627.43 feet to a point; thence North 03 degrees, 34 minutes, 31 seconds East a distance of 398.81 feet to a point; thence North 50 degrees, 28 minutes, 31 seconds East a distance of 299.73 feet to an existing iron pipe; thence South 03 degrees, 37 minutes, 27 seconds West a distance of 275.57 feet to an existing iron pipe; thence North 50 degrees, 23 minutes, 26 seconds East a distance of 1384.07 feet to an existing iron pipe; thence North 17 degrees, 05 minutes, 15 seconds East a distance of 225.05 feet to an existing iron pipe; thence South 46 degrees, 53 minutes, 49 seconds East a distance of 595.10 feet to a point; thence South 40 degrees, 53 minutes, 56 seconds West a distance of 39.64 feet to a point located in the Run of Barnard's Creek; thence North 67 degrees, 36 minutes, 33 seconds West a distance of 250.15 feet to a point; thence North 66 degrees, 54 minutes, 20 seconds West a distance of 131.32 feet to a point; thence South 49 degrees, 36 minutes, 10 seconds West a distance of 53.47 feet to a point; thence South 62 degrees, 59 minutes, 20 seconds West a distance of 202.70 feet to a point; thence South 04 degrees, 50 minutes, 57 seconds East a distance of 92.97 feet to a point; thence South 23 degrees, 24 minutes, 26 seconds East a distance of 167.04 feet to an existing iron pipe; thence South 39 degrees, 26 minutes, 08 seconds East a

distance of 51.43 feet to an existing iron pipe; thence South 18 degrees, 32 minutes, 11 seconds East a distance of 28.38 feet to a point; thence South 36 degrees, 31 minutes, 16 seconds East a distance of 66.14 feet to a point; thence South 13 degrees, 23 minutes, 36 seconds East a distance of 21.16 feet to an existing iron pipe; thence South 50 degrees, 30 minutes, 17 seconds West a distance of 11.18 feet to a point; thence South 05 degrees, 34 minutes, 46 seconds East a distance of 220.98 feet to an existing iron pipe; thence South 03 degrees, 35 minutes, 59 seconds East a distance of 19.56 feet to an existing iron pipe; thence South 03 degrees, 35 minutes, 21 seconds East a distance of 203.30 feet to an existing iron pipe; thence South 03 degrees, 06 minutes, 22 seconds East a distance of 68.14 feet to an existing iron pipe; thence South 67 degrees, 36 minutes, 46 seconds East a distance of 166.66 feet to a point; thence South 50 degrees, 44 minutes, 58 seconds West a distance of 442.58 feet to an existing iron pipe; thence South 50 degrees, 23 minutes, 58 seconds West a distance of 1093.30 feet to an existing iron pipe; thence South 50 degrees, 23 minutes, 58 seconds West a distance of 0.70 feet to a point located in the north right-of-way line of U.S. 421 (Carolina Beach Road); thence along and with said north right-of-way line North 39 degrees, 30 minutes, 53 seconds West a distance of 365.27 feet to an existing iron pipe; thence North 50 degrees, 26 minutes, 55 seconds East a distance of 200.00 feet to an existing iron pipe; thence North 39 degrees, 30 minutes, 53 seconds West a distance of 50.00 feet to an existing iron pipe; thence South 50 degrees, 26 minutes, 55 seconds West a distance of 200.00 feet to an existing R.R. spike located in the north right-of-way line of U.S. 421 (Carolina Beach Road); thence along and with said north right-of-way line North 39 degrees, 30 minutes, 53 seconds West a distance of 100.00 feet to the Point of Beginning; containing 34.69 acres, more or less. Subject to all of Grantor's right, title and interest, if any, in the following: (1) "Non-exclusive access easement for ingress and egress" as recorded in Book 4137 Page 0536 at the New Hanover County Registry. (2) "20' x 50' Bellsouth Easement" as recorded in Book 4639 Page 0721 at the New Hanover County Registry. (3) "Deed of Easement" for Progress Energy Carolinas, Inc. as recorded in Book 4169 Page 239 at the New Hanover County Registry. (4) "90-Foot Wide Carolina Power & Light Company right-of-way" as recorded in Book 3760 Page 405 at the New Hanover County Registry. (5) "30' Public Sanitary Sewer Easement" per New Hanover County As-Built of "Sanitary Sewer Locations Johnson Farm" Dated January 4, 1987. (6) "30' Public Sanitary Sewer Easement" per Carolina Power & Light Co. survey map prepared by: Moore, Gardner & Associates, Inc. Dated May 1971, Revised date: December 16, 1999. Added sanitary sewer easement per New Hanover County. Together with all of Grantor's right, title and interest, if any, in the following: (1) "25' Drainage and Utility Easement" as recorded in Book 4765 Page 0803 at the New Hanover County Registry. (2) "Deed of Right-of-Way" Tract 1 St. Andrews Place II as recorded in Book 4897 Page 0148 at the New Hanover County Registry. (3) "Reciprocal Easement" Tract 2 and Tract 3 St. Andrews Place II as recorded in Book 4897 Page 0156 at the New Hanover County Registry.

SECTION 2. The corporate limits of the City of Wilmington are extended to include the following described area:

Lockwood Village Apartments Tract: Commencing at an old concrete monument situated at point and place where the centerline of Greenbriar Road (S.R. 1698, being 60 feet in width) intersects the easterly right-of-way of South College Road (NC Highway 132, being 200 feet in width) and runs thence N 57-34-35 W, 232.65 feet to an old concrete monument located in the westerly right-of-way of said College Road, said monument lying at the south easterly corner of the United Advent Christian Church, Inc. property (now or formerly) as recorded in Deed Book 1873, Page 9070; thence along the southerly line of said United Advent Christian Church, Inc. property N 70-06-47 W, 408.0 feet to the south easterly corner of the Simpson Property (now or formerly), as recorded in Deed Book 1851, Page 405 and the point and place of beginning of this description. Thence N 70-06-47 W, 331.26 feet to the southeasterly corner of the Myrtle Properties LLC property (now or formerly) as shown on an easement plat recorded

in Map Book 54, Page 277; Thence along the southeasterly line of said Myrtle Properties LLC property N 25-54-03 E, 382.24 feet to a point; Thence S 71-37-38 E, 566.40 feet to a point of the westerly right-of-way of said College Road; Thence along the right-of-way of said College Road S 01-16-52 W, 248.55 feet to a point; Thence N 70-06-49 W, 354.29 feet to a point; Thence S 19-53-13 W, 159.54 feet to the point of beginning. The above described parcel contains 4.42 acres, more or less, and is a combination of record information described in record deeds (Book/Page) 4962/296, 1905/485, and 1851/405, and is not a result of a boundary survey. The bearing directions have been rotated to a bearing base as shown on Map Book 54, Page 277.

SECTION 3. The corporate limits of the City of Wilmington are extended to include the following described area:

Certain parcel or parcels of land situated in Masonboro Township, New Hanover County, North Carolina and being more particularly described as follows: Beginning at a point on the mean high water line along the Eastern Bank of The Cape Fear River and the southern bank and mouth of Barnard's Creek , said point having NC GRID NAD 83(86) coordinates of North 149760.05 and East 2319807.02 and being located South 62° 54' 02" West 1733.67 feet from a point in the centerline of Barnard's Creek Bridge on River Road, said centerline point having NC GRID NAD 83(86) coordinates of North 150478.77 and East 2321328.74, said point being the true Point of Beginning; Thence from said Point of Beginning, along the eastern bank of said Cape Fear River the following courses and distances: S 01° 07' 11" E 400.25 feet, S 09° 04' 11" W 68.47 feet, S 00° 19' 35" E 47.79 feet, S 32° 18' 52 W 34.11 feet, S 01° 13' 39" W 45.88 feet, S 12° 03' 24" W 36.72 feet, S 21° 28' 10" W 25.70 feet, S 00° 06' 15" W 32.82 feet, S 08° 17' 04" W 100.02 feet, S 16° 08' 19" W 98.71 feet, S 38° 12' 53" W 37.66 feet, S 18° 02' 03" W 73.66 feet, S 29° 55' 48" W 119.32 feet, S 27° 01' 35" W 44.69 feet, S 15° 32' 10 W" 54.99 feet, S 33° 19' 47" E 108.56 feet, S 13° 01' 34" E 79.17 feet, S 24° 40' 46" E 63.75 feet, S 18° 33' 42" E 75.11 feet, S 13° 21' 04" E 149.64 feet, S 19° 17' 08" E 80.31 feet, S 24° 57' 12" E 72.60 feet, and S 06° 48' 54" E 5.17 feet; thence leaving said eastern bank South 62° 54' 02" West 880.44 feet to a point; thence North 00 00' 00" East 1761.24 feet to a point; thence North 62° 54' 02" East 881.82 feet to the Point of Beginning, containing 28.919 Acres, more or less.

SECTION 4. This act is effective July 1, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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

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.

Whereas, there is concern about the current annexation policy of North Carolina; and

Whereas, the 2011 General Assembly will be considering comprehensive annexation reform; and

Whereas, it is good policy to preserve the status quo in pending annexations under appeal until the General Assembly has the opportunity to address this issue and decide the extent to which reform should apply to current annexation ordinances; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The operation of Ordinance O-2009-29, adopted by the City Council of the City of Wilmington on May 5, 2009, entitled "ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF WILMINGTON UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA," is suspended until December 31, 2012. Nothing in this section validates any action of the City of Wilmington in adopting the ordinance.

SECTION 2. This act is effective from and after May 5, 2009.

HOUSE BILL 180:
Wilmington Voluntary Annexations

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 3, 2012
Introduced by:	Reps. McComas, Justice	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to First Edition H180-CSRWx-74		Committee Counsel

SUMMARY: House Bill 180 annexes three described areas into the City of Wilmington

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. As the municipality is receiving more tax revenue from the added area, the municipality must provide (or contract to provide) basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municpality may annex an area.

- Voluntary Annexation. The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation. The municipality initiates annexation proceeding, pursuant to statutory requirements.
- Legislative Act. The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: House Bill 180 annexes into the corporate limits of the City of Wilmington three described tracts.

EFFECTIVE DATE: This act becomes effective July 1, 2012.

H180-SMRW-194(CSRWx-74) v4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 438
PROPOSED SENATE COMMITTEE SUBSTITUTE H438-CSSQ-81 [v.1]

6/4/2012 5:02:20 PM

Short Title: Accountable Co. Comms./Expand Loc. Bd. Auth. (Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-77 reads as rewritten:

"**§ 153A-77. Authority of boards of commissioners in certain counties over commissions, boards, agencies, etc.**

(a) In the exercise of its jurisdiction over commissions, boards and agencies, the board of county commissioners may assume direct control of any activities theretofore conducted by or through any commission, board or agency by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities and duties of any such commission, board or agency. This ~~subsection~~section shall apply to the board of health, the social services board, area mental health, developmental disabilities, and substance abuse area board ~~and~~or any other commission, board or agency appointed by the board of county commissioners or acting under and pursuant to authority of the board of county commissioners of said county except as provided in G.S. 153A-76. A board of county commissioners exercising the power and authority under this subsection may, notwithstanding G.S. 130A-25, enforce public health rules adopted by the board through the imposition of civil penalties. If a public health rule adopted by a board of county commissioners imposes a civil penalty, the provisions of G.S. 130A-25 making its violation a misdemeanor shall not be applicable to that public health rule unless the rule states that a violation of the rule is a misdemeanor. The board of county commissioners may exercise the power and authority herein conferred only after a public hearing held by said board pursuant to 30 days' notice of said public hearing given in a newspaper having general circulation in said county.

The board of county commissioners may also appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the board of county commissioners of said county.

A board of county commissioners that has assumed direct control of a local health board and that does not delegate the powers and duties of that board to a consolidated health service

board shall appoint an advisory committee consistent with the membership described in of 130A-35.

(b) In the exercise of its jurisdiction over commissions, boards, and agencies, the board of county commissioners of a county having a county manager pursuant to G.S. 153A-81 may:

(1) Consolidate ~~the provision~~certain provisions of human services in the county under the direct control of a human services director appointed and supervised by the county manager in accordance with subsection (e) of this section;

(2) Create a consolidated human services board having the powers conferred by subsection (c) of this section;

(3) Create a consolidated county human services agency having the authority to carry out the functions of any combination of commissions, boards or agencies appointed by the board of county commissioners or acting under and pursuant to authority of the board of county commissioners including the local health department, the county department of social services, ~~and~~or the area mental health, developmental disabilities, and substance abuse services authority; and

(4) Assign other county human services functions to be performed by the consolidated human services agency under the direction of the human services director, with policy-making authority granted to the consolidated human services board as determined by the board of county commissioners.

(c) A consolidated human services board appointed by the board of county commissioners shall serve as the policy-making, rule-making, and administrative board of the consolidated human services agency. The consolidated human services board shall be composed of no more than 25 members. The composition of the board shall reasonably reflect the population makeup of the county and shall include:

(1) Eight persons who are consumers of human services, public advocates, or family members of clients of the consolidated human services agency, including: one person with mental illness, one person with a developmental disability, one person in recovery from substance abuse, one family member of a person with mental illness, one family member of a person with a developmental disability, one family member of a person with a substance abuse problem, and two consumers of other human services.

(1a) Notwithstanding subdivision (1) of this subsection, a consolidated human service board not exercising powers and duties of an area mental health, developmental disabilities, and substance abuse services board shall include four persons who are consumers of human services.

(2) Eight persons who are professionals, each with qualifications in one of these categories: one psychologist, one pharmacist, one engineer, one dentist, one optometrist, one veterinarian, one social worker, and one registered nurse.

(3) Two physicians licensed to practice medicine in this State, one of whom shall be a psychiatrist.

(4) One member of the board of county commissioners.

(5) Other persons, including members of the general public representing various occupations.

The board of county commissioners may elect to appoint a member of the consolidated human services board to fill concurrently more than one category of membership if the member has the qualifications or attributes of more than one category of membership.

All members of the consolidated human services board shall be residents of the county. The members of the board shall serve four-year terms. No member may serve more than two

consecutive four-year terms. The county commissioner member shall serve only as long as the member is a county commissioner.

The initial board shall be appointed by the board of county commissioners upon the recommendation of a nominating committee comprised of members of the preconsolidation board of health, social services board, and area mental health, developmental disabilities, and substance abuse services board. In order to establish a uniform staggered term structure for the board, a member may be appointed for less than a four-year term. After the subsequent establishment of the board, its board shall be appointed by the board of county commissioners from nominees presented by the human services board. Vacancies shall be filled for any unexpired portion of a term.

A chairperson shall be elected annually by the members of the consolidated human services board. A majority of the members shall constitute a quorum. A member may be removed from office by the county board of commissioners for (i) commission of a felony or other crime involving moral turpitude; (ii) violation of a State law governing conflict of interest; (iii) violation of a written policy adopted by the county board of commissioners; (iv) habitual failure to attend meetings; (v) conduct that tends to bring the office into disrepute; or (vi) failure to maintain qualifications for appointment required under this subsection. A board member may be removed only after the member has been given written notice of the basis for removal and has had the opportunity to respond.

A member may receive a per diem in an amount established by the county board of commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county board of commissioners. The board shall meet at least quarterly. The chairperson or three of the members may call a special meeting.

(d) The consolidated human services board shall have authority to:

(1) Set fees for departmental services based upon recommendations of the human services director. Fees set under this subdivision are subject to the same restrictions on amount and scope that would apply if the fees were set by a county board of health, a county board of social services, or a mental health, developmental disabilities, and substance abuse area authority.

(2) Assure compliance with laws related to State and federal programs.

(3) Recommend creation of local human services programs.

(4) Adopt local health regulations and participate in enforcement appeals of local regulations.

(5) Perform regulatory health functions required by State law.

(6) Act as coordinator or agent of the State to the extent required by State or federal law.

(7) Plan and recommend a consolidated human services budget.

(8) Conduct audits and reviews of human services programs, including quality assurance activities, as required by State and federal law or as may otherwise be necessary periodically.

(9) Advise local officials through the county manager.

(10) Perform public relations and advocacy functions.

(11) Protect the public health to the extent required by law.

(12) Perform comprehensive mental health services ~~planning.~~planning if the county is exercising the powers and duties of an area mental health, developmental disabilities, and substance abuse services board under the consolidated human services board.

(13) Develop dispute resolution procedures for human services contractors and clients and public advocates, subject to applicable State and federal dispute resolution procedures for human services programs, when applicable.

Except as otherwise provided, the consolidated human services board shall have the powers and duties conferred by law upon a board of health, a social services board, and an area mental health, developmental disabilities, and substance abuse services board.

Local employees who serve as staff of a consolidated county human services agency are subject to county personnel policies and ordinances only and are not subject to the provisions of the State Personnel ~~Act.~~ Act, unless the county board of commissioners elects to subject the local employees to the provisions of that Act. All consolidated county human services agencies shall comply with all applicable federal laws, rules, and regulations requiring the establishment of merit personnel systems.

(e) The human services director of a consolidated county human services agency shall be appointed and dismissed by the county manager with the advice and consent of the consolidated human services board. The human services director shall report directly to the county manager. The human services director shall:

(1) Appoint staff of the consolidated human services agency with the county manager's approval.

(2) Administer State human services programs.

(3) Administer human services programs of the local board of county commissioners.

(4) Act as secretary and staff to the consolidated human services board under the direction of the county manager.

(5) Plan the budget of the consolidated human services agency.

(6) Advise the board of county commissioners through the county manager.

(7) Perform regulatory functions of investigation and enforcement of State and local health regulations, as required by State law.

(8) Act as an agent of and liaison to the State, to the extent required by law.

Except as otherwise provided by law, the human services director or the director's designee shall have the same powers and duties as a social services director, a local health director, ~~and~~or a director of an area mental health, developmental disabilities, and substance abuse services authority.

~~(f) This section applies to counties with a population in excess of 425,000.~~"

SECTION 2. G.S. 153A-76 reads as rewritten:

"**§ 153A-76. Board of commissioners to organize county government.**

The board of commissioners may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the county government, may impose ex officio the duties of more than one office on a single officer, may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs, subject to the following limitations:

(1) The board may not abolish an office, position, department, board, commission, or agency established or required by law.

(2) The board may not combine offices or confer certain duties on the same officer when this action is specifically forbidden by law.

(3) The board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency.

(4) The board may not change the composition or manner of selection of a local board of education, ~~the board of health, the board of social services,~~ the board of elections, or the board of alcoholic beverage control.

(5) The board may not abolish nor consolidate into a human service agency a hospital authority assigned to provide public health services pursuant to Section 12 of S. L. 1997-502.

(6) A board may not consolidate an area mental health, developmental disabilities, and substance abuse board into a consolidated human services board. The board may not abolish an area mental health, developmental disabilities, and substance abuse board, except as provided in Chapter 122C of the General Statutes. This subdivision shall not apply to any board that has exercised the powers and duties of an area mental health, developmental disabilities, and substance abuse services board as of January 1, 2012.

(7) The board may not abolish, assume control over, or consolidate into a human services agency a public hospital as defined in G.S. 159-39(a) pursuant to G.S. 153A-77."

SECTION 3. Article 2 of Chapter 130A of the General Statutes is amended by adding the following new sections to read:

"**§ 130A-34.3. Incentive program for public health improvement.**

(a) In order to promote efficiency and effectiveness of the public health delivery system, the Department shall establish a Public Health Improvement Incentive Program. The Program shall provide monetary incentives for the creation and expansion of multicounty local health departments serving a population of not less than 75,000.

(b) The Commission shall adopt rules to implement the Public Health Improvement Incentive Program.

"**§ 130A-34.4. Strengthening local public health infrastructure.**

(a) By July 1, 2014, in order for a local health department to be eligible to receive State and federal public health funding from the Division of Public Health, the following criteria shall be met:

(1) A local health department shall obtain and maintain accreditation pursuant to G.S. 130A-34.1.

(2) The county or counties comprising the local health department shall maintain operating appropriations to local health departments from local ad valorem tax receipts at levels equal to amounts appropriated in State fiscal year 2010-2011.

(b) The criteria established in subsection (a) of this section shall be in addition to any other funding criteria established by State or federal law."

SECTION 4. G.S. 130A-1.1(b) is rewritten to read:

"(b) A local health department shall assure that the following 10 essential public health services are available and accessible to the population in each county served by the local health department:

(1) Monitoring health status to identify community health problems.

(2) Diagnosing and investigating health hazards in the community.

(3) Informing, educating, and empowering people about health issues.

(4) Mobilizing community partnerships to identify and solve health problems.

(5) Developing policies and plans that support individual and community health efforts.

(6) Enforcing laws and regulations that protect health and ensure safety.

(7) Linking people to needed personal health care services and assuring the provision of health care when otherwise unavailable.

(8) Assuring a competent public health workforce and personal health care workforce.

(9) Evaluating effectiveness, accessibility, and quality of personal and population-based health services.

(10) Conducting research.

~~As used in this section, the term "essential public health services" means those services that the State shall ensure because they are essential to promoting and contributing to the highest~~

~~level of health possible for the citizens of North Carolina. The Departments of Environment and Natural Resources and Health and Human Services shall attempt to ensure within the resources available to them that the following essential public health services are available and accessible to all citizens of the State, and shall account for the financing of these services:~~

~~(1) Health Support:~~

~~a. Assessment of health status, health needs, and environmental risks to health;~~

~~b. Patient and community education;~~

~~c. Public health laboratory;~~

~~d. Registration of vital events;~~

~~e. Quality improvement; and~~

~~(2) Environmental Health:~~

~~a. Lodging and institutional sanitation;~~

~~b. On-site domestic sewage disposal;~~

~~c. Water and food safety and sanitation; and~~

~~(3) Personal Health:~~

~~a. Child health:~~

~~b. Chronic disease control;~~

~~c. Communicable disease control;~~

~~d. Dental public health;~~

~~e. Family planning;~~

~~f. Health promotion and risk reduction;~~

~~g. Maternal health; and~~

~~(4) Public Health Preparedness.~~

~~The Commission for Public Health shall determine specific services to be provided under each of the essential public health services categories listed above.~~"

SECTION 5. The Department of Health and Human Services shall allocate, from funds appropriated, the sum of five million dollars ($5,000,000) to the Division of Public Health to provide incentives to local health departments through the Public Health Improvement Incentive Program.

SECTION 6. The Program Evaluation Division of the General Assembly shall study the feasibility of the transfer of all functions, powers, duties, and obligations vested in the Division of Public Health in the Department of Health and Human Services to the University of North Carolina Healthcare System and/or the School of Public Health at The University of North Carolina and submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services no later than February 1, 2013.

SECTION 7. Section 5 of this act becomes effective July 1, 2012. The remainder of this act is effective when it becomes law.

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

A BILL TO BE ENTITLED

AN ACT EXTENDING THE AUTHORITY OF CERTAIN BOARDS OF COUNTY COMMISSIONERS OVER LOCAL BOARDS, AGENCIES, AND COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-77(f) reads as rewritten:

"(f) This section applies to coastal counties with a population in excess of 200,000 and to other counties with a population in excess of 425,000."

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:	Senate State and Local Government	**Date:**	June 4, 2012
Introduced by:	Rep. McComas	**Prepared by:**	Denise Adams
Analysis of:	PCS to First Edition		Shawn Parker
	H438-CSSQ-81		Legislative Analysts

SUMMARY: ***The Senate Proposed Committee Substitute to House Bill 438 would authorize a board of county commissioners (Board) to assume direct control of activities conducted by certain boards, commissions, and agencies and would establish a Public Health Improvement Incentive Program, would limit State and federal pass through funding to health departments meeting certain statutory qualifications, and would codify "the ten essential health services" of local health departments, and would direct a study of the transfer functions and duties of Division of Public Health.***

BILL ANALYSIS: The Senate PCS to House Bill 438 removes the minimum population threshold of 425, 000 to allow any county's board of county commissions to assume direct control of activities conducted commissions, boards, or agencies appointed by or acting under the authority of the board of county commissioners subject to certain statutory restrictions. The bill allows the board of commissioners to elect to subject employees who serve as staff to the consolidated human service agency to the provisions of the State Personnel Act.

The PCS establishes within the Department of Health and Human Services, a Public Health Improvement Incentive Program to provide monetary incentives for local health departments that serve catchments of 75,000 people or more and directs the Commission for Public Health to adopt rules to implement the program. The PCS further provides that by July 1, 2014, in order to receive State and federal pass through funding a local health department shall be accredited and be organized as a district health department, a single/multi-county health authority, or a consolidated human service agency created on or before July 1, 2014. Counties are directed to maintain local health department funding at the current fiscal year local ad valorem tax receipts.

The PCS rewrites the essential public health services provision of the public health law and codifies ten essential public health services. *The ten essential public health services were originally created by a U.S. Centers for Disease Control and Prevention steering committee.* The PCS directs the Department to allocate $5,000,000 from funds appropriated to the Division of Public Health to implement the Public Health Improvement Incentive Program.

The PCS directs the Program Evaluation Division to study the feasibility of a transfer of functions, duties, and obligations of the Division of Public Health to the UNC Healthcare System and/or the School of Public Health at The University of North Carolina and provide a report by February 1, 2013.

EFFECTIVE DATE: Section 3 of the PCS is effective July 1, 2012, and the remainder of the bill is effective when it becomes law.

H438-SMTB-33(CSSQ-81) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 511
Committee Substitute Favorable 4/21/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H511-CSRF-55 [v.1]

6/1/2012 2:56:16 PM

Short Title: Goldsboro-Wayne Airport Authority. (Local)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. The Goldsboro-Wayne Airport Authority shall cease to exist at midnight on June 30, 2012, and all of its property shall become the property of Wayne County.

SECTION 2. Nothing in this act shall be deemed to affect any pending litigation involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 511
Committee Substitute Favorable 4/21/11

Short Title: Goldsboro-Wayne Airport Authority. (Local)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. The Goldsboro-Wayne Airport Authority shall cease to exist at midnight on June 30, 2011, and all of its property shall become the property of Wayne County.

SECTION 2. Nothing in this act shall be deemed to affect any pending litigation involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.

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

HOUSE BILL 511:
Goldsboro-Wayne Airport Authority

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 1, 2012
Introduced by:	Reps. Sager, Bell, LaRoque	**Prepared by:**	Barbara Riley
Analysis of:	PCS to Second Edition		Committee Counsel
	H511-CSRF-55		

SUMMARY: House Bill 511 dissolves the Goldsboro-Wayne Airport Authority. The proposed committee substitute makes the dissolution effective June 30, 2012(was June 30, 2011).

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, 2012. The pcs smply updates the effective date of dissolution. The bill provides that the dissolution does not affect any pending litigation.

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

H511-SMRF-126(CSRF-55) v2

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, June 05, 2012

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

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

S.B. **859** Pilot Mountain Even-Year Municipal Elections.

Draft Number:	PCS95233
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

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

H.B. **328** Wayne Sheriff Vacancies.

Draft Number:	PCS70292
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **296** Sampson-Delinquent Taxpayers.

Draft Number:	PCS70291
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **437** NH County Commissioners Accountability Act.

Draft Number:	PCS70294
Sequential Referral:	None
Recommended Referral:	None

Long Title Amended: No

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Tuesday, June 05, 2012

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

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

H.B. **180** Wilmington Annexation Suspension.

Draft Number:	PCS90249
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	Yes

H.B. **438** Accountable Co. Comms./Expand Loc. Bd. Auth.

Draft Number:	PCS70290
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **511** Goldsboro-Wayne Airport Authority.

Draft Number:	PCS70293
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

Sen. Walters to present bills: H180, H511, 438

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 5, 2012

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Leonard	NCACC
David Thompson	NCACC
Rebecca Troutman	NCACC
Rep Cody Justice	House 16
Robert Joyner	City of Durham
Nathan McHenry	City of Durham
Lynn Jr	NCPHA
Scott Whisnant	New Hanover Regional Medical Center

VISITOR REGISTRATION SHEET

State and Local Government — 6/5/12

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karmisha Wallace	City of Durham
Don O'Toole	City of Durham
Skeria Reid	IOG
Colleen Kochanek	KLG
Sarah Wolfe	MWC
George Smith	Williams Mullen
Sam Sears	
Mattox McEwen	Carolinas HealthCare

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Thursday, June 7, 2012 at 11:00 AM
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 11:00 AM on June 7, 2012, in Room 1124 of the Legislative Building. Twelve members of the committee were present. Sen. Davis presided.

Senator Davis called the meeting to order, welcomed the Committee and visitors, thanked the Sergeants-at-Arms, and welcomed Senate Pages, Ruth Jackson (Harrisburg), Emma Blackwell (Roanoke Rapids), Luke Glenn (Marion), Hunter Wainwright (Old Fort), and Julia Chavis (Raleigh).

House Bill 488 PRTF/Extend Nashville Waiver and Senate Bill 947 Lower Cape Fear Design Build were removed from the agenda at the requests of the bills' sponsors.

After explaining the full agenda and tight schedule, Senator Davis asked the Committee to consider bundling multiple bills into one action. He reviewed recommended referrals for each bill. Senator East moved to bundle and the motion passed. The following bills were bundled, Senator Pate motioned for the bills to move out of committee and his motions passed:

- Senate Bill 939 Fayetteville Review Board
- Senate Bill 941 Graham/Swain TVA Allocation Border, sequential referral to Finance
- Senate Bill 942 Fontana Dam Occupancy Tax, recommended referral to Finance
- Senate Bill 900 Surf City Deannexation, recommended referral to Finance
- Senate Bill 901 Ocean Isle Beach Satellite Annexations, recommended referral to Finance
- Senate Bill 934 Lower Cape Fear Design-Build
- Senate Bill 945 Modify Southport Occupancy Tax, recommended referral to Finance
- Senate Bill 946 Town of Burgaw/Deannexation, recommended referral to Finance
- Senate Bill 906 Nags Head Conveyance
- Senate Bill 919 Carteret Commissioner Election
- Senate Bill 918 Amend Durham County Occupancy Tax Uses, recommended referral to Finance

House Bill 322 Haywood School Board Filing Period was explained by Representative Haire. Senators Davis' and Jones' questions were answered by Representative Haire. Senator Jones motioned for the bill to move out of Committee and the motion passed.

House Bill 552, (CS #2) was explained by Representative McGrady. Senators Nesbitts', Kinnairds', and Pates' questions were answered by Representative McGrady. The Committee, with a motion from Senator Nesbitt, moved unfavorable as to Committee Substitute #2, but favorable as to Senate Committee Substitute with sequential/recommended referral to Finance.

House Bill (CS #1) 605 Expand Setoff Debt Collection Act was explained by Representative McElraft. Senator Pate moved to accept the Committee Substitute and the motion passed with sequential/recommended referral to Finance.

Senate Bill 944 Town of Wallace/Satellite Annexations was explained by Senator Jackson. A Committee Substitute was offered and Sen. East motioned for a vote of unfavorable as to bill, but favorable as to Committee Substitute Bill. The motion carried. The bill was referred to Finance.

Senate Bill 949 Town of Boone/ETJ -- Senator Soucek brought forth a Senate Committee Substitute, requested that the 24 hour notice requirement be waived and his request was granted. He and explained the bill. Senators East's and Pates' questions were answered by Senator Soucek. Loretta Clawson, Mayor of Boone, and Lee Stroupe, Boone resident spoke against the bill. Senators East's, Goolsby's and Jones' questions were answered by Gerry Cohen. Senator Goolsby moved to adopt the Committee Substitute. The motion carried for unfavorable as to bill, but favorable as to Committee Substitute with a recommended referral to Finance.

The meeting adjourned at 11:53 AM.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Thursday, June 7, 2012, 11:00 AM
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 939	Fayetteville Review Board.	Senator Meredith
SB 941	Graham/Swain TVA Allocation/Border.	Senator Davis
SB 942	Fontana Dam Occupancy Tax.	Senator Davis
HB 488	PRTF/Extend Nashville Waiver.	Representative Collins
SB 900	Surf City Deannexation.	Senator Rabon
SB 901	Ocean Isle Beach Satellite Annexations.	Senator Rabon
SB 934	Lower Cape Fear Design-Build.	Senator Rabon
SB 945	Modify Southport Occupancy Tax.	Senator Rabon
SB 946	Town of Burgaw/Deannexation.	Senator Rabon
SB 947	Lower Cape Fear Design-Build.	Senator Rabon
SB 906	Nags Head Conveyance.	Senator White
HB 322	Haywood School Board Filing Period.	Representative Rapp Representative Haire
SB 919	Carteret Commissioner Election.	Senator Preston
SB 918	Amend Durham County Occupancy Tax Uses.	Senator McKissick
HB 552	Greater Asheville Reg. Airport Authority.	Senator Atwater Representative McGrady
HB 605	Expand Setoff Debt Collection Act.	Representative Moffitt Representative McElraft
SB 944	Town of Wallace/Satellite Annexations.	Senator Jackson
SB 949	Town of Boone/ETJ.	Senator Soucek

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected: Please notice room change.

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Thursday	June 7, 2012	11:00 AM	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 488	PRTF/Extend Nashville Waiver.	Representative Collins
SB 900	Surf City Deannexation.	Senator Rabon
SB 901	Ocean Isle Beach Satellite Annexations.	Senator Rabon
SB 934	Lower Cape Fear Design-Build.	Senator Rabon
SB 941	Graham/Swain TVA Allocation/Border.	Senator Davis
SB 942	Fontana Dam Occupancy Tax.	Senator Davis
SB 945	Modify Southport Occupancy Tax.	Senator Rabon
SB 946	Town of Burgaw/Deannexation.	Senator Rabon
SB 947	Lower Cape Fear Design-Build.	Senator Rabon
SB 939	Fayetteville Review Board.	Senator Meredith
SB 949	Town of Boone/ETJ.	Senator Soucek
SB 906	Nags Head Conveyance.	Senator White
HB 322	Haywood School Board Filing Period.	Representative Rapp Representative Haire
SB 944	Town of Wallace/Satellite Annexations.	Senator Jackson
SB 919	Carteret Commissioner Election.	Senator Preston
SB 918	Amend Durham County Occupancy Tax Uses.	Senator McKissick Senator Atwater
HB 552	Greater Asheville Reg. Airport Authority.	Representative McGrady Representative Moffitt
HB 605	Expand Setoff Debt Collection Act.	Representative McElraft

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

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.

SENATE BILL 939:
Fayetteville Review Board

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 6, 2012
Introduced by:	Sen. Meredith	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 939 authorizes the Fayetteville city manager or chief of police to disclose limited information to a citizen review board regarding the disposition of disciplinary charges against police officers.***

CURRENT LAW: G.S. 160A-168 provides that personnel records for current and past employees of a municipality or county are confidential records and not subject to public inspection. However, certain basic records of an employee are specifically designated as open for public inspection, such as name, agedate of employment, current postion, title, and salary. Although personnel records are confidential, they may be inspected by certain parties under certain circumstances, such as by the employee or the employee's supervisor.

BILL ANALYSIS: Senate Bill 939 authorizes the Fayetteville city manager or the chief of police to release the disposition of disciplinary charges against a police officer, as well as the facts relied upon in determining the disposition, to the Citizen Complaint Review Board. This information may also be released to the person alleged to have been aggrieved by the officer's actions or to that person's survivor. The members of a board that receives this information must keep it confidential, and each member must execute a confidentiality agreement that is satisfactory to the City. The term "disposition of disciplinary charges" includes determinations that the charges are sustained, no sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the City police department.

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

BACKGROUND: Similar legislation has been enacted for Charlotte, Durham, Greensboro, and Wilminton.

S939-SMRW-211(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 941*

Short Title:	Graham/Swain TVA Allocation/Border.	(Local)
Sponsors:	Senator Davis (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-458 reads as rewritten:

"**§ 105-458. Apportionment of payments in lieu of taxes between local units.**

The payments received by the State and local governments from the Tennessee Valley Authority in lieu of taxes under section 13 of the Act of Congress creating it, and as amended, shall be apportioned between the local governments in which the property is owned or an operation is carried on, on the basis of each local government's percentage of the total value of the Authority's property in the State, determined as hereinafter provided: Provided, however, that the minimum annual payment to any local government from said fund, including the amounts paid direct to said local government by the Authority, shall not be less than the amount of annual actual tax loss to such local government based upon the two-year average on said property next prior to it being taken over by the ~~Authority.~~Authority; Provided further that as to the apportionment of funds between Graham County and Swain County:

(1) The dam itself will be allocated and assessed between Graham and Swain Counties based on the location of survey marker 1475 as located on the power house.

(2) The two generators and all other equipment located in Graham County will be assessed in Graham County.

(3) Two-thirds of the generator building will be assessed in Graham County and the remaining one-third will be assessed in Swain Couny.

(4) The remaining one generator and all other equipment located in Swain County will be assessed in Swain County.

(5) The nearby transmission facilities, which are located in Swain County, will be assessed in Swain County.

(6) All off-site property (such as off-site transmission lines and land) will be assessed in the county where such property is located."

SECTION 2. Notwithstanding Chapter 94 of the Public Laws of 1870-71 and Chapters 77 and 154 of the Public Laws of 1871-72, the common boundary line between Graham County and Swain County is the center line of the Little Tennessee River for the full length of the boundary between the two counties, the line running through the 1944 survey marker, being survey marker 1475 as located on the power house.

SECTION 3. This act applies to Graham and Swain Counties only.

SECTION 4. This act becomes effective June 1, 2012.

SENATE BILL 941:
Graham/Swain TVA Allocation/Border

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 6, 2012
Introduced by:	Sen. Davis	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 941 provides for the apportionment of Tennessee Valley Authority (TVA) payments in lieu of taxes between Graham and Swain Counties. The bill also establishes the common boundary line between the two counties as the center line of the Little Tennessee River.***

[As introduced, this bill was identical to H1088, as introduced by Reps. West, Haire, which is currently in House Finance.]

CURRENT LAW: The TVA makes payments in lieu of taxes under the provisions of the Federal Tennessee Valley Authority Act of 1933. 16 USC 881k-1. The money is apportioned between the local governments in which the property is owned or an operation is carried on, on the basis of each local government's percentage of the total value of the TVA's property in the State. The minimum payment is to be not less than the amount of annual actual tax loss to the local government. The Department of Revenue (DOR) determines annually the allocation of the TVA's valuation among the local governments in the same manner as if the property were owned or operated by a privately owned public utility. The DOR and the State Treasurer then prorate funds received from TVA on the basis of their calculations.

BILL ANALYSIS: Section 1 provides for the apportionment of TVA funds between Graham and Swain counties. Specifically,

- The dam will be allocated as assessed between the two counties based on the location of survey marker 1475 located on the powerhouse.
- The two generators all other equipment located in Graham County will be assessed in Graham and the remaining one generator and all other equipment located in Swain County will be assessed in Swain.
- 2/3 of the generator building will be assessed in Graham and 1/3 in Swain.
- The nearby transmission facilities located in Swain County will be assessed in Swain.
- All off-site property such as transmission lines and land will be assessed in the county in which the property is located.

Section 2 of the bill establishes the center line of the Little Tennessee River as the common boundary line between Graham and Swain Counties.

EFFECTIVE DATE: The act becomes effective June 1, 2012.

S941-SMRF-132(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 942

Short Title:	Fontana Dam Occupancy Tax.	(Local)
Sponsors:	Senator Davis (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

TOWN OF FONTANA DAM OCCUPANCY TAX

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

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

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

The following definitions apply in this section:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.

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

(3) Tourism-related expenditures. – Expenditures that, in the judgment of the Fontana Dam Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the

town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 1.(d) Tourism Development Authority. – Appointment and Membership. – When the Town Council adopts a resolution levying a room occupancy tax under this section, it shall also adopt a resolution creating the Fontana Dam Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Town Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

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

SECTION 1.(e) Duties. – The Authority shall expend the net proceeds of the tax levied under this section for the purposes provided in subsection (c) of this section. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 1.(f) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Fontana Dam Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require.

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

"(g) Applicability. – Subsection (c) of this section applies to all cities that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Beech Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia, Goldsboro, Greensboro, Hickory, High Point, Jacksonville, Kings Mountain, Lenoir, Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly, Reidsville, Roanoke Rapids, Salisbury, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Bermuda Run, Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Cooleemee, Cramerton, Dallas, Dobson, Elkin, Fontana Dam, Franklin, Grover, Hillsborough, Jonesville, Kenly, Kure Beach, Leland, McAdenville, Mocksville, Mooresville, Murfreesboro, North Topsail Beach, Pembroke, Pilot Mountain, Ranlo, Selma, Smithfield, St. Pauls, Swansboro, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."

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

SENATE BILL 942:
Fontana Dam Occupancy Tax

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7, 2012
Introduced by:	Sen. Davis	**Prepared by:**	Susan Sitze Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1087 would authorize the Town of Fontana Dam to levy a room occupancy tax of up to 3%, the proceeds of which would be remitted to a Tourism Development Authority. The Authority would be required to use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourist-related expenditures.***

[As introduced, this bill was identical to H1087, as introduced by Rep. West, which is currently in House Finance.]

CURRENT LAW: The Town of Fontana Dam was incorporated in 2011. The Town is located in Graham County, which has the authority to levy a 3% room occupancy tax. The proceeds of that tax may be, but are not required to be, administered by a Travel and Tourism Authority. All of the proceeds must be used to promote travel and tourism in the county. The Fontana Village Resort, which is the only hotel accommodation within the municipal limits, currently collects both the State and local sales and use tax and the county occupancy tax on the rental of its accommodations.

BILL ANALYSIS: House Bill 1087 would authorize Fontana Dam to levy a 3% room occupancy tax. The Town would be required to establish a Tourism Development Authority to administer the proceeds. The proceeds must be used as follows: at least two-thirds for tourism promotion and the remainder for tourism-related expenditures.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 900

Short Title:	Surf City Deannexation.	(Local)
Sponsors:	Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Harrington, and Rouzer.	
Referred to:	State and Local Government.	

May 29, 2012

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Surf City are reduced by removing three tracts totaling approximately 49.02 acres annexed by the Town Council of the Town of Surf City on May 2, 2006, as recorded with the Secretary of State as Ordinance 2006-05-02-2.

SECTION 2. This act becomes effective June 30, 2012.

SENATE BILL 900:
Surf City Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 3, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 900 deannexes a described area from the Town of Surf City.

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: Senate Bill 900 deannexes a described area totaling approximately 49.02 acres from the Town of Surf City. The area was subject to a voluntary satellite annexation ordinance dated May 2, 2006.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

S900-SMRW-193(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 901

Short Title:	Ocean Isle Beach Satellite Annexations.	(Local)
Sponsors:	Senators Rabon (Primary Sponsor); and Davis.	
Referred to:	State and Local Government.	

May 29, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH.

The General Assembly of North Carolina enacts:

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

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

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city. This subdivision does not apply to the Cities of 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, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon."

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

SENATE BILL 901:
Ocean Isle Beach Satellite Annexations

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 3, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 901 exempts the Town of Ocean Isle Beach from the 10% area cap on voluntary satellite annexations.***

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (known as voluntary satellite annexation). If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if it meets all of the following five 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.
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.*

BILL ANALYSIS: Senate Bill 901 adds the Town of Ocean Isle Beach to the group of municipalities exempted from the 10% area cap on satellite annexations.

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

S901-SMRW-192(e1) v2

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.

SENATE BILL 934:
Lower Cape Fear Design-Build

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 934 would permit the Lower Cape Fear Water and Sewer Authority to utilize the design –build method of construction for a 14 mile parallel water transmission line within its service area.***

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes sets out the current general law for public building contracts. Article 3D of Chapter 143 of the General Statutes sets out the procedure for procuring architectural, engineering, or surveying services for public projects.

BILL ANALYSIS: Senate Bill 947 exempts the Lower Cape Fear Water and Sewer Authority from the following sections of Article 8 and Article 3D for the construction of a 14 mile parallel water transmission line within its service area:

- 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.

The bill instead authorizes the Lower Cape Fear Water and Sewer Authority to use the design-build contracting method. The Authority is required to interview at least two design-build teams that submit proposals, and award the contract to the best qualified team, taking into consideration the time of completion and cost.

EFFECTIVE DATE: The act is effective when it becomes law and expires on December 31, 2015.

S934-SMRN-87(e1) v2

Giles Perry, Counsel to House Government, contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 945

Short Title:	Modify Southport Occupancy Tax.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 639 of the 1989 Session Laws, as rewritten by S.L. 2002-129, reads as rewritten:

"**Section 1.** Occupancy tax. (a) Authorization and scope. – The Southport Board of Aldermen may levy a room occupancy tax of no more than three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the City of Southport that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3) and on the rental of all private residences and cottages, regardless of whether the residence or cottage is rented for less than 15 days. This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(a1) Authorization of additional tax. – In addition to the tax authorized by subsection (a) of this section, the Southport Board of Aldermen may levy an additional room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of accommodations taxable under subsection (a). The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this section. The City of Southport may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

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

The tax collector may collect any unpaid taxes levied under this act through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The tax collector has the same enforcement powers concerning the tax imposed by this act as does the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

(e) Distribution and use of tax revenue. – The City of Southport shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under subsection (a) of this section to the Southport 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 Southport and shall use the remainder for tourism-related expenditures. The City of Southport shall use the net proceeds of the occupancy tax levied under subsection (a1) of this section only for beach renourishment and protection.

The following definitions apply in this subsection:

(1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross 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 city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures."

SECTION 2. Section 1.3 of Chapter 639 of the 1989 Session Laws, as enacted by S.L. 2002-129, reads as rewritten:

"**Sec. 1.3.** Duties. – The Authority shall expend the net proceeds of the tax levied under subsection (a) of Section 1 of this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city."

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

SENATE BILL 945:
Modify Southport Occupancy Tax

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 945 modifies the Southport Occupancy Tax.

CURRENT LAW: In 1989, the City of Southport was authorized to levy an occupancy tax of 3%. In 2002, the City was authorized to levy an additional 2% occupancy tax. Currently, the net proceeds of both the 3% and additional 2% tax go to the Southport Tourism Development Authority, which is required to use at least 2/3 of the funds to promote travel and tourism in Southport, and the remainder for tourism-related expenditures.

BILL ANALYSIS: Senate Bill 945 would remit only the net proceeds of the first 3% occupancy tax to the Southport Tourism Development Authority, with the same requirements for how it is used. The additional 2% tax would be retained by the City of Southport and could be used only for beach Renourishment and protection.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 946*

Short Title:	Town of Burgaw/Deannexation.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 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;
(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.

SENATE BILL 946:
Town of Burgaw/Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 6, 2012
Introduced by:	Sen. Rabon	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 946 deannexes two described areas from the Town of Burgaw.***

[As introduced, this bill was identical to H1169, as introduced by Rep. Justice, which is currently in House Government, if favorable, Finance.]

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:

Section 1 of Senate Bill 946 deannexes two described tracts from the Town of Burgaw.

Section 2 of the bill provides that liens for property taxes or special assessments on property in the area outstanding before the effective date would remain in effect.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

S946-SMRW-210(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 906

Short Title:	Nags Head Conveyance.	(Local)
Sponsors:	Senator White (Primary Sponsor).	
Referred to:	State and Local Government.	

May 30, 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.

SENATE BILL 906:
Nags Head Conveyance

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 6, 2012
Introduced by:	Sen. White	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 906 would allow the Town of Nags Head to lease property for up to 40 years for the operation of a licensed nursing home without treating it as a sale.

[As introduced, this bill was identical to H1082, as introduced by Rep. Spear, which is currently in House Government, if favorable, Finance.]

CURRENT LAW:

G.S. 160A-272(b) requires a lease in excess of ten (10) years to be treated as sale of real property.

G.S. 131E-101(6) defines a nursing home as a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

BILL ANALYSIS:

Senate Bill 906 amends G.S. 160A-272(b) for the Town of Nags Head to allow the Town to enter into a lease for the operation of a licensed nursing home for a lease term of up to 40 years without treating the lease as a sale.

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

Theresa Matula, counsel to House Government, substantially contributed to this summary.

S906-SMRF-134(e1) v1

HOUSE BILL 322

Short Title:	Haywood School Board Filing Period.	(Local)
Sponsors:	Representatives Rapp and Haire (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 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.

The General Assembly of North Carolina enacts:

SECTION 1. The last three sentences of Section 4 of Chapter 126, Session Laws of 1963, as amended by Chapter 22, Session Laws of 1977, and as rewritten by Chapter 89 of the 1979 Session Laws and by S.L. 2009-29, read as rewritten:

"All candidates for membership of the consolidated school system for the various districts shall file a notice of such 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 third Friday in July preceding the general election and each candidate shall pay a filing fee of ten dollars ($10.00) and shall certify in writing the election district for which he is filing and that he is a bona fide resident and qualified voter thereof. The election of members for the consolidated school system shall be held, conducted and supervised by the Haywood County Board of Elections and, except as otherwise provided herein, such election shall be held in accordance with the laws and regulations for the election of county officers. Absentee ballots shall be permitted in the election. If at the close of filing there is no candidate filed for a district seat with one member up at that election, or less than two candidates filed for a district with two members up at that election, the Haywood County Board of Elections shall reopen filing for that district for a period beginning the next Monday at 12:00 noon and ending at noon on the third business day thereafter."

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

HOUSE BILL 322:
Haywood School Board Filing Period

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 6, 2012
Introduced by:	Reps. Rapp, Haire	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***House Bill 322 authorizes the Haywood County Board of Elections to reopen the filing period if there are no candidates for a one-member district seat on the Haywood County Board of Education, or less than two candidates for a district with two open seats.***

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 whom 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 1st Monday in July (unless it is the 4th of July, and then the next business day) and noon on the 3rd 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.

Kelly Quick, Committee Staff to House Government, substantially contributed to this bill summary.

H322-SMTB-37(e1) v1

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.

SENATE BILL 919:
Carteret Commissioner Election

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7, 2012
Introduced by:	Sen. Preston	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 919 would allow the Carteret County Board of Commissioners to redistrict its districts for the 2012 primary and general elections.

CURRENT LAW: G.S. 153A-22 provides that a board of county commissioners may, by resolution, redefine electoral districts upon a finding that there is substantial inequality of population among the districts. The redefined districts must be as equal as practicable. A resolution becomes effective upon its adoption unless it is adopted during a period of 150 days before the day of a primary and ending on the day of the next succeeding general election (in which case it is effective on the first day at the end of the period).

BILL ANALYSIS: Senate Bill 919 would provide that notwithstanding time limits set forth in the statutes, a resolution that has already been adopted by the Carteret County Board of Commissioners may be used for the 2012 primary and general elections.

EFFECTIVE DATE: The act is effective when it becomes law and applies to Carteret County only.

S919-SMRN-89(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 918

Short Title:	Amend Durham County Occupancy Tax Uses.	(Local)
Sponsors:	Senators McKissick and Atwater (Primary Sponsors).	
Referred to:	State and Local Government.	

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PURPOSES FOR WHICH OCCUPANCY TAX PROCEEDS REMITTED TO THE DURHAM CONVENTION AND VISITORS BUREAU MAY BE USED.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9(c) of S.L. 2001-480, as amended by S.L. 2002-36, reads as rewritten:

"**SECTION 9.(c)** Use of Proceeds From Additional Two Percent (2%) Tax. – Durham County shall, on a monthly basis, remit the net proceeds of the tax levied under Section 6(b) of this act to the Durham Convention and Visitors Bureau as set out in Section 10 of this act.

The Bureau may use the funds remitted to it under this subsection only to promote travel, tourism, and conventions in Durham ~~County.~~County, for tourism-related expenditures, and to retire debt incurred to finance tourism-related expenditures."

SECTION 2. Section 9(e) of S.L. 2001-480, as amended by S.L. 2002-36 and S.L. 2005-233, reads as rewritten:

"**SECTION 9.(e)** Use of Proceeds From Additional One Percent (1%) Tax After First 24 Months. – The net proceeds of the tax collected under Section 6(c) of this act after the first 24 months that the tax is levied shall be remitted monthly to the Durham Convention and Visitors Bureau as set out in Section 10 of this act. The Bureau shall use and distribute these net proceeds in the following priority order:

(1) To the City of Durham, the first one million four hundred thousand dollars ($1,400,000) collected annually to finance the debt service associated with the construction of the Performing Arts Theater and for the design and engineering costs associated with the construction of the Theater. But no more than two million seven hundred fifty-two thousand dollars ($2,752,000) of those proceeds may be used for design and engineering costs associated with the construction of the Theater. Until those funds are distributed to the City of Durham for that purpose, they shall be held by the Durham Convention and Visitors Bureau in a capital reserve fund as provided by Part 2 of Article 3 of Chapter 159 of the General Statutes except they may be expended as provided by the last sentence of Section 7(a) of this act if the tax is repealed as provided by Section 7(a) of this act. Any interest earned by that fund shall be credited to the fund.

(2) Thirty-two years after the levy of the tax authorized under Section 6(c) of this act, instead of the allocation under subdivision (1) of this subsection, the first one million four hundred thousand dollars ($1,400,000) collected

annually shall be used by the Bureau to promote travel and tourism or for tourism related expenditures.

(3) To Durham County, the next five hundred thousand dollars ($500,000) collected annually to be used for improvements to the Museum of Life and Science. This may include the financing of debt service. Any of these funds that are not needed for this purpose shall be returned to the Bureau and used to promote travel and tourism.

(4) The Bureau shall use any net proceeds in excess of that provided by subdivisions (1), (2), and (3) of this subsection to promote travel, tourism, and conventions in Durham ~~County.~~County, for tourism-related expenditures, and to retire debt incurred to finance tourism-related expenditures.

As used in this subsection, "annually" means the 12-month period beginning after the first 24 months that the tax authorized under Section 6(c) of this act is levied."

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

SENATE BILL 918:
Amend Durham County Occupancy Tax Uses

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 7, 2012
Introduced by:	Sens. McKissick, Atwater	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 918 would amend the purposes for which occupancy tax proceeds remitted to the Durham Convention and Visitors Bureau may be used.

CURRENT LAW: Durham County may levy an occupancy tax totaling 6%. The tax is a percentage of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax Under current law, the Durham Convention and Visitors Bureau may use certain occupancy tax proceeds to promote travel, tourism, and conventions in Durham County.

BILL ANALYSIS: Senate Bill 918 would expand the purposes for which the Durham Convention and Visitors Bureau may use occupancy tax proceeds to include tourism-related expenses and to retire debt incurred to finance tourism-related expenditures.

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

S918-SMRN-90(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: Senate Bill 918 (First Edition)

SHORT TITLE: Amend Durham County Occupancy Tax Uses.

SPONSOR(S): Senators Atwater and McKissick

FISCAL IMPACT

Yes ( ) **No (X)** **No Estimate Available ( )**

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
REVENUES					
Durham County	****No Fiscal Impact****				
EXPENDITURES					
POSITIONS (cumulative):					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Durham County

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

BILL SUMMARY:

Senate Bill 918 amends Section 9 of SL 2001-480, as amended, to add that the Durham Convention and Visitors Bureau may use occupancy tax proceeds to cover tourism-related expenses and to retire debt incurred to finance such expenses.

ASSUMPTIONS AND METHODOLOGY:

Senate Bill 918 redefines what items the Durham Convention and Visitors Bureau may use excess occupancy tax proceeds to cover. There is no fiscal impact associated with this change.

SOURCES OF DATA:

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Brian Slivka

APPROVED BY:

Mark Trogdon, Acting Director
Fiscal Research Division

DATE: June 18, 2012



Signed Copy Located in the NCGA Principal Clerk's Offices

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 5

HOUSE BILL 552

Committee Substitute Favorable 4/21/11
Committee Substitute #2 Favorable 6/2/11
Fourth Edition Engrossed 6/6/11
Senate State and Local Government Committee Substitute Adopted 6/7/12

Short Title: Asheville Airport/WNC AG Center. (Local)

Sponsors:

Referred to:

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

PART I. GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY ACT.

SECTION 1.1. This Part shall be known and may be cited as the "Greater Asheville Regional Airport Authority Act," and any reference in this Part to "this act" means the Greater Asheville Regional Airport Authority Act.

SECTION 1.2. There is hereby created the Greater Asheville Regional Airport Authority, which shall be a body corporate and politic, having the powers, authority, and jurisdiction hereinafter enumerated and such other and additional powers and authority as shall be conferred upon it by future acts of the General Assembly.

SECTION 1.3. Unless the context requires otherwise, the following definitions apply throughout this act to the defined words and phrases and their cognates:

(1) "Airport facilities" means airport facilities of all kinds, including, but not limited to, landing fields, hangars, fixed base operations, shops, restaurants and catering facilities, terminals, buildings, and parking facilities and all other facilities necessary, beneficial, and/or helpful for the landing, taking off, operating, servicing, repairing, and parking of aircraft, the loading, unloading, and handling of cargo and mail, express and freight, and the accommodation, convenience, and comfort of crews and passengers, together with related transportation facilities, all necessary, beneficial, and/or helpful appurtenances, machinery, and equipment, and all lands, properties, rights, easements, and franchises relating thereto and considered

necessary, beneficial, and/or helpful by the Authority in connection therewith.

(2) "ARAA member" means a member of the Asheville Regional Airport Authority in existence when this act becomes law.

(3) "Authority" means the Greater Asheville Regional Airport Authority created by this act or, if such Authority is abolished, the authority, board, body, commission, or other entity succeeding to the principal functions thereof.

(4) "Member" means an individual who is appointed to the Authority as provided by this act.

SECTION 1.4.(a) The Authority shall consist of seven members, (i) one of whom must have experience in aviation, (ii) one of whom must have experience in travel and tourism, 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 1.4.(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 1.4.(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 1.4.(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 ARRA 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 1.4.(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 1.4.(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 1.4.(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.

SECTION 1.4.(g) Members of the Authority shall not be personally liable, in any manner, for their acts or omissions as members of the Authority, except for malfeasance.

SECTION 1.4.(h) Each member may continue to serve until a successor has been duly appointed and qualified, but not for more than 60 days.

SECTION 1.5.(a) The organization and business of the Authority shall be conducted as provided in this act.

SECTION 1.5.(b) Members of the Authority shall constitute the governing board of the Authority and may, among other things and from time to time, adopt suitable bylaws, not inconsistent with the provisions of this act.

SECTION 1.5.(c) The Authority shall appoint from its members a chair, vice-chair, and such other officers as it may from time to time deem necessary, beneficial, and/or helpful for the orderly conduct of its business. The term of office of the chair and vice-chair is two years.

SECTION 1.5.(d) Each member of the Authority, including the chair, shall have one vote. A majority of the members of the Authority shall constitute a quorum, and all actions of the Authority shall be determined by a majority vote of all the members, that is four votes in favor.

SECTION 1.5.(e) The Authority shall hold meetings at least monthly at such times and places as it from time to time may designate and at such other times on the call of the chair or by four members of the Authority. Notice of meetings shall be provided as required by Article 33C of Chapter 143 of the General Statutes. A monthly meeting of the Authority may be cancelled if it is determined by the chair or four members that such meeting is not required.

SECTION 1.5.(f) Members may receive payment or reimbursement for travel, lodging, and meal expenses incurred in transacting business on behalf of the Authority. Members may also receive free parking at any airport owned, leased, subleased, or controlled by the Authority, which members may use for official and nonofficial purposes during the respective member's term of office.

SECTION 1.5.(g) The fiscal year of the Authority shall begin on July 1 and end on June 30. On or before May 15 of each year, the Authority shall prepare and adopt a proposed budget for the next ensuing fiscal year and deliver copies of such proposed budget to the Buncombe and Henderson County Boards of Commissioners and the Asheville City Council.

SECTION 1.5.(h) All meetings and closed sessions of the Authority shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes as it may be amended or in accordance with any successor statute.

SECTION 1.6.(a) The Authority shall constitute a body, both corporate and politic, and shall have the power and authority to do the following:

(1) Adopt and from time to time revise an official seal.

(2) Maintain an office or offices at such place or places as it may designate within Buncombe or Henderson Counties only.

(3) Purchase, acquire, develop, establish, construct, own, control, lease, equip, improve, administer, maintain, operate, and/or regulate airports and/or landing fields for the use of airplanes and other aircraft and all facilities incidental thereto, within the limits of Buncombe and/or Henderson Counties; and for any of such purposes, purchase, acquire, own, develop, hold, lease, sublease, and operate real and/or personal property.

(4) Purchase real and personal property.

(5) Sue and be sued in the name of the Authority, to acquire by purchase or otherwise and to hold lands for the purpose of constructing, maintaining, and/or operating any airport within the limits of said counties, and to make such contracts and to hold such personal property as may be necessary, beneficial, and/or helpful for the exercise of the powers of the Authority. The Authority may acquire by purchase or otherwise any existing lease, sublease, leasehold right, or other interest in any existing airport facility located in the Counties of Buncombe and/or Henderson.

(6) Charge and collect fees, royalties, rents, and/or other charges, including fuel flowage fees, for the use and/or occupancy of property owned, leased, subleased, or otherwise controlled or operated by the Authority or for services rendered in the operation thereof.

(7) Make all reasonable rules, regulations, and policies as it may from time to time deem to be necessary, beneficial, or helpful for the proper maintenance, use, occupancy, operation, and/or control of any airport or airport facility owned, leased, subleased, or controlled by the Authority; provide and enforce civil and criminal penalties for the violation of such rules, regulations, and/or policies; provided that such rules, regulations, policies, and penalties are not in conflict with any applicable law, rule, or regulation of the State of North Carolina, the United States, or any agency, department, or subdivision of either of them, including the rules and regulations of the Federal Aviation Administration.

(8) Sell, exchange, lease, sublease, or otherwise dispose of, any property, real or personal, belonging to the Authority, or grant easements over, through, under, or across any real property belonging to the Authority, or donate to another governmental entity within this State or to the United States any surplus, obsolete, or unused personal property; provided that Article 12 of Chapter 160A of the General Statutes does not apply and is not applicable to any such sale, exchange, lease, sublease, grant, donation, or other disposition.

(9) Purchase such insurance and insurance coverages as the Authority may from time to time deem to be necessary, beneficial, or helpful.

(10) Maintain and/or operate any airport or landing field jointly with any county or counties adjoining either the County of Buncombe or the County of Henderson or both of them and/or with other aviation/airport authority or authorities operating under authorization from one or more adjoining counties and/or any municipality located therein.

(11) Deposit, invest, and/or reinvest any of its funds as provided by the Local Government Finance Act for the deposit or investment of unit funds.

(12) Issue revenue bonds and/or refunding bonds pursuant to the State and Local Government Revenue Bond Act.

(13) Purchase any of its outstanding bonds or notes.

(14) Operate, own, lease, sublease, control, regulate, and/or grant to others the right to operate on any airport premises restaurants, snack bars and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion picture shows, personal service establishments, and/or all other types of facilities as may be directly or indirectly related to the maintenance and/or furnishing of the public commercial and/or general aviation airport facilities.

(15) Accept grants of money and/or materials or property of any kind for any existing or future airport facilities from the State of North Carolina, the United States, or any agency, department, or subdivision of either of them, including the Federal Aviation Administration, or from any private agency, 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.

SECTION 1.6.(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 1.7.(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 allowed by federal law and 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 Authority is dissolved, any applicable real property of the Counties of Buncombe or Henderson or the City of Asheville conveyed or transferred to the Authority under this act shall revert to the grantor.

SECTION 1.7.(b) The County of Buncombe, the County of Henderson, and the City of Asheville shall transfer to the Authority within 90 days after enactment of this act all its right, title, and interest to the property known as the Asheville Regional Airport, except if approval of a federal agency is required, then within 90 days of that approval.

SECTION 1.7.(c) Private property needed by the Authority for any airport, landing field, or facility may be acquired by the Authority by gift, devise, or private purchase. Aviation easements needed by the Authority for any airport, landing field, or facility may likewise be acquired by gift, devise, or private purchase. Unless the power of eminent domain is required by federal law or federal regulation, Chapter 40A of the General Statutes does not apply to the Authority, and it may not exercise the power of eminent domain. If a federal law or federal regulation does require the Authority to have the power to exercise eminent domain, it may only do so for public use for an airport purpose or purposes, and any eminent domain proceeding must be authorized jointly by all of the three appointing authorities. In no case, however, may the power of eminent domain be used for purposes not necessary for the operation of the airport, and more specifically no property may be acquired by eminent domain for such uses as hotels, motels, restaurants, or industrial parks. The power of eminent domain may not be used to acquire any interest in the Ferncliff Industrial Park as it existed on June 1, 2011, except for a proven and present aviation need required by a federal agency.

SECTION 1.7.(d) Any lands acquired, owned, controlled, or occupied by the Authority shall and/or are hereby declared to be acquired, owned, controlled, and occupied for a public purpose.

SECTION 1.7.(e) The Authority is not authorized to levy any tax.

SECTION 1.7.(f) Any claim by Henderson County against the City of Asheville or the current airport authority on account of acquisition of property by either or both of them in Henderson County is extinguished.

SECTION 1.8. The Authority shall make annual reports to the Buncombe County Board of Commissioners, the Asheville City Council, and the Henderson County Board of Commissioners setting forth a summary of its general operations and transactions conducted by it pursuant to this act. The Authority shall be regarded as the corporate instrumentality and agent for Buncombe and Henderson Counties and the City of Asheville for the purpose of developing aviation facilities in the Counties of Buncombe and Henderson, but it shall have no power to pledge the credit of the Counties of Buncombe or Henderson or the City of Asheville, or to impose any obligation upon those counties, or the City of Asheville, except and when such power is expressly granted by statute.

SECTION 1.9. All rights, powers, and authority given to the counties and/or municipalities by the statutes of North Carolina, which may now be in effect, or which may be enacted in the future, relating to the development, operation, maintenance, regulation, and/or control of municipal or other governmental airports and the regulations of aircraft are hereby vested in the Authority.

SECTION 1.10. The Authority is hereby expressly authorized to make and enter into contracts, leases, subleases, conveyances, and other agreements with any political

subdivision, agency, department, or instrumentality of this State, any agency, department, or subdivision of the United States, or any other legal entity or person for the purpose of carrying out the provisions of this act.

SECTION 1.11. The powers of the Authority created by this act shall be construed liberally in favor of the Authority. No listing of powers included in this act is intended to be exclusive or restrictive, and the specific mention of, or failure to mention, particular powers in this act shall not be construed as limiting in any way the general powers of the Authority as stated in Section 1.6(a) of this act. It is the intent of this act to grant the Authority full power and right to exercise all authority necessary for the effective operation and conduct of the Authority. It is further intended that the Authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the Authority is created. The fact that this act specifically states that the Authority possesses a certain power does not mean that the Authority must exercise such power unless this act specifically so requires.

SECTION 1.12. G.S. 66-58(a) does not apply to the Greater Asheville Regional Airport Authority or a lessee or sublessee of the Greater Asheville Regional Airport Authority.

SECTION 1.13. 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.

PART II. ASHEVILLE REGIONAL AIRPORT AND WNC AG CENTER PROVISIONS

SECTION 2.1.(a) All the property within Buncombe County owned by the City of Asheville that is part of the Asheville Regional Airport is not subject to regulation by that city under Article 19 (Planning and Regulation of Development) of Chapter 160A of the General Statutes and instead shall be subject to ordinances of Buncombe County under Article 18 (Planning and Regulation of Development) of Chapter 153A of the General Statutes. No property in Buncombe County that may hereinafter be acquired by the City of Asheville or by the Greater Asheville Regional Airport Authority to be part of the Asheville Regional Airport shall be subject to ordinances under Article 19 of Chapter 160A of the General Statutes but instead shall be subject to ordinances of Buncombe County under Article 18 (Planning and Regulation of Development) of Chapter 153A of the General Statutes.

SECTION 2.1.(b) This section is effective on the effective date of an ordinance adopted by Buncombe County to make the area under subsection (a) of this section subject to the zoning ordinance of that county.

SECTION 2.2.(a) The City of Asheville shall convey to the State of North Carolina by warranty or quitclaim deed all its right, title, and interest to the "City of Asheville Parcel" below, which is part of the Western North Carolina Agricultural Center, and the corporate limits of the City of Asheville are reduced by removing all three parcels below from the corporate limits:

NORTH PARCEL

BEGINNING at a concrete monument located at the intersection of the West boundary of right-of-way for Interstate Highway I-26 and the South Boundary of right-of-way for Fanning Bridge Road and running South 75 degrees 50 minutes West 454.65 feet along the South Boundary of right-of-way for Fanning Bridge Road to a concrete monument; thence running parallel to, and 50 feet from, the centerline of Fanning Bridge Road the following bearings and distances: South 72 degrees 23 minutes West 456.00 feet; South 71 degrees 40 minutes West 100.00 feet; South 48 degrees 51 minutes West 51.00 feet; South 41 degrees 47 minutes West 65.00 feet; South 31 degrees 44 minutes West 50.00 feet; South 1 degree 42 minutes West 50.00 feet; South 2 degrees 29 minutes East 650.56 feet to a stake; thence leaving the right-of-way, North 84 degrees 52 minutes 12 seconds East 1301.80 feet to a stake in the

West edge of Interstate Highway I-26 right-of-way; thence along the West edge of Interstate Highway I-26 right-of-way North 13 degrees 54 minutes 45 seconds West 1018.70 feet to the point of BEGINNING, and containing 25.10 acres, more or less.

CITY OF ASHEVILLE PARCEL

BEGINNING at the southwest corner of the property of the State of North Carolina as described in Deed Book 917, Page 605 said point being an iron pipe in the east right-of-way of Fanning Bridge Road (SR 3526); thence N84°19'30"E 1251.01 feet to a concrete monument on the right-of-way of Interstate 26; then with the right-of-way of Interstate 26 the following four calls: S14°24'34"E 355.92 feet to a concrete monument, S11°38'02"W 669.75 feet to a concrete monument, S14°15'41"E 398.94 feet to a concrete monument, and S51°17'26"E 183.08 feet to an iron pipe; then leaving the right-of-way of Interstate 26 and running with the west line of the property now or formerly owned by Sybil Lance et al S03°49'11"W 347.22 feet to an iron pipe; then S86°52'48"W 1020.44 feet to an iron pipe; then N03°07'12"W 400.00 feet to an iron pipe; then S86°52'48"W 300.00 feet; then N03°07'12"W 1399.12 feet with the east right-of-way of Fanning Bridge Road (SR 3526) to the beginning containing 50.00 acres. Being a portion of the property conveyed to the City of Asheville by City Loans Incorporated by deed dated April 4, 1958, and recorded in the Henderson County Register of Deeds office in Deed book 366, Page 607.

SOUTH PARCEL

BEGINNING at an iron pin which is located South 21 degrees 36 minutes 41 seconds West 612.00 feet (Ground) and South 23 degrees 38 minutes 51 seconds West 622.53 feet (Grid) from NCGS Monument "Rest" (NC Grid Coordinates(NAD 83)) N191587.805m and E289213.047m, and runs thence from said Beginning point on a curve to the right having a radius of 663.94 feet, a chord bearing of South 59 degrees 23 minutes 33 seconds West 413.45 feet and an arc length of 420.44 feet to an iron pin; thence South 79 degrees 32 minutes 36 seconds West 342.65 feet to an iron pin; thence North 64 degrees 21 minutes 42 seconds West, crossing an iron pin at 52 feet, a total distance of 182.47 feet to a right-of-way monument, said right-of-way monument being located North 30 degrees 44 minutes 38 seconds West 216.86 feet from a County Line monument; thence North 02 degrees 48 minutes 04 seconds West, crossing an iron pin at 182.64 feet, a total distance of 445.09 feet to an iron pin thence North 25 degrees 31 minutes 19 seconds West 89.43 feet to an iron pin located in the eastern margin of the 100' right of way of Airport Road; thence with the eastern margin of said right-of-way, North 03 degrees 07 minutes 12 seconds West 63.53 feet to an iron pin; thence North 86 degrees 52 minutes 48 seconds East 300 feet to an iron pin; thence South 86 degrees 52 minutes 48 seconds East 981.81 feet to the point and place of Beginning, containing 8.31 acres, more or less, and being shown on a survey dated November 17, 1995, last revised December 1, 1995. Entitled "Survey of Addition to WNC Agricultural Center," prepared by Hutchison-Biggs & Associates, Inc. (B95-885).

SECTION 2.2.(b) The property described in subsection (a) of this section, and any other property contiguous to that property and which is acquired by the State of North Carolina to be part of the Western North Carolina Agricultural Center, is not subject to regulation by the City of Asheville under Article 19 (Planning and Regulation of Development) of Chapter 160A of the General Statutes and instead shall be subject to ordinances of Buncombe County under Article 18 (Planning and Regulation of Development) of Chapter 153A of the General Statutes. This subsection is effective on the effective date of an ordinance adopted by Buncombe County to make the area under subsection (a) of this section subject to the zoning ordinance of that county.

PART III. EFFECTIVE DATE

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 552
Committee Substitute Favorable 4/21/11
PROPOSED COMMITTEE SUBSTITUTE H552-PCS50363-TMx-11

Short Title: Greater Asheville Reg. Airport Authority. (Local)

Sponsors:

Referred to:

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "Greater Asheville Regional Airport Authority Act."

SECTION 2. There is hereby created the Greater Asheville Regional Airport Authority, which shall be a body corporate and politic, having the powers, authority, and jurisdiction hereinafter enumerated and such other and additional powers and authority as shall be conferred upon it by future acts of the General Assembly.

SECTION 3. Unless the context requires otherwise, the following definitions apply throughout this act to the defined words and phrases and their cognates:

(1) "Airport facilities" means airport facilities of all kinds, including, but not limited to, landing fields, hangars, fixed base operations, shops, restaurants and catering facilities, terminals, buildings, and parking facilities and all other facilities necessary, beneficial, and/or helpful for the landing, taking off, operating, servicing, repairing, and parking of aircraft, the loading, unloading, and handling of cargo and mail, express and freight, and the accommodation, convenience, and comfort of crews and passengers, together with related transportation facilities, all necessary, beneficial, and/or helpful appurtenances, machinery, and equipment, and all lands, properties, rights, easements, and franchises relating thereto and considered necessary, beneficial, and/or helpful by the Authority in connection therewith.

(2) "ARAA member" means a member of the Asheville Regional Airport Authority in existence when this act becomes law.

(3) "Authority" means the Greater Asheville Regional Airport Authority created by this act or, if such Authority is abolished, the authority, board, body, commission, or other entity succeeding to the principal functions thereof.

(4) "Member" means an individual who is appointed to the Authority as provided by this act.

SECTION 4.(a) The Authority shall consist of seven members, (i) one of whom must have experience in aviation, (ii) one of whom must have experience in travel and tourism, 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 ARRA 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.

SECTION 4.(g) Members of the Authority shall not be personally liable, in any manner, for their acts or omissions as members of the Authority, except for malfeasance.

SECTION 4.(h) Each member may continue to serve until a successor has been duly appointed and qualified, but not for more than 60 days.

SECTION 5.(a) The organization and business of the Authority shall be conducted as provided in this act.

SECTION 5.(b) Members of the Authority shall constitute the governing board of the Authority and may, among other things and from time to time, adopt suitable bylaws, not inconsistent with the provisions of this act.

SECTION 5.(c) The Authority shall appoint from its members a chair, vice-chair, and such other officers as it may from time to time deem necessary, beneficial, and/or helpful for the orderly conduct of its business. The term of office of the chair and vice-chair is two years.

SECTION 5.(d) Each member of the Authority, including the chair, shall have one vote. A majority of the members of the Authority shall constitute a quorum, and all actions of the Authority shall be determined by a majority vote of all the members, that is four votes in favor.

SECTION 5.(e) The Authority shall hold meetings at least monthly at such times and places as it from time to time may designate and at such other times on the call of the chair or by four members of the Authority. Notice of meetings shall be provided as required by Article 33C of Chapter 143 of the General Statutes. A monthly meeting of the Authority may be cancelled if it is determined by the chair or four members that such meeting is not required.

SECTION 5.(f) Members may receive payment or reimbursement for travel, lodging, and meal expenses incurred in transacting business on behalf of the Authority. Members may also receive free parking at any airport owned, leased, subleased, or controlled by the Authority, which members may use for official and nonofficial purposes during the respective member's term of office.

SECTION 5.(g) The fiscal year of the Authority shall begin on July 1 and end on June 30. On or before May 15 of each year, the Authority shall prepare and adopt a proposed budget for the next ensuing fiscal year and deliver copies of such proposed budget to the Buncombe and Henderson County Boards of Commissioners and the Asheville City Council.

SECTION 5.(h) All meetings and closed sessions of the Authority shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes as it may be amended or in accordance with any successor statute.

SECTION 6.(a) The Authority shall constitute a body, both corporate and politic, and shall have the power and authority to do the following:

(1) Adopt and from time to time revise an official seal.

(2) Maintain an office or offices at such place or places as it may designate within Buncombe or Henderson Counties only.

(3) Purchase, acquire, develop, establish, construct, own, control, lease, equip, improve, administer, maintain, operate, and/or regulate airports and/or landing fields for the use of airplanes and other aircraft and all facilities incidental thereto, within the limits of Buncombe and/or Henderson Counties; and for any of such purposes, purchase, acquire, own, develop, hold, lease, sublease, and operate real and/or personal property.

(4) Purchase real and personal property.

(5) Sue and be sued in the name of the Authority, to acquire by purchase or otherwise and to hold lands for the purpose of constructing, maintaining,

and/or helpful operating any airport within the limits of said counties, and to make such contracts and to hold such personal property as may be necessary, beneficial, and/or helpful for the exercise of the powers of the Authority. The Authority may acquire by purchase or otherwise any existing lease, sublease, leasehold right, or other interest in any existing airport facility located in the Counties of Buncombe and/or Henderson.

(6) Charge and collect fees, royalties, rents, and/or other charges, including fuel flowage fees, for the use and/or occupancy of property owned, leased, subleased, or otherwise controlled or operated by the Authority or for services rendered in the operation thereof.

(7) Make all reasonable rules, regulations, and policies as it may from time to time deem to be necessary, beneficial, or helpful for the proper maintenance, use, occupancy, operation, and/or control of any airport or airport facility owned, leased, subleased, or controlled by the Authority; provide and enforce civil and criminal penalties for the violation of such rules, regulations, and/or policies; provided that such rules, regulations, policies, and penalties are not in conflict with any applicable law, rule, or regulation of the State of North Carolina, the United States, or any agency, department, or subdivision of either of them, including the rules and regulations of the Federal Aviation Administration.

(8) Sell, exchange, lease, sublease, or otherwise dispose of, any property, real or personal, belonging to the Authority, or grant easements over, through, under, or across any real property belonging to the Authority, or donate to another governmental entity within this State or to the United States any surplus, obsolete, or unused personal property; provided that Article 12 of Chapter 160A of the General Statutes does not apply and is not applicable to any such sale, exchange, lease, sublease, grant, donation, or other disposition.

(9) Purchase such insurance and insurance coverages as the Authority may from time to time deem to be necessary, beneficial, or helpful.

(10) Maintain and/or operate any airport or landing field jointly with any county or counties adjoining either the County of Buncombe or the County of Henderson or both of them and/or with other aviation/airport authority or authorities operating under authorization from one or more adjoining counties and/or any municipality located therein.

(11) Deposit, invest, and/or reinvest any of its funds as provided by the Local Government Finance Act for the deposit or investment of unit funds.

(12) Issue revenue bonds and/or refunding bonds pursuant to the Local Government Revenue Bond Act.

(13) Purchase any of its outstanding bonds or notes.

(14) Operate, own, lease, sublease, control, regulate, and/or grant to others the right to operate on any airport premises restaurants, snack bars and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion picture shows, personal service establishments, and/or all other types of facilities as may be directly or indirectly related to the maintenance and/or furnishing of the public commercial and/or general aviation airport facilities.

(15) Accept grants of money and/or materials or property of any kind for any existing or future airport facilities from the State of North Carolina, the

United States, or any agency, department, or subdivision of either of them, including the Federal Aviation Administration, or from any private agency, 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 allowed by federal law and 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 Authority is dissolved, any applicable real property of the Counties of Buncombe or Henderson or the City of Asheville conveyed or transferred to the Authority under this act shall revert to the grantor.

SECTION 7.(b) The County of Buncombe, the County of Henderson, and the City of Asheville shall transfer to the Authority within 90 days after enactment of this act all its right, title, and interest to the property known as the Asheville Regional Airport, except if approval of a federal agency is required, then within 90 days of that approval.

SECTION 7.(c) Private property needed by the Authority for any airport, landing field, or facility may be acquired by the Authority by gift, devise, or private purchase. Aviation easements needed by the Authority for any airport, landing field, or facility may likewise be acquired by gift, devise, or private purchase. Unless the power of eminent domain is required by federal law or federal regulation, Chapter 40A of the General Statutes does not apply to the Authority, and it may not exercise the power of eminent domain. If a federal law or federal regulation does require the Authority to have the power to exercise eminent domain, it may only do so for public use for an airport purpose or purposes, and any eminent domain proceeding must be authorized jointly by all of the three appointing authorities.

SECTION 7.(d) Any lands acquired, owned, controlled, or occupied by the Authority shall and/or are hereby declared to be acquired, owned, controlled, and occupied for a public purpose.

SECTION 7.(e) The Authority is not authorized to levy any tax.

SECTION 8. The Authority shall make annual reports to the Buncombe County Board of Commissioners, the Asheville City Council, and the Henderson County Board of Commissioners setting forth a summary of its general operations and transactions conducted by it pursuant to this act. The Authority shall be regarded as the corporate instrumentality and agent for Buncombe and Henderson Counties and the City of Asheville for the purpose of developing aviation facilities in the Counties of Buncombe and Henderson, but it shall have no power to pledge the credit of the Counties of Buncombe or Henderson or the City of Asheville, or to impose any obligation upon those counties, or the City of Asheville, except and when such power is expressly granted by statute.

SECTION 9. All rights, powers, and authority given to the counties and/or municipalities by the statutes of North Carolina, which may now be in effect, or which may be enacted in the future, relating to the development, operation, maintenance, regulation, and/or control of municipal or other governmental airports and the regulations of aircraft are hereby vested in the Authority.

SECTION 10. The Authority is hereby expressly authorized to make and enter into contracts, leases, subleases, conveyances, and other agreements with any political subdivision, agency, department, or instrumentality of this State, any agency, department, or subdivision of the United States, or any other legal entity or person for the purpose of carrying out the provisions of this act.

SECTION 11. The powers and authority of the Authority created by this act shall be construed liberally in favor of the Authority. No listing of powers and/or authority included in this act is intended to be exclusive or restrictive, and the specific mention of, or failure to mention, any particular power or authority in this act shall not be construed as limiting in any way the general powers and authority of the Authority as stated in Section 6 of this act or elsewhere in this act. It is the intent of this act to grant the Authority full power, authority, and right to exercise all powers and authority necessary, beneficial, helpful, incidental, or expedient for the effective operation and conduct of the Authority. It is further intended that the Authority should have all implied powers and authority necessary, beneficial, helpful, incidental, or

expedient to carrying out the express powers and authority and the express purposes for which the Authority is created. The fact that this act specifically states that the Authority possesses a certain power or authority does not mean or imply that the Authority must exercise such power unless this act specifically so requires.

SECTION 12. G.S. 66-58(a) does not apply to the Greater Asheville Regional Airport Authority or a lessee or sublessee of the Greater Asheville Regional Airport Authority.

SECTION 13. 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 14. This act is effective when it becomes law.

HOUSE BILL 552:
Greater Asheville Reg. Airport Authority

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 7, 2012
Introduced by:	Reps. Moffitt, McGrady	**Prepared by:**	Susan Sitze Committee Counsel
Analysis of:	PCS to Fourth Edition H552-CSLBx-111		

SUMMARY: ***The Proposed Committee Substitue for House Bill 552 would create the Greater Asheville Regional Airport Authority, remove the Asheville Regional Airport and the Western North Carolina Agricultural Center from the zoning jurisdiction of the City of Asheville, require the City of Asheville to convey to the State of North Carolina any of its right, title, and interest to the Western North Carolina Agricultural Center, and remove the Western North Carolina Agricultural Center from the corporate limits of the City of Asheville.***

CURRENT LAW: The Asheville Regional Airport is governed by the Asheville Regional Airport Authority (ARAA), created by interlocal agreement, and governed by a Board from Asheville and Buncombe County.

BILL ANALYSIS:

Part I of the PCS would create the Greater Asheville Regional Airport Authority (Authority) to succeed the current Asheville Regional Airport Authority (ARAA). The PCS:

- Provides for a seven member board including:
  - Two members appointed by the Asheville City Council from the registered voters of Asheville.
  - Two members appointed by the Board of Commissioners of Buncombe County from the registered voters of Buncombe County.
  - Two members appointed by the Board of Commissioners of Henderson County from the registered voters of Henderson County.
  - One member appointed by majority vote of the other six members.
  - Members may not hold elected office or conduct business with the Authority.
- Provides for current ARAA members to continue to serve until the completion of their terms.
- Provides that a majority of all members is a quorum, and action requires four votes in favor.
- Sets out the powers of the Authority including:
  - Authority to issue revenue bonds and/or refunding bonds pursuant to the Local Government Revenue Bond Act.
  - Exemption from G.S. 66 58(a) thereby allowing competition with private businesses.
- Denies the Authority the power to tax or exercise the power of eminent domain unless the power of eminent domain is required by federal law or federal regulation. If a federal law requires the Authority to have the power to exercise eminent domain, any eminent domain proceeding must be authorized jointly by all of the three appointing authorities. In no case may the power of eminent domain be used for purposes not necessary for the operation of the airport. No property may be acquired by eminent domain for such uses as hotels, motels, restaurants, or industrial

parks. Specifically provides that eminent domain may not be used to acquire any interest in the Ferncliff Industrial Park as it existed on June 1, 2011, except for an aviation need required by a federal agency.

- Provides that any claim by Henderson County against Asheville or the current airport authority on account of acquisition of property by either or both in Henderson County is extinguished.

Part II of the PCS would provide that all property within Buncombe County owned by the City of Asheville, or that may be acquired by the City of Asheville or the Greater Asheville Regional Airport Authority, that is part of the Asheville Regional Airport would no longer be subject to the zoning regulation of the City of Asheville, but would be subject to the zoning regulation of Buncombe County. This provision becomes effective on the effective date of an ordinance adopted by Buncombe County.

This part of the PCS would also require the City of Asheville to convey to the State of North Carolina three described parcels of property which are part of the Western North Carolina Agricultural Center, and remove those parcels from the corporate limits of Asheville. Those parcels, and any other property which is contiguous to those parcels and is acquired by the State to be part of the Western North Carolina Agricultural Center, shall not be subject to the zoning regulation of Asheville, but rather to the zoning regulation of Buncombe County.

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

Giles S. Perry and Greg Roney, staff attorneys, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 605
PROPOSED COMMITTEE SUBSTITUTE H605-PCS11209-SV-19

Short Title: Expand Setoff Debt Collection Act. (Public)

Sponsors:

Referred to:

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 tax refunds determined by the Department on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 605
Committee Substitute Favorable 5/18/11

Short Title: Expand Setoff Debt Collection Act. (Public)

Sponsors:

Referred to:

April 5, 2011

A BILL TO BE ENTITLED

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SECTION 1. G.S. 105A-2 reads as rewritten:

"**§ 105A-2. Definitions.**

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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 tax refunds determined by the Department on or after that date.

HOUSE BILL 605:
Expand Setoff Debt Collection Act

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 7, 2012
Introduced by:	Rep. McElraft	**Prepared by:**	Susan Sitze Committee Counsel
Analysis of:	Second Edition		

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 944*
PROPOSED COMMITTEE SUBSTITUTE S944-PCS35375-TB-10

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,

Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon."

SECTION 2. This act applies only to the annexation of the property on which the Vidant Family Medicine facility is located.

SECTION 3. This act applies to the Town of Wallace only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 944*

Short Title:	Town of Wallace/Satellite Annexations.	(Local)
Sponsors:	Senator Jackson (Primary Sponsor).	
Referred to:	State and Local Government.	

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, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon."

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

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

SENATE BILL 944:
Town of Wallace/Satellite Annexations

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 6, 2012
Introduced by:	Sen. Jackson	**Prepared by:**	Denise Adams
Analysis of:	PCS to First Edition S944-CSTB-10		Committee Staff

SUMMARY: ***Senate Bill 944 exempts the Town of Wallace from certain requirements under the voluntary satellite annexation statute when annexing the property on which the Vidant Family Medicine facility is located.***

[As introduced, this bill was identical to H1216, as introduced by Rep. Dixon, which is currently in House Government, if favorable, Finance.]

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (known as voluntary satellite annexation). If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if it meets all of the following five 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.
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.

BILL ANALYSIS: Senate Bill 944 would remove requirements 1, 2, and 4 on satellite annexations for the Town of Wallace when annexing the property on which the Vidant Family Medicine facility is located.

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

Giles Perry, Committee Counsel, contributed to this summary.

S944-SMTB-38(CSTB-10) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 949
PROPOSED COMMITTEE SUBSTITUTE S949-PCS35379-LM-9

Short Title: Town of Boone/ETJ. (Local)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, the Town of Boone shall not exercise any powers of extraterritorial jurisdiction as provided in Article 19 of Chapter 160A of the General Statutes.

SECTION 2. This act becomes effective June 30, 2013.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 949

Short Title:	Town of Boone/ETJ.	(Local)
Sponsors:	Senators Soucek (Primary Sponsor); East and Hise.	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, the Town of Boone shall not exercise any powers of extraterritorial jurisdiction as provided in Article 19 of Chapter 160A of the General Statutes.

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

SENATE BILL 949:
Town of Boone/ETJ

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 6, 2012
Introduced by:	Sen. Soucek	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition S949-CSLM-9		

SUMMARY: ***Senate Bill 949 provides that the Town of Boone shall not exercise any ETJ powers. The proposed committee substitute changes the effective date to a date specific - June 30, 2012***

CURRENT LAW: G.S. 160A-360 grants municipalities authority to exercise zoning and development powers, as set out in Article 19 of Chapter 160A within a defined area extending not more than one mile beyond its corporate limits. With the approval of the county commissioners, a municipality with a population of more than 10,000 but less than 25,000 may exercise extraterritorial jurisdiction over an area extending not more than 2 miles beyond its limits. The 2010 US Census shows Boone with a population of 17, 122.

BILL ANALYSIS: Senate Bill 949 provides that the Town of Boone shall not exercise any extraterritorial authority.

EFFECTIVE DATE: The act becomes effective June 30, 2012.

S949-SMRF-133(CSLM-9) v1

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Thursday, June 07, 2012

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **900** Surf City Deannexation.

Sequential Referral: None

Recommended Referral: Finance

S.B. **901** Ocean Isle Beach Satellite Annexations.

Sequential Referral: None

Recommended Referral: Finance

S.B. **906** Nags Head Conveyance.

Sequential Referral: None

Recommended Referral: None

S.B. **918** Amend Durham County Occupancy Tax Uses.

Sequential Referral: None

Recommended Referral: Finance

S.B. **919** Carteret Commissioner Election.

Sequential Referral: None

Recommended Referral: None

S.B. **934** Lower Cape Fear Design-Build.

Sequential Referral: None

Recommended Referral: None

S.B. **939** Fayetteville Review Board.

Sequential Referral: None

Recommended Referral: None

S.B. **941** Graham/Swain TVA Allocation/Border.

Sequential Referral: Finance

Recommended Referral: None

S.B. **942** Fontana Dam Occupancy Tax.

Sequential Referral: None

Recommended Referral: Finance

S.B. **945** Modify Southport Occupancy Tax.

Sequential Referral: None

Recommended Referral: Finance

S.B. **946** Town of Burgaw/Deannexation.

Sequential Referral: None

Recommended Referral: Finance

H.B. **322** Haywood School Board Filing Period.

Sequential Referral: None

Recommended Referral: None

H.B.(CS #1) **605** Expand Setoff Debt Collection Act.

Sequential Referral: Finance

Recommended Referral: Finance

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **552** Greater Asheville Reg. Airport Authority.

Draft Number: PCS60143

Sequential Referral: Finance

Recommended Referral: Finance

Long Title Amended: Yes

TOTAL REPORTED: 14

Committee Clerk Comments:

HB 552 Senator Apodaca will handle the bill
HB 605 Senator Davis will handle the bill
HB 322 Senator Davis will handle the bill

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

Thursday, June 07, 2012

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

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

S.B. **944** Town of Wallace/Satellite Annexations.

Draft Number:	PCS35375
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	No

S.B. **949** Town of Boone/ETJ.

Draft Number:	pcs35379
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

Senator Soucek will handle S949
Senator Jackson will handle S944

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-7 TIME: 11 AM

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 Ruth Jackson	Harrisburg	Mr. Hartsell
2 ~~[redacted]~~	~~[redacted]~~	Tucker
3 Emma Blackwell	Roanoke Rapids	Jones
4 Luke Glenn	Marion, NC	Ralph Hise
5 ~~[redacted]~~ Hunter Wainwright	Old Fort	Ralph Hise
6 Julia Chaviz	Raleigh	Senator Blue
7		
8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

6/21/12

VISITOR REGISTRATION SHEET

~~Senate Finance Committee~~ — ~~May 16, 2012~~

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
Mitch Leonard	SEANC
Chuck Stone	SEANC
Suzanne Beasley	SEANC
Jason Sayers	DLO
David Crawford	AIA NC
Alissa Willett	NCAFC
Kat Yelverton	NCDAACS
Ben Schawinsky	NCSBA
Patience Watt	NCASA
Whitney Christensen	NCRLA
Gill Frankel	NCDACS

VISITOR REGISTRATION SHEET

6/21/12

~~SENATE TRANSPORTATION~~
Committee Name

Date
~~MAY 30, 2012~~

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK ROB JANSEN

NAME	FIRM OR AGENCY AND ADDRESS
Chad Rhoades	NCDACS
Ray Starling	NCDA&CS
REP. SUSI HAMILTON	NCGA
~~Bill~~ Kopp	LCFWSA / Wilmington, NC
JARRYD RAINHOFF	NC PBA
Sam Frist	NC PBA
Julie White	NLMMC
Kara Weisbaar	SA
Dana Fenton	City of Charlotte
Christine Wunsche	SOG - Daily Bulletin
Doug Cassiday	NCSTA
	Misc - NCTIA
Stephen Rowden	Compass NC
Steve Metcalf	~~Town of Boone~~ Town of Boone
Lorella Clawson	Town of Boone
Andy Bach	Town of Boone

VISITOR REGISTRATION SHEET

6/7/17

~~TRANSPORTATION~~

(Committee Name)

~~May 30, 2017~~

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Meinig	NCLM
Lowell Clawson	Town of Boone

6/7/12

VISITOR REGISTRATION SHEET

~~Senate Finance Committee~~ ~~May 16, 2012~~

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	North State Strategy
Jack Cozort	NCSS
Jerry Cotten	Bell Davis Pitt
Clay Pitts	NC Dem Party
Rebecca Troutman	NCACC
Jenna M. Edelen	NC Sen. Jenkins
Doug Lassiter	NCSTA
Mark L. McCarus	Carolinas HealthCare

6/7/12

VISITOR REGISTRATION SHEET

~~Senate Finance Committee~~ — ~~May 16, 2012~~

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
Lee Stroupe	398 Seven Oaks Rd Resident Boone, NC
Doris Isaacs	959 Seven Oaks Rd. Boone NC
Catherine Fountain	294 Seven Oaks Rd. Boone, NC
Paul Meyer	NCLM
K Bestman	FSS
Allen Hardison	CRSWMA
Jerry Schlacker	Fayetteville Police Dept 467 Hay ST, Fayetteville, NC 28301
JOHN MIDGETTE	NC PBA
[signature]	FOP
Rick Mahnke	NC. News Network
Don Betz	(SB 947) Omega Group Rep Watauga & Surrounding

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, June 19, 2012 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on June 19, 2012, in Room 1124 of the Legislative Building. Thirteen members of the committee were present. Senator Jim Davis presided.

Senator Davis called the meeting to order, welcomed the Committee and visitors, thanked the Sergeants-at-Arms, and welcomed Senate Pages, John Scott, Greensboro, Kevin Alfaro, Raleigh, Zach Barefoot, Lewisville, Jonathan Williams, Raleigh, and Shirley Marshall, Cary.

Senate Bill 876 Mooresville Deannexation was explained. Senator East's motion to approve the bill was carried with a recommended referral to Finance.

Senate Bill 884 Wake Tech Board of Trustees was explained. Senator East's motion to approve the bill was carried.

Senate Bill 935 Abolish Avery County Coroner was explained. Senator East's motion to approve the bill was carried.

Senate Bill 951 Cleveland County Corr. Facil. Prop. Transfer was explained. Senator East's motion to approve the bill was carried.

House Bill 943 Davidson County Annexations, was added to the agenda to replace Senate Bill 796 Davidson County Annexations (removed from the agenda). The bill was explained and Senator East's motion to approve the bill was carried with a recommended referral to Finance.

House Bill 1018 Yadkin Valley Career Academy was explained. Senator East's motion to approve the bill was carried.

House Bill 1032 Morganton Deannexation was explained. Senator East's motion to approve the bill was carried with a recommended referral to Finance.

House Bill 1107 Granville County ABC Profits Distribution Mod. was explained by Senator Crawford. Senator Robinson's questions were answered by Senator Crawford. Senator Tucker's motion to approve the bill was carried.

House Bill 1108 Butner Public Safety Authority Changes was explained. Senator East's motion to approve the bill was carried.

House Bill 1133 Revise Pender County Commissioner Districts was explained. Senator East's motion to approve the bill carried.

House Bill 1205 Amend Trespass/Granville County was explained. Senator East's motion to approve the bill was carried.

House Bill 1207 Granville/Person Local Stormwater Fees was explained by Representative Crawford. Senators East's and Kinnaird's questions were answered by Representative Crawford. Senator East's motion to approve the bill carried with recommended referral to Finance.

House Bill 1138 Davidson County Design Build was explained by Representative Dockham who submitted a Senate Committee Substitute. Senator Tucker's questions were answered by Representative Dockham. Senator Bingham's motion to roll the SCS into the bill carried. Senator Tucker moved unfavorable to bill but favorable as to SCS and the motion carried.

The meeting adjourned at 12:40 PM.

Senator Jim Davis, Presiding

Kaye Culberson, Committee Clerk

Senate State and Local Government Committee
Tuesday, June 19, 2012, 12:00 Noon
1124 LB

AGENDA (corrected)

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1032	Morganton Deannexation.	Representative Blackwell Representative Gillespie
SB 796	Davidson County Annexations.	Senator Bingham
HB 1107	Granville County ABC Profits Distribution Mod.	Representative Crawford, Jr.
HB 1108	Butner Public Safety Authority Changes.	Representative Crawford, Jr.
HB 1138	Davidson County Design Build.	Representative Dockham Representative Brown Representative Brown
HB 1205	Amend Trespass/Granville County.	Representative Crawford, Jr.
HB 1207	Granville/Person Local Stormwater Fees.	Representative Crawford, Jr.
SB 876	Mooresville Deannexation.	Representative Wilkins, Jr. Senator Carney
SB 884	Wake Tech Board of Trustees.	Senator Hunt
SB 935	Abolish Avery County Coroner.	Senator Hise
HB 1018	Yadkin Valley Career Academy.	Representative Dockham
HB 1133	Revise Pender County Commissioner Districts.	Representative Justice
SB 951	Cleveland County Corr. Facil. Prop Transfer.	Senator Westmoreland

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected #4: Add HB 1133

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	June 19, 2012	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 796	Davidson County Annexations.	Senator Bingham
HB 1032	Morganton Deannexation.	Representative Blackwell Representative Gillespie
SB 884	Wake Tech Board of Trustees.	Senator Hunt
SB 935	Abolish Avery County Coroner.	Senator Hise
HB 1138	Davidson County Design Build.	Representative Dockham Representative Brown Representative Brown
HB 1107	Granville County ABC Profits Distribution Mod.	Representative Crawford, Jr.
HB 1108	Butner Public Safety Authority Changes.	Representative Crawford, Jr.
HB 1205	Amend Trespass/Granville County.	Representative Crawford, Jr.
SB 876	Mooresville Deannexation.	Senator Carney
HB 1207	Granville/Person Local Stormwater Fees.	Representative Crawford, Jr. Representative Wilkins, Jr.
HB 1018	Yadkin Valley Career Academy.	Representative Dockham
SB 951	Cleveland County Corr. Facil. Prop Transfer.	Senator Westmoreland
HB 1133	Revise Pender County Commissioner Districts.	Representative Justice

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 876

Short Title:	Mooresville Deannexation.	(Local)
Sponsors:	Senator Carney.	
Referred to:	State and Local Government.	

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Mooresville are reduced by removing the following two parcels, shown on the Annexation Plat for Morrison Plantation, LLC, dated December 20, 2006, and recorded in the Office of Register of Deeds of Iredell County on July 16, 2007, in Map Book 52 page (slide) 74: (i) property of William Elvin Lawing and wife, Sara King Lawing, DB 644 page 825, Iredell County Registry, PIN # 4637-65-6354, containing 43,056 sf+/-, and (ii) property of Kathryn K. Lawing, DB 541, page 595, Iredell County Registry, PIN # 4637-65-6037, containing 59,309 sf+/-.

SECTION 2. This act becomes effective June 30, 2012.

SENATE BILL 876:
Mooresville Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Sen. Carney	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 876 deannexes two described parcels from the Town of Mooresville.

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:

Section 1 of Senate Bill 876 deannexes two described parcels from the Town of Mooresville.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

S876-SMRW-224(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 884*

Short Title:	Wake Tech Board of Trustees.	(Local)
Sponsors:	Senator Hunt.	
Referred to:	State and Local Government.	

May 24, 2012

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-12(b) reads as rewritten:

"(b) All trustees shall be residents ~~of~~ of, or have full-time employment in, the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D-12(a), Group Four."

SECTION 2. This act applies only to Wake Technical Community College.

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

SENATE BILL 884:
Wake Tech Board of Trustees

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Sen. Hunt	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 884 amends the membership requirements for the Board of Trustees for Wake Technical Community College to make individuals with full-time employment in the administrative area or contiguous counties eligible for membership as a trustee.***

[As introduced, this bill was identical to H987, as introduced by Reps. Weiss, Ross, Murry, Jackson, which is currently in Senate Education/Higher Education.]

CURRENT LAW:

Article 2 of Chapter 115D of the General Statutes provides for the local administration of community colleges.

G.S. 115D-12 requires each institution to have a board of trustees and provides for the selection of the trustees.

G.S. 115D-12(b) requires all trustees to be residents of the administrative area of the institution or of contiguous counties. The only exception to the residency requirement under current law is for the president of the student government or the chairman of the executive board of the student body of each community college.

Other institutions with local modifications to G.S. 115D-12: S.L. 2011-175 (Stanley); S.L. 1999-60 (Anson and Union); S.L. 1997-12 (Albemarle).

BILL ANALYSIS: Senate Bill 884 amends G.S. 115D-12(b) as it applies to Wake Technical Community College only. Currently G.S. 115D-12(b) requires all trustees to be residents of the administrative area of the institution or contiguous counties, with one exception (noted above). This bill would allow individuals to be eligible to serve as trustees if they have full-time employment in the administrative area or contiguous counties.

EFFECTIVE DATE: Senate Bill 884 would become effective when it becomes law and applies only to Wake Technical Community College.

BACKGROUND: The administrative area for Wake Technical Community College is Wake County.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 935

Short Title:	Abolish Avery County Coroner.	(Local)
Sponsors:	Senator Hise (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE OFFICE OF CORONER IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The office of coroner in Avery County is abolished.

SECTION 2. Chapter 152 of the General Statutes is not applicable to Avery County.

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

SENATE BILL 935:
Abolish Avery County Coroner

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 19, 2012
Introduced by:	Sen. Hise	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 935 would abolish the office of coroner in Avery County.***

CURRENT LAW: Chapter 152 of the General Statutes addresses coroners. The statutes address election of coroners, fees of coroners and duties of coroners relating to deceased persons.

BILL ANALYSIS: Senate Bill 935 would abolish the office of coroner in Avery County and provide that Chapter 152 of the General Statutes is not applicable in Avery County.

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

S935-SMRN-93(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 951

Short Title:	Cleveland County Corr. Facil. Prop Transfer.	(Public)
Sponsors:	Senator Westmoreland (Primary Sponsor).	
Referred to:	State and Local Government.	

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1. The State of North Carolina shall convey to the Board of Trustees of Cleveland Community College, for consideration of one dollar ($1.00), all its right, title, and interest in the property used for the former Cleveland County Correctional Facility, more particularly described as Parcel 22254 Cleveland County, consisting of approximately 16.98 acres, deed reference Book 6U, Page 775.

SECTION 2. The State of North Carolina shall convey the real property described in Section 1 "as is" "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Cleveland Community College.

SECTION 3. The conveyance of the State's right, title, and interest in the Cleveland County Correctional Facility shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes; provided that the provisions of G.S. 146-74 shall not apply.

SECTION 4. This act becomes effective July 1, 2014.

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.

HOUSE BILL 1018

Short Title:	Yadkin Valley Career Academy.	(Local)
Sponsors:	Representative Dockham (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Education.	

May 22, 2012

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the requirement of S.L. 2010-31, Section 7.21(e), the local boards of education of Davidson County Schools, Thomasville City Schools, and Lexington City Schools and the local board of trustees of Davidson County Community College may apply jointly to establish a cooperative innovative high school program known as the Yadkin Valley Regional Career Academy under Part 9 of Article 16 of Chapter 115C of the General Statutes. The State Board of Education and State Board of Community Colleges shall consider such application for the 2012-2013 school year if the application is received by June 15, 2012, and may approve an application for the Yadkin Valley Regional Career Academy without an explicit appropriation from the General Assembly.

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

HOUSE BILL 1018:
Yadkin Valley Career Academy

2011-2012 General Assembly

Committee:	House Education	**Date:**	June 12, 2012
Introduced by:	Rep. Dockham	**Prepared by:**	Kara McCraw Committee Counsel and Kathryn Whisenhunt, Legal Extern
Analysis of:	First Edition		

SUMMARY: ***HB 1018 would permit Davidson County Schools, Thomasville City Schools, and Lexington City Schools and Davidson County Community College to apply jointly to establish a cooperative high school program known as the Yadkin Valley Regional Center Academy for the 2012-2013 school year.***

CURRENT LAW: Part 9 of Article 16 of Chapter 115C (the Cooperative and Innovative High School Act) authorizes local boards of education to jointly establish with one or more boards of trustees of community colleges, colleges, or universities a cooperative innovative high school program. The program can target any of the following groups of high school students: those at risk of dropping out before obtaining a diploma, those with parents who did not continue education beyond high school, and those who would benefit from accelerated academic instruction.

S.L. 2010-31, Section 7.21(e) provides that the State Board of Education cannot approve any additional schools under the Cooperative and Innovative High School Act after July 1, 2010 unless the school has received an explicit appropriation from the General Assembly.

BILL ANALYSIS: HB 1018 would permit the local boards of education of Davidson County Schools, Thomasville City Schools, and Lexington City Schools and the local board of trustees of Davidson County Community College to jointly apply to establish a cooperative innovative high school program, called the Yadkin Valley Regional Career Academy, under Chapter 115C, Article 16, Part 9 of the General Statutes without receiving an explicit appropriation from the General Assembly. The State Board of Education and the State Board of Community Colleges must consider the application for the 2012-2013 school year, provided that the application is received by June 15, 2012.

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

BACKGROUND: In presentations to the North Carolina Jobs Commission, representatives from the Yadkin Valley Regional Career Academy explained that its approach will be based on a replicable model emphasizing specific labor market outcomes, an entrepreneurial culture, and a post-secondary/community college focus. Areas of study will be geared toward the 21st century, covering subjects like advanced manufacturing, global logistics, and health informatics.

H1018-SMTC-60(e1) v1

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.	
Referred to:	Government, if favorable, Finance.	

May 22, 2012

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Morganton:

Tract 1: All that property designated as lots 1, 2, and 3 (2.57 acres total) as shown on map recorded in Plat Book 39, pages 101-102, recorded in the Burke County Register of Deeds; said property being located in Morganton Township, Burke County, and also assigned Burke County Tax Record Numbers 60305, 35234, and 60306.

Tract 2: All that property designated as Parcel "A" (23.87 acres) as shown on map recorded in Plat Book 37, Page 17, in the Burke County Register of Deeds; said property being located in Morganton Township, Burke County, and also being assigned Burke County Tax Record Number 59930.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the City of Morganton for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property was still within the corporate limits of the City of Morganton.

SECTION 3. The property removed from the corporate limits of the City of Morganton by Section 1 of this act shall remain under the jurisdiction of that city for the purposes of Article 19 of Chapter 160A of the General Statutes under G.S. 160A-360 until removed from that jurisdiction as provided in G.S. 160A-360.

SECTION 4. This act becomes effective June 30, 2012.

HOUSE BILL 1032:
Morganton Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Reps. Blackwell, Gillespie	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1032 deannexes two described areas from the City of Morganton in Burke County.***

[As introduced, this bill was identical to S831, as introduced by Sen. Daniel, which is currently in Senate State and Local Government.]

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:

Section 1 of House Bill 1032 deannexes two tracts from the City of Morganton in Burke County.

Section 2 of the bill provides that liens for property taxes or special assessments on property in the area outstanding before the effective date would remain in effect.

Section 3 of the bill specifies that the property would remain in the extraterritorial planning and zoning jurisdiction of the City.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

H1032-SMRW-223(e1) v1

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

A BILL TO BE ENTITLED

AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 364 of the 1963 Session Laws of North Carolina, as rewritten by Section 1 of Chapter 91 of the 1965 Session Laws of North Carolina, reads as rewritten:

"Section 1. Granville County is hereby authorized to divide Alcoholic Beverage Control profits paid into its general fund under Section 18-57 of the General Statutes of North Carolina with certain municipalities in said county in the following proportions: Granville County, ~~fifty-eight per cent (58%),~~sixty-four and eighty-six hundredths percent (64.86%), City of Oxford, ~~twenty-eight per cent (28%),~~fourteen and twelve hundredths percent (14.12%), Town of Butner, twelve and sixty-seven hundredths percent (12.67%), Town of Creedmoor, ~~ten per cent (10%),~~six and eighty-eight hundredths percent (6.88%), Town of Stem, ~~two percent (2%),~~ seventy-seven hundredths (.77%), and the Town of Stovall, ~~two per cent (2%).~~seven-tenths percent (.70%)."

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

HOUSE BILL 1107:
Granville County ABC Profits Distribution Mod

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Rep. Crawford	**Prepared by:**	Susan Sitze*
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1107 changes the distribution of ABC profits in Granville County.***

CURRENT LAW:

Chapter 18B of the General Statutes pertains to the Regulation of Alcoholic Beverages. G.S. 18B-805 provides for the distribution of revenue. G.S. 18B-805(b) provides for primary distribution from gross receipts, subsection (c) provides for other statutory distributions, subsection (d) allows a portion of gross receipts to be set aside for working capital.

G.S. 18B-805(e) provides that after making the distributions provided in subsections (b), (c), and (d), the local board shall pay each quarter the remaining gross receipts to the general fund of the city or county for which the board is established, unless some other distribution or some other schedule is provided for by law. It further provides that if the governing body of each city and county receiving revenue from an ABC system agrees, those governing bodies may alter at any time the distribution to be made under this subsection or under any local act.

Currently the distribution of ABC profits in Granville County is as follows:

58%	Granville County
28%	City of Oxford
10%	Town of Creedmoor
2%	Town of Stem
2%	Town of Stovall

BILL ANALYSIS:

House Bill 1107 amends the distribution of ABC profits as follows:

64.86%	Granville County
14.12%	City of Oxford
12.67%	Town of Butner
6.88%	Town of Creedmoor
.77%	Town of Stem
.70%	Town of Stovall

EFFECTIVE DATE:

House Bill 1107 would become effective when it becomes law.

**Summary originally written by Theresa Matula, Legislative Analyst.*

H1107-SMSA-112(e1) v1

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

providing their comments to the Secretary of Public Safety on the credentials of the applicants for said position. In performing its functions under this subsection, the voting members of the authority shall have the same access to the applicants' personnel records pursuant to Article 7 of Chapter 126 of the General Statutes as the Secretary of Public Safety and are subject to the same restraints concerning the personnel information as set out in that Article. After consultation with the authority, the Secretary of Public Safety shall select and hire the Director of the authority."

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

HOUSE BILL 1108:
Butner Public Safety Authority Changes

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 19, 2012
Introduced by:	Rep. Crawford	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1108 makes primarily technical changes to laws governing the Butner Public Safety Authority.***

CURRENT LAW:

G.S. 122C-408 was amended by S.L. 2011-260 (HB 895) to provide for the Butner Public Safety Authority.

BILL ANALYSIS:

House Bill 1108 makes the following changes to G.S. 122C-408:

- Provides that the authority for fire and police protection for the Camp Butner Reservation includes the corporate limits of the Town of Butner which conforms to current law enacted by S.L. 2011-260.
- Amends a reference in G.S. 122C-408(b) from subsection (a7) to (a5). The reference to subsection (a7) was from an earlier version of House Bill 895 and was inadvertently not updated.
- Changes the title of subsection G.S. 122C-408(d) from "Hiring of Director" to "Provision of Services".
- Allows, rather than requires, the Butner Public Safety Authority to 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 on such terms and conditions as the parties may agree.

EFFECTIVE DATE:

House Bill 1108 would become effective when it becomes law.

H1108-SMRN-92(e1) v1

Theresa Matula, staff to the House Government Committee, contributed substantially to the drafting of this summary.

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~~

~~402, Block 403, 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 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 458, Block 459, Block 460, Block 461; Long Creek *, Rocky Point *: Tract 9804: Block Group 2: Block 219C, Block 220B, Block 223; Block Group 5: Block 549D, Block 551C, Block 552C, Block 556C; Tract 9806: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135; Block Group 2: Block 201, Block 202, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213B, Block 214B, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233; Block Group 3: Block 337B, Block 337C, Block 338B.~~

~~District 4: Pender County: North Burgaw *: Tract 9803: Block Group 2: Block 246A, Block 247B, Block 256A, Block 257A, Block 258A; Tract 9804: Block Group 1: Block 107, Block 108, Block 109A, Block 109B, Block 110, Block 115; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 352A, Block 352B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 409A, Block 418A, Block 420A, Block 424A, Block 425A, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442A, Block 442B, Block 443, Block 444, Block 445, Block 446A, Block 446B, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453A, Block 453B, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467A, Block 467B, Block 468A, Block 468B, Block 469, Block 470, Block 481, Block 482, Block 483; South Burgaw *: Tract 9804: Block Group 1: Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 203A, Block 203B, Block 203C, Block 204A, Block 204B, Block 205A, Block 205B, Block 205C, Block 206A, Block 206B, Block 206C, Block 207, Block 208A, Block 208B, Block 209, Block 210A, Block 210B, Block 211A, Block 211B, Block 212, Block 216, Block 217A, Block 217B, Block 218A, Block 218B, Block 219A, Block 219B, Block 220A; Block Group 3: Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346A, Block 346B, Block 347, Block 348A, Block 348B, Block 349, Block 350, Block 351, Block 353; Block Group 4: Block 434, Block 435, Block 436, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480; 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 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541A, Block 541B, 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,

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District 4: Pender County: VTD: CL05: Block(s) 1419203003018, 1419203003019, 1419203003020, 1419203003021, 1419203003022, 1419203003023, 1419203003025, 1419203003026, 1419203003027, 1419203003028, 1419203003029, 1419203003031, 1419203003037, 1419203003038, 1419204021012, 1419204021013, 1419204021014, 1419204021015, 1419204021016, 1419204021026, 1419204021027, 1419204021028, 1419204021029, 1419205011001, 1419205011002, 1419205011003, 1419205011004, 1419205011005, 1419205011006, 1419205011007, 1419205011008, 1419205011009, 1419205011010, 1419205011011, 1419205011012, 1419205011013, 1419205011014, 1419205011015, 1419205011016, 1419205011017, 1419205011018, 1419205011019, 1419205011020, 1419205011021, 1419205011022, 1419205011023, 1419205011024, 1419205011025, 1419205011026, 1419205011027, 1419205011028, 1419205011029, 1419205011030, 1419205011031, 1419205011032, 1419205011034, 1419205011035, 1419205011036, 1419205011037, 1419205011038, 1419205011039, 1419205011040, 1419205011041, 1419205011042, 1419205011043, 1419205011044, 1419205011045, 1419205011046, 1419205011047, 1419205011048, 1419205011049, 1419205011050, 1419205011051, 1419205011052, 1419205011053, 1419205011054, 1419205011055, 1419205011056, 1419205011057, 1419205011058, 1419205011059, 1419205011060, 1419205011061, 1419205011062, 1419205011063, 1419205011064, 1419205011065, 1419205011066, 1419205011067, 1419205011068, 1419205011069, 1419205011070, 1419205011071, 1419205011072, 1419205011073, 1419205011074, 1419205011076, 1419205011077, 1419205011078, 1419205011079, 1419205011080, 1419205011081, 1419205011082, 1419205011083, 1419205011084, 1419205011086, 1419205012000, 1419205012001, 1419205012002, 1419205012003, 1419205012004, 1419205012005, 1419205012006, 1419205012007, 1419205012008, 1419205012009, 1419205012010, 1419205012011, 1419205012012, 1419205012013, 1419205012014, 1419205012015,

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District 5: Pender County: VTD: CL05: Block(s) 1419204021030; VTD: LC09: 1419204011049, 1419204011050, 1419204011051, 1419204011052, 1419204011062, 1419204011063, 1419204011064, 1419204011065, 1419204011066, 1419204011067; VTD: LU16: 1419202042006, 1419202042011, 1419202042016, 1419202042017, 1419202042018, 1419202042019, 1419202042020, 1419202042021, 1419202042023, 1419202042024, 1419202042062, 1419202042063, 1419204031003; VTD: MH07, VTD: NB01: Block(s) 1419203001072, 1419204021018, 1419204021019, 1419204021020, 1419204021021, 1419204021022, 1419204021031, 1419204021032, 1419204021033, 1419204021034, 1419204021035, 1419204021036, 1419204021037, 1419204021038,

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(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.

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.

HOUSE BILL 1205:
Amend Trespass/Granville County

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Rep. Crawford	**Prepared by:**	Susan Sitze*
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1205, applicable to Granville County, makes willfully going on the posted land of another without written permission a Class 2 misdemeanor.***

CURRENT LAW: Current law, G.S. 14-159.6, makes willfully going onto the posted land of another to hunt, fish or trap without written permission a Class 2 misdemeanor.

BILL ANALYSIS: House Bill 1205, applicable to Granville County, makes willfully going onto the posted land of another for any purpose without written permission a Class 2 misdemeanor.

EFFECTIVE DATE: This act becomes effective October 1, 2012, and applies to offenses committed on or after that date.

**Summary originally written by Giles S. Perry, Staff Attorney*

H1205-SMSA-111(e1) v1

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 ~~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.

SECTION 2. Section 4 of S.L. 2005-441, as amended by S.L. 2011-109, reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law and applies to stream-clearing activities commenced on or after that date. Section 3 of this act applies only to the Cities of Creedmoor, Durham and Winston-Salem, the Towns of Butner, Garner, Kernersville, Knightdale, Morrisville, Stem, Wendell, and Zebulon, and the Village of Clemmons."

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

HOUSE BILL 1207:
Granville/Person Local Stormwater Fees

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Reps. Crawford, Wilkins	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1207 would allow Granville and Person Counties, the City of Creedmoor, and the Towns of Butner and Stem 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.***

CURRENT LAW: Cities and counties may operate a stormwater management program as a public enterprise[1] and may establish a schedule of fees for the services furnished by the program. A county or 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 already authorized the Cities of Durham, Winston-Salem, Garner, Knightdale, Morrisville, Wendell, and Zebulon, and the Village of Clemmons to collect delinquent stormwater management fees in the same manner as property taxes.

BILL ANALYSIS: House Bill 1207 authorizes Granville and Person Counties, the City of Creedmoor, and the Towns of Butner and Stem to adopt an ordinance providing that stormwater management 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.

Trina Griffin of the Research Division substantially contributed to this summary.

H1207-SMRW-225(e1) v1

[1] 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.

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.

HOUSE BILL 1138:
Davidson County Design Build

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2012
Introduced by:	Reps. R. Brown, Dockham, L. Brown	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1138 authorizes Davidson County to use the design-build method for the construction or renovation of buildings owned by the County.***

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes sets out the current general law for public building contracts. That Article generally requires separate or single-prime bidding. Article 3D of Chapter 143 of the General Statutes sets out the procedure for procuring architectural, engineering, or surveying services for public projects.

BILL ANALYSIS:

House Bill 1138 exempts Davidson County from the following sections of Article 8 and Article 3D for the construction or renovation of buildings owned by the County:

- 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.

The bill includes these provisions:

- authorizes Davidson County to use the design-build method of construction for the construction or renovation of buildings owned by the County.
- requires the County to seek to prequalify and solicit at least three design build teams to bid on the project and receive at least three sealed proposals from those teams for each project.
- Provides the proposals shall not require the design build team to submit project design solutions.
- Provides 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.
- Provides the County shall interview at least two of the design build teams that submit proposals.
- Provides 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.

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

Giles Perry, counsel to House Local Government, substantially contributed to this summary.

H1138-SMRF-146(e1) v1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1138

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

H1138-ARF-48 [v.2]

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

Date _____,2012

Senator _____

moves to amend the bill on page 1, line 7, by rewriting that line to read:

"for up to five projects involving the construction or renovation of buildings owned by the County. The County shall seek to";

And further amends the bill on page 1, line 8, by deleting the word "three" and substituting the word "five";

And further amends the bill on page 1, line 16, by rewriting that line to read:

"**SECTION 2.**. This act is effective when it becomes law and expires on June 30, 2014."

SIGNED Stan Bingham
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1138

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

H1138-ARF-48 [v.2]

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

Date _____,2012

Senator _____

moves to amend the bill on page 1, line 7, by rewriting that line to read:

"for up to five projects involving the construction or renovation of buildings owned by the County. The County shall seek to";

And further amends the bill on page 1, line 8, by deleting the word "three" and substituting the word "five";

And further amends the bill on page 1, line

"**SECTION 2..** This act is effective when it becomes law and expires on June 30, 2014.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY

SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator Jim Davis, Co-Chair

Senator Michael P. Walters, Co-Chair

Tuesday, June 19, 2012

Senator DAVIS,

submits the following with recommendations as to passage:

FAVORABLE

S.B. **876** Mooresville Deannexation.

Sequential Referral: None

Recommended Referral: Finance

S.B. **884** Wake Tech Board of Trustees.

Sequential Referral: None

Recommended Referral: None

S.B. **935** Abolish Avery County Coroner.

Sequential Referral: None

Recommended Referral: None

S.B. **951** Cleveland County Corr. Facil. Prop Transfer.

Sequential Referral: None

Recommended Referral: None

H.B. **943** Davidson County Annexations.

Sequential Referral: None

Recommended Referral: Finance

H.B. **1018** Yadkin Valley Career Academy.

Sequential Referral: None

Recommended Referral: None

H.B. **1032** Morganton Deannexation.

Sequential Referral: None

Recommended Referral: Finance

H.B. **1107** Granville County ABC Profits Distribution Mod.

Sequential Referral: None

Recommended Referral: None

H.B. **1108** Butner Public Safety Authority Changes.

Sequential Referral: None

Recommended Referral: None

H.B. **1133** Revise Pender County Commissioner Districts.

Sequential Referral: None

Recommended Referral: None

H.B. **1205** Amend Trespass/Granville County.

Sequential Referral: None

Recommended Referral: None

H.B. **1207** Granville/Person Local Stormwater Fees.

Sequential Referral: None

Recommended Referral: Finance

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

H.B. **1138** Davidson County Design Build.

Draft Number: PCS80398

Sequential Referral: None

Recommended Referral: None

Long Title Amended: N

TOTAL REPORTED: 13

Committee Clerk Comments:

Co-Chair Senator Jim Davis will handle bills on the floor.

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-19 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Page Name	Hometown	Sponsoring Senator
1 John Scott	Greensboro	Vaughn
2 Kevin Alfaro	Raleigh	Atwater
3 Zach Barefoot	Lewisville	Brunstetter
4 Jonathan Williams	Raleigh	Stein
5 Shirley Marshall	Cary	Stein
6		
7		
8		
9		
10		

Do not add names below the grid.

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

STATE AND LOCAL GOVERNMENT

06/19/2012
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Dillon	NCWRI
Jonathan Crawford	Progress NC
Gaynia Bm	SRLF
Gary Bartlett	SBE
Andrew Daniels	
Carol Ray	
Fred Baggett	High Point
Mic Bailey	Electricities.
[illegible]	NMRS
Penny Huff	School of Gov
Jean Ekins	EHGR
Kathryn Westcott	ACEC/NC
Barbara Conklin	BSCGC
Michelle Frazier	MFTS
Doug Lassiter	NCSTA
Terry Hatfield	J Deere & Co.
Mitch Leonard	SEANC

09-21-201

VISITOR REGISTRATION SHEET

STATE AND LOCAL GOVERNMENT

06/19/2012
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chuck Stone	SEANC
Suzanne Beasley	SEANC
K. Bestman	TSS
Dave Schafer	CAOC
Henry Jones	Jordan Price
Weldon Jones	Jordan Price

09-21-201

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
Tuesday, June 26, 2012 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State and Local Government Committee met at 12:00 Noon on June 26. 2012. in Room 1124 of the Legislative Building. 17 members of the committee were present. Sen. Walters, presided.

Sen. Walters called the meeting to order. introduced the Pages. and welcomed the members and guests.

Because of the unusually high number of bills to be taken up by the committee, most of the bills were bundled with the exception of HB 1071 (Wake School Board Organizational Meeting) and HB 1181 (Study Municipal Local Option Sales Tax) which were both passed unanimously by the committee. The rest of the bills were bundled by category and listed below:

Bills concerning boundary lines:

H 1090 (Orange-Alamance Remaining 9% Boundary) passed and referred to Finance.
H 1110 (Matthews/Stallings Boundary Adjustment) passed and referred to Finance.
H 1206 (Butner Boundary Clarification) passed and referred to Finance.
H1217 (Asheville/Woodfin Boundary Adjustments) passed and referred to Finance.

Bills concerning deannexation:

H 963 (Town of Columbia/Deannexation) passed and referred to Finance.
H 1050 (Elizabethtown Industr. Park Deannexation) passed and referred to Finance.
H 1051 (Elizabethtown Hayfields Deannexation) passed and referred to Finance.
H 1169 (Town of Burgaw/Deannexation) passed and referred to Finance.
H 1202 (Roanoke Rapdis Deannex/Halifax N'hmpt Airport) passed and referred to Finance.

Bills concerning Annexation:

H 945 (Marion Legislative Annexation) passed and referred to Finance.
H 1106 (Apex Annexation) passed and referred to Finance.
H 1216 (Town of Wallace/Satellite Annexations) passed and referred to Finance.

Bills concerning Fire Districts:

H 1122 (Marion Co. Fire Districts) passed and referred to Finance.
H 1200 (Winston Salem Firefighters Retirement) passed and referred to Pens.,Retirmt.. Aging.

Bills concerning miscellaneous local acts:

H 1199 (Lake Lure Convey Property) passed
H 1212 (Wake/Chatham Local Act) passed

H 987 (Wake Tech Board of Trustees) passed
H1009 (MSD Amendments) passed
H1029 (Mayodan Manager Residency) passed
H1059 (Asheboro Towing) passed
H1109 (Dare CAMA Setback Req'ts./Grandfather) passed
H 1123 (Durham County Memorial Stadium) passed
H 1196 (Albemarle Mental Health Center Property) passed and referred to Finance.
H 988 (Averasboro Township TDA Changes) passed and referred to Finance.
H 991 (Jackson Co. Occupancy Tax Changes) passed and referred to Finance.
H 1197 (Add Stokes Cty. To Tax Cert. Before Recordation) passed and referred to Finance.

The meeting adjourned at 1:00.

Sen. Walters, Presiding

Vickie Spears. Committee Clerk

Senate State and Local Government Committee
Tuesday, June 26, 2012, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1110	Matthews/Stallings Boundary Adjustment.	Representative Horn Representative Cotham Representative Brawley, Jr. Representative McGuirt
HB 1206	Butner Boundary Clarification.	Representative Crawford, Jr.
HB 1217	Asheville/Woodfin Boundary Adjustments.	Representative Keever Representative Fisher Representative Moffitt
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 1050	Elizabethtown Industr. Park Deannexation.	Representative Brisson
HB 1051	Elizabethtown Hayfields Deannexation.	Representative Brisson
HB 1169	Town of Burgaw/Deannexation.	Representative Justice
HB 1202	Roanoke Rapids Deannex/Halifax N'hmpt Airport.	Representative Bryant Representative Bradley, Jr. Representative Wray
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 1106	Apex Annexation.	Representative Dollar Representative Stam Representative Murry
HB 1216	Town of Wallace/Satellite Annexations.	Representative Dixon
HB 1122	Martin County Fire Districts.	Representative Warren Representative Tolson
HB 1199	Lake Lure Convey Property.	Representative Hager
HB 1212	Wake/Chatham Local Act.	Representative Hackney
HB 987	Wake Tech Board of Trustees.	Representative Jackson Representative Ross Representative Weiss Representative Murry
HB 1029	Mayodan Manager Residency.	Representative Holloway Representative Jones, Jr.
HB 1059	Asheboro Towing.	Representative Brubaker

HB 1109	Dare CAMA Setback Req'ts./Grandfather.	Representative Spear
HB 1123	Durham County Memorial Stadium.	Representative Michaux, Jr. Representative Hall Representative Luebke Representative Wilkins, Jr.
HB 1131	Carteret Commissioner Election.	Representative McElraft
HB 1181	Study Municipal Local Option Sales Tax.	Representative McElraft
HB 1196	Albemarle Mental Health Center Property.	Representative Owens, Jr.
HB 988	Averasboro Township TDA Changes.	Representative Lewis
HB 991	Jackson Co. Occupancy Tax Changes.	Representative Haire
HB 1197	Add Stokes Cty to Tax Cert Before Recordation.	Representative Holloway
HB 1200	Winston-Salem Firefighters Retirement.	Representative McGee
HB 1009	MSD Amendments.	Representative McGrady Representative Moffitt
HB 1071	Wake School Board Organizational Meeting.	Representative Jackson Representative Ross Representative Gill Representative Murry
HB 1090	Orange-Alamance Remaining 9% Boundary.	Representative Bordsen Representative Ingle Representative Hackney Representative Insko

Presentations

Other Business

Adjournment

Principal Clerk ____
Reading Clerk ____

Corrected:

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	June 26, 2012	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 945	Marion Legislative Annexation.	Representative Gillespie
HB 963	Town of Columbia/Deannexation.	Representative Owens, Jr.
HB 988	Averasboro Township TDA Changes.	Representative Lewis
HB 991	Jackson Co. Occupancy Tax Changes.	Representative Haire
HB 1009	MSD Amendments.	Representative McGrady Representative Moffitt
HB 1029	Mayodan Manager Residency.	Representative Holloway Representative Jones, Jr.
HB 1050	Elizabethtown Industr. Park Deannexation.	Representative Brisson
HB 1051	Elizabethtown Hayfields Deannexation.	Representative Brisson
HB 1090	Orange-Alamance Remaining 9% Boundary.	Representative Bordsen Representative Ingle Representative Hackney Representative Insko
HB 1106	Apex Annexation.	Representative Dollar Representative Stam Representative Murry
HB 1109	Dare CAMA Setback Req'ts./Grandfather.	Representative Spear
HB 1110	Matthews/Stallings Boundary	Representative Horn

	Adjustment.	Representative Cotham Representative Brawley, Jr. Representative McGuirt
HB 1122	Martin County Fire Districts.	Representative Warren Representative Tolson
HB 1123	Durham County Memorial Stadium.	Representative Michaux, Jr. Representative Hall Representative Luebke Representative Wilkins, Jr.
HB 1131	Carteret Commissioner Election.	Representative McElraft
HB 1169	Town of Burgaw/Deannexation.	Representative Justice
HB 1181	Study Municipal Local Option Sales Tax.	Representative McElraft
HB 1196	Albemarle Mental Health Center Property.	Representative Owens, Jr.
HB 1197	Add Stokes Cty to Tax Cert Before Recordation.	Representative Holloway
HB 1199	Lake Lure Convey Property.	Representative Hager
HB 1200	Winston-Salem Firefighters Retirement.	Representative McGee
HB 1202	Roanoke Rapids Deannex/Halifax N'hmpt Airport.	Representative Bryant Representative Bradley, Jr. Representative Wray
HB 1206	Butner Boundary Clarification.	Representative Crawford, Jr.
HB 1216	Town of Wallace/Satellite Annexations.	Representative Dixon
HB 1217	Asheville/Woodfin Boundary Adjustments.	Representative Keever Representative Fisher Representative Moffitt
HB 1059	Asheboro Towing.	Representative Brubaker
HB 987	Wake Tech Board of Trustees.	Representative Jackson Representative Ross Representative Weiss Representative Murry
HB 1212	Wake/Chatham Local Act.	Representative Hackney
HB 1071	Wake School Board Organizational Meeting.	Representative Jackson Representative Ross Representative Gill Representative Murry

Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the City of Marion are increased by adding the following described area:

BEGINNING at a point in the southwestern corner of Lot 9673 Block 64 on the McDowell County Tax Map 0792.00; thence following the northern boundary of US Highway 70 in a southwesterly direction 1250 feet to a point at the southeastern corner of Lot 1497 Block 53 on the McDowell County Tax Map 0792.00; thence in a straight southeasterly direction 100 feet to a point on the southern boundary of US Highway 70; thence following the southern boundary of US Highway 70 in a northeasterly direction 1250 feet to a point; thence in a straight northwesterly direction 100 feet to the point of BEGINNING.

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

HOUSE BILL 945:
Marion Legislative Annexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Gillespie	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 945 is a local bill that would annex certain described property into the City of Marion.***

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries.

North Carolina law sets forth four basic ways in which a municipality may annex an area.

- Voluntary Annexation. The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation. The municipality initiates annexation proceeding, pursuant to statutory requirements.
- Legislative Act. The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: House Bill 945 annexes into the corporate limits of the City of Marion a section of right-of-way of US Highway 70 West where the city plans to construct and maintain a sidewalk.

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

H945-SMRW-232(e1) v1

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.

HOUSE BILL 963:
Town of Columbia/Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Owens	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 963 deannexes a described area from the Town of Columbia in Tyrrell 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 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 963 deannexes a described area from the Town of Columbia in Tyrrell County. The area was added to the Town by act of the General Assembly in 2007 (S.L. 2007-140). Liens for property taxes or special assessments on property in the area outstanding before the effective date would remain in effect.

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

H963-SMRW-233(e1) v1

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-12(b) reads as rewritten:

"(b) All trustees shall be residents ~~of~~ of, or have full-time employment in, the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D-12(a), Group Four."

SECTION 2. This act applies only to Wake Technical Community College.

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

HOUSE BILL 987:
Wake Tech Board of Trustees

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25. 2012
Introduced by:	Reps. Weiss, Ross, Murry, Jackson	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 987 amends the membership requirements for the Board of Trustees for Wake Technical Community College to make individuals with full-time employment in the administrative area eligible for membership as a trustee.***

[As introduced, this bill was identical to S884, as introduced by Sen. Hunt, which is currently in House Education.]

CURRENT LAW:

Article 2 of Chapter 115D provides for the local administration of community colleges.

G.S. 115D-12 requires each institution to have a board of trustees and provides for the selection of the trustees.

G.S. 115D-12(b) requires all trustees to be residents of the administrative area of the institution or of contiguous counties. The only exception to the residency requirement under current law is for the president of the student government or the chairman of the executive board of the student body of each community college.

Other institutions with local modifications to G.S. 115D-12: S.L. 2011-175 (Stanley); S.L. 1999-60 (Anson and Union); S.L. 1997-12 (Albemarle).

BILL ANALYSIS:

House Bill 987 amends G.S. 115D-12(b) as it applies to Wake Technical Community College only. Currently G.S. 115D-12(b) requires all trustees to be residents of the administrative area of the institution or contiguous counties, with one exception (noted above). This bill would allow individuals to be eligible to serve as trustees if they have full-time employment in the administrative area or contiguous counties.

EFFECTIVE DATE:

House Bill 987 would become effective when it becomes law and apply only to Wake Technical Community College.

Theresa Matula, counsel to House Government, substantially contributed to this summary.

H987-SMRF-154(e1) v1

HOUSE BILL 988

Short Title:	Averasboro Township TDA Changes.	(Local)
Sponsors:	Representative Lewis (Primary Sponsor). 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 MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 142 of the 1987 Session Laws, as amended by Part XII of S.L. 2001-439, reads as rewritten:

"**Section 1.** Occupancy Tax. – (a) Authorization and Scope. – The Harnett County Board of Commissioners may levy a room occupancy tax in an amount not to exceed three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within Averasboro Township that is subject to sales tax imposed by the State under G.S.105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious institutions or organizations.

(a1) Additional Occupancy Tax. – In addition to the tax authorized by subsection (a) of this section, the Harnett County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that subsection. The county may not levy a tax under this section unless it also levies the tax under subsection (a) of this section. A tax levied under this section may not become effective before the first day of the second month after the resolution levying the tax is adopted. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with this section.

(b) Repealed.

(c) Administration. – For the purpose of levying and administering the tax authorized by this act, Averasboro Township shall be a body politic and corporate and shall have the power to carry out the provisions of this act. The Harnett County Board of Commissioners shall serve, ex officio, as the governing body of the Township, and the officers of the board of commissioners shall serve as the officers of the governing body of the township. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

The Harnett County Board of Commissioners, as the governing body of Averasboro Township, shall administer a tax levied under this act. A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155 as if Averasboro Township were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.

(d) Repealed.

(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 Averasboro 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 Averasboro 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 Averasboro 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 Averasboro 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 Averasboro 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 Averasboro 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.

~~The members appointed by the board of commissioners shall serve for a term of one year; vacancies~~ Vacancies shall be filled in the same manner as the initial appointments. All of the members, including those who serve ex officio, shall be voting members of the Authority. A majority of the members shall constitute a quorum for the transaction of business and an affirmative vote of the majority of the members present at a meeting of the Authority shall be required to constitute action of the Authority. The ~~board of commissioners~~ Authority shall designate one member of the Authority as chair and one member of the Authority to serve as vice-chair, and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet monthly or at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for ~~Harnett County~~ the City of Dunn shall be the ex officio finance officer of the Authority.

(b) Duties. – The authority shall develop, promote, and advertise travel and tourism in Averasboro Township, sponsor tourist-oriented events and activities for Averasboro Township, operate and maintain museums and historic sites throughout Averasboro Township, and purchase, operate, ~~and~~ maintain a convention facility for Averasboro ~~Township.~~Township, and finance tourist-related capital projects in the Averasboro Township.

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

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

SECTION 2. This act is effective when it becomes law and applies to the distribution of the net proceeds of the occupancy tax on or after the earlier of October 1, 2012, or the date specified in a resolution adopted in accordance with this act.

HOUSE BILL 988:
Averasboro Township TDA Changes

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 26, 2012
Introduced by:	Rep. Lewis	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 988 makes changes to the Averasboro Township Tourism Development Authority. The bill was given a favorable report by the Occupancy Tax Subcommittee on June 14, 2012.***

CURRENT LAW: S.L. 1987-142 established the Averasboro Tourism Development Authority. There are currently seven members of the Authority:

- Two members appointed by the board of commissioners, one who is a hotel or motel operator from Averasboro Township and one who is a representative of the travel industry
- The Harnett County Manager (ex-officio member)
- The Harnett County Commissioner representing Averasboro Township (ex-officio member)
- The President of the Dunn Area Chamber of Commerce (ex-officio member)
- The Vice President of Economic and Industrial Development of the Dunn Area Chamber of Commerce (ex-officio member)
- The City Manager of the Town of Dunn (ex-officio member)

BILL ANALYSIS: House Bill 988 revises the town membership in the following ways:

- Increases the number of members on the Authority from seven to nine.
- Increases the number of hotel, motel, or bed and breakfast operators from one member to three members.
- Removes the requirement that one member must be a representative of the travel industry and instead requires that the member be currently active in tourism promotion, to be appointed by the Authority. The new language would make the provision consistent with the occupancy tax guidelines adopted by the House Finance Committee.
- Removes the ex-officio membership of the Vice President of Economic and Industrial Development of the Dunn Area Chamber of Commerce.
- Adds a city council member of Dunn appointed by the Dunn City Council as an ex-officio member.

The bill also adds to the duties of the TDA, the ability to finance tourist-related capital projects. The Averasboro TDA is seeking this language because it would like to give funds to the Town for the purpose of enhancing and upgrading certain parks and recreation facilities that enhance tourism in the area. This language is consistent with language found in most other occupancy tax acts.

EFFECTIVE DATE: This act is effective when it becomes law and applies to the distribution of the net proceeds of the occupancy tax on or after the earlier of October 1, 2012, or the date specified in a resolution adopted in accordance with this act.

BACKGROUND: To meet the occupancy tax guidelines, a Tourism Development Authority Board must meet 2 thresholds: (1) 1/3 of the members must be collectors of the tax and (2) ½ of the members must be currently active in the promotion of travel and tourism in the taxing district.

H988-SMRN-94(e1) v1

**Trina Griffin, Counsel to House Finance, contributed substantially to the drafting of this summary.*

HOUSE BILL 991

Short Title:	Jackson Co. Occupancy Tax Changes.	(Local)
Sponsors:	Representative Haire (Primary Sponsor). 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 POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2011-170 reads as rewritten:

"**SECTION 7.** Part II and Section 5 of this act become effective January 1, 2013. ~~This~~ The remainder of this act is effective when it becomes law."

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

HOUSE BILL 991:
Jackson Co. Occupancy Tax Changes

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 26, 2012
Introduced by:	Rep. Haire	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 991 would delay the effective date of legislation enacted during the 2011 session authorizing Jackson County to levy an additional 3% room occupancy tax and requiring other administrative changes.

CURRENT LAW: In 1985, the General Assembly authorized several western counties, including Jackson, to levy an occupancy tax of 3%. The net proceeds of the tax are placed in a special Travel and Tourism Fund and may be used only to promote travel and tourism in the county. The county has discretionary authority to establish a tourism development authority to administer the funds.

In 2011, the General Assembly enacted S.L. 2011-170 (HB 96), which rewrote and recodified the law authorizing the 3% room occupancy tax in Jackson County to conform the content to the uniform format currently used for occupancy taxes. By conforming to the House Finance Occupancy Tax Guidelines, Jackson County may use up to one-third of the occupancy tax proceeds for tourism-related expenditures, which it could not do under the 1985 law. The 2011 legislation also authorized Jackson County to levy an additional 3% occupancy tax with the same conditions and requirements that apply to the first 3%.

BILL ANALYSIS: House Bill 991 would delay until January 1, 2013, the effective date of the 2011 legislation. The county has requested this legislation.

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

BACKGROUND: As noted above, the 1985 legislation did not require the occupancy tax proceeds to be administered by a tourism development authority. In 1987, the legislation was amended to give the County discretionary authority to establish a travel and tourism authority. Jackson County currently has two travel and tourism authorities that administer the proceeds of the 3% room occupancy tax: the Jackson County Tourism Authority and the Cashiers Tourism Authority. Based upon the way the 2011 legislation was drafted, the County was required to establish a single, countywide Tourism Development Authority as soon as the act became law, regardless of when and whether the County enacted the additional 3% occupancy tax. The County believed that it would not have to establish a single TDA until it enacted the additional 3% tax. The County would like additional time to transition to a single TDA and, therefore, requested the effective date extension.

H991-SMRN-95(e1) v1

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 1009
Committee Substitute Favorable 6/14/12

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.

(c) In determining district board representation, no appointment shall be made by or in behalf of a political subdivision which does not own or operate a public system for the collection of wastewater at the time of such appointment."

SECTION 3. G.S. 162A-68(i) reads as rewritten:

"(i) Immediately following the inclusion of any additional political subdivision within an existing district, members representing such additional political subdivision shall be appointed to the district board in the manner provided in ~~G.S. 162A-67.~~this section.

(1) Any additional unincorporated area that is included within an existing district shall be represented by the members representing the county in which the unincorporated area lies ~~except that:~~as follows:

~~(1)~~a. If inclusion of the additional unincorporated area extends the district into more than one county, members representing the unincorporated area in the new county shall be appointed ~~in accordance with G.S. 162A-67(a)(2)~~ immediately following the inclusion of the additional area. Upon the inclusion of the additional area, the board members appointed in accordance with G.S. 162A-67(a)(1) or G.S. 162A-67(a)(1a) shall continue to serve on the district board. The board of commissioners of the county in which the largest portion of the district lies shall appoint 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 shall appoint to the district board two qualified voters residing in the county and district to serve a term of three years and shall appoint 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. For purposes of this subdivision, the county in which the largest portion and lesser portion of the district lies shall be 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.

~~(2)~~b. If the inclusion of the additional unincorporated area has the effect of changing the county in which the largest portion of the district lies, new members representing the county comprising the larger portion of the district shall be appointed in accordance with G.S. 162A-67(a)(2) immediately following the inclusion, and no reappointment shall be made by the county in which the lesser portion of the district lies upon expiration of the first term of a member representing that county following the inclusion.

(2) Following the inclusion of any additional political subdivision within an existing district, the political subdivisions added shall appoint members to the district board in accordance with G.S. 162A-67(a)(4) only if the governing body of the political subdivision owns or operates a public system for the collection of wastewater at the time of such appointment.

The terms of office of the members first appointed to represent such additional subdivision or area may be varied for a period not to exceed six months from the terms provided for in G.S. 162A-67, so that the appointment of successors to such members may more nearly coincide with the appointment of successors to members of the existing board; and all successor members shall be appointed for the terms provided for in G.S. 162A-67."

SECTION 4. G.S. 162A-69 is amended by adding a new subdivision to read:

"**§ 162A-69. Powers generally; fiscal year.**

Each district shall be deemed to be a public body and body politic and corporate exercising public and essential governmental functions to provide for the preservation and promotion of the public health and welfare, and each district is hereby authorized and empowered:

...

(13c) To exercise any power of a Metropolitan Water District under Article 4 of this Chapter not set forth in this section.

...."

SECTION 5. This act becomes effective July 1, 2012, and applies to appointments made on or after that date.

HOUSE BILL 1009: MSD Amendments

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 26, 2012
Introduced by:	Reps. McGrady, Moffitt	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	Second Edition		

***SUMMARY:** House Bill 1009 would make changes to the district board representation and powers of a metropolitan sewerage district.*

Sections 1-3. – District Board membership and appointment.

CURRENT LAW & BILL ANALYSIS: Chapter 162A governs water and sewer systems, and in particular metropolitan sewerage districts. A metropolitan sewerage district may be created upon request to the governing body of each political subdivision, and petition of at least 51% of the qualified voters residing in any unincorporated area, and approval of the Environmental Management Commission. Once approved, a district board is appointed. Appointment is upon creation, and the membership of the board is determined by statute, according to the geography and population of the area, as follows:

- Single county, with a population of 25,000 or more: Board of county commissioners appoints 3 members.
- Single county, with a population under 25,000: Board of county commissioners appoints 5 members.
- Two county district: Board of county commissioners of the county in which the larger portion of the district lies appoints 2 members. Board of county commissioners of the lesser portion appoints one member.
- Three or more county district: Board of county commissioners of each county appoints one member.
- Additional appointments:
    - All political subdivisions, other than counties, lying in whole or in part within the district appoint 1 member.
    - If any municipality within the district has a population greater than that of all other political subdivisions (other than counties) and unincorporated areas within the district, that municipality appoints 3 members.

All members are to be qualified voters residing in the district, and serve 3 year staggered terms. If the district lies wholly within the corporate limits of 2 or more municipalities, the district board shall be appointed by the municipalities only, with one additional member elected by the appointed members of the district board. Each municipality shall appoint 2 members, who serve 4 year terms.

Once established, a metropolitan sewerage district may expand its territory upon receiving a resolution from a political subdivision or petition of at least 51% of the qualified voters residing in any unincorporated area requesting to be included. The district board then files a report with the Environmental Management Commission, who in turn shall determine if the request would preserve and promote the public health and welfare and may include the new area in the district. Alternatively, the qualified registered voters of the district may request an election to determine the question of expansion.

If the metropolitan sewerage district is expanded, appointments to the district board are to be made by the additional political subdivisions, in accordance with G.S. 162A-68(i):

- If inclusion of the additional unincorporated area extends the district into more than one county, members representing the unincorporated area in the new county shall be appointed in accordance with the provisions for two county districts.
- If the inclusion of the additional unincorporated area has the effect of changing the county in which the largest portion of the district lies, new members representing the county comprising the larger portion of the district shall be appointed in accordance with the provisions for two county districts, and no reappointment shall be made by the county in which the lesser portion of the district lies upon expiration of the first term of a member representing that county following the inclusion.

The bill does all of the following:

1. Amends the additional appointments to the district boards provision regarding appointment by any municipality within the district with a population greater than that of all other political subdivisions (other than counties) and unincorporated areas within the district to clarify how the population is determined and reduce the trigger for additional appointments to one-half of the combined population, rather than greater than the remaining combined population.
2. Clarifies that the population figure used for determining appointments upon creation or expansion is the last federal decennial census.
3. Specifies that in determining appointments based upon population, only population within the metropolitan sewerage district, not that of the entire political subdivision, should be used.
4. Provides that any political subdivision not operating a public system for wastewater collection at the time of appointment is not entitled to appoint a member when determining board representation.

Section 4. – District Board Powers.

CURRENT LAW & BILL ANALYSIS:

G.S. 162A-69 sets forth the powers of a metropolitan sewerage district. G.S. 162A-36 sets forth the powers of a metropolitan water district. Many of the powers and duties are identical. The powers currently granted to metropolitan water districts that are not granted to a metropolitan sewerage district include:

- To negotiate and pay close-out costs involved in the acquisition or lease of existing water supply or sewerage systems.
- To determine the extent to which local water distribution system and local sewerage system improvement will be financed out of district revenues and to contract with other political subdivisions for construction of facilities to be jointly financed and whose title would be vested in the district.
- To lease from any city or town or any other municipal corporation, or from any water or sewage district, any water or sewerage system or portions thereof upon such terms and conditions and for such considerations as may to the district board be deemed fair and reasonable.

- The metropolitan water district is authorized and empowered. through its district board. officers. agents and employees, to cause any user of water who shall fail to pay promptly his water rent or use bill for any month to be cut off, and his right to further use of water from said district to be discontinued until payment of any water rent or use arrearage.

The bill would expand the powers of the metropolitan sewerage district to include all of those granted to a metropolitan water district.

EFFECTIVE DATE: July 1, 2012, and applies to appointments made on or after that date.

BACKGROUND: This bill is the recommendation of the Legislative Research Commission's Metropolitan Sewer/Water System Committee.

H1009-SMRN-98(e2) v1

R. Erika Churchill, Counsel to the House Government Committee, contributed substantially to the drafting of this summary.

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

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF THAT TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.1 of the Charter of the Town of Mayodan, being Chapter 501 of the 1973 Session Laws, as amended by S.L. 2000-34, reads as rewritten:

"Sec. 5.1. Appointment; Compensation. The Town Council shall appoint an officer whose title shall be Town Manager and who shall be the head of the administrative branch of the Town government. The Town Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. ~~At the time of his appointment he~~ The Town Manager need not be a resident of the ~~Town, but shall reside within five miles of the Town limits during his tenure of office.~~ Town. No person elected as Mayor or as a member of the Council shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he was elected. The Town Manager shall serve at the pleasure of the Council and shall receive such salary as the Council shall fix."

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

HOUSE BILL 1029:
Mayodan Manager Residency

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 26, 2012
Introduced by:	Reps. Holloway, Jones	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1029 is a local act that removes from the Charter of the Town of Mayodan the requirement that the Town Manager live within five miles of the Town limits during his or her tenure of office.***

CURRENT LAW: Currently, the Charter of the Town of Mayodan requires that the Town Manager live within five miles of the Town limits during his or her tenure in office.

BILL ANALYSIS: House Bill 1029 amends the Charter of the Town of Mayodan to remove the requirement that the Town Manager live within five miles of the Town limits.

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

BACKGROUND: Prior to 2000, the Town Manager of Mayodan was required to be a resident of the Town. The charter was amended in 2000 to allow the Town Manager to live within five miles of the Town limits during his or her tenure in office.

H1029-SMRN-96(e1) v1

Kelly Quick, staff to the House Government Committee, contributed substantially to the drafting of this summary.

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.

HOUSE BILL 1050:
Elizabethtown Industr. Park Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Brisson	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1050 would deannex 4 tracts of land that were involuntarily annexed by the Town of Elizabethtown in an industrial park area and would prohibit involuntary annexation of those tracts for 12 years.***

CURRENT LAW: Under Section 1 of Article VII of the NC 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." The General Assembly has not enacted any method for municipalities to deannex property – that power remains with the General Assembly.

BILL ANALYSIS:

Section 1 repeals the local involuntary annexation ordinances listed in Section 3 of the bill.

Section 2 provides that the 4 tracts covered by the bill shall not be subject to any involuntary annexation for 12 years after the effective date.

Section 3 lists the 4 tracts covered by the bill.

Section 4 is a severability clause, providing that if any provision of the bill is held invalid then the remainder of the bill can be enforced.

EFFECTIVE DATE: This act is effective from and after June 29, 2012.

H1050-SAIRW-234(e1) v1

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.

HOUSE BILL 1051:
Elizabethtown Hayfields Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25. 2012
Introduced by:	Rep. Brisson.	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 1051 would deannex 3 tracts of land that were involuntarily annexed by the Town of Elizabethtown in the Hayfields residential area and would prohibit involuntary annexation of those tracts for 12 years.

CURRENT LAW: Under Section 1 of Article VII of the NC 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." The General Assembly has not enacted any method for municipalities to deannex property – that power remains with the General Assembly.

BILL ANALYSIS:

Section 1 repeals the local involuntary annexation ordinances listed in Section 3 of the bill.

Section 2 provides that the 3 tracts covered by the bill shall not be subject to any involuntary annexation for 12 years after the effective date.

Section 3 lists the 3 tracts covered by the bill.

Section 4 is a severability clause, providing that if any provision of the bill is held invalid then the remainder of the bill can be enforced.

EFFECTIVE DATE: This act is effective from and after June 29, 2012.

H1051-SMRW-235(e1) v1

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-302 reads as rewritten:

"**§ 160A-302. Off-street parking facilities.**

(a) A city shall have authority to own, acquire, establish, regulate, operate, and control off-street parking lots, parking garages, and other facilities for parking motor vehicles, and to make a charge for the use of such facilities.

(b) In a city-owned parking lot that is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, any motor vehicle, as defined in G.S.20-4.01, parked in violation of a city ordinance adopted pursuant to this section may be removed from such lot to a place of storage, and the registered owner of that motor vehicle shall become liable for removal and storage charges. Any person who removes a motor vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder, or other person legally entitled to possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages. The towing of a motor vehicle for violation of an ordinance adopted under the authority granted by this section shall be initiated only at the request of a law enforcement officer employed by the city. The person who actually tows the designated motor vehicle is responsible for the collection of towing and storage fees. All provisions of Article 7A of Chapter 20 of the General Statutes shall apply."

SECTION 2. This act applies to the City of Asheboro only and only to its regulation of the city-owned parking lot that is utilized as part of the Downtown Farmers' Market facility.

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

HOUSE BILL 1059:
Asheboro Towing

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Brubaker	**Prepared by:**	Susan Sitze*
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1059 authorizes the City of Asheboro to tow motor vehicles from a City-owned parking lot utilized as part of the Downtown Farmers' Market.***

CURRENT LAW: Current G.S. 160A-302, provides that a "city shall have authority to own, acquire, establish, regulate, operate, and control off street parking lots, parking garages, and other facilities for parking motor vehicles, and to make a charge for the use of such facilities."

BILL ANALYSIS: House Bill 1059 amends G.S. 160A-302, applicable to the City of Asheboro only, to provide:

- In a city owned parking lot that is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, any motor vehicle, as defined in G.S. 20-4.01, parked in violation of a city ordinance adopted pursuant to this section may be removed from such lot to a place of storage, and the registered owner of that motor vehicle shall become liable for removal and storage charges.
- Any person who removes a motor vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder, or other person legally entitled to possession of the vehicle removed: however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.
- The towing of a motor vehicle for violation of an ordinance adopted under the authority granted by this section shall be initiated only at the request of a law enforcement officer employed by the city.
- The person who actually tows the designated motor vehicle is responsible for the collection of towing and storage fees.
- All provisions of Article 7A of Chapter 20 (Post –towing procedures) of the General Statutes shall apply.
- This bill applies to the City of Asheboro only and only to its regulation of the city owned parking lot that is utilized as part of the Downtown Farmers' Market facility.

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

**This summary originally written by Giles S. Perry, Committee Counsel.*

H1059-SMSA-117(e1) v1

HOUSE BILL 1071
Second Edition Engrossed 6/11/12

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

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9 of Chapter 717 of the Session Laws of 1975, as amended by Chapter 952 of the Session Laws of 1983 and S.L. 2011-138, reads as rewritten:

"**Sec. 9.** ~~In June or July of each year, the~~ The Wake County Board of Education, acting jointly and by a majority vote of all members present, shall elect a chair to preside at meetings and a vice-chair to preside at meetings in the absence of the chair; and the chair and vice-chair shall have a vote on all matters considered by the Wake County Board of Education. All vacancies occurring in the membership of the Wake County Board of Education by reason of death, resignation, removal of residence from the district from which elected, or for any cause whatsoever, shall be filled by the remaining members of said board by appointing a member from the voting district creating the vacancy for the unexpired term. The Wake County Board of Education shall have all power and authority as a Board of Education as herein conferred and as are conferred by the General Statutes of North Carolina on boards of education in general."

SECTION 2. This act is effective December 1, 2012.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 1090*
Committee Substitute Favorable 6/13/12

Short Title: Orange-Alamance Remaining 9% Boundary. (Local)

Sponsors:

Referred to:

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 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 the counties' 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 or 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.

SECTION 8. Should any provision of S.L. 2010-61, as amended by S.L. 2011-88, conflict with any provision of this act, the provisions of this act shall control. Should any line

marking the area of the nine percent (9%) reflected in the surveys referenced herein conflict with any line shown on the surveys describing the area of the ninety-one percent (91%), the surveys marking the area of the nine percent (9%) shall control.

SECTION 9. 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, save and except the ninety-one percent (91%) of the boundary line adopted by S.L. 2011-88, is modified as set forth herein upon ratification of this act.

SECTION 10. Pursuant to Section 1 of Article VII of the North Carolina Constitution, the official boundary line regarding the remaining nine percent (9%) of the line separating Alamance County and Orange County, as recommended by the Alamance County Board of Commissioners at its meeting of December 6, 2010, and the Orange County Board of Commissioners at its meeting of December 14, 2010, is hereby formally recognized and adopted by the General Assembly.

SECTION 11. Upon adoption, the survey plats reflecting the boundary line shall be filed with the Alamance County Register of Deeds, with the Orange County Register of Deeds, and in the office of the Secretary of State as provided in G.S. 153A-18(a).

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

East passed Sen.

HOUSE BILL 1090:
Orange-Alamance Remaining 9% Boundary

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Reps. Insko, Hackney, Bordsen, Ingle	**Prepared by:**	Denise Adams
Analysis of:	Second Edition		Committee Staff

SUMMARY: ***House Bill 1090 would establish the remaining nine percent of the common boundary between Orange and Alamance counties, as authorized by S.L. 2011-87.***

[As introduced, this bill was identical to S873, as introduced by Sen. Kinnaird, which is currently in Senate State and Local Government.]

BILL ANALYSIS:

Section 1. Notes that the historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the 160 years since, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections. The section also notes that both boards of commissioners authorized the North Carolina Geodetic Survey (NCGS) to conduct a preliminary resurvey.

Section 2. Explains that in 2011 the General Assembly passed two local acts, S.L. 2011-88 which established the 91% of the common boundary between Orange and Alamance counties, and S.L. 2011-87 which required the counties to recommend the location of the remaining 9% of the common boundary.

Section 3. 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 the bill up to July 1, 2013.

Section 4. Requires recordation of all papers, documents, and instruments required or permitted to be filed involving the resurvey of the boundary line to be recorded in the county to which the property is reassigned by the bill. The section also addresses transfer of the following:

- Property taxation. The tax administrators are to begin transferring tax listings and valuations on September 1, 2012, for taxation by the county of reassignment effective January 1, 2013. For the tax year 2013, a temporary valuation and assessment is specified. Beginning January 1, 2014, the property is to be listed, assessed and taxed by the appropriate county in the same manner as prescribed by law for all other property in that county.
- Voter registration. The local boards of elections are to transfer voter registrations effective July 1, 2013.
- Jury lists. The Jury Commission of each county is to revise its lists, effective July 1, 2013.

Section 5. 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 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 2011-2012 school years, then the child and any siblings may continue to attend the same school system.

Section 7. Grants 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. States that S.L. 2010-61, as amended by S.L. 2011-88, remains in effect, but that the present bill controls if there is a conflict.

Section 9. Provides that pursuant to the North Carolina Constitution, any boundary line previously utilized is modified as provided in this act.

Section 10. Provides that the boundary line approved by the commissioners of Alamance County and Orange County is adopted by the General Assembly.

Section 11. 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: When it becomes law.

Erika Churchill and Greg Roney, Staff Attorneys in the Research Division, substantially contributed to this summary.

H1090-SMTB-42(e2) v1

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.

east 137.15 feet to a computed point; thence crossing the Beaver Creek Commons Drive Extension right-of-way (allowing 65 feet) south 57 deg. 36 min. 31 sec. east 68.76 feet to a computed point, the POINT OF BEGINNING.

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

HOUSE BILL 1106:
Apex Annexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Reps. Murry, Dollar, Stam	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1106 annexes a described area into the Town of Apex.***

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. As the municipality is receiving more tax revenue from the added area, the municipality must provide (or contract to provide) basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municpality may annex an area.

- Voluntary Annexation. The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation. The municipality initiates annexation proceeding, pursuant to statutory requirements.
- Legislative Act. The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: House Bill 1106 annexes a 0.208 acre tract into the corporate limits of the Town of Apex.

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

H1106-SMRW-236(e1) v1

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.

HOUSE BILL 1109:
Dare CAMA Setback Req'ts./Grandfather

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Spear	**Prepared by:**	Susan Sitze*
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1109 prohibits the Coastal Resources Commission from denying a development permit for 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).

This act applies to Dare County only.

BILL ANALYSIS: House Bill 1109 provides that, 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).

This act applies to Dare County only.

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

BACKGROUND:

"15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the CRC's Rules shall be located according to whichever of the following is applicable:

...

(2) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback is established based on the following criteria:

(A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;

..."

**This summary was originally written by Giles S. Perry, Committee Counsel*

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:

Address	Parcel ID	Legal Description Lot# Block Book Page
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:

Address	Parcel ID	Legal Description Lot# Block Book Page
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.

HOUSE BILL 1110:
Matthews/Stallings Boundary Adjustment

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Reps. Horn, Brawley, Cotham, McGuirt	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***House Bill 1110 would remove certain specified land in five parcels from the corporate limits of the Town of Matthews and would place it within the corporate limits of the Town of Stallings.***

BILL ANALYSIS: House Bill 1110 removes from the town limits of Matthews five specified parcels and the part of the right-of-way of Community Park Drive that is bounded by the Mecklenburg/Union County line and by or more of those five parcels. The bill adds that property to the town limits of Stallings. The removal from the town limits of Matthews will not affect the validity of any liens for ad valorem taxes or special assessments outstanding prior to the effective date of this act.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

BACKGROUND: This bill was requested by both town governing boards.

Kelly Quick with the Research Division substantially contributed to this summary.

H1110-SMTB-43(e1) v1

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.

Passed
Law

HOUSE BILL 1122:
Martin County Fire Districts

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Reps. E. Warren, Tolson	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***House Bill 1122 would validate the tax-supported fire districts of Martin County, and authorize the County of Martin to transition to county service districts for the provision of fire protection.***

[As introduced, this bill was identical to S883, as introduced by Sen. Jenkins, which is currently in Senate State and Local Government.]

CURRENT LAW: Fire protection in areas outside cities is provided through the establishment of fire protection districts. The statutes provide for the creation of three types of rural fire districts:

- **Insurance districts.** G.S. 153A-233 authorizes counties to designate fire districts and prescribe their boundaries for insurance-grading purposes. To pay for this protection, the county is authorized to appropriate funds "not otherwise limited as to use by law."
- **Tax-supported fire districts.** Article 3A of Chapter 69 of the General Statutes authorizes tax-supported fire districts. They are created by a petition and an election. To pay for this protection, a special tax is levied and collected on all taxable property in the district at a rate not exceeding 15¢ on the $100 valuation of property. The district may be abolished by an election to abolish the fire district, called upon petition of at least 15% of the resident freeholders of the district. Unused funds are to be relinquished to the county and used as part of its general fund if a majority of the registered voters vote to abolish the fire district tax.
- **County service districts for fire protection.** Article 16 of Chapter 153A of the General Statutes authorizes the county commissioners to define service districts for fire protection after a public hearing. To pay for this protection, a county may levy an additional property tax within the district for the purpose of financing fire protection services. The county may also use revenues whose use is not otherwise restricted by law and it may issue general obligation bonds.

BILL ANALYSIS:

Sections 1-2. The bill would validate the collection of revenue from Martin County fire tax districts (created pursuant to Article 3A of Chapter 69), which taxes have been imposed since 1956. The County is currently able to locate a substantial portion of the documentation establishing the tax-supported fire districts. However, not all of the documentation regarding the districts can be located.

The bill further provides that the levies of fire protection district taxes by Martin County since 1956 that remain uncollected are valid and lawful, and any liens for these taxes remain.

Sections 3-4. The bill would authorize Martin County to delineate revised tax-supported fire district boundaries pending action by the County to establish a service district or districts for fire protection. The bill would also authorize the board of county commissioners to dissolve the tax-supported fire districts upon establishment of the county service districts for fire protection.

EFFECTIVE DATE: When it becomes law.

Erika Churchill and Heather Fennell, Staff Attorneys with the Research Division, substantially contributed to this summary.

H1122-SMTB-41(e1) v2

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.

All funds of the authority shall be kept by its treasurer in a separate bank account or accounts from other funds of Durham County, and shall be paid out only in accordance with procedures established by said authority.

The net proceeds from the operation of the stadium properties and facilities shall be used to apply on the payment of the interest and principal of the bonded indebtedness of Durham County incurred in connection with said stadium and shall not be used for any other purpose until said bonds, principal and interest have been paid, except as may be otherwise approved by the Board of Commissioners for other purposes of the authority. A quarterly operating statement of the authority shall be presented to the Board of Commissioners and an annual audited statement shall also be presented to said Board.

The authority shall appoint a manager for said stadium properties whose salary shall be approved by the Board of Commissioners. Such manager shall, in addition to other duties imposed upon him by the authority be responsible for the collection of rents or fees for the use of the properties and facilities of the stadium. The authority shall appoint such other personnel as it deems advisable.

The authority shall have full and complete control of said stadium properties and facilities; shall make such reasonable rules and regulations as it deems necessary for the proper operation and maintenance of said properties and shall establish and collect rents, fees and charges for the use of said properties and facilities which said charges may include charges for concessions and for parking automobiles."

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

HOUSE BILL 1123:
Durham County Memorial Stadium

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Reps. Michaux, Luebke, Hall, Wilkins	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: ***House Bill 1123 expands the Memorial Stadium Authority of Durham County to seven members, and amends membership and term limits.***

[As introduced, this bill was identical to S899, as introduced by Sens. Atwater, McKissick, which is currently in Senate State and Local Government.]

CURRENT LAW: In 1957, the General Assembly enacted local legislation authorizing the establishment of a Memorial Stadium Authority in Durham County, to control the management of the operation of the Memorial Stadium upon its completion. The Stadium was completed and opened for use in 1959. The Authority is appointed by the Board of Commissioners of Durham County.

BILL ANALYSIS: House Bill 1123 amends the act that authorized the Memorial Stadium Authority of Durham County by:

- Expanding the Authority from 5 to 7 members.
- Changing the terms of Authority members from 5 to 4 years.
- Providing that one of the new Authority members is a member of the Board of Commissioners.
- Limiting the terms of all Authority members, except the member of the County Commission, to two terms.

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

H1123-SMTB-40(e1) v2

Giles Perry, Committee Counsel to House Government, substantially contributed to this summary.

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;

(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.

HOUSE BILL 1169:
Town of Burgaw/Deannexation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25. 2012
Introduced by:	Rep. Justice	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 1169 would deannex two described areas from the Town of Burgaw.

CURRENT LAW: Under Section 1 of Article VII of the NC 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:

Section 1 of House Bill 1169 would deannex two described tracts from the Town of Burgaw.

Section 2 of the bill would provide that liens for property taxes or special assessments on property in the area outstanding before the effective date would remain in effect.

EFFECTIVE DATE: House Bill 1169 would be effective July 1, 2012.

H1169-SMRW-237(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 3

HOUSE BILL 1181*
Committee Substitute Favorable 6/13/12
Corrected Copy 6/26/12

Short Title: Study Municipal Local Option Sales Tax. (Public)

Sponsors:

Referred to:

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. The Revenue Laws Study Committee may study whether municipalities should be granted the authority to levy a local option sales tax for the purpose of providing dedicated funding for beach nourishment and other natural resources preservation and report its findings, together with any recommended legislation, to the 2013 Regular Session of the General Assembly upon its convening.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 1181*
Committee Substitute Favorable 6/13/12

Short Title: Study Municipal Local Option Sales Tax. (Local)

Sponsors:

Referred to:

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. The Revenue Laws Study Committee may study whether municipalities should be granted the authority to levy a local option sales tax for the purpose of providing dedicated funding for beach nourishment and other natural resources preservation and report its findings, together with any recommended legislation, to the 2013 Regular Session of the General Assembly upon its convening.

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

Bumper for rpt.

HOUSE BILL 1181:
Study Municipal Local Option Sales Tax

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. McElraft	**Prepared by:**	Susan Sitze*
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 1181 would authorize the Revenue Laws Study Committee to study the issue of authorizing municipalities to levy a local option sales tax for beach nourishment.***

CURRENT LAW: Counties and cities are created by the State and have only the authority given to them by the State. The General Assembly has authorized counties to levy a local option sales tax on at least four different occasions. The counties must distribute a portion of the 2% local sales tax revenues to the cities. The distribution between the county and its municipalities is based upon one of two methods: ad valorem or per capita.

The General Assembly has not authorized any cities to levy a city-only sales tax. Cities do have general authority to local privilege license taxes and vehicle taxes. Cities also receive a distribution of beer and wine excise taxes, electric franchise taxes, piped natural gas excise taxes, telecommunications taxes, and video programming taxes.

BILL ANALYSIS: House Bill 1181 authorizes the Revenue Laws Study Committee to study whether municipalities should be granted the authority to levy a local option sales tax for the purpose of providing dedicated funding for beach nourishment and other natural resources preservation and report its findings, together with any recommended legislation, to the 2013 Regular Session of the General Assembly upon its convening.

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

**This summary was originally written by Trina Griffin, Staff Attorney.*

H1181-SMSA-120(e2) v1

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.

HOUSE BILL 1196:
Albemarle Mental Health Center Property

2011-2012 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 25, 2012
Introduced by:	Rep. Owens	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 1196 applies to Camden, Currituck, and Perquimans Counties and allows the Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (MH/DD/SAS), DHHS, to enter into interlocal agreements to convey real property interests in those counties to East Carolina Behavioral Health (ECBH) in an effort to bring closure to the affairs of Albemarle Mental Health Center (AMHC) which no longer exists.

BILL ANALYSIS: HB 1196 allows the Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (MH/DD/SAS), DHHS, to enter into interlocal agreements to convey interests in real property to East Carolina Behavioral Health (ECBH). The property is located in Camden Currituck and Perquimans Counties and was identified in the consolidation agreement.

EFFECTIVE DATE: HB 1196 would become effective when it becomes law.

BACKGROUND: According to information supplied to committee staff, Albemarle Mental Health Center (AMHS), served 10 counties in eastern NC and owned 3 pieces of property – one each in of the following counties: Camden, Currituck and Perquimans. AMHC went under in SFY 2008-2009 and was taken over by the State (G. S. 122C-124.1 and 122C-125). During the remainder of SFY 2009 the Division of MH/DD/SAS ran the Local Management Entity (LME).

Effective July 1, 2009 the Division asked East Carolina Behavioral Health (ECBH) to manage the ten (10) counties under its auspices while the 10 counties decided how they wanted to move forward. The counties decided that they wanted to dissolve AMHC, in accordance with G. S. 122C-115.3, and join ECBH. As part of the merger agreement, all 10 counties agreed that ownership of the 3 pieces of property would convey to ECBH. However, after Albemarle dissolved effective June 30, 2010, there was no one to actually sign the deeds to convey ownership. The State had control of the program until July 1, 2010, but the Attorney General's Office questioned whether the Secretary of DHHS or the Director of the Division of MH/DD/SAS had clear legal authority to sign the deeds. The intent of this bill is to allow the Director DMH/DD/SAS the authority to make the final transfer of property.

CURRENT LAW: G.S. 122C-3(1) defines an "**area authority**" as the area mental health, developmental disabilities, and substance abuse authority. G.S. 122C-3(20b) defines a "**local management entity**" as an area authority, county program, or consolidated human services agency. It is a collective term that refers to functional responsibilities rather than governance structure.

G.S. 122C-115.3 provides for the dissolution of an area authority when the board of commissioners of each county constituting an area authority determines that the area authority is not operating in the best interests of consumers. G.S. 122C-115.3 (c-g) prescribes the process and procedures that should take place prior to dissolution.

G.S. 122C-124.1 outlines actions the Secretary of DHHS may take when and area authority or county program is not providing minimally adequate services.

G.S. 122C-125 specifies when the Secretary of DHHS may assume control of the financial affairs of the area authority.

Theresa Matula, counsel to House Government, substantially contributed to this summary.

H1196-SMRF-149(e1) v2

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.

HOUSE BILL 1197:
Add Stokes Cty to Tax Cert Before Recordation

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Holloway	**Prepared by:**	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1197 authorizes Stokes County to require payment of delinquent property taxes prior to recording deeds conveying property.*** *(Over 73 other counties have this authorization.)*

[As introduced, this bill was identical to S857, as introduced by Sen. East, which is currently in House Finance.]

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 counties (currently 73) to which this provision currently applies. (A number of other counties have a similar requirement but under different authorizing legislation.)

BILL ANALYSIS:

House Bill 1197 amends G.S. 161-31(b) to add Stokes 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:

House Bill 1197 would become effective when it becomes law.

Trina Griffin, counsel to House Finance, contributed to this summary.
H1197-SMRF-150(e1) v2

HOUSE BILL 1200
Committee Substitute Favorable 6/13/12

Short Title: Winston-Salem Firefighters Retirement. (Local)

Sponsors:

Referred to:

May 31, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 through 32 of Chapter 388 of the 1973 Session Laws, as amended by Chapter 15 of the 1977 Session Laws, Chapter 284 of the 1979 Session Laws, Chapter 647 of the 1981 Session Laws, Chapter 464 of the 1983 Session Laws, Chapter 508 of the 1987 Session Laws, Chapter 793 of the 1989 Session Laws, S.L. 1998-92, S.L. 2003-35, S.L. 2006-121, and S.L. 2008-98, read as rewritten:

"**Sec. 1.** That the name of the Association herein established shall be Winston-Salem Firemen's Retirement Fund Association, hereinafter referred to as the Association. References to the Association as of a date prior to April 3, 1979, and following July 1, 1973, shall mean the Winston-Salem Fire-Public Safety Retirement Fund Association, which was the name of the Association during such period.

"**Sec. 2.** Subject to the provisions of Section 16 hereof, the following persons shall automatically be members of the Association:

(a) As of July 1, 1987, any person who was a member of the Association following the close of business of the Association immediately preceding such date.

(b) As of July 1, 1987, and thereafter, any person not covered under (a) above who shall have been regularly and continuously employed full time by the Fire Department of the City of Winston-Salem (hereinafter referred to as the Fire Department), including any Fire Department mechanic or electrician, who shall have attained his 18th birthday and shall not have attained his 40th birthday. Any person not covered under (a) above who was hired by the Fire Department prior to July 1, 1987, and continues to be employed by the Fire Department on such date, and who had attained his 30th birthday when hired but had not then attained his 40th birthday, may elect within 90 days following July 1, 1987, to become a member by contributing to the Association the sum of twelve dollars ($12.00) per month from his date of hire by the Fire Department, plus interest at the rate of eight percent (8%), applicable to any payments made on and after July 1, 1989, per annum, computed on the amount accrued as of the end of each fiscal year of the Association.

(c) Notwithstanding the provisions of subsection (b) immediately preceding, as a condition to any person's becoming a member of the Association pursuant to the provisions of subsection 2(b) or 16(a), the Trustees may require such person to undergo a physical examination by a physician or physicians of good standing or repute selected by the Trustees. If it shall be found from such physician's report that such person is not in good physical or mental condition as of the date he would be eligible to become a member of the Association, such

person shall be denied membership in the Association. The determinations of whether or not such person shall be required to undergo a physical examination and whether or not he is in good physical or mental condition shall be made by the Trustees. In making such determinations, all persons similarly situated shall be treated alike. The cost of any medical examination required pursuant to the provisions of this subsection (c) shall be borne by the person seeking membership in the Association.

"**Sec. 3.** The Association may provide and raise funds in any legal manner to be used as a pension fund for such person or persons as may be entitled thereto under the provisions of this act and to such extent as is hereinafter set out.

"**Sec. 4.** The governing body of the Association shall consist of a Board of Trustees seven in number, four from the active membership of the Fire Department, two retired members of the Fire Department, and one to be appointed by the Insurance Commissioner of the State of North Carolina.

"**Sec. 5.** The Trustees from the membership of the Fire Department shall be elected by the members of the Fire Department for four-year terms. Such terms shall be staggered, so that two of the Trustees shall be elected during the month of January of each year divisible evenly by two. Trustees that are slated to leave the Board are automatically candidates for reelection unless they choose not to serve another term. In addition, the elected Association Trustees shall select from the members of the Fire Department four members in good standing, each of whom continuously served in the Fire Department for a period of at least four years. A general election shall then be held by the membership of the Fire Department to elect from the list of candidates two Trustees to serve a four-year term. Each member of the Fire Department in good standing may cast two votes for the member's choice of nominees. The nominee receiving the highest number of votes in the election will be a member of the Winston-Salem Firemen's Relief Fund Board as well as the Association Board. In the event that a Trustee is unable to complete the Trustee's term, the nominee receiving the next highest number of votes in the last election held and who is not then serving as a Trustee shall complete the unexpired term of the Trustee who resigned from the Board. A tie shall be resolved by casting lots. The Trustees who are retired members of the Fire Department shall be appointed for four-year terms by the Trustees who are active members of the Fire Department.

"**Sec. 6.** Any Trustee may resign at any time by giving notice in writing to the other Trustees. Should any Trustee who is a member of the Fire Department cease to be a member of the Fire Department for any reason, he shall automatically cease to be a Trustee. With regard to any Trustee elected by the members of the Association who resigns or ceases to be a Trustee for any reason, his successor shall be elected as provided in Section 5 of this act. Should the Trustee who was appointed by the Insurance Commissioner of the State of North Carolina resign or cease to be a Trustee for any reason, his successor shall be appointed by the said Insurance Commissioner. Should any Trustee who is a retired member of the Fire Department resign or cease to be a Trustee for any reason, that Trustee's successor shall be appointed by the Trustees who are active members of the Fire Department as provided in Section 5 of this act.

"**Sec. 7.** The Board of Trustees is herein fully vested with the exclusive right and authority to pay out the funds of this Association, as provided for in this act. All matters and claims provided for under this act shall be passed upon by said Trustees and all decisions and actions of said Trustees shall be binding upon the Association and the members thereof. Every Trustee shall be entitled to one vote except the chairman of the Board of Trustees, who shall be entitled to vote only to break a tie. At every annual meeting of the Board of Trustees, the Trustees shall elect a chairman, vice-chairman, secretary and treasurer. The secretary and treasurer need not be Trustees, and the offices of secretary and treasurer may be combined into a single office, in the discretion of the Trustees. The annual meeting of the Board of Trustees shall be held as soon as is practicable following the end of each calendar year at such place and at such time as shall be determined by the Trustees.

"**Sec. 8.** As of September 1, 2001, the secretary of the Association (or the secretary-treasurer if such offices shall be combined into a single office) shall be entitled to receive monthly compensation in an amount to be determined each year by the Trustees. The Trustees, as such, including the chairman and the vice-chairman, shall serve without compensation. The Trustees may authorize reimbursement by the Association to any officer or Trustee of the Association for all expenses incurred by such person in connection with services rendered in behalf of the Association.

"**Sec. 9.** The Trustees shall elect a custodian of all funds and property of the Association, provided that such custodian shall have first offered proof satisfactory to the Trustees, by bond or otherwise, that it is and will be financially responsible for all property coming into its hands in a fiduciary capacity. Said custodian shall not release any of the funds or property of the Association for reasons other than investment of such funds or property except upon the written authorization of the Trustees.

The Trustees shall also elect an investment manager who may or may not be the same person as the custodian. Any such investment manager shall be a bank, or an insurance company, or an entity registered under the Investment Advisor's Act of 1940. The investment manager shall be authorized to invest and reinvest the funds or property of the Association in the investment manager's own judgment and discretion. The investment manager shall report to the Trustees on a periodic basis, but not less frequently than each calendar quarter. The investment manager (including said custodian when acting as investment manager) shall not be liable to the Association for any act of failure to act by it, except for gross negligence or willful misconduct.

"**Sec. 10.** A special meeting of the Board of Trustees may be called by the chairman or vice-chairman, or by any two Trustees, upon 24 hours' written notice delivered in person to the members of said Board or mailed to the last known address of each member of said Board. A majority of the Trustees in office shall constitute a quorum at any meeting and a majority vote of the Trustees at a meeting at which a quorum is present shall constitute action by the Trustees.

"**Sec. 11.** The chairman of the Board of Trustees, when present, shall preside at all meetings. In the absence of the chairman, the vice-chairman shall act as chairman.

"**Sec. 12.** The secretary shall keep in complete form such data as shall be necessary for actuarial valuation of the funds of the Association and for checking the disbursements for and on behalf of the Association. He shall keep minutes of all proceedings of the Board of Trustees and of the Association, and the same shall be kept in a place selected by the Trustees. The treasurer of the Association shall post yearly at each fire station and at the office of fire administration, as soon as practicable following the end of each year, a financial statement of the Association.

"**Sec. 13.** The treasurer of the Association shall deposit with the custodian all funds and property that may come into his hands for the Association. The said treasurer shall obtain a receipt from the custodian for all funds and property delivered to the custodian by the treasurer. Said custodian shall invest and reinvest such funds and property as directed by the investment manager appointed under Section 9. Notwithstanding any contrary provisions of Section 9 or of this section, the Trustees are specifically authorized and empowered to invest funds of the Association by depositing such funds with the Winston-Salem Firemen's Credit Union on condition that the Association shall receive interest at an annual rate agreed upon by the Association and such credit union.

"**Sec. 14.** The custodian and the investment manager shall receive compensation for services rendered as may be agreed upon from time to time in writing by the Trustees and by the custodian (with respect to services rendered by the custodian) or the investment manager (with respect to services rendered by the investment manager). The Trustees shall have the authority to employ legal counsel when, in the opinion of the Trustees, legal counsel is

necessary. In case of such employment, said counsel shall be paid such fees as may be fair and reasonable as agreed upon in writing by the Trustees and the counsel so employed.

"**Sec. 15.** On or before August 31, 1987, the Board of Trustees of the Winston-Salem Firemen's Relief Fund shall transfer to the Board of Trustees of the Winston-Salem Firemen's Retirement Fund Association out of properties and funds belonging to the Winston-Salem Firemen's Relief Fund the sum of fifty-four thousand dollars ($54,000) in cash or assets. The assets so transferred pursuant to the immediately preceding sentence shall be transferred upon the basis of the fair market value thereof as of the date of transfer, and the particular assets to be transferred shall be determined by joint action of the Board of Trustees of the Winston-Salem Firemen's Relief Fund and the Board of Trustees of the Winston-Salem Firemen's Retirement Fund Association. All property of the Association is hereby relieved from any and all claims of the persons entitled to relief from the Winston-Salem Firemen's Relief Fund. The North Carolina Firemen's Association, its officers, members, boards and committees, are also hereby relieved of any claim of any kind whatsoever which may be based on past service, present service or future service in the Winston-Salem Fire Department. The Winston-Salem Firemen's Relief Fund and the officers, members, boards and committees of said Fund, are also hereby relieved of any claim of any kind whatsoever which may be based on past, present or future service in the Winston-Salem Fire Department, if any, so long as any claimant is entitled to benefits or pension under the provisions of this act.

"**Sec. 16.** (a) Notwithstanding the provisions of subsection (b) immediately following, if a person who shall not be a member of the Association shall be transferred to the employment of the Fire Department from the employment of the City of Winston-Salem (hereinafter referred to as the City), the following provisions shall apply in determining whether he shall be a member of the Association following such transfer:

(1) If he shall have attained at least his 18th birthday and shall not have attained his 40th birthday on the date of such transfer, he shall automatically become a member on such date of transfer. In determining such transferred employee's number of years of continuous employment by the City, employment with the City prior to such transfer shall be taken into account only if such employee shall elect to contribute to the Association the sum of (i) plus (ii) plus (iii), where (i) is the amount of twelve dollars ($12.00) per month, measured from the date of his hire by the City until earlier of the date of such transfer and June 30, 1998; (ii) is the aggregate amount that the person would have contributed, determined in accordance with Section 17 of this act, measured from July 1, 1998, until the date of the transfer, if the transfer occurs on or after July 1, 1998; and (iii) is interest accrued at the rate of eight percent (8%) with respect to any payments made on and after July 1, 1989, per annum, compounded annually on the amount accrued as of the end of each fiscal year of the Association.

(2) If he shall have attained at least his 40th birthday on the date of transfer, but had not attained such birthday when last employed by the City, he may elect within 90 days following such transfer to become a member. If he elects to become a member, he shall contribute to the Association the amount he would have contributed if he had become a member on the day next preceding his 40th birthday. In addition, at the option of such employee, he may further elect to contribute such additional amount as he would have contributed prior to his 40th birthday if his employment with the City had been with the Fire Department. Any such contributions shall include interest at the rate of eight percent (8%), applicable to any payments made on and after July 1, 1989, per annum, computed on the amount accrued as of the end of each fiscal year of the Association.

(3) If he shall have attained at least his 40th birthday when last employed by the City, he shall be ineligible to become a member following such transfer.

(4) The elections specified in subdivisions (1) and (2) hereof shall be made in writing to the Trustees within 90 days following such transfer, and shall be irrevocable when made (subject to termination of membership upon subsequent separation from employment with the Fire Department). Any contributions (and interest) payable pursuant to such election shall be paid in cash in a lump sum at the time such election shall be filed.

(b) Notwithstanding the provisions of subsection (a) of Section 2 hereof, as soon as practicable following April 3, 1979, (but in no event more than 60 days thereafter), the Trustees gave each person who was then employed by the City of Winston-Salem as a Public Safety Officer an election to be a member or not to be a member of the Association. Each such election was to be made in accordance with procedures established by the Trustees and was irrevocable when made (subject to termination of membership upon a subsequent separation from the employment of the City, and subject to the provisions of subsection (a) of this Section 16). If a Public Safety Officer failed to file a timely election, he was deemed to have elected not to be a member. If a Public Safety Officer who was a member on the date of the election elected to discontinue membership (or shall have been deemed to have so elected), within 30 days following such date there should have been refunded to him the full amount of his prior contributions to the Association, if any, without interest. If a Public Safety Officer who failed to make contributions prior to the election date elected to be a member, he shall have within 30 days following such election paid to the Association the full amount he would have contributed if he had made required contributions during the entire period that he was eligible to be a member. Such contributions included interest at the rate of six percent (6%) per annum, computed on the amount accrued as of the end of each fiscal year of the Association.

(c) Any member whose employment by the Fire Department as a Public Safety Officer shall be terminated on or after June 27, 1981, for any reason, including transfer to another department in the employment of the City, shall be terminated immediately as a member; provided, that any member who is transferred on or after July 1, 1981, to another department of the City in a fire-related job shall not become a terminated member if the following conditions are met: (i) within 15 days following the date of such transfer he shall file with the Trustees a written election to continue as a member; and (ii) such member shall be notified in writing by the secretary of the Association on or before the date of transfer of his right to make the election. If a terminated member shall reenter employment of the Fire Department, his eligibility to become a member shall be determined at that time in accordance with Section 2 hereof, except to the extent such individual may be entitled to elect to become a member upon a transfer of employment as provided in subsection (a) of this Section 16.

(d) In determining the number of years of continuous employment of a member, there shall be taken into account all years for which he shall make contributions in accordance with subsection (a) or (e) of this Section 16 or Section 19. For purposes of computing a member's years of continuous employment with the City, any period of unused sick leave with the Fire Department accrued by the member on the date of his retirement shall be deemed to be a period of continuous employment with the Fire Department.

(e) If any member of the Association was employed by the Fire Department as a cadet, such member's number of years of employment as a cadet may be added to the period of his continuous employment with the City if, by July 31, 1981, such member contributed to the Association an amount equal to twelve dollars ($12.00) per month for the time he was a cadet, plus interest at the rate of six percent (6%) per annum, computed on the amount accrued as of the end of each fiscal year of the Association.

(f) If a member has been employed by the City continuously for a period of 10 years and has any military service, and is not otherwise treated under Section 26 as being in the

employment of the City during the period of such military service, the period of such military service shall nevertheless be added to his period of continuous employment with the City upon such member's paying to the Association an amount equal to twelve dollars ($12.00) for each month of such military service plus interest at the rate of eight percent (8%), applicable to any payments made on and after July 1, 1989, per annum, compounded annually. Such military service shall be limited to the initial period of active duty in the armed forces of the United States up to the time the member was first eligible to be separated or released therefrom, and subsequent periods of such active duty as required by the armed forces of the United States up to the date of first eligibility for separation or release therefrom. The member must submit evidence satisfactory to the Trustees of the military service claimed. Such election must be made within one year after the member first becomes eligible to contribute for such military service. Credit for military service under this subsection shall not be considered service creditable under another retirement system for purposes of G.S. 128-26(a).

(g) If an individual who is an active participant in the North Carolina Local Governmental Employees' Retirement System (the 'System') shall terminate service with the employer enabling the individual to participate in the System (the 'System Employer'), and shall immediately enter the employment of the Fire Department, he may elect to have his period of service under the System considered as continuous employment with the Fire Department for purposes of this act; provided, that such election shall be permitted only if the individual was under age 40 when he entered the employment of the System Employer. This election shall be made in writing to the Trustees within 90 days of the individual's commencement of employment with the Fire Department (or, with respect to an individual who becomes employed by the Fire Department prior to July 1, 1989, this election shall be made on or before September 30, 1989). The election, if made, shall be accompanied by a cash contribution to the Association equal to the sum of (i) plus (ii) plus (iii), where (i) is the amount of twelve dollars ($12.00) per month measured from the date of the person's hiring by the City until the earlier of the transfer and June 30, 1998; (ii) is the aggregate amount that the person would have contributed, determined in accordance with Section 17 of this act, measured from July 1, 1998, until the date of the transfer, if the transfer occurs on or after July 1, 1998; and (iii) is interest accrued at the rate of eight percent (8%) per annum, compounded annually on the amount accrued as of the end of each fiscal year of the Association. The election shall be irrevocable when made. If the election is not made in a timely fashion, the right to make the election is forfeited.

"**Sec. 17.** The Treasurer of the City shall make a deduction from the salary of each member of the Association due him by the City. As of ~~September 1, 2001,~~July 1, 2012, the amount of each such deduction shall be determined as of the first day of each payroll period of the City, and shall be equal to the ~~quotient (rounded up to the next whole dollar amount) obtained by dividing (i) the product, rounded to the nearest dollar, of .007 multiplied by the annual starting salary of a firefighter employed by the Fire Department in effect at the beginning of that payroll period; by (ii) the number of payroll periods in that fiscal year of the City.~~amount determined by the Trustees acting upon the advice of the Association's actuary. The amount so deducted shall be turned over as soon as practicable after the applicable payroll period by the said Treasurer to the custodian of the Association as hereinbefore provided, and the Association shall have the authority to accept donations from any and all sources whatsoever.

"**Sec. 18.** If at any time there shall not be sufficient assets in the retirement fund of the Association to pay fully the persons entitled to benefits provided herein, such persons shall be paid such benefits on a pro rata basis to the extent the assets of such fund will allow, as shall be determined by the Trustees acting upon the advice of the Association's actuary. Effective on or after July 1, 1998, the Trustees shall obtain a written report from the Association's actuary as of July 1 of each year evenly divisible by two, or more frequently if the Trustees deem advisable,

setting forth the present value of the assets of the fund and the present value of current liabilities of current retirees.

"**Sec. 19.** (a) Whenever any member of the Association has been employed by the City continuously for a period of at least 30 years, such member may make written application to the trustees for his normal retirement benefit, and whenever any member of the Association has been employed by the City continuously for a period of at least 25 years but not more than 30 years, such member may make written application to the Trustees for his early retirement benefit; provided, however, that such member must retire from the service of the City to receive such benefits. The normal and early retirement benefits of such member shall be a monthly pension for the remainder of his life, as provided herein below. For this purpose and for the purpose of Section 20 hereof, a member shall be deemed to have been employed by the City continuously if such member shall have been employed continuously by any combination of the Fire Department or Police Department (but only such employment by the Police Department as is described in subsection 16(b) and (c) hereof), and the transfer of a member from the employ of one of such organizations to the employ of the other such organization shall not be deemed to be a termination of employment by the City. Provided, that if a member has at least 25 years of employment with the City, but such service is not continuous solely because of a leave of absence lasting not more than a year and not described in Section 26, such member shall be deemed to have continuous employment with the City during such leave of absence; and provided further, that if a member has less than 25 years of employment with the City but the sum of his years of employment with the City plus any leave of absence lasting not more than one year and not described in Section 26, equals or exceeds 25 years, the period of such leave shall be deemed to be continuous employment with the City if such member contributes to the Association twelve dollars ($12.00) for each month he was on such leave, plus interest at the rate of eight percent (8%), applicable to any payments made on and after July 1, 1989, per annum, computed on the amount accrued as of the end of each fiscal year of the Association.

(b) Effective beginning July 1, 1989, and ending June 30, 1990, the amount of the monthly pension for each member who is entitled to receive a normal retirement benefit (including members who retired prior to July 1, 1989) shall be two hundred dollars ($200.00). Effective beginning July 1, 1990, and ending June 30, 1998, the amount of the monthly pension for each member who is entitled to receive a normal retirement benefit, including members who retired prior to July 1, 1990, shall be two hundred fifteen dollars ($215.00). Effective on and after July 1, 1998, the amount of the monthly pension for each member who is entitled to receive a normal retirement benefit (including members who retired prior to that date) shall be two hundred five dollars ($205.00). The amount of the monthly pension for each member who is entitled to receive an early retirement benefit as of any date prior to July 1, 1998, shall be the product of (1) and (2), where (1) is the applicable percentage listed in the following table based on his years of continuous employment at his early retirement date, and (2) is the amount of the payment that he would have received as a normal retirement benefit under this section as of that date:

Years of Employment at Retirement Date	Percentage of Normal Retirement Benefit
25	85%
26	88%
27	91%
28	94%
29	97%

Effective on and after July 1, 1998, the amount of the monthly pension for each member who began receiving an early retirement benefit prior to July 1, 1998, shall be further reduced by multiplying the monthly pension amount by 0.9535.

(c) Effective on and after July 1, 1998, the amount of the monthly pension of each member who retires on or after that date and is entitled to receive an early retirement benefit shall be the product of (1) the applicable percentage listed in the following table based on the member's years of continuous employment at the member's early retirement date, and (2) the amount of the payment that the member would have received as a normal retirement benefit under this section as of that date:

Years of Employment at Retirement Date	Percentage of Normal Retirement Benefit
25	70%
26	76%
27	82%
28	88%
29	94%

Payment shall be subject to the provisions of Section 18 of this act. Section 16(d) governs the determinations of a member's years of continuous employment.

(d) Any benefit payable to a member pursuant to this Section 19 shall commence not later than the April 1 immediately following the calendar year in which the member attains age 70 and 1/2 or, if later, the April 1 immediately following the calendar year in which the member retires from the service of the City. Additionally, the distribution of any such benefit shall be made in accordance with the requirements of section 401(a) of the Internal Revenue Code, including the minimum distribution incidental benefit requirement of section 1.401(a)(9)-2 of the Treasury Regulations, which are incorporated herein by reference. With respect to distributions made for the calendar years beginning on or after January 1, 2001, the act will apply the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code in accordance with the regulations under section 401(a)(9) of the Internal Revenue Code that were proposed on January 17, 2001, notwithstanding any provision of the act to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under section 401(a)(9) of the Internal Revenue Code or such other date as may be specified in guidance published by the Internal Revenue Service.

(e) Notwithstanding any provision in this Section 19 to the contrary, effective as of December 12, 1994, the act shall at all times be construed and enforced according to the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994.

"**Sec. 20.** Whenever any member of the Association becomes totally and permanently unable, because of infirmity or disease affecting mind or body (whether or not induced by injury) to perform his duties for the City, which inability shall be determined by a medical examination by a physician or physicians of good standing and repute selected by the Trustees, he shall be deemed to be a disabled member. If a disabled member has been employed by the City for at least five full years prior to suffering disability, he shall be entitled to retire and receive a monthly benefit payable for the remainder of his life.

Effective beginning July 1, 1989, and ending June 30, 1990, the monthly benefit of a member who retires as a disabled member (including a member who retired as a disabled member prior to July 1, 1989) shall equal eight dollars ($8.00) times his years of service but in no event more than two hundred dollars ($200.00) per month. Effective beginning July 1, 1990, and ending June 30, 1998, the monthly benefit of a member (including a member who retires as a disabled member prior to this date) shall equal eight dollars and sixty cents ($8.60) times his

years of service, but in no event more than two hundred fifteen dollars ($215.00) per month. Effective on and after July 1, 1998, the monthly benefit of a member who retires as a disabled member, including a member who retires as a disabled member prior to July 1, 1998, shall equal eight dollars and twenty cents ($8.20) times his years of service, but in no event more than two hundred five dollars ($205.00) per month. For this purpose only, years of service shall mean the number of his earned years of service in the employment of the City (as determined pursuant to Section 16(d) of this act). Payments shall be subject to the provisions of Section 18 of this act.

Notwithstanding the foregoing provisions of this Section 20, in the case of a disabled member whose disability shall arise out of injuries incurred in fire safety activities, such as fire fighting, fire training and fire inspection, such monthly benefit shall in no event be less than forty dollars ($40.00) per month, whether or not such disabled member was employed by the City for at least five years prior to suffering such disability. The determination of whether such disability arises out of injuries incurred in fire safety activities shall be made by the Trustees.

"**Sec. 21.** Any disabled member of the Association who retires under Section 19 hereof and who had not been employed by the City for a period of at least 30 years prior to retirement, shall be subject to call by the Trustees for reexamination by a physician of good standing and repute selected by the Trustees and, if based upon such examination it is determined by the Trustees that such member is able to perform active duties for the City, such member may be reinstated and receive for his services the same compensation paid to other employees of the City of his rank or classification. If such member, upon being called by the Trustees, shall refuse to submit to an examination or shall refuse to be reinstated to active duty in the employ of the City after being found to be able to perform active duty, such benefits as he is then receiving under the provisions of this act shall immediately terminate and his membership in this Association shall automatically terminate. But in the event that such member is physically unable to resume active employment, or in the event he is able and willing to resume active employment but no job with the City is open for him at such time, his pension or compensation shall continue until there shall be an opening for such member and he is reemployed by the City. For the purpose of this Section 21, employment with the City shall mean only employment with the Fire Department or Police Department (but employment with the Police Department shall be included only with regard to any such member who was employed with the Police Department prior to his retirement under Section 20 hereof).

"**Sec. 22.** When any member of the Association shall resign or be dismissed from employment by the City (which for this purpose shall include only employment with the Fire Department or Police Department), he shall receive a sum of money equal to all monies paid into the Association by him. Upon the death of any member of the Association while in the employment of the City, a sum of money equal to all monies paid into the Association by such deceased member shall be paid to the beneficiary or beneficiaries designated in writing by such deceased member, or in default thereof, to his estate. If, after retirement, a member of the Association shall die before having received an amount equal to his contributions to the Association, there shall be paid to the beneficiary or beneficiaries designated by such member, or in default thereof to his estate, an amount equal to his contributions less the sum of retirement benefits paid to such member. The reimbursements provided in this Section 22 shall be in cash in a lump sum, unless otherwise determined by the Trustees with the consent in writing of the recipient thereof less interest, if any, previously contributed to the Association by the member pursuant to Section 16 or Section 19.

"**Sec. 23.** No amount payable or held by the Association under this act for the benefit of any member or beneficiary thereof shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge, nor shall any amount payable or held under this act for the benefit of any member or beneficiary thereof be in anywise liable for his debts, contracts, liabilities, engagements, or torts, nor be subject to any legal process to levy

upon or attach, but the provisions of this Section 22 shall not be applicable as regards any dealings with or obligations to the Winston-Salem Firemen's Credit Union.

"**Sec. 24.** Out of the amount paid to the Insurance Commissioner of the State of North Carolina upon the amount of all premiums on fire and lightning policies covering property situated in the corporate limits of the City, the Insurance Commissioner of the State of North Carolina shall pay annually to the Treasurer of the City ninety-five percent (95%), and the Treasurer of the City shall immediately pay over the same to the treasurer of the Association, or if the treasurer of the Association shall so direct, the Treasurer of the City shall pay such amount directly to the custodian.

"**Sec. 25.** No member of this Association or Trustee shall be personally liable in any manner whatsoever to any person, association, firm or corporation by reason of his connection with, or act or acts on behalf of, said Association, unless such act or acts are fraudulently committed.

"**Sec. 26.** If a member of the Association, or an employee of the Fire Department or Police Department who is not a member of the Association due to failure to meet the minimum age requirements of subsection 2(b) hereof, is granted a leave of absence from employment by the City on account of accidental injury or temporary illness, military service during time of active warfare, compulsory military service in time of peace, or other good cause, for the purpose of this act such employee shall be deemed to have remained in the employment of the City during the period of such leave of absence or any extension thereof if he shall return to active service with the City promptly following the end of the period of such leave of absence or extension thereof. During such leave of absence or extension thereof, the Treasurer of the City shall make no deductions from the salary, if any, of such member, and such member shall not otherwise be required to make any contributions to the Association during or with respect to such period.

"**Sec. 27.** If any person entitled to benefits under this act shall be physically or mentally incapable of receiving or acknowledging receipt of such benefits, the Trustees, upon receipt of satisfactory evidence of such incapacity and that another person or institution is maintaining such person entitled to benefits, and that no guardian or committee has been appointed for him, may cause any benefits otherwise payable to him to be made to such person or institution so maintaining him.

"**Sec. 28.** The provisions of this act shall be administered on an equitable and nondiscriminatory basis, it being the intent hereof that where the Trustees are given discretionary powers, such powers shall be exercised in an equitable manner and so as to prevent discrimination between persons similarly situated. All assets of the Association shall be administered for the exclusive benefit of the members of the Association and their beneficiaries, and as a fund to provide for such members or beneficiaries the benefits provided in this act. It shall be impossible for any part of the principal or income of the retirement fund of the Association to be used for or diverted to purposes other than for the exclusive benefit of the members of the Association or their beneficiaries as provided in this act; except that the Trustees may use such assets to pay the reasonable expenses incurred in administering the said fund and any debts, liabilities or obligations of said fund. The assets and income of the fund shall be exempt from all taxes, including income taxes, imposed by the State of North Carolina or any political subdivision thereof.

"**Sec. 28A.** (a) Upon termination of the Association or upon complete discontinuance of contributions to the Association, the rights of all members of the Association to benefits accrued to the date of the termination or discontinuance, to the extent then funded, are nonforfeitable.

(b) Forfeitures under the Association may not be applied to increase the benefits that any member would otherwise receive under the Association.

(c) Notwithstanding any provision of the Association to the contrary, the maximum annual benefit payable in the form of a straight life annuity from the Association on behalf of a

member, when combined with any benefits from another qualified retirement plan maintained by the Fire Department of the City of Winston-Salem, shall not exceed the amount permitted by section 415 of the Internal Revenue Code, the provisions of which are specifically incorporated by reference into this act.

(d) In addition to the other applicable limitations set forth in this act, and notwithstanding any other provision of this act to the contrary, for plan years beginning on or after January 1, 1996, the annual compensation of each member taken into account under this act shall not exceed the OBRA 1993 annual compensation limit. The OBRA 1993 annual compensation limit is one hundred fifty thousand dollars ($150,000), as adjusted by the Commissioner for increase in the cost of living in accordance with section 401(a)(17)(B) of the Internal Revenue Code. The cost of living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (the "determination period") beginning in that calendar year. If a determination period consists of fewer than 12 months, the OBRA 1993 annual compensation limit shall be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12. If compensation for any prior determination period is taken into account in determining a member's benefits accruing in the current plan year, the compensation for that prior determination period is subject to the OBRA 1993 annual compensation limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first plan year beginning on or after January 1, 1996, the OBRA 1993 annual compensation limit is one hundred fifty thousand dollars ($150,000). Effective for plan years beginning on or after January 1, 2002, the OBRA 1993 annual compensation limit shall be two hundred thousand dollars ($200,000), as adjusted by the Commissioner for increases in the cost of living in accordance with section 401(a)(17(B) of the Internal Revenue Code.

(e) This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of this act to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. The following definitions shall apply for purposes of this subsection:

(1) Eligible rollover distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

a. Any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

b. Any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code; or

c. Any distribution that is made upon the hardship of the distributee.

Notwithstanding the foregoing, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such a portion may be transferred only to an individual retirement account or annuity described in section 408(a) or section 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in section 401(a) or section 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of that distribution that is includible in gross income and the portion of that distribution that is not so includible.

(2) Eligible retirement plan. An eligible retirement plan is an individual retirement account described in section 408(a) of the Internal Revenue Code, an individual retirement annuity described in section 408(b) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. An eligible retirement plan shall also mean an annuity contract described in section 403(b) of the Internal Revenue Code and an eligible plan under section 457(b) of the Internal Revenue Code that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or a political subdivision of a state, and that agrees to separately account for amounts transferred into that plan from the Association. The definition of eligible plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Internal Revenue Code. Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA as described in section 408A of the Internal Revenue Code.

(3) Distributee. A distributee includes a member or former member of the Association. In addition, the surviving spouse of a member or former member is a distributee with regard to the interest of the member or former member.

(4) Direct rollover. A direct rollover is a payment by the Association to the eligible retirement plan specified by the distributee.

(5) Rollovers by nonspouse beneficiaries. Notwithstanding anything in this subsection to the contrary, effective January 1, 2007, the benefits of nonspouse beneficiaries may be transferred in a direct rollover to an inherited individual retirement account or an inherited individual retirement annuity ("inherited IRA"). Once in the inherited IRA, distributions will be made in compliance with the minimum distribution rules of section 401(a)(9) of the Internal Revenue Code that apply following the death of a member.

(f) Notwithstanding any other provisions of this act, the following provisions apply in order to comply with the requirements of the Heroes Earnings Assistance and Relief Tax Act of 2008:

(1) Death benefits. If a member of the Association dies on or after January 1, 2007, while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member's beneficiary is entitled to any additional benefits, other than benefit accruals relating to the period of qualified military service, provided under the Association as if the member had resumed employment and then terminated on account of death. The Association shall also credit that member's qualified military service for vesting purposes as though the member had resumed employment immediately prior to the member's death.

(2) Differential wage payments. For years beginning after December 31, 2008:

a. An individual receiving a differential wage payment as defined in section 3401(h)(2) of the Internal Revenue Code shall be treated as an employee of the employer making the payment.

b. The differential wage payment shall be treated as compensation.

c. The Association shall not be treated as failing to meet the requirements of any provision described in section 414(u)(1)(C) of the Internal Revenue Code by reason of any contribution or benefit

that is based on the differential wage payment, but only if the following apply:

1. All employees of the employer performing services described in section 3401(h)(2)(A) of the Internal Revenue Code are entitled to receive differential wage payments as defined in section 3401(h)(2) of the Internal Revenue Code on reasonably equivalent terms; and
2. All employees, if eligible to participate in a retirement plan maintained by the employer, are entitled to make contributions or receive benefits based upon the payments on reasonably equivalent terms, taking into account the provisions of sections 4110(b)(3), (4), and (5) of the Internal Revenue Code.

"**Sec. 28B.** (a) This section shall apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year. The requirements of this section shall take precedence over any inconsistent provisions of the Association. All distributions required under this section shall be determined and made in accordance with the Treasury Regulations under section 401(a)(9) of the Internal Revenue Code, which are specifically incorporated by reference into this act. Notwithstanding the other provisions of this section, distributions may be made under a designation made before January 1, 1984, in accordance with section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Association that relate to section 242(b)(2) of TEFRA.

(b) Time and Manner of Distribution. –

(1) Required beginning date. – The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date.

(2) Death of member before distributions begin. – If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed, no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, as defined in section 28(e)(1), then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which the member would have attained age 70 ½, if later.

b. If the member's surviving spouse is not the member's sole designated beneficiary, then distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died.

c. If there is no designated beneficiary as of September 30 of the year following the year of the member's death, the member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, the provisions of this subdivision, except for sub-subdivision a. of this subdivision, will apply as if the surviving spouse were the member.

For purposes of this subdivision and of subsection (d) of this section, distributions are considered to begin on the member's required beginning date, or if sub-subdivision d. of this subdivision applies, the date

distributions are required to begin to the surviving spouse under sub-subdivision a. of this subdivision. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under sub-subdivision a. of this subdivision, the date distributions are considered to begin is the date distributions actually commence.

(3) Forms of distribution. – Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single lump sum on or before the required beginning date, as of the first distribution calendar year, as defined in subdivision (2) of subsection (e) of this section, distributions will be made in accordance with subsections (b), (c), and (d) of this section. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions under that annuity shall be made in accordance with the requirements of section 401(a)(9) of the Internal Revenue Code and the Treasury Regulations.

(b) Determination of Amount to be Distributed Each Year. –

(1) General annuity requirements. – If the member's interest is paid in the form of annuity distributions from the Association, payments under the annuity will satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;

b. The distribution period shall be over a life, or lives, or over a period certain not longer than the period described in subsection (c) or (d) of this section;

c. Once payments have begun over a period certain, the period certain will not be changed even if the period certain is shorter than the maximum permitted;

d. Payments will either not increase or will increase only as follows:

1. By an annual percentage increase that does not exceed the annual percentage increase in an eligible cost-of-living index, as defined in subdivision (3) of subsection (e) of this section, for a 12-month period ending in the year during which the increase occurs or the prior year;

2. By a percentage increase that occurs at specified times and does not exceed the cumulative total of annual percentage increases in an eligible cost-of-living index since the annuity starting date, or if later, the date of the most recent percentage increase. However, in cases providing such a cumulative increase, an actuarial increase may not be provided to reflect the fact that increases were not provided in the interim years;

3. To the extent of the reduction in the amount of the member's payments to provide for a survivor benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subsection (c) of this section dies or is no longer the member's beneficiary pursuant to a qualified domestic relations order within the meaning of section 414(c) of the Internal Revenue Code.

4. To pay increased benefits that result from an amendment to the Association; or

5. To allow a beneficiary to convert the survivor portion of a joint and survivor annuity into a single sum distribution upon the member's death.

(2) Amount required to be distributed by required beginning date. – The amount that must be distributed on or before the member's required beginning date, or if the member dies before distributions begin, the date distributions are required to begin under sub-subdivisions a. or b. of subdivision (2) of subsection (a) of this section is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(3) Additional accruals after first distribution calendar year. – Any additional benefits accruing to the member in a calendar year after the first distribution calendar shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(c) Requirements for Annuity Distributions that Commence during Member's Lifetime. –

(1) Joint life annuities where the beneficiary is not the member's spouse. – If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death must not at any time exceed the applicable percentage of the annuity payment for that period that would have been payable to the member using the table set forth in Q&A-2 of section 1.401(a)(9)-6 of the Treasury Regulations. The applicable percentage is based upon the adjusted age difference between the member and the beneficiary. The adjusted age difference between the member and the beneficiary is determined by first calculating the excess of the age of the member over the age of the beneficiary based upon their ages on their birthdays in a calendar year. Then, if the member is younger than age 70, the age difference determined in the previous sentence is reduced by the number of years that the member is younger than age 70 on the member's birthday in the calendar year that contains the annuity starting date. If the form of distribution combines a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary and a period certain annuity, the requirement in the preceding sentence shall apply to annuity payments to be made to the designated beneficiary after the expiration of the period certain.

(2) Period certain annuities. – Unless the member's spouse is the sole designated beneficiary and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the member's lifetime may not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in section 1.401(a)(9)-9 of the Treasury Regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age 70, the applicable distribution period for the member is the distribution period for age 70 under the Uniform Lifetime

Table set forth in section 1.401(a)(9)-9 of the Treasury Regulations plus the excess of 70 over the age of the member as of the member's birthday in the year that contains the annuity starting date. If the member's spouse is the member's sole designated beneficiary and the form of distribution is a period certain and no life annuity, the period certain may not exceed the longer of the member's applicable distribution period, as determined under subsection (b) of this section, or the joint life and last survivor expectancy of the member and the member's spouse as determined under the Joint and Last Survivor Table set forth in section 1.401(a)(9)-9 of the Treasury Regulations, using the member's and spouse's attained ages as of the member's and spouse's birthdays in the calendar year that contains the annuity starting date.

(d) Requirements for Minimum Distributions where Member Dies before Date Distributions Begin –

(1) Member survived by designated beneficiary. – If the member dies before the date distribution of the member's interest begins and there is a designated beneficiary, the member's entire interest will be distributed, beginning no later than the time described in sub-subdivision a. or b. of subdivision (2) of subsection (a) of this section, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy, as defined in subdivision (4) of subsection (e) of this section, of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(2) No designated beneficiary. – If the member dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the member's death, distribution of the member's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the member's death.

(3) Death of surviving spouse before distributions to surviving spouse begin. – If the member dies before the date distribution of the member's interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subsection will apply as if the surviving spouse were the member, except that the time by which distributions must begin will be determined without regard to subdivision (1) of subsection (a) of this section.

(e) Definitions. –

(1) Designated beneficiary. – The individual who is designated as the beneficiary under the Association in accordance with section 401(a)(9) of the Internal Revenue Code and section 1.401(a)(9)-1, Q&A-4 of the Treasury Regulations.

(2) Distribution calendar year. – A calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately

preceding the calendar year that contains the member's required beginning date. For distributions beginning after the member's death, the first distribution date is the calendar year in which distributions are required to begin pursuant to subsection (a) of this section.

(3) Eligible cost-of-living index. – One of the following:

a. A consumer price index that is based on prices of all items, or all items excluding food and energy, and is issued by the Bureau of Labor Statistics, including an index for a specific population, such as urban consumers or urban wage earners and clerical workers, and an index for a geographic area or areas, such as a given metropolitan area or state.

b. A percentage adjustment based on a cost-of-living index described in sub-subdivision a. of this subdivision, or a fixed percentage if less. In any year in which the cost-of-living index is lower than the fixed percentage, the fixed percentage may be treated as an increase in an eligible cost-of-living index, provided it does not exceed the sum of:

1. The cost-of-living index for that year; and
2. The accumulated excess if the annual cost-of-living index from each prior year over the fixed annual percentage used in that year, reduced by any amount previously used under this sub-subdivision.

c. A percentage adjustment based on the increase in compensation for the position held by the member at the time of retirement, and provided under either the terms of a governmental plan within the meaning of section 414(d) of the Internal Revenue Code or under the terms of a nongovernmental plan in effect on April 17, 2002.

(4) Life expectancy. – Life expectancy as computed by use of the Single Life Table in section 1. 401(a)(9)-9 of the Treasury Regulations.

(5) Required beginning date. – April 1 of the calendar year following the later of (i) the calendar year in which the member attains age 70 1/2; or (ii) the calendar year in which the member retires. Notwithstanding the foregoing, the required beginning date of a member who is a five percent (5%) owner, as defined in section 416 of the Internal Revenue Code, shall be April 1 of the calendar year following the calendar year in which the member attains age 70 1/2. In the event that, as of the required beginning date, the amount of the payment to commence cannot be determined or the recipient of the payment cannot be located after a reasonable effort has been made to locate the recipient, payments retroactive to the required beginning date shall be made within 60 days after the amount has been determined or the recipient has been located, whichever is applicable.

"**Sec. 29.** The fiscal year of the Association shall end on June 30 of each year.

"**Sec. 30.** Throughout this act, use of the masculine pronoun shall include the feminine.

"**Sec. 31.** If any part or section of this act shall be declared unconstitutional or invalid by the Supreme Court of North Carolina or any other court of last resort of competent jurisdiction it shall in no wise affect the remainder of this act, and the remainder shall remain in full force and effect.

"**Sec. 32.** All the laws and clauses of laws in conflict with the provisions of this act are hereby repealed."

SECTION 2. None of the provisions of this act shall create an additional liability for the Winston-Salem Firemen's Retirement Fund Association unless sufficient funds are available to pay fully for the liability.

SECTION 3. This act becomes effective July 1, 2012.

HOUSE BILL 1200:
Winston-Salem Firefighters Retirement

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. McGee	**Prepared by:**	Barbara Riley
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 1200 amends the Winston-Salem Firemen's Retirement Fund to allow the Board of Trustees, upon the advice of the Winston-Salem Firemen's Retirement Fund Association's actuary, to determine the amount of the salary deduction members of the Association; and to incorporate death benefit and differential wage payment changes in compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008.***

BILL ANALYSIS: House Bill 1200 amends the session law providing for the Winston Salem Firemen's Retirement Fund.

Section 17 of the Session Law is amended to provide that by July 1, 2012, the Board of Trustees, upon the advice of the Winston-Salem Firemen's Retirement Fund Association's actuary, must determine the amount of the deduction to make from the salary of each member of the Association.

Section 28A of the Session Law is amended by adding a subsection (f) pertaining death benefits and differential wage payments in an effort to comply with requirements of the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act).

- The new death benefit language provides that if a member of the Association dies on or after January 1, 2007, while performing qualified military service[1], the following apply:
  - The member's beneficiary is entitled to any additional benefits, other than benefit accruals related to the period of military service, provided under the Association as if the member had resumed employment and then terminated on account of death.
  - The Association must also credit the member's qualified military service for purposes of vesting as though the member had resumed employment immediately prior to the member's death.
- The elements listed below apply with regard to differential wage payments for years beginning after December 31, 2008.
  - An individual receiving a differential wage payment as defined in section 3401(h)(2)[2] of the Internal Revenue Code (IRC) must be treated as an employee of the employer making the payment.
  - The differential wage payment must be treated as compensation.
  - The Association will not be treated as failing to meet the requirements of any provision described in section 414(u)(1)(C)[1] of the IRC by reason of any contribution or benefit that is based on the differential wage payment, but only if the following apply:

[1] Section 414 (u) of the Internal Revenue Code provides definitions and special rules relating to veterans' reemployment rights under USERRA (Uniformed Services Employment and Reemployment Rights Act) and to differential wage payments to members on active duty. Section 414(u)(1)(C) pertains to the treatment of certain contributions made pursuant to veterans' reemployment rights and provides that plans shall not be treated as failing to meet the requirements of specified sections by reason of the making of (or the right to make) such contribution.

[2] Under Section 3401(h)(2) the term differential wage payment means any payment which is made by an employer to an individual with respect to any period during which the individual is the performing service in the uniformed services (defined in Chapter 43 of Title 38 US Code) while on active duty for a period of more than 30 days, and represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.

- all employees of the employer performing the services described in the IRC[1] are entitled to receive differential wage payments as defined in the IRC[1] on reasonably equivalent terms; and
- employees if eligible to participate in a retirement plan maintained by the employer, are entitled to make contributions or receive benefits based upon the payments on reasonably equivalent terms taking into account the provisions of specified section of the IRC.

Section 2 of the bill specifies that none of the provisions create an additional liability for the Winston-Salem Firemen's Retirement Fund Association unless sufficient funds are available to pay full for the liability.

EFFECTIVE DATE: House Bill 1200 becomes effective July 1, 2012.

BACKGROUND: The Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) was signed into law in June 2008 and provides specified tax and pension benefits to uniformed military service personnel who are absent from work due to their military duty.

Theresa Matula, counsel to House Local Government, substantially contributed to this summary.

H1200-SMRF-152(e2) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 2

HOUSE BILL 1206
Committee Substitute Favorable 6/13/12

Short Title: Butner Boundary Clarification. (Local)

Sponsors:

Referred to:

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" and shall also include that certain tract of land consisting of 47.3523 acres and that certain tract of land consisting of 12.0022 acres as shown on that certain plat recorded at Plat Book 34, Page 144, in the office of the Granville County Register of Deeds entitled "Survey For: Public Acquisition/South Granville Water and Sewer Authority/Dutchville Township-Granville County/Butner, North Carolina." 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.

HOUSE BILL 1206:
Butner Boundary Clarification

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Crawford	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 1206 would amend the charter of the Town of Butner to reflect recorded documents establishing the corporate limits of the Town.***

CURRENT LAW & BILL ANALYSIS: The charter of the Town of Butner establishes the corporate limits and the extraterritorial jurisdiction. The description used in the charter is a reference to 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 the Granville County Board of Elections.

The bill would change the reference to the description to specific maps recorded in the Granville County Register of Deeds Office as follows:

- Corporate limits: Plat Book 40, Page 168, Sheets 1-33, entitled "Corporate Limits Survey for the Town of Butner"
- Extraterritorial jurisdiction: Plat Book 40, Page 169, Sheets 1-13, entitled "Mapping of Extraterritorial Jurisdiction for the Town of Butner"

The bill would also add approximately 60 acres to the corporate limits, on which is situated a wastewater treatment plant owned by the South Granville Water and Sewer Authority. Currently, the plant is within the planning and zoning jurisdiction of the Department of Health and Human Services. By adding the tracts to the corporate limits, the plant would be subject to the planning and zoning authority of the Town, which will facilitate the upgrade of the plant.

EFFECTIVE DATE: When it becomes law.

Erika Churchill, counsel to House Government, substantially contributed to this summary.

H1206-SMRF-153(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 3

HOUSE BILL 1212
Committee Substitute Favorable 6/7/12
Third Edition Engrossed 6/12/12

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 APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, THE CITY OF RALEIGH, 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 ~~(vii)~~ (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 Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon, the City of Raleigh, 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 years. In appointing the original members of the board, or in filling vacancies caused by the

expiration of the terms of existing members, the board of commissioners may appoint some members for less than three years to the end that thereafter the terms of all members do not expire at the same time. The board of commissioners may provide for the appointment and compensation, if any, of alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member. ~~If the board of commissioners does not zone the entire territorial jurisdiction of the county, each designated zoning area shall have at least one resident as a member of the board of adjustment.~~

A county may designate a planning board or the board of county commissioners to perform any or all of the duties of a board of adjustment in addition to its other duties."

SECTION 2.(b) This section applies to the County of Chatham only.

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

HOUSE BILL 1212:
Wake/Chatham Local Act

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 26, 2012
Introduced by:	Rep. Hackney	**Prepared by:**	Barbara Riley
Analysis of:	Third Edition		Committee Counsel

SUMMARY: House Bill 1212 broadens the exception to the public records act regarding identifying information of minors participating in local government parks and recreation programs to include all local government programs. The exceptions apply to Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, Raleigh, and Chatham County. House Bill 1212 also modifies the law for Chatham County regarding the appointment of members of a board of adjustment to eliminate the requirement that where the entire county is not zoned, each zoning area shall have at least one resident as a member.

CURRENT LAW: G.S. 132-1.12 provides that a public record does not include, as to minors participating in parks and recreation programs sponsored by local government, the minor's name, address, age, date of birth, phone number name or address of the minor's parent or guardian, or any other identifying information on an application to participate in the program or other records related dto the program.

G.S. 153A-345 provides for the county board of adjustment. The board of commissioners may provide for the appointment of a board of adjustment consisting of at least 5 members. If the board does not zone the entire county, each designated zoning area is to have at least one resident appointed as a member of the board of adjustment.

BILL ANALYSIS: Section 1(a) broadens the exception to the public records law for minors participating in local government sponsored parks and recreation programs to include minors participating in any program sponsored by local government. It adds a minor's email address to the list of information that is not public record. The statute is also amended to provide that 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.

Section 1(b) provides that the exception applies only to Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, Raleigh, and Chatham County.

Sections 2(a) and (b) apply only to Chatham County. In appointing members to the board of adjustment the county commissioners will not have to appoint a resident from each designated zoning area.

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

H1212-SMRF-155(e3) v1

HOUSE BILL 1216*
Committee Substitute Favorable 6/14/12

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, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon."

SECTION 2. This act applies only to the annexation of the property on which the Vidant Family Medicine facility is located.

SECTION 3. This act applies to the Town of Wallace only.

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

HOUSE BILL 1216:
Town of Wallace/Satellite Annexations

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2012
Introduced by:	Rep. Dixon	**Prepared by:**	Giles S. Perry
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 1216 changes the standards for voluntary satellite annexations applicable the Town of Wallace's voluntary satellite annexation of the property on which the Vidant Family Medicine facility is located.***

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (known as voluntary satellite annexation). If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if it meets all of the following five 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.
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.

BILL ANALYSIS: House Bill 1216 exempts the Town of Wallace from the fourth standard for voluntary satellite annexation of the property on which the Vidant Family Medicine facility is located. The Town of Wallace was already exempted from standard #5. above.[1] The Town of Wallace will be required to provide municipal services (standard #3) to the voluntarily annexed satellite area.

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

H1216-SMRW-239(e2) v1

[1] S.L. 2004-57.

HOUSE BILL 1217
Second Edition Engrossed 6/19/12

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.

(4) All of that property described in a deed from W. T. Duckworth, et al. to the State of North Carolina, recorded July 1, 1968, in Deed Book 983, page 247, in the Buncombe County Registry, and shown on a plat recorded in Plat Book 37, page 89, Buncombe County Registry is annexed into the City of Asheville.

SECTION 3. Except as adjusted herein, the boundaries of the City of Asheville and the Town of Woodfin are unchanged.

SECTION 4. Any property shown on Sheets 2, 3, or 4 of the Asheville/Woodfin Boundary Survey as being part of the Town of Woodfin, and which by operation of this act is no longer contiguous with the primary limits of the Town of Woodfin, may be annexed by the City of Asheville pursuant to Part 1 of Article 4A of Chapter 160A of the General Statutes (or successor statute) upon petition of the property owner as provided in that Part, but only if the petition is accompanied by an ordinance of the Town of Woodfin consenting to such annexation. The annexation may only become effective on June 30 of a calendar year and does not extinguish tax liens of the Town of Woodfin. Nothing in this act shall be construed as limiting the powers of the City of Asheville or the Town of Woodfin under Article 4A of Chapter 160A of the General Statutes (or successor statute) with respect to any unincorporated area.

SECTION 5. In order to provide efficient delivery of services, the Town of Woodfin, the City of Asheville, and Buncombe County are hereby authorized to enter into intergovernmental agreements regarding delivery of municipal services to those parts of the Town of Woodfin made noncontiguous by operation of this act, and to unincorporated areas of Buncombe County that are completely surrounded by the City of Asheville or a combination of the City of Asheville and the Town of Woodfin by operation of this act.

SECTION 6. This act becomes effective June 30, 2012.

HOUSE BILL 1217:
Asheville/Woodfin Boundary Adjustments

2011-2012 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 26, 2012
Introduced by:	Reps. Fisher, Moffitt, Keever	**Prepared by:**	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 1217 adjusts the boundaries of the Town of Woodfin and the City of Asheville, as requested by the governing boards of those municipalities.***

BILL ANALYSIS:

Section 1. Removes specified parcels of land from the city limits of Asheville and places them within the town limits of Woodfin.

Section 2. The bill:

- Removes specified parcels of land from the town limits of Woodfin and places them within the city limits of Asheville.
- Annexes certain areas in Buncombe County into the City of Asheville.
- Annexes a specified unincorporated area into the Town of Woodfin.

Section 3. Clarifies that all other boundaries of the City of Asheville and the Town of Woodfin not specified in this bill remain unchanged.

Section 4. Permits the City of Asheville to annex certain property in the Town of Woodfin that, as a result of this act, is surrounded by the City of Asheville, or a combination of the City of Asheville and an unincorporated area. For the annexation to occur, the owner must petition for the annexation, and the Town of Woodfin must concur by ordinance.

Section 5. Authorizes the Town of Woodfin, the City of Asheville, and Buncombe County to enter into intergovernmental agreements regarding delivery of municipal services to areas affected by the bill.

EFFECTIVE DATE: This act becomes effective June 30, 2012.

H1217-SMRN-97(e2) v1

Kelly Quick, committee staff to House Government, and Trina Griffin, Counsel to House Finance, contributed substantially to this summary.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator Jim Davis, Co-Chair
Senator Michael P. Walters, Co-Chair

CORRECTED REPORT

Tuesday, June 26, 2012

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

FAVORABLE

H.B. **945** Marion Legislative Annexation.
Sequential Referral: None
Recommended Referral: Finance

H.B. **963** Town of Columbia/Deannexation.
Sequential Referral: None
Recommended Referral: Finance

H.B. **987** Wake Tech Board of Trustees.
Sequential Referral: None
Recommended Referral: None

H.B. **988** Averasboro Township TDA Changes.
Sequential Referral: None
Recommended Referral: Finance

H.B. **991** Jackson Co. Occupancy Tax Changes.
Sequential Referral: None
Recommended Referral: Finance

H.B.(CS #1) **1009** MSD Amendments.
Sequential Referral: None
Recommended Referral: None

H.B. **1029** Mayodan Manager Residency.
Sequential Referral: None
Recommended Referral: None

H.B. **1050** Elizabethtown Industr. Park Deannexation.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1051** Elizabethtown Hayfields Deannexation.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1059** Asheboro Towing.
Sequential Referral: None
Recommended Referral: None

H.B. **1071** Wake School Board Organizational Meeting.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1090** Orange-Alamance Remaining 9% Boundary.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1106** Apex Annexation.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1109** Dare CAMA Setback Req'ts./Grandfather.
Sequential Referral: None
Recommended Referral: None

H.B. **1110** Matthews/Stallings Boundary Adjustment.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1122** Martin County Fire Districts.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1123** Durham County Memorial Stadium.
Sequential Referral: None
Recommended Referral: None

H.B. **1169** Town of Burgaw/Deannexation.
Sequential Referral: None
Recommended Referral: Finance

H.B.(CS #1) **1181** Study Municipal Local Option Sales Tax.
Sequential Referral: None
Recommended Referral: None

H.B. **1196** Albemarle Mental Health Center Property.
Sequential Referral: Finance
Recommended Referral: None

H.B. **1197** Add Stokes Cty to Tax Cert Before Recordation.
Sequential Referral: None
Recommended Referral: Finance

H.B.(CS #1) **1199** Lake Lure Convey Property.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1200** Winston-Salem Firefighters Retirement.
Sequential Referral: None
Recommended Referral: Pensions & Retirement and Aging

H.B.(CS #1) **1202** Roanoke Rapids Deannex/Halifax N'hmpt Airport.
Sequential Referral: None
Recommended Referral: Finance

H.B.(CS #1) **1206** Butner Boundary Clarification.
Sequential Referral: None
Recommended Referral: Finance

H.B.(CS #1) **1212** Wake/Chatham Local Act.
Sequential Referral: None
Recommended Referral: None

H.B. **1216** Town of Wallace/Satellite Annexations.
Sequential Referral: None
Recommended Referral: Finance

H.B. **1217** Asheville/Woodfin Boundary Adjustments.
Sequential Referral: None
Recommended Referral: Finance

TOTAL REPORTED: 28

Committee Clerk Comments:

Sen. Walters and Sen. Davis will handle on floor.

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-26 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!

Jared Ballen Durham Mississippi

Page Name	Hometown	Sponsoring Senator
1 Jared Lowe	Gastonia	Harrington
2 ~~Miriam~~ Peyton Hunt	Wilmington	Gorsky
3 David Rosario	Black Mtn	Nesbitt
4 ~~Hood~~ Miriam King	Pinehurst	Tillman
5 Elliott Honeycutt	Raleigh	Westmoorland
6 Hendricks Stowe	Winston Salem	Garrou
7 ~~Evan Lindsey~~	~~Raleigh~~	~~Kinnaird~~
8 Rachel Styers	Raleigh	
9 Spencer McClung	Greene/Hoke-to-n	Pate
10 Demonique Levy	Autryville	Brent Jackson

Do not add names below the grid.

Jared

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 26, 2012

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Darin Jackson	NCGA
Angela Bryant	NCGA
Lana Hygh	Town of Cary
Jack Cozart	Cary, Asheville
Jackie Cozart	NSS
Kara Weishaar	SA
Whitney Christensen	NCRLA

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 26, 2012

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Deborah Craig-Ray	Durham County Govt
Art Schools	Emerald Isle Mayor
DJP	NC FB
Laura DeVine	WCSR
David McLennan	NCAR

VISITOR REGISTRATION SHEET

State and Local Govenment
(Committee Name)

June 26, 2012
Date

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NAME	FIRM OR AGENCY AND ADDRESS
	NCTA
	NCACC
	Sch of Gov
	NCXOUSE

09-21-201

VISITOR REGISTRATION SHEET

State and Local Govenment
(Committee Name)

June 26, 2012
Date

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NAME	FIRM OR AGENCY AND ADDRESS
Jena Edelman	Senate LA staff - Jenkins
Ashleigh Thornton	MWC
Elise Quick	Troutman Sanders
[illegible]	CLT
Matt Meinig	NCLM
Graham Dean	NCLM
Tom Mylet	Bayada HHC - W.S

09-21-201