2013-2014

SENATE
STATE & LOCAL
GOVERNMENT

MINUTES

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
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Through Sena ımmittee on
State and Loc ɔvernment

2013-2014 Biennium
Leg. Day: H-101/S-101

Date: 07/23/2013
Time: 3:45:06 PM

Bill	Introducer	Short Title		Latest Action	Date In	Date Out
H 37	Moore	Cleveland Co. Property Transfer.	*R	Ch. SL 2013-7	02/27/2013	03/05/2013
H 68	Torbett	Establish Ombudsman/Foster Care/Gaston County.	*R	Ch. SL 2013-111	04/03/2013	06/11/2013
H 108	Warren	Rowan Vehicle Personal Use Exemption.	S	Ref To Com On State and Local Government	05/01/2013	
H 110	Goodman	Public Contracts/Project Labor.	*R	Ch. SL 2013-267	04/15/2013	06/18/2013
H 116	Insko	Carrboro Office of Alderman.	*S	Ref To Com On State and Local Government	05/14/2013	
H 133	Bell	Clinton/Use Design-Build Method.	*S	Ref To Com On State and Local Government	05/08/2013	
H 140	Torbett	City of Lowell / Regulate Utility Vehicles.	R	Ch. SL 2013-172	03/12/2013	06/18/2013
H 143	Jones, Jr.	Eden Payment in Lieu of Taxes.	*R	Ch. SL 2013-216	05/02/2013	06/04/2013
H 186	Jeter, Jr.	Towns Enforce Noise Ordinances/Lake Norman.	*H	Ordered Enrolled	05/07/2013	07/16/2013
H 191	Brown	Grifton/Deannexation.	R	Ch. SL 2013-315	04/01/2013	07/02/2013
H 192	Shepard	Allow ROW Usage in Central Business Districts.	*R	Ch. SL 2013-266	04/15/2013	06/25/2013
H 192	Shepard	Allow ROW Usage in Central Business Districts.	*R	Ch. SL 2013-266	06/26/2013	06/26/2013
H 193	Samuelson	Expand Uses for Meck Ct/Charlotte Local Taxes.	*R	Ch. SL 2013-26	03/28/2013	04/04/2013
H 195	Jeter, Jr.	Cornelius/Extend Use of Design-Build.	S	Re-ref Com On Ways & Means	04/01/2013	06/18/2013
H 196	Lambeth	WS/FC School Board Vacancies.	R	Ch. SL 2013-249	05/06/2013	06/26/2013
H 222	Moffitt	Buncombe County/Use Design-Build Methods.	*R	Ch. SL 2013-31	04/02/2013	04/10/2013
H 224	Moffitt	Asheville ETJ and Annexation.	*R	Ch. SL 2013-30	04/04/2013	04/10/2013
H 229	Iler	Holden Beach/Canal Dredging District Fee.	*R	Ch. SL 2013-179	03/28/2013	06/11/2013
$ H 234	**Millis**	**Clarify Pender County ABC Laws.**	***R**	**Ch. SL 2013-180**	**05/02/2013**	**06/11/2013**

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Through Senal mmittee on
State and Loc overnment

H 241	Brisson	Blue Monday Shad Fry.	R	Ch. SL 2013-282	05/23/2013	06/25/2013
H 261	Ford	Kannapolis/Deannexation.	*R	Ch. SL 2013-212	04/15/2013	06/05/2013
H 270	Elmore	Ronda Recall.	R	Ch. SL 2013-21	03/21/2013	04/02/2013
H 289	Saine	State Computer Equipment/Buy Refurbished.	R	Ch. SL 2013-128	04/16/2013	06/11/2013
H 290	Hager	Rutherford Airport Authority.	*R	Ch. SL 2013-181	04/15/2013	06/18/2013
H 294	Tine	Authority to Remove Abandoned Vessels.	*R	Ch. SL 2013-182	04/03/2013	06/18/2013
H 300	McElraft	Cities/Public Trust Rights.	*S	Ref to State and Local Government. If fav, re-ref to Judiciary II	05/16/2013	
H 302	Ford	Repeal Kannapolis Annexation.	R	Ch. SL 2013-217	04/08/2013	06/04/2013
H 305	Foushee	Chapel Hill/Economic Development Projects.	R	Ch. SL 2013-173	06/05/2013	06/18/2013
H 314	Martin	Ayden Charter/Terms of Office Extended.	R	Ch. SL 2013-48	04/09/2013	05/07/2013
H 318	Conrad	Winston-Salem/Seismic Codes.	*R	Ch. SL 2013-250	04/22/2013	06/25/2013
H 326	Hager	Rutherford County Condemnation Consent.	R	Ch. SL 2013-174	04/03/2013	06/18/2013
H 334	Ramsey	Buncombe Cty Lottery Fund Use Expansion.	*R	Ch. SL 2013-251	04/15/2013	06/18/2013
H 346	Faircloth, Jr.	Governing Bodies/Collect Unpaid Judgments.	*S	Ref to State and Local Government. If fav, re-ref to Finance	04/15/2013	
H 354	Ramsey	2 County Commissioners May Serve/AB Tech. Bd.	R	Ch. SL 2013-175	04/09/2013	06/18/2013
H 404	Steinburg, Sr.	Camden Local Stormwater Fees.	R	Ch. SL 2013-253	05/01/2013	06/18/2013
H 408	Speciale	Beaufort/Right-of-Way Safety.	R	Ch. SL 2013-176	04/23/2013	06/18/2013
H 409	Moore	Shelby Deannexation.	*R	Ch. SL 2013-218	04/23/2013	06/20/2013
H 412	Jones, Jr.	Eden/Duke Energy/Annexation Agreement.	R	Ch. SL 2013-219	05/02/2013	06/04/2013
H 417	Hastings	Modify Internal Auditing Statutes.	*S	Re-ref Com On Rules and Operations of the Senate	05/16/2013	07/02/2013
H 418	Ramsey	Buncombe Culture & Rec. Authority.	*R	Ch. SL 2013-262	05/07/2013	06/18/2013
H 421	Brody	Marshville Deannexation.	*R	Ch. SL 2013-213	05/16/2013	06/05/2013
H 422	Brody	Marshville Charter Amendment/Utility Billing.	R	Ch. SL 2013-260	05/01/2013	07/09/2013

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Through Senal mmittee on
State and Loc overnment

H 427	Collins	Middlesex/Extend Mayor"s Term to Four Years.	*R	Ch. SL 2013-177	04/24/2013	06/18/2013
H 441	Graham	Robeson County Drainage District.	*R	Ch. SL 2013-254	04/24/2013	06/25/2013
H 458	McElraft	Omnibus County Legislation.	*S	Ref to State and Local Government. If fav, re-ref to Judiciary II	05/15/2013	
H 468	Faircloth, Jr.	High Point Elections/Tryon Charter Amendments.	*R	Ch. SL 2013-261	04/17/2013	07/02/2013
H 490	Stone	Lee County Elections.	*R	Ch. SL 2013-220	04/08/2013	06/25/2013
H 501	Ramsey	Buncombe Cty/Community College Projects.	*R	Ch. SL 2013-112	05/14/2013	06/11/2013
H 506	Horn	Weddington/Fire Dept Agreements.	*R	Ch. SL 2013-39	04/16/2013	04/30/2013
H 523	Brown	Pitt Co. Bd. of Education.	*H	Ordered Enrolled	05/02/2013	07/17/2013
H 524	Harrison	Greensboro Charter Amendments.	*S	Ref to State and Local Government. If fav, re-ref to Finance	04/29/2013	
H 526	Waddell	Chadbourn Voluntary Annexation.	*R	Ch. SL 2013-214	05/14/2013	06/05/2013
H 530	Ramsey	Buncombe MPO Membership.	*H	Ordered Enrolled	05/15/2013	07/16/2013
H 531	Ramsey	ETJ/Zoning-Weaverville & Buncombe/Correction.	*S	Re-ref Com On Finance	05/01/2013	07/16/2013
H 537	Steinburg, Sr.	Edenton-Chowan Sch. Bd. Terms.	R	Ch. SL 2013-271	05/29/2013	07/16/2013
H 538	Dollar	Apex Land Use Changes.	*R	Ch. SL 2013-264	04/24/2013	07/09/2013
H 544	Hamilton	Wilmington Charter/Civil Service Commission.	R	Ch. SL 2013-221	04/16/2013	06/25/2013
H 546	Wray	Roanoke Rapids Graded School District.	R	Ch. SL 2013-257	04/16/2013	07/02/2013
H 552	McElraft	Remove Area from County Service District.	S	Re-ref Com On Finance	05/14/2013	07/16/2013
H 555	Ramsey	Design-Build/Buncombe.	*R	Ch. SL 2013-40	04/09/2013	04/23/2013
H 562	Bumgardner	Cramerton Charter Revisal.	*R	Ch. SL 2013-178	05/15/2013	06/11/2013
H 567	Waddell	Lumberton Deannexation.	*R	Ch. SL 2013-215	05/15/2013	06/05/2013
H 625	Moffitt	Zoning/Health Care Structure.	S	Re-ref Com On Finance	05/14/2013	07/16/2013
H 636	Alexander, Jr.	Creek Name Change.	H	Pres. To Gov. 7/19/2013	04/23/2013	07/16/2013
H 646	Catlin	Airports Exempt From Local Tree Ordinances.	*H	Pres. To Gov. 7/19/2013	04/24/2013	07/16/2013

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H 677	Brawley, Jr.	Local Government Regulatory Reform.	S	Ref To Com On State and Local Government	05/14/2013	
H 701	Saine	IT Purchasing/Convenience Contracts.	*H	Pres. To Gov. 7/19/2013	04/24/2013	07/16/2013
H 769	Ramsey	Zoning/Limit Manufactured Home Restrictions.	*S	Ref to State and Local Government. If fav, re-ref to Commerce	05/01/2013	
H 857	Arp, Jr.	Public Contracts/Construction Methods/DB/P3.	*S	Placed On Cal For 07/23/2013	05/16/2013	06/11/2013
H 917	Brisson	Adopt Dublin Peanut Festival.	*R	Ch. SL 2013-313	05/23/2013	06/25/2013
H1001		Repeal Statesville Civil Service Board.	*S	Ref To Com On State and Local Government	05/14/2013	
H1005	Burr	Stanly County Commissioners and Bd. of Ed.	*S	Re-ref Com On Education/Higher Education	06/10/2013	07/02/2013
S 11	Gunn	Establish Organ Donation Month.	*R	Ch. SL 2013-22	03/04/2013	03/05/2013
S 42	Daniel	Charter School/Govt. Unit.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	02/04/2013	02/27/2013
S 52	Daniel	Cleveland Co. Property Transfer.	S	Ref To Com On State and Local Government	02/06/2013	
S 56	Jackson	Wallace/Satellite Annexations.	R	Ch. SL 2013-32	02/06/2013	02/19/2013
S 67	Brunstetter	Surry Comm. College/Yadkin Cty. Land Transfer.	*R	Ch. SL 2013-67	03/25/2013	04/11/2013
S 75	Brown	Onslow Public-Private Partnership.	*R	Ch. SL 2013-37	02/11/2013	03/13/2013
S 95	Walters	Tabor City Election.	R	Ch. SL 2013-8	02/19/2013	02/26/2013
S 96	Parmon	32nd Senatorial District Local Act-1.	S	Ref To Com On State and Local Government	02/19/2013	
S 111	Jackson	Clinton/Use Design-Build Method.	*R	Ch. SL 2013-115	02/21/2013	03/05/2013
S 128	Kinnaird	Carrboro Office of Alderman.	*R	Ch. SL 2013-113	02/25/2013	03/12/2013
S 134	Brunstetter	Winston-Salem Franchises.	S	Ref To Com On State and Local Government	02/27/2013	
S 136	Davis	Graham Occupancy Tax Changes.	*S	Re-ref Com On Finance	05/01/2013	05/07/2013
S 142	Tarte	Towns Enforce Ordinances on Lake Norman.	S	Ref To Com On State and Local Government	02/28/2013	
S 177	Davis	Hookerton/Maysville Satellite Annexations.	R	Ch. SL 2013-248	03/05/2013	03/12/2013

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S 192	Hunt	Allow ROW Usage in Central Business Districts.	S	Ref To Com On State and Local Government	03/06/2013	
S 209	Parmon	Cities/Overgrown Vegetation Notice.	H	Re-ref Com On Regulatory Reform Subcommittee on Local Government	03/07/2013	03/26/2013
S 211	Parmon	Cities/Public Nuisance Notice.	R	Ch. SL 2013-151	03/07/2013	05/14/2013
S 212	Parmon	Winston-Salem Election Cycle.	S	Ref To Com On State and Local Government	03/07/2013	
S 226	Woodard	Repeal 1935 Durham Co. Firearm Act.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05/06/2013	05/14/2013
S 229	Rabon	Ocean Isle Beach/Sea Turtle Sanctuary.	*R	Ch. SL 2013-269	03/11/2013	03/19/2013
S 237	Hartsell	Cabarrus/Stanly County Boundary.	S	Ref To Com On State and Local Government	03/11/2013	
S 247	Randleman	Ronda Recall.	S	Ref To Com On State and Local Government	03/12/2013	
S 257	Gunn	Alamance/Guilford County Boundary.	*R	Ch. SL 2013-68	03/13/2013	05/14/2013
S 258	Tillman	Asheboro/Charter Amendments.	R	Ch. SL 2013-64	03/13/2013	04/02/2013
S 265	Kinnaird	Chapel Hill/Economic Development Projects.	S	Ref To Com On State and Local Government	03/13/2013	
S 268	Rabon	Sunset Beach/Canal Dredging/Maintenance Fee.	*R	Ch. SL 2013-69	03/13/2013	03/20/2013
S 269	Brock	Salisbury/Deannex Rowan Cty Airport Property.	*R	Ch. SL 2013-60	03/13/2013	04/30/2013
S 272	Davis	Ayden Charter/Terms of Office Extended.	S	Ref To Com On State and Local Government	03/13/2013	
S 276	Clodfelter	Charlotte Charter/Investments.	S	Ref To Com On State and Local Government	03/13/2013	
S 283	Hise	Tryon Charter Amendments.	S	Ref To Com On State and Local Government	03/14/2013	
S 287	Wade	Notice Publication by Some Local Govs.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03/14/2013	04/17/2013
S 288	Barringer	Wake Comm Vacancy & Aberdeen Zoning.	*R	Ch. SL 2013-270	05/01/2013	05/07/2013
S 290	Davis	Waynesville Annexation.	*H	Serial Referral To Rules, Calendar, and Operations of the House Added	03/14/2013	04/03/2013
S 296	Parmon	Winston-Salem/Seismic Codes.	S	Ref To Com On State and Local	03/14/2013	

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		Through Sena State and Lo		ommittee on overnment Government		
S 299	Graham	Charlotte Charter/Civil Service Board.	S	Ref To Com On State and Local Government	03/14/2013	
S 302	Graham	DV Fatality Review Team/Mecklenburg Co.	S	Ref To Com On State and Local Government	03/14/2013	
S 309	Kinnaird	Haywood Town Square Conveyance.	S	Ref To Com On State and Local Government	03/14/2013	
S 311	Stein	Apex/Cary/Raleigh ROW Usage in CBD.	*H	Ref to the Com on Transportation, if favorable, Government	03/14/2013	04/16/2013
S 314	McKissick	Durham County Water/Wastewater Plant Projects.	H	Ref To Com On Rules, Calendar, and Operations of the House	03/14/2013	05/07/2013
S 315	McKissick	Municipal Services.	*S	Placed On Cal For 07/23/2013	03/14/2013	05/07/2013
S 372	Davis	Omnibus County Legislation.	*S	Pres. To Gov. 07/17/2013	04/04/2013	05/01/2013
S 483	Apodaca	Streamline Certain Leases for State Agencies.	H	Re-ref Com On Rules, Calendar, and Operations of the House	03/28/2013	05/07/2013
S 505	Jackson	Clarify Agricultural Zoning.	*S	Pres. To Gov. 07/17/2013	04/04/2013	04/24/2013
S 701	Brock	State IT/IP Assets.	S	Ref To Com On State and Local Government	04/03/2013	
S 703	Newton	Limit Local Regulation Of Outdoor Smoking.	*S	Re-ref Com On State and Local Government	05/14/2013	

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Senate Committee on State and Local Government
Tuesday, February 19, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on February 19, 2013 in Room 1124/1224 of the Legislative Building. 8 members were present.

Senator Jim Davis, Chair, presided.

Senator J. Davis welcomed committee members, pages (Marwan Lavoie, Greensboro, Sen. Trudy Wade; Cole Williams, Greensboro, Sen. Trudy Wade; Tate Replogle, Raleigh, Sen. Josh Stein) and guests and thanked the sergeants-at-arms assisting (Justin Owens, Charles Harper).

Senator Daniel asked that Senate Bill 52 Cleveland Co. Property Transfer be removed from today's agenda.

Senator Jackson explained Senate Bill 56 Wallace/Satellite Annexations. SB 56 deletes section 2 of previous legislation enacted last year. Sen. Goolsby motioned to accept the bill, seconded by Sen. Pate, with unanimous approval.

With no further business the meeting adjourned at 12:20 PM.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #3: Remove SB 75 Onslow Public-Private Partnership

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	February 19, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 52	Cleveland Co. Property Transfer.	Senator Daniel
SB 56	Wallace/Satellite Annexations.	Senator Jackson

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

Senate Committee on State and Local Government
Tuesday, February 19, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 52	Cleveland Co. Property Transfer.	Senator Daniel
SB 56	Wallace/Satellite Annexations.	Senator Jackson

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 56

Short Title:	Wallace/Satellite Annexations.	(Local)
Sponsors:	Senator Jackson (Primary Sponsor).	
Referred to:	State and Local Government.	

February 6, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2012-118 reads as rewritten:

"**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) Repealed.

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

SENATE BILL 56:
Wallace/Satellite Annexations

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 15, 2013
Introduced by:	Sen. Jackson	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 56 expands an exemption from certain standards for voluntary satellite annexations applicable to the Town of Wallace. Previously, the exemption applied only to the property on which the Vidant Family Medicine facility is located, but Senate Bill 56 would make it applicable to other properties.***

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.[1]

Session Law 2012-118 exempts the Town of Wallace from the fourth standard for voluntary satellite annexation for certain described property.

BILL ANALYSIS: Senate Bill 56 expands the Town of Wallace's exemption from the fourth standard from voluntary satellite annexation by repealing the restriction applying the authority to only certain described property.

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

BACKGROUND: The General Assembly has exempted at least 16 other municipalities from the fourth standard.

Giles Perry, counsel to House Government, substantially contributed to this summary.

[1] The Town of Wallace is exempt from this standard. S.L. 2004-57.

O. Walker Reagan
Director

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, February 19, 2013

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

FAVORABLE

SB	**56**	Wallace/Satellite Annexations.	
		Draft Number:	None
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 1

Senator W. Jackson will handle SB 56



DATE 2/19/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

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Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

NCGA SENATE COMMITTEE MEETINGS ASSIGNMENTS

Tuesday February 19, 2013

Contact Info.	Chairman Co- Chairman	COMMITTEE	TIME	ROOM #	STAFF
	House Record and Pads	Joint Appropriations on General Gov.	8:30 am 10:00	1425	Anderson, Justin
	House Record and Pads	Joint Appropriations on Transportation	8:30 am 10:00	1228	Charles H, Robert
	Senate Record and Pads	Joint Appropriations on Education	8:30 am 10:00	421	Ernie, Ed
	Senate Record and Pads	Joint Appropriations on Justice and Public Safety	8:30 am 10:00	415	Charles M, Ken
	House Record and Pads	Joint Appropriations on Health and Human Services	8:30 am 10:00	643	Steve, Leslie
	Senate Record and Pads	Joint Appropriations on Natural & Economic Resources	8:30am 10:00	423	Ron, Canton
		Senate Agriculture and Env/Nat/Res	11:00am 12:00	544	Ernie, Anderson, Charles M.
	**Bring a cart to Sen. Meredith's office before meeting.	Senate Commerce	11:00 12:00	1027	Steve, Ken, Billy
		Senate State and Local Government	12:00 1:00pm	1124	Charles Harper, Justin Owens
		Senate Judiciary II Subcommittee on SB16	4:00 5:00pm	1124	Robert, Billy, Canton
		Senate Convenes	2:00pm	Chamber	ALL
		Democrat Caucus		1124	
		Republican Caucus	3:00pm	2126	Ernie, Ed
		Senate Chamber	11:00am		Ed
			12:00 Noon		Ron
			1:00pm		Leslie

PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124/1224 LB

DATE: 2-19 TIME: Noon

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

	Page Name	Hometown	Sponsoring Senator
1	MARWAN LAWOIE Marwan Lawoie (CLAYMAN)	Greensboro, NC	Trudy Wade
2	Cole Williams	Greensboro	Trudy Wade
3	~~Tate Replogle~~	Raleigh	Josh Stein
4			
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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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 2/19/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Buddy Harris	Hunt Institute
Jimmy Broughton	Womble
Kay Emanuel	School of Government
Mitch Leonard	SEANC
Suzanne Bagley	SEANC
Dave Simpi	CAPC

Senate Committee on State and Local Government
Tuesday, February 26, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 95	Tabor City Election.	Senator Walters
SB 111	Clinton/Use Design-Build Method.	Senator Jackson
SB 42	Charter School/Govt. Unit.	Senator Daniel
		Senator Tillman
		Senator Tucker

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, February 26, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on February 26, 2013 in Room 1124/1224 of the Legislative Building. 10 members were present.

Senator Jim Davis, Chair, presided.

The meeting adjourned at 12:22 PM.

Sen. J. Davis welcomed committee members, pages (Ryan Glennon, Holly Springs, Sen. Barringer; Danielle Jones, Clinton, Sen. Berger) and guests and thanked the sergeants-at-arms assisting (Steve Wilson, Charles Marsalis, Billy Fritscher).

Senate Bill 111 Clinton/Use Design-Build Method – Sen. Jackson asked the committee to pull his bill from the agenda.

Senate Bill 95 Tabor City Election – Sen. Walters explained the bill. Sen. McLauren motioned to approve the bill, seconded by Sen. D. Davis, with unanimous approval by the committee.

Senate Bill 42 Charter School/Govt. Unit – Sen. Daniel brought forth a committee substitute, explained the bill and responded to questions from Sen. Goolsby, McLauren, Walters, and Tarte. Sen. Barringer commented on the bill. Sen. Pate motioned to approve the committee substitute, seconded by Sen. Tarte, with unanimous approval by the committee.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #2: Remove SB 52, Add SB 42

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	February 26, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 95	Tabor City Election.	Senator Walters
SB 111	Clinton/Use Design-Build Method.	Senator Jackson
SB 42	Charter School/Govt. Unit.	Senator Daniel
		Senator Tillman
		Senator Tucker

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 95*

Short Title:	Tabor City Election.	(Local)
Sponsors:	Senator Walters (Primary Sponsor).	
Referred to:	State and Local Government.	

February 19, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES IN TABOR CITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-63 reads as rewritten:

"**§ 160A-63. Vacancies.**

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. ~~The elected successor shall then serve the remainder of the unexpired term.~~ If, at the next regularly scheduled city election, any unexpired terms are to be filled in accordance with this section, the election for the full terms and the unexpired terms shall be conducted together and held on the same ballot. The candidates receiving the highest number of votes equal to the number of full terms shall be elected to serve those full terms, and the candidates receiving the next highest number of votes equal to the number of unexpired terms shall be elected to serve the remainder of those unexpired terms. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party."

SECTION 2. This act applies to the Town of Tabor City only.

SECTION 3. This act is effective when it becomes law and expires on December 31, 2013.

SENATE BILL 95:
Tabor City Election

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 22, 2013
Introduced by:	Sen. Walters	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 95 would temporarily modify the process of filling vacancies in elective office in Tabor City.***

[As introduced, this bill was identical to H106, as introduced by Rep. Waddell, which is currently in House Government.]

CURRENT LAW: Pursuant to G.S. 160A-63, midterm vacancies for elective municipal offices are filled by the city council. If the term of that office expires immediately after the next city election, or if the election occurs within 90 days of the vacancy, the appointee shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next city election and the appointee shall only serve until the elected successor takes office. The elected successor then serves for the remainder of the unexpired term.

BILL ANALYSIS: The bill would change the procedure when a person is appointed to an elective municipal office in Tabor City if the next regular city election will be held more than 90 days after the vacancy occurs. If unexpired terms are to be filled at the next regular city election, the election for the full terms and unexpired terms shall be conducted together on the same ballot. The candidates receiving the highest number of votes equal to the number of full terms shall serve those full terms, and the candidates receiving the next highest number of votes equal to the number of unexpired terms shall serve the remainder of those unexpired terms. This procedure expires and reverts to the procedure provided in G.S. 160A-63 on December 31, 2013. **This procedure only applies to the Town of Tabor City.**

EFFECTIVE DATE: Effective when it becomes law and expires on December 31, 2013.

BACKGROUND: Tabor City's city council members are elected to four-year staggered terms. S.L. 1991-834 made a similar temporary modification to the Tabor City election procedures effective from July 2, 1992 to December 31, 1993.

O. Walker Reagan
Director

S95-SMTQ-8 E1 -V4

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 111*

Short Title:	Clinton/Use Design-Build Method.	(Local)
Sponsors:	Senator Jackson (Primary Sponsor).	
Referred to:	State and Local Government.	

February 21, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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 City of Clinton may use the design-build method of construction for any road, water, sewer, sidewalk, public facility, and any other public infrastructure. The City shall solicit at least two design-build teams to bid the project and shall receive at least two sealed proposals from those teams for the project. The City shall interview at least two of the design-build teams that submit proposals. The City shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

SECTION 2. This act applies only to (i) the expansion and renovation of the Bellamy Recreation Center and (ii) the expansion and renovation of the Clinton Public Works 14 Facility.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 111*
PROPOSED COMMITTEE SUBSTITUTE S111-CSST-2 [v.2]

2/25/2013 12:33:35 PM

Short Title: Clinton/Use Design-Build Method. (Local)

Sponsors:

Referred to:

February 21, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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 City of Clinton may use the design-build method of construction for the construction or renovation of buildings, facilities, and infrastructure owned by the City. The City shall solicit at least two design-build teams to bid the project and shall receive at least two sealed proposals from those teams for the project. The City shall interview at least two of the design-build teams that submit proposals. The City shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

SECTION 2. The City may use the authority under Section 1 of this act for up to two projects, the award of which must occur on or before June 30, 2015.

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

SENATE BILL 111:
Clinton/Use Design-Build Method

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 25, 2013
Introduced by:	Sen. Jackson	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition S111-CSST-2		

SUMMARY: ***The proposed committee substitute would authorize the City of Clinton to utilize the design-build method of construction for up to 2 projects awarded on or before June 30, 2015.***

[As introduced, this bill was identical to H133, as introduced by Reps. L. Bell, Brisson, which is currently in House Government, if favorable, Finance.]

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.

The sections of Article 8 for construction or renovations of buildings that require or imply the separate or single-prime bidding process are:

- 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.

Article 3D of the Chapter 143 governs public procurement of architectural, engineering, and surveying services.

The sections of Article 3D for those services that require or imply the separate or single-prime bidding process are:

- G.S. 143-64.31, regarding procurement of architectural, engineering and surveying services.
- G.S. 143-64.32, regarding local government exemptions from the law regarding the procurement of architectural, engineering, and surveying services.

BILL ANALYSIS: The pcs would exempt the City of Clinton from the application of the statutes that require or imply separate or single-prime bidding, and specifically authorize the design-build method of construction for up to 2 projects that are awarded on or before June 30, 2015.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 42

Short Title:	Charter School/Govt. Unit.	(Public)
Sponsors:	Senators Daniel, Tillman, Tucker (Primary Sponsors); Brock, Goolsby, Newton, and Sanderson.	
Referred to:	State and Local Government.	

February 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-274(a) reads as rewritten:

"(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, charter school, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution."

SECTION 2. G.S. 115C-238.29H(a1) reads as rewritten:

"(a1) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities or equipment. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State ~~sources.~~sources and as provided in G.S. 160A-274."

SECTION 3. G.S. 160A-280(b) reads as rewritten:

"(b) For the purposes of this section, the term "governmental unit" ~~shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.~~has the same meaning as set forth in G.S. 160A-274(a)."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 42
PROPOSED COMMITTEE SUBSTITUTE S42-CSST-1 [v.3]

2/26/2013 10:35:59 AM

Short Title: Charter School/Govt. Unit. (Public)

Sponsors:

Referred to:

February 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-274(a) reads as rewritten:

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SECTION 2. G.S. 115C-238.29H(a1) reads as rewritten:

"(a1) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities or equipment. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State ~~sources.~~sources and as provided in G.S. 160A-274."

SECTION 3. G.S. 160A-280(b) reads as rewritten:

"(b) For the purposes of this section, the term "governmental unit" ~~shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.~~has the same meaning as set forth in G.S. 160A-274(a)."

SECTION 4. G.S. 115C-238.29F(i) reads as rewritten:

"(i) Assets. – ~~Upon~~ Except as provided under subsection (i1) of this section, upon dissolution of the charter school or upon the nonrenewal of the charter, all net assets of the charter school purchased with public funds shall be deemed the property of the local school administrative unit in which the charter school is located."

SECTION 5. G.S. 115C-238.29F is amended by adding a new subsection to read:

"(i1) Real Property. – Before disposing of any real property received pursuant to G.S. 160A-274 for less than full and fair market value, a charter school shall afford the governmental unit from which the real property was received the first opportunity to obtain the real property for the same or less consideration given by the recipient charter school."

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

SENATE BILL 42:
Charter School/Govt. Unit

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 26, 2013
Introduced by:	Sens. Daniel, Tillman, Tucker	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition S42-CSST-1		

SUMMARY: ***The proposed committee substitute for Senate Bill 42 would authorize units of local government to sell, lease, and exchange real or personal property with a charter school, or to jointly use real or personal property with a charter school.***

The PCS would add language requiring a charter school receiving real property under that authorization to allow the governmental unit right of first refusal before disposing of the real property if that property was given at less than full and fair market value.

CURRENT LAW:

The North Carolina Constitution provides that the taxing power is to be used for public purposes only (Section 2 of Article V), and that no person is entitled to exclusive emoluments or privileges from the community but in consideration of public services (Section 32of Article 1).

Counties and cities may purchase real and personal property to carry out their public purpose. Disposition of those properties are controlled by the statutes, in Article 12 of Chapter 160A. One of those statutes, G.S. 160A-274, specifically authorizes a "governmental unit," upon such terms and conditions as it deems wise, with or without consideration to act in any of the following ways with respect to real or personal property with another governmental unit:

- Exchange
- Lease
- Sale
- Purchase

Currently, "governmental unit" is defined in a manner that includes public bodies of the State.

Charter schools are private, non-profit organizations that are not considered a "governmental unit" for this purpose with respect to real property, or personal property. However, the statutes do address governmental property being given or used by charter schools in the following ways:

1. Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units, and may be used for payments on loans made to charter schools for facilities or equipment. State funds may not be used to obtain any other interest in real property or mobile classroom units.
2. Cities and counties are specifically authorized to donate personal property that is surplus, obsolete, or unused to a charter school. Personal property that may be donated includes supplies, materials, and equipment.
3. With respect to real property, currently, a local school must lease any available building or land to a charter school in its jurisdiction, upon request by the charter school, unless the local school board demonstrates one of the following:
    a. The lease is not economically or practically feasible.

b. The local board does not have adequate classroom space to meet its enrollment needs.

4. A local school board may provide a school facility to a charter school free of charge. The charter school would be responsible for the maintenance of, and insurance for, the school facility. G.S. 115C-238.29E(e).

5. "No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions." The sentence in quotation is required to be in every contract or lease into which a charter school enters. G.S. 115C-238.29H(a1).

If a charter school is dissolved, or the charter not renewed, all net assets of the charter school purchased with public funds are deemed the property of the local school board in which the charter school is located. G.S. 115C-238.29F(i).

BILL ANALYSIS: The PCS would expand the definition of "governmental unit" to include a charter school for purposes of disposing of governmental property by sale, lease, exchange, or joint use, between governmental units.

The PCS would also require a charter school receiving real property from a governmental unit by sale or exchange for less than full and fair market value to offer that governmental unit first opportunity to reacquire the real property for the same or less consideration than the charter school paid upon sale or exchange.

EFFECTIVE DATE: Effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, February 26, 2013

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

FAVORABLE

SB **95** Tabor City Election.

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

TOTAL REPORTED: 1

Senator Michael Walters will handle SB 95



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, February 27, 2013

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

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

SB **42** Charter School Govt. Unit.

Draft Number:	S42-PCS15082-ST-1
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator James Davis will handle SB 42



MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

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Brad Krehely
Research Staff
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Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: SENATE STATE AND LOCAL GOVERNMENT

DATE: 02/26/2013 ROOM: 1027

1. STEVE WILSON
2. CHARLES MARSALIS
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 1124

DATE: 2-26 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 Ryan Glennon	Holly Springs	Tamara Barringer
2 Danielle Jones	Clinton	Berger
3		
4		
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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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 2/26/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Allen Handlin	CRSWMA
Adam Pridemore	NCASA
Kraig Emanuel	VNC School of Government
Alex Bodyk	CSS
Benton Albritton	ABC Carolinas
Weldon Jones	Jordan, Price
Dave Simpson	CAGC
Henry Jones	Jordan Price, etc
Mitch Leonard	SEANC
Chuck Stone	SEANC

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 2/26/13

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Joel Medley	NC Dept of Public Instruction 301 N Wilmington St. Raleigh
Keith Richardson	City of Charlotte
Erik Anderson	Rotty County
Cathy Thomas	NCAR
Susanna Davis	Williams Mullen
Chris Agner	DOA
David Crawford	AIANC
Betsy Bailey	PENC

Senate Committee on State and Local Government
Tuesday, March 5, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 37	Cleveland Co. Property Transfer.	Representative T. Moore Representative Hastings
SB 111	Clinton/Use Design-Build Method.	Senator Jackson
SB 11	Establish Organ Donation Month.	Senator Gunn

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, March 5, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on March 5, 2013 in Room 1124/1224 of the Legislative Building. 12 members were present.

Senator Jim Davis, Chair, presided.

Senator J. Davis welcomed committee members, pages (Kyler Ketner, Durham, Sen. Daniel; Lizzie Tart, Clayton, Sen. Brock; _____ Howell, _____, Sen. Daniel; Addison Starnes, Morganton, Sen Daniel) and guests and thanked the sergeants-at-arms assisting (Charles Marsalis, Steve Wilson, Billy Fritscher).

Senate Bill 111 Clinton/Use Design-Build Method – Senator Jackson explained the bill. Sen. Tucker motioned for an unfavorable report as to the bill and favorable as to the committee substitute, seconded by Senator Walters, with unanimous approval.

Senate Bill 11 Establish Organ Donation Month – Senator Gunn explained the bill. Senator Don Davis motioned to accept a committee substitute. Senator Tucker moved for an unfavorable report as to the bill and favorable as to the committee substitute, seconded by Senator Goolsby, with unanimous approval.

House Bill 37 Cleveland Co. Property Transfer (CS#1) – Senator Daniel explained the bill and responded to questions from Senator Goolsby. Senator Tucker motioned for a favorable report with unanimous approval.

With no further business or announcements, the meeting was adjourned.

The meeting adjourned at 12:30 PM.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #4: Remove SB 52

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 5, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 37	Cleveland Co. Property Transfer.	Representative T. Moore Representative Hastings
SB 111	Clinton/Use Design-Build Method.	Senator Jackson
SB 11	Establish Organ Donation Month.	Senator Gunn

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 37
Committee Substitute Favorable 2/14/13

Short Title: Cleveland Co. Property Transfer. (Local)

Sponsors:

Referred to:

February 4, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, Cleveland County may convey by gift, by private negotiation and sale, or by lease for a term of more than 10 years, with or without consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in the following described property to Pinnacle Classical Academy, for the purpose of operating a public school, including a charter school:

Being all of 56.381 acre tract on plat book 31, page 184 of the Cleveland County Registry and reference is hereby made to said plat for a full metes and bounds description as if fully set out therein.

SECTION 2. Cleveland County may, in its discretion, include in a document conveying all or any portion of the property described in Section 1 of this act a reversionary clause which provides that, if the property ceases to be used for public school purposes, the property shall revert back to Cleveland County.

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

HOUSE BILL 37:
Cleveland Co. Property Transfer

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 4, 2013
Introduced by:	Reps. T. Moore, Hastings	**Prepared by:**	Chris Saunders
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 37 would authorize Cleveland County to convey a tract to the Pinnacle Classical Academy by gift, by private negotiation and sale, or by lease for a term of more than 10 years, with or without rent, for the purpose of operating a public school, including a charter school.***

[As introduced, this bill was identical to S52, as introduced by Sen. Daniel, which is currently in Senate State and Local Government.]

CURRENT LAW: Under G.S. 153A-176 and G.S. 160A-266, a county may dispose of real property by private negotiation and sale where all of the following requirements are met:

(1) the real property is significant for its architectural, archaeological, artistic, cultural or historical associations, or related to property with significance;

(2) the real property is to be sold to a nonprofit corporation or trust whose purposes include preservation or conservation;

(3) a preservation agreement or conservation agreement is placed in the deed conveying the real property from the city to the nonprofit corporation or trust.

Under G.S. 160A-272, most leases are limited to 10 years. The State Constitution at Article I, Section 32 and Article V, Section 2 also prevents gifts of public property unless it is for a public purpose.

BILL ANALYSIS: House Bill 37 would authorize Cleveland County, notwithstanding Article 12 of Chapter 160A of the General Statutes, to convey by gift, by private negotiation and sale, or by lease for a term of more than 10 years, with or without consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in a tract described in the bill to Pinnacle Classical Academy, for the purpose of operating a public school, including a charter school.

The bill further provides that the county may, but is not required to, include a reversionary clause in the documents of conveyance providing that if the property ceases to be used for public school purposes, the property will revert back to Cleveland County.

BACKGROUND: Other cities have been given authority to convey land by private sale to a charter school.[1]

EFFECTIVE DATE: House Bill 37 would be effective when it becomes law.

Giles Perry, counsel to House Government, substantially contributed to this summary.

[1] Lake Lure (S.L. 2012-115), Forest City (S.L. 2010-54)

O. Walker Reagan
Director

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 11

Short Title:	Establish Organ Donation Month.	(Public)
Sponsors:	Senators Gunn (Primary Sponsor); Daniel, Davis, Hise, Jenkins, Meredith, and Tucker.	
Referred to:	Rules and Operations of the Senate.	

January 31, 2013

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW."

Whereas, according to the United Network of Organ Sharing (UNOS), more than 116,000 people are waiting for organ transplants nationally, and according to Carolina Donor Services (CDS), more than 3,500 of those people are in North Carolina; and

Whereas, an average of 18 people awaiting transplants die each day due to the severe shortage of donated organs; and

Whereas, every 10 minutes another name is added to the national transplant waiting list; and

Whereas, the North Carolina Division of Motor Vehicles plays a critical role in maintaining the North Carolina state donor registry, with 99% of donors having registered when receiving their North Carolina drivers license or ID card; and

Whereas, one organ donor can save the lives of up to eight people and improve the lives of many more through tissue and cornea donation; and

Whereas, North Carolinians are encouraged to get the facts about donation and discuss their wishes with their families and physicians, and if they decide to become donors, to sign a legal donor card, put the heart on their drivers license, and enroll on a donor list; and

Whereas, the State of North Carolina joins health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations in an effort to boost the numbers of organ, tissue, eye, blood, bone marrow, and stem cell donors throughout North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"**§ 103-12. Organ Donation Awareness Month.**

The month of April of each year is designated as Organ Donation Awareness Month in North Carolina."

SECTION 2. This act shall be known as "Duffy's Law."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 11
PROPOSED COMMITTEE SUBSTITUTE S11-CSLG-2 [v.5]

2/27/2013 3:02:58 PM

Short Title: Establish Organ Donation Month. (Public)

Sponsors:

Referred to:

January 31, 2013

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS/DONATE LIFE MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW."

Whereas, according to the United Network of Organ Sharing (UNOS), more than 116,000 people are waiting for organ transplants nationally, and more than 3,500 of those people are in North Carolina; and

Whereas, an average of 18 people awaiting transplants die each day due to the severe shortage of donated organs; and

Whereas, every 10 minutes another name is added to the national transplant waiting list; and

Whereas, one organ donor can save the lives of up to eight people and improve the lives of up to 50 people through tissue and cornea donation; and

Whereas, North Carolinians are encouraged to get the facts about donation through Donate Life NC's website and discuss their wishes with their families; and

Whereas, the North Carolina Division of Motor Vehicles plays a critical role in maintaining the North Carolina State donor registry, with 99% of donors having registered when receiving their North Carolina drivers license or ID card, which are identified by the symbol of a red heart; and

Whereas, the State's Donor registry is the sixth largest registry in the country with 4.3 million North Carolinians having registered with the North Division of Motor Vehicles or through Donate Life NC's online registry; and

Whereas, the State of North Carolina joins Donate Life NC, our State's organ recovery agencies, Carolina Donor Services, The North Carolina Eye Bank, LifeShare Of The Carolinas, health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations in an effort to boost the numbers of organ, tissue, eye, blood, bone marrow, and stem cell donors throughout North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"**§ 103-12. Organ Donation Awareness/Donate Life Month.**

The month of April of each year is designated as Organ Donation Awareness/Donate Life Month in North Carolina."

SECTION 2. This act shall be known as "Duffy's Law."

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



SENATE BILL 11:
Establish Organ Donation Month

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 5, 2013
Introduced by:	Sen. Gunn	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	PCS to First Edition S11-CSLG-2		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 11 would designate the month of April each year as Organ Donation Awareness/Donate Life Month in North Carolina (was Organ Donation Awareness Month in the first edition of the bill). The act shall be known as "Duffy's Law."***

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

O. Walker Reagan
Director

S11-SMRN-9 CSLG-2 -V3

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 111*

Short Title:	Clinton/Use Design-Build Method.	(Local)
Sponsors:	Senator Jackson (Primary Sponsor).	
Referred to:	State and Local Government.	

February 21, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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 City of Clinton may use the design-build method of construction for any road, water, sewer, sidewalk, public facility, and any other public infrastructure. The City shall solicit at least two design-build teams to bid the project and shall receive at least two sealed proposals from those teams for the project. The City shall interview at least two of the design-build teams that submit proposals. The City shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

SECTION 2. This act applies only to (i) the expansion and renovation of the Bellamy Recreation Center and (ii) the expansion and renovation of the Clinton Public Works 14 Facility.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 111*
PROPOSED COMMITTEE SUBSTITUTE S111-CSST-2 [v.5]

3/4/2013 5:45:44 PM

Short Title: Clinton/Use Design-Build Method. (Local)

Sponsors:

Referred to:

February 21, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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 City of Clinton may use the design-build method of construction for the construction or renovation of buildings, facilities, and infrastructure owned by the City. The City shall solicit at least two design-build teams to bid the project and shall receive at least two sealed proposals from those teams for the project. The City shall interview at least two of the design-build teams that submit proposals. The City shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

SECTION 2. The City may use the authority under Section 1 of this act for up to two projects, the award of which must occur on or before June 30, 2015.

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



SENATE BILL 111:
Clinton/Use Design-Build Method

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	February 25, 2013
Introduced by:	Sen. Jackson	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition S111-CSST-2		Committee Counsel

SUMMARY: ***The proposed committee substitute would authorize the City of Clinton to utilize the design-build method of construction for up to three projects awarded on or before June 30, 2015.***

[As introduced, this bill was identical to H133, as introduced by Reps. L. Bell, Brisson, which is currently in House Government, if favorable, Finance.]

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.

The sections of Article 8 for construction or renovations of buildings that require or imply the separate or single-prime bidding process are:

- 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.

Article 3D of the Chapter 143 governs public procurement of architectural, engineering, and surveying services.

The sections of Article 3D for those services that require or imply the separate or single-prime bidding process are:

- G.S. 143-64.31, regarding procurement of architectural, engineering and surveying services.
- G.S. 143-64.32, regarding local government exemptions from the law regarding the procurement of architectural, engineering, and surveying services.

BILL ANALYSIS: The pcs would exempt the City of Clinton from the application of the statutes that require or imply separate or single-prime bidding, and specifically authorize the design-build method of construction for up to two projects that are awarded on or before June 30, 2015.

EFFECTIVE DATE: Effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

CORRECTED REPORT #1

Tuesday, March 05, 2013

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

FAVORABLE

HB **37** **(CS#1)** Cleveland Co. Property Transfer.

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

TOTAL REPORTED: 1

Senator Warren Daniel will handle HB 37



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, March 05, 2013

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

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

SB 11 Establish Organ Donation Month.

Draft Number:	S11-PCS35104-LG-2
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

SB 111 Clinton/Use Design-Build Method.

Draft Number:	S111-PCS75120-ST-2
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Richard Gunn will handle SB 11
Senator W. Jackson will handle SB 111



DATE 3/5/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: SENATE STATE AND LOCAL GOVERNMENT

DATE: 03/05/13 ROOM: 1124

1. CHARLES MARSALIS
2. STEVE WILSON
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 3-5 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 Kyler Ketner	Durham	Daniel
2 Lizzie Tart	Clayton	Brock
3 Abbi Howell	Cherryville	Daniel
4 Addison Stanes	Morganton	Daniel
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 3/5/13

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Alex Bodge	CSS
Matthew Vione	CW Consult
Adam Pridemore	NCATSA
Kay Emanuel	School of Government
Rick Zechini	Williams Mullen
Susanna Davis	Williams Mullen
Lydia Daniel	Morganton, NC
Steve Metcalf	The Policy Group
Doug Lassiter	NCSTA
	NCSA

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 3/5/13

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Betsy Bailey	PENC
David Crawford	AIA NC
William Jones	Jordan, Price
Henry Jones	Jordan Price
Taylor MacLennan	NCCA
Darryl Sweatberg	Guest of Senator Gunn
John Connet	City of Clinton
Andrew Tanji	Senate Staff

Senate Committee on State and Local Government
Tuesday, March 12, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 128	Carrboro Office of Alderman.	Senator Kinnaird
SB 177	Hookerton/Maysville Satellite Annexations.	Senator D. Davis Senator Brown
SB 75	Onslow Public-Private Partnership.	Senator Brown

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, March 12, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on March 12, 2013 in Room 1124/1224 of the Legislative Building. 12 members were present.

Senator Tommy Tucker, Chair, presided.

Senator Tucker welcomed committee members, Pages (Keegan Hines, Cary, Senator Stein; Erin Ray, Knightdale, Senator Blue; Evan Haynes, Raleigh, Senator Blue), and guests.

SB 128 Carrboro Office of Alderman – Senator Jackson motioned to accept a Committee Substitute bill with unanimous approval. Senator Kinnaird explained the Committee Substitute bill with the assistance of the Carrboro town attorney, Michael Brough and responded to questions from Senators Tucker, Wade, and Tarte. Ericka Churchill offered to provide additional information outside of the meeting to Senator Wade. Senator Davis motioned unfavorable as to bill but favorable as to Committee Substitute bill with unanimous approval.

SB 177 Hookerton/Maysville Satellite – Senator Don Davis explained the bill and answered questions from Senator Pate. Senator Tucker recommended referral to Finance. Senator Jackson motioned favorable as to the bill with referral to Finance, seconded by Sen. McLaurin, with unanimous approval.

SB 75 Onslow Public-Private Partnership – Senator Jackson motioned to accept a Committee Substitute bill with unanimous approval. Senator Brown explained the Committee Substitute bill and answered questions from Senator Wade. Brad Krehely (Research) explained a technical amendment to the bill. Senator Don Davis motioned to accept the bill as amended, seconded by Senator Walters, with unanimous approval.

The meeting adjourned at 12:28 PM.

Senator Tommy Tucker, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #1: Remove SB 134, Add SB 75

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 12, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 128	Carrboro Office of Alderman.	Senator Kinnaird
SB 177	Hookerton/Maysville Satellite Annexations.	Senator D. Davis Senator Brown
SB 75	Onslow Public-Private Partnership.	Senator Brown

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 128*

Short Title:	Carrboro Office of Alderman.	(Local)
Sponsors:	Senator Kinnaird (Primary Sponsor).	
Referred to:	State and Local Government.	

February 25, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended by S.L. 2007-270, reads as rewritten:

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

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

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

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms.

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

(f) ~~Notwithstanding the first four sentences of G.S. 160A-63, but subject to this subsection and subsection (g) of this section,~~ Vacancies that occur on the board of aldermen (other than vacancies in the office of mayor) shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63, except that whenever a seat on the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or more of the term of office of that seat remains ~~unexpired, such seat shall be filled by a special election. Such special election shall be called by~~ unexpired, the board of aldermen ~~by the adoption of~~ may instead adopt a resolution pursuant to G.S. 163-287 ~~at the next regular or special meeting of the board held after the vacancy occurs.~~ calling for a special election to fill

such vacancy. Such ~~resolution shall not schedule an election~~ an election shall not be scheduled during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year. ~~Vacancies that occur in the office of alderman at a time when less than one year of that alderman's term of office remains unexpired shall be filled by appointment of the board of aldermen in accordance with G.S. 160A-63.~~

(g) If the board of aldermen adopts a resolution calling for a special election to fill one or more vacant ~~board~~ seats as provided in subsection (f) of this section, and the resolution sets as the date of such election the same date as a regular municipal election, then ~~(i)~~ the resolution shall provide that the same filing period, filing fee, and absentee voting period that are applicable to the three seats on the board whose terms are expiring shall also apply to the special election for the vacant seat or ~~seats; (ii)~~ seats.

(h) Whenever a vacancy on the board of aldermen is to be filled at a general municipal election (for the remaining two years of the unexpired term of the vacant seat), then (i) candidates ~~who seek to fill either the expiring seats or the vacant seats~~ for the office of alderman shall file and appear on the ballot simply as candidates for election to the board ~~of aldermen~~ (i.e. they shall not be allowed to file or appear on the ballot as a candidate for ~~either~~ a particular vacant seat or ~~an expiring~~ for a four-year term or for the unexpired term of a vacant seat); and ~~(iii)~~ (ii) the three candidates receiving the highest number of votes for the office of alderman shall be elected to full four-year terms, and the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or seats."

SECTION 2. This act is effective when it becomes law and applies to any vacancy on the board of aldermen occurring on or after the date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 128*
PROPOSED COMMITTEE SUBSTITUTE S128-CSST-4 [v.1]
3/11/2013 10:24:03 AM

Short Title: Carrboro Office of Alderman. (Local)

Sponsors:

Referred to:

February 25, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended by S.L. 2007-270, reads as rewritten:

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

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

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

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms.

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

(f) ~~Notwithstanding the first four sentences of G.S. 160A-63, but subject to this subsection and subsection (g) of this section,~~Vacancies that occur on the board of aldermen (other than vacancies in the office of mayor) shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63, except that whenever a seat on the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or more of the term of office of that seat remains ~~unexpired, such seat shall be filled by a special election. Such special election shall be called by~~ unexpired. the board of aldermen ~~by the adoption of~~ may instead adopt a resolution pursuant to G.S. 163-287 ~~at the next regular or special meeting of the board held after the vacancy occurs.~~ calling for a special election to fill

such vacancy. Such ~~resolution shall not schedule an election~~ an election shall not be scheduled during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year. ~~Vacancies that occur in the office of alderman at a time when less than one year of that alderman's term of office remains unexpired shall be filled by appointment of the board of aldermen in accordance with G.S. 160A-63.~~

(g) If the board of aldermen adopts a resolution calling for a special election to fill one or more vacant ~~board~~ seats as provided in subsection (f) of this section, and the resolution sets as the date of such election the same date as a ~~regular~~ municipal general election, then ~~(i)~~ the resolution shall provide that the same filing period, filing fee, and absentee voting period that are applicable to the three seats on the board whose terms are expiring shall also apply to the special election for the vacant seat or ~~seats; (ii)~~ seats. If the resolution sets as the date of such election concurrent with an election other than the municipal general election, then the resolution shall prescribe the filing period and the filing fee. If the resolution sets as the date of such election a date other than the same date as another election, then the resolution shall prescribe the filing period, filing fee, and absentee voting period for such special election, including an alternative location for one-stop absentee voting within the corporate limits of the municipality, rather than the office of the board of elections, if no other elections are conducted within the county on the same date.

(h) Whenever a vacancy on the board of aldermen is to be filled at a general municipal election (for the remaining two years of the unexpired term of the vacant seat), then (i) candidates ~~who seek to fill either the expiring seats or the vacant seats~~ for the office of alderman shall file and appear on the ballot simply as candidates for election to the board ~~of aldermen~~ (i.e. they shall not be allowed to file or appear on the ballot as a candidate for ~~either~~ a particular vacant seat or ~~an expiring~~ for a four-year term or for the unexpired term of a vacant seat); and ~~(iii)~~ (ii) the three candidates receiving the highest number of votes for the office of alderman shall be elected to full four-year terms, and the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or seats."

SECTION 2. This act is effective when it becomes law and applies to any vacancy on the board of aldermen occurring on or after the date.

SENATE BILL 128:
Carrboro Office of Alderman

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 11, 2013
Introduced by:	Sen. Kinnaird	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition S128-CSST-4		

SUMMARY: ***The proposed committee substitute for Senate Bill 128 would clarify the process for calling an election to fill a vacancy in the Board of Aldermen in the Town of Carrboro.***

[As introduced, this bill was identical to H116, as introduced by Reps. Insko, Foushee, which is currently in House Government, if favorable, Finance.]

CURRENT LAW: Pursuant to G.S. 160A-63, midterm vacancies for elective municipal offices are filled by the city council. If the term of that office expires immediately after the next city election, or if the election occurs within 90 days of the vacancy, the appointee shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next city election and the appointee shall only serve until the elected successor takes office. The elected successor then serves for the remainder of the unexpired term.

The Town of Carrboro has six aldermen and a mayor, who is elected separately from the aldermen. The elections are conducted every two years, with three aldermen elected to serve four year terms. The charter of the Town of Carrboro provides that if a seat on the board of aldermen becomes vacant with a year or more left in the term of that seat, a special election shall be held. When that special election is held concurrently with a municipal general election, the same filing period, filing fee and absentee voting period shall apply, and the candidates for all four open seats shall appear with distinction to the seat. The three individuals receiving the highest number of votes shall fill the three full term seats, and the next highest vote receiver shall fill the unexpired seat.

BILL ANALYSIS: The proposed committee substitute would do all of the following:

- Grants the authority to the board of aldermen to determine if a vacant seat with an unexpired term of 1 year or more is to be filled by appointment or by special election.
- If a special election is called to fill a vacant seat, then that special election is to follow the absentee period for the municipal or general election coinciding with that special election, if any. If that special election falls with a municipal general election, the filing period and filing fee are to be the same as for the other municipal offices on the ballot. If that special election is coincides with another election, the Board of Aldermen is to set the filing period and filing fee. If that special election does not coincide with another election, the Board of Aldermen is to set the filing period, filing fee and absentee voting period.

EFFECTIVE DATE: Effective when it becomes law, and applies to any vacancy occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

SENATE BILL 177

Short Title:	Hookerton/Maysville Satellite Annexations.	(Local)
Sponsors:	Senators D. Davis and Brown (Primary Sponsors).	
Referred to:	State and Local Government.	

March 5, 2013

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE.

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, Hookerton, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, 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 177:
Hookerton/Maysville Satellite Annexations

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 12, 2013
Introduced by:	Sens. D. Davis, Brown	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 177 exempts the Towns of Hookerton and Maysville 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 177 adds the Towns of Hookerton and Maysville to the group of municipalities exempted from the 10% area cap on satellite annexations.

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

O. Walker Reagan
Director

S177-SMTQ-13 E1 -V3

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 75

Short Title:	Onslow Public-Private Partnership.	(Local)
Sponsors:	Senator Brown (Primary Sponsor).	
Referred to:	State and Local Government.	

February 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definition. For the purpose of this act, a "public-private project" is defined as a capital project which is comprised of one or more buildings or other improvements and includes both public and private facilities. The public-private project may be located anywhere within the geographic boundaries of Onslow County, including within any municipality in Onslow County.

SECTION 1.(b) Authorization. If the Board of Commissioners of Onslow County determines that the County will benefit from the County's participation in the development of one or more public-private projects, as defined in this act, then the County may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from moneys lawfully available therefore. The County may enter into binding contracts with one or more municipalities within the County or one or more private developers, or both, with respect to acquiring, constructing, owning, or operating such a project. The contract shall, among other provisions, specify the following:

(1) The property interest of the County and all other participants in the development of the project.
(2) The responsibilities of the County and all other participants in the development of the project.
(3) The responsibilities of the County and all other participants with respect to financing of the project.

The contract may be entered into before or after the acquisition of any real property necessary to the project and may apply to a public-private project developed on real property owned by the County prior to the Board's determination that the County will benefit from the County's participation in the public-private project.

SECTION 1.(c) Property Acquisition. A public-private project may be constructed on property acquired by the developer or developers, on property acquired by the County, on property acquired by any municipality within the County, or on property acquired by the County, municipality, and developers.

SECTION 1.(d) Property Disposition. The County may lease or convey its interest in public-private projects, real or personal property, or other real or personal property owned by it, including air rights over public facilities, through any of the methods authorized in G.S. 153A-176 and G.S. 160A-266, including private negotiation and sale, notwithstanding the

limitations of G.S. 160A-266(b) or any other provision of law as to value of the interest conveyed. Notwithstanding the provisions of G.S. 160A-272, property owned by the County may be leased for a period of 10 years or longer without being treated as a sale of the property.

SECTION 1.(e) Construction and Other Contracts. The contract between the county and the developer or developers may provide that the developer or developers shall be responsible for (i) construction of the entire public-private project, (ii) reconstruction and/or repair of the public-private project or any part thereof subsequent to construction of said project, (iii) construction of any addition to the public-private project, (iv) renovation of the public-private project or any part thereof, and/or (v) purchase of apparatus, supplies, materials, or equipment for the public-private project (whether during the initial equipping of the said project or subsequent thereto). Additionally, the contract between the County and the developer or developers may provide that the County and the developer or developers shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If so, the contract shall include such provisions as the Board of County Commissioners deems sufficient to assure that the public facility or facilities included in the project or added thereto are constructed, reconstructed, repaired and/or renovated, and the apparatus, supplies, materials and equipment purchased for the public facility or facilities included in the project are purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statutes shall not apply to any contracts related to or in furtherance of the public-private project.

SECTION 1.(f) Operation. The County may contract for the operation of any public facility or facilities included in a public-private project by any person, firm, or corporation, public or private.

SECTION 1.(g) Financing. To assist in the financing of its share of a public-private project, the County may apply for, accept, and expend funds from the federal or State government or any other lawful source.

SECTION 1.(h) Other Authority. The authority granted by this section is in addition to and not in derogation of any other lawful authority granted to the County by law. The County may exercise any authority granted to it by local act or general statute or law in furtherance of a public-private project. By way of illustration but not of limitation, the County may exercise the following authority in furtherance of a public-private project:

(1) The authority granted in G.S. 153A-176 and Article 12 of Chapter 160A of the General Statutes with respect to the public or private sale, lease, rent, exchange, or other conveyance of property.

(2) The authority of G.S. 153-13 and G.S. 153A-449 with respect to contracts with, and appropriation of money to, persons, associations, or corporations for the accomplishment of public purposes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 75
PROPOSED COMMITTEE SUBSTITUTE S75-CSRN-3 [v.12]

3/11/2013 3:50:09 PM

Short Title: Onslow Public-Private Partnership. (Local)

Sponsors:

Referred to:

February 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP.

Whereas, Onslow County's current owned and leased human services facilities are severely inadequate because of age, structural and environmental deficiencies, and the volume of citizens required to be served; and

Whereas, Onslow County lacks the resources or ability to construct new facilities that will adequately meet its needs absent an immediate property tax increase; and

Whereas, there are currently no existing, adequate facilities in Onslow County that the County could lease for the purpose of housing its Department of Social Services operations; and

Whereas, federal government funding does not, as currently authorized, provide sufficient funding for Onslow County to construct such a facility with federal funds; and

Whereas, a combination of government funding sources will provide Onslow County sufficient funds to lease an adequate building if such a building were available for lease; and

Whereas, private developers are not willing to construct such a building for lease unless Onslow County commits, in advance, to a long term lease of such building; and

Whereas, the existing delivery systems set out in G.S. 143-128 are inadequate for Onslow County to obtain a facility sufficient to satisfy its human services needs; and

With the authorization provided by this act, Onslow County intends to enter into a long-term lease with a private developer to secure the space required to satisfy the County's human service needs; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. For the purpose of this act, the following definitions apply:

(a) "Claimant" includes any individual, firm, partnership, association or corporation entitled to maintain an action on a bond described in this act and shall include, but not exclusively, any contractor.

(b) "Construction contract" means any contract entered into between a private developer and a contractor for the design, construction, reconstruction, alteration or repair of any building or other work or improvement, including highways required for a private developer to satisfy its obligations under a development contract.

(c) "Contractor" means any person who has entered into a construction contract with a private developer

(d) "Development contract" means any contract entered into pursuant to Section 1.(b). of this act.

(e) "Labor or materials" shall include all materials furnished or labor performed in the prosecution of the work called for by a construction contract regardless of whether or not the labor or materials enter into or become a component part of the improvement, and further shall include gas, power, light, heat, oil, gasoline, telephone services and rental of equipment or the reasonable value of the use of equipment directly utilized in the performance of the work called for in a construction contract.

(f) "Private developer" means any person who has entered into a development contract with Onslow County pursuant to this act.

(g) A "public-private project" is defined as a capital project undertaken by Onslow County and a private developer and which is comprised of one or more buildings or other improvements, including but not limited to, paving, grading, utilities, infrastructure, reconstruction, or repair and includes both public and private facilities. The public-private project may be located anywhere within the geographic boundaries of Onslow County, including within any municipality in Onslow County.

(h) "Subcontractor" means any person who has contracted to furnish labor or materials to, or who has performed labor for, a contractor or another subcontractor in connection with a development contract.

SECTION 1.(b) Authorization. If the Board of Commissioners of Onslow County determines that the County will benefit from the County's participation in the development of a public-private project as defined in this act, then the County may acquire, construct, own, lease as lessor or lessee, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from moneys lawfully available therefor. The County's authorization under this section is limited to entering into one public-private project including without limitation, social services, public health, and human services functions. The County may enter into binding contracts with one or more municipalities within the County or one or more private-developers, or both, on or before June 30, 2017, with respect to acquiring, constructing, owning, leasing, or operating such a project. The contract shall, among other provisions, specify the following:

(1) The property interest of the County and all other participants in the development of the project.

(2) The responsibilities of the County and all other participants in the development of the project.

(3) The responsibilities of the County and all other participants with respect to financing of the project.

The contract may be entered into before or after the acquisition of any real property necessary to the public-private project and may apply to a public-private project developed on real property owned by the County prior to the Board's determination that the County will benefit from the County's participation in the public-private project.

SECTION 1.(c) Property Acquisition. A public-private project may be constructed on property acquired by the private developer or private developers, on property acquired by the County, on property acquired by any municipality within the County, or on property acquired by the County, municipality, and private developers.

SECTION 1.(d) Property Disposition. The County may lease or convey its interest in public-private projects, real or personal property, or other real or personal property owned by it, including air rights over public facilities, through any of the methods authorized in G.S. 153A-176 and G.S. 160A-266, including private negotiation and sale, notwithstanding the limitations of G.S. 160A-266(b) or any other provision of law as to value of the interest

conveyed. Notwithstanding the provisions of G.S. 160A-272, property owned by the County may be leased for a period of 10 years or longer without being treated as a sale of the property.

SECTION 1.(e) Construction and Other Contracts. The contract between the County and the private-developer or private-developers may provide that the private-developer or private-developers shall be responsible for (i) construction of the entire public-private project, (ii) reconstruction and/or repair of the public-private project or any part thereof subsequent to construction of such project, (iii) construction of any addition to the public-private project, (iv) renovation of the public-private project or any part thereof, and/or (v) purchase of apparatus, supplies, materials, or equipment for the public-private project (whether during the initial equipping of such project or subsequent thereto). Additionally, the contract between the County and the private-developer or private-developers may provide that the County and the private-developer or private-developers shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If so, the contract shall include such provisions as the Board of Commissioners of Onslow County deems sufficient to assure that the public facility or facilities included in the public-private project or added thereto are constructed, reconstructed, repaired and/or renovated, and the apparatus, supplies, materials and equipment purchased for the public facility or facilities included in the public-private project are purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statutes shall not apply to any contracts related to or in furtherance of the public-private project. The County shall require a private-developer to provide a payment bond for construction work in accordance with the provisions of Section 1.(f) of this act.

SECTION 1.(f) Bonding Provisions. The following bonding provisions apply to this act.

(a) Bonds Required.- A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred twenty-five percent (125%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to construct the improvements required by the development contract. The payment bond shall be conditioned upon the prompt payment for all labor or materials for which the private developer or one or more of its contractors or their subcontractors is liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which the private developer or its contractors or subcontractors is liable. The total anticipated amount of the construction contracts shall be stated in the development contract and certified by the private developer as being a good faith projection of its total costs for constructing the improvements required by the development contract. The payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the development contract. The County, in its discretion, may require a developer to provide a performance bond..

(b) Actions on Payment Bonds; Service of Notice. Subject to the provision of Section 1.(f)(b)(1), any claimant who has performed labor or furnished materials in the prosecution of the work required by any contract for which a payment bond has been given pursuant to the provisions of this act, and who has not been paid in full therefor before the expiration of 90 days after the day on which the claimant performed the last such labor or furnished the last such materials for which he claims payment, may bring an action on such payment bond in his own name, to recover any amount due him for such labor or materials and may prosecute such action to final judgment and have execution on the judgment.

(1) Any claimant who has a direct contractual relationship with any contractor or any subcontractor but has no contractual relationship, express or implied, with the private developer may bring an action on the payment bond only if he has given written notice of claim on payment bond to the private

developer within 120 days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

(2) The notice required by of Section 1.(f)(b)(1) shall be served by certified mail, or by signature confirmation as provided by the United States Postal Service, postage prepaid, in an envelope addressed to such private developer at any place where his office is regularly maintained for the transaction of business or in any manner provided by law for the service of summons.

(c) Actions on Payment Bonds; Venue and Limitations. Every action on a payment bond as provided in this act shall be brought in the General Court of Justice, County of Onslow, North Carolina. No action on a payment bond shall be commenced after one year from the day on which the last of the labor was performed or material was furnished by the claimant.

(c1) Limitation of Liability of a Surety. No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond. A judgment against any surety may be reduced or set aside upon motion by the surety and a showing that the total amount of claims paid and judgments previously rendered under such payment bond, together with the amount of the judgment to be reduced or set aside, exceeds the face amount of the bond.

(d) Variance of Liability; Contents of Bond. No act of or agreement between the County, a private developer, or a surety shall reduce the period of time for giving notice under Section 1.(f)(b)(1)-(2), or commencing action under Section 1.(f)(c) or otherwise reduce or limit the liability of the private developer or surety as prescribed in this act. Every bond given by a private developer pursuant to this act shall be conclusively presumed to have been given in accordance herewith, whether or not such bond be so drawn as to conform to this act. This act shall be conclusively presumed to have been written into every bond given pursuant thereto.

(e) Certified Copy of Bond and Contract. Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the County or the private developer to certify and furnish a copy of the payment bond, the development contract, and the construction contract or construction contracts covered by the bond. It shall be the duty of such private developer or the County to give any such person a certified copy of the payment bond and the construction contract upon not less than 10 days' notice and request. The County or private developer may require a reasonable payment for the actual cost of furnishing the certified copy. A copy of any payment bond, the development contract, and the construction contract or construction contracts covered by the bond certified by the County or private developer shall constitute prima facie evidence of the contents, execution and delivery of such bond, development contract, and construction contracts.

(f) Form. A payment bond form containing the following provisions shall comply with this act: the date the bond is executed; the name of the principal; the name of the surety; Onslow County, the development contract number; and the following conditions:

"KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Onslow County, hereinafter called Onslow County, in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

"THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain development contract with Onslow County, numbered as shown above and hereto attached;

"NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the construction work provided for in said

development contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

"IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body."

Appropriate places for execution by the surety and principal shall be provided.

(g) Attorneys' Fees. In any suit brought or defended under the provisions of this act, the presiding judge may allow a reasonable attorneys' fee to the attorney representing the prevailing party. This attorneys' fee is to be taxed as part of the court costs and be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this section, "prevailing party" is a party plaintiff or third party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or is a party defendant or third party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the foregoing, in the event an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.

(h) Effect on Other Rights. The rights afforded claimants by this act shall be in addition to and not in lieu of any other rights which claimants may have by law or contract, and this act shall not be construed so as to limit such rights.

SECTION 1.(g) Operation. The County may contract for the operation of any facility or facilities included in a public-private project by any person, firm, or corporation, public or private.

SECTION 1.(h) Financing. To assist in the financing of its share of a public-private project, the County may apply for, accept, and expend funds from the federal or State government or any other lawful source.

SECTION 1.(i) Additional Requirements. – The County shall determine its programming needs for such human services functions as may be located in the facility to be constructed under this act. The County shall advertise a notice for interested parties to submit qualifications in such form as the County may require for possible selection as the private developer or private developers in the public-private project in a newspaper having general circulation within the County. Prior to submittal of qualifications, the County shall make available, in such form as it deems appropriate, the programming requirements for the public-private project. Qualifications submitted by interested parties shall include, but be not limited to:

(1) Evidence of financial stability. Information identified in accordance with G.S. 66-152(3) and G.S. 132-1.2 shall be exempt from disclosure under Chapter 132 of the General Statutes.

(2) Experience with construction of similar projects.

(3) Licensure to undertake the actions necessary to accomplish the goals of the public-private project.

(4) Listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction team.

(5) Statement of availability to undertake the public-private project and projected timeline for project completion.

(6) Other information as the County, in its sole discretion, may require.

Based on the qualifications package submitted by a responder, along with any other such information as the County may require, the County may select a private developer or private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The County shall advertise the terms of the proposed contract to be entered into by the County in a newspaper having general circulation within the County at least 10 days prior to a regularly-scheduled meeting at which the contract is to be considered. The contract for the public-private partnership may only be considered at a regular meeting of the Board of Commissioners of Onslow County.

If the County enters into a contract or lease that involves the actual or effective acquisition of a capital asset, then the contract or lease must provide that no deficiency judgment may be rendered against the County for a breach of a contractual obligation thereunder. The taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under a contract or lease that involves the actual or effective acquisition of a capital asset. A contract or lease that involves the actual or effective acquisition of a capital asset shall state that it does not constitute a pledge of the taxing power or faith and credit of the County.

SECTION 1.(j) Other Authority. The authority granted by this section is in addition to and not in derogation of any other lawful authority granted to the County by law. The County may exercise any authority granted to it by local act or general statute or law in furtherance of a public-private project. By way of illustration but not of limitation, the County may exercise the following authority in furtherance of a public-private project:

(a) The authority granted in G.S. 153A-176 and Article 12 of Chapter 160A of the General Statutes with respect to the public or private sale, lease, rent, exchange, or other conveyance of property.

(b) The authority of G.S. 153A-13 and G.S. 153A-449 with respect to contracts with, and appropriation of money to, persons, associations, or corporations for the accomplishment of public purposes.

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

SENATE BILL 75:
Onslow Public-Private Partnership

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 12, 2013
Introduced by:	Sen. Brown	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition S75-CSRN-3		Committee Counsel

SUMMARY: Senate Bill 75 is a local act that would authorize Onslow County to enter into a public-private partnership. The Proposed Committee Substitute (1) adds whereas clauses and additional definitions, (2) provides that the County's authorization is limited to entering into one public-private project including without limitation, social services, public health, and human services functions, (3) clarifies that the County may enter into binding contracts with one or more municipalities within the County or one or more private-developers, or both, on or before June 30, 2017, (4) adds a number of provisions regarding payment bonds, (5) provides that the County can determine its programming needs and that the County will advertise a notice for interested parties to submit qualifications for possible selection as the private developer, and (6) makes other technical and clarifying changes.

BILL ANALYSIS:

Section 1.(a) offers definitions. A "public-private project" is a capital project undertaken by Onslow County and a private developer and which is comprised of one or more buildings or other improvements, including but not limited to, paving, grading, utilities, infrastructure, reconstruction, or repair and includes both public and private facilities. The public private project may be located anywhere within the geographic boundaries of Onslow County, including within any municipality in Onslow County.

Section 1.(b) provides that if the Board of Commissioners of Onslow County determines that the County will benefit from the development of a public-private project as defined in the act, then the County may acquire, construct, own, lease, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public private project. The County's authorization is limited to entering into one public-private project including without limitation, social services, public health, and human services functions. The County may enter into binding contracts with one or more municipalities within the County or one or more private-developers, or both, on or before June 30, 2017. The contract shall, among other provisions, specify the following:

- The property interest of the County and all other participants.
- The responsibilities of the County and all other participants.
- Financing responsibilities of the County and all other participants.

Section 1.(c) provides that a public-private project may be constructed on property acquired by the developer or private developers, on property acquired by the County, on property acquired by a municipality within the County, or property acquired by all three (County, municipality, and developers).

Section 1.(d) permits the County to lease or convey its interest in public-private projects and real or personal projects by any of the methods permitted in statute (private negotiation and sale; advertisement

for sealed bids; negotiated offer, advertisement, and upset bid; public auction; or exchange). It permits the use of private negotiation and sale notwithstanding any provision of law as to the value of the interest conveyed. It also provides that the County-owned property may be leased for 10 years or longer without being treated as a sale of the property.

Section 1.(e) provides that the contract between the County and private developer(s) may provide that the private developer(s) shall be responsible for (i) construction of the entire public private project, (ii) reconstruction and/or repair of the public private project, (iii) construction of any addition to the project, (iv) renovation of the project or any part thereof, and/or (v) purchase of supplies, materials, or equipment for the project. Additionally, the contract between the County and the private developer(s) may provide that the County and the private developer(s) shall use the same contractor(s) in constructing the project. If so, the contract shall include such provisions as the Board of County Commissioners deems sufficient to assure that items included in the project are purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statutes shall not apply, but the County shall require a private developer to provide for a payment bond for construction work in accordance with Section 1.(f) of this act.

Section 1.(f) provides a number of bonding provisions, including:

- Bonds required. A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred twenty-five percent (125%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to construct the improvements required by the development contract. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which the private developer or its contractors or subcontractors is liable. The County, in its discretion, may require a developer to provide a performance bond.
- Actions on Payment Bonds; Service of Notice. Any claimant who has performed labor or furnished materials who has not been paid in full before the expiration of 90 days after the day on which the claimant performed the last such labor or furnished the last such materials may bring an action to recover any amount due.

  Any claimant who has a direct contractual relationship with any contractor or subcontractor but has no contractual relationship with the private developer may bring an action on the payment bond only if he has given written notice of claim on payment bond to the private developer within 120 days.
- Venue and Limitations. Actions on a payment bond are to be brought in Onslow County. No action shall be commenced one year from the day on which the last of the labor was performed or material was furnished.
- Limitation of Liability of a Surety. No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond.
- Variance of Liability; Contents of Bond. No act of or agreement between the County, a private developer, or a surety shall reduce the period of time for giving notice or commencing action or otherwise reduce or limit the liability of the private developer or surety.
- Certified Copy of Bond and Contract. Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the County or the private developer to certify and furnish a copy of the payment bond, the development contract, and the construction contract(s) covered by the bond. (upon not less than 10 days' notice and request.)

- This section also sets forth the form of the payment bond and allows for reasonable attorneys' fees for the prevailing party.

Section 1.(g) permits the County to contract for the operation of any public facility or facilities by any person, firm, or corporation (public or private).

Section 1.(h) authorizes the County to apply for, accept, and expend funds from the federal government, State government, or any other lawful source.

Section 1.(i) provides that the County shall determine its programming needs for such human services functions as may be located in the facility to be constructed under this act. The County shall advertise a notice for interested parties to submit qualifications in a newspaper having general circulation within the County. Prior to submittal of qualifications, the County shall make available the programming requirements. Qualifications submitted by interested parties shall include, but be not limited to:

- Evidence of financial stability with certain information exempted from Chapter 132.
- Experience with construction of similar projects.
- Licensure to undertake the actions necessary.
- Listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction team.
- Statement of availability to undertake the public-private project and projected timeline to finish.
- Other information that the County may require.

The County may select a private developer or private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The County shall advertise the terms of the proposed contract to be entered into by the County in a newspaper having general circulation within the County at least 10 days prior to a regularly-scheduled meeting at which the contract is to be considered. The contract for the public-private partnership may only be considered at a regular meeting of the Board of Commissioners of Onslow County.

This section also provides that if the County enters into a contract or lease that involves the actual or effective acquisition of a capital asset, then the contract or lease must provide that no deficiency judgment may be rendered against the County for a breach of the obligation. The taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under a contract or lease.

Section 1.(j) clarifies that the authority provided in this act is in addition to any other lawful authority granted to the County by law.

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

BACKGROUND: The Onslow County Department of Social Services has grown over time and is currently leasing store fronts in New River Shopping Center. The County pays $320,515.12 per year in rent and has dealt with a number of issues, including leaks. The County needs another space for social services offices. The County is exploring selling land it owns to a developer who would construct a new building for the County to rent. Senate Bill 75 would allow Onslow County to enter into a public-private partnership to address this issue.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 75
PROPOSED COMMITTEE SUBSTITUTE S75-PCS85080-RN-3

Short Title: Onslow Public-Private Partnership. (Local)

Sponsors:

Referred to:

February 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP.

Whereas, Onslow County's current owned and leased human services facilities are severely inadequate because of age, structural and environmental deficiencies, and the volume of citizens required to be served; and

Whereas, Onslow County lacks the resources or ability to construct new facilities that will adequately meet its needs absent an immediate property tax increase; and

Whereas, there are currently no existing, adequate facilities in Onslow County that the County could lease for the purpose of housing its Department of Social Services operations; and

Whereas, federal government funding does not, as currently authorized, provide sufficient funding for Onslow County to construct such a facility with federal funds; and

Whereas, a combination of government funding sources will provide Onslow County sufficient funds to lease an adequate building if such a building were available for lease; and

Whereas, private developers are not willing to construct such a building for lease unless Onslow County commits, in advance, to a long-term lease of such building; and

Whereas, the existing delivery systems set out in G.S. 143-128 are inadequate for Onslow County to obtain a facility sufficient to satisfy its human services needs; and

With the authorization provided by this act, Onslow County intends to enter into a long-term lease with a private developer to secure the space required to satisfy the County's human services needs; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – For the purpose of this act, the following definitions apply:

(a) "Claimant" includes any individual, firm, partnership, association, or corporation entitled to maintain an action on a bond described in this act and shall include, but not exclusively, any contractor.

(b) "Construction contract" means any contract entered into between a private developer and a contractor for the design, construction, reconstruction, alteration, or repair of any building or other work or improvement, including highways required for a private developer to satisfy its obligations under a development contract.

(c) "Contractor" means any person who has entered into a construction contract with a private developer.

(d) "Development contract" means any contract entered into pursuant to Section 1(b) of this act.

(e) "Labor or materials" shall include all materials furnished or labor performed in the prosecution of the work called for by a construction contract regardless of whether or not the labor or materials enter into or become a component part of the improvement, and further shall include gas, power, light, heat, oil, gasoline, telephone services, and rental of equipment or the reasonable value of the use of equipment directly utilized in the performance of the work called for in a construction contract.

(f) "Private developer" means any person who has entered into a development contract with Onslow County pursuant to this act.

(g) A "public-private project" is defined as a capital project undertaken by Onslow County and a private developer and which is comprised of one or more buildings or other improvements, including, but not limited to, paving, grading, utilities, infrastructure, reconstruction, or repair and includes both public and private facilities. The public-private project may be located anywhere within the geographic boundaries of Onslow County, including within any municipality in Onslow County.

(h) "Subcontractor" means any person who has contracted to furnish labor or materials to, or who has performed labor for, a contractor or another subcontractor in connection with a development contract.

SECTION 1.(b) Authorization. – If the Board of Commissioners of Onslow County determines that the County will benefit from the County's participation in the development of a public-private project as defined in this act, then the County may acquire, construct, own, lease as lessor or lessee, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from moneys lawfully available therefor. The County's authorization under this section is limited to entering into one public-private project, including, without limitation, social services, public health, and human services functions. The County may enter into binding contracts with one or more municipalities within the County or one or more private-developers, or both, on or before June 30, 2017, with respect to acquiring, constructing, owning, leasing, or operating such a project. The contract shall, among other provisions, specify the following:

(1) The property interest of the County and all other participants in the development of the project.

(2) The responsibilities of the County and all other participants in the development of the project.

(3) The responsibilities of the County and all other participants with respect to financing of the project.

The contract may be entered into before or after the acquisition of any real property necessary to the public-private project and may apply to a public-private project developed on real property owned by the County prior to the Board's determination that the County will benefit from the County's participation in the public-private project.

SECTION 1.(c) Property Acquisition. – A public-private project may be constructed on property acquired by the private developer or private developers, on property acquired by the County, on property acquired by any municipality within the County, or on property acquired by the County, municipality, and private developers.

SECTION 1.(d) Property Disposition. – The County may lease or convey its interest in public-private projects, real or personal property, or other real or personal property owned by it, including air rights over public facilities, through any of the methods authorized in G.S. 153A-176 and G.S. 160A-266, including private negotiation and sale, notwithstanding the limitations of G.S. 160A-266(b) or any other provision of law as to value of the interest

conveyed. Notwithstanding the provisions of G.S. 160A-272, property owned by the County may be leased for a period of 10 years or longer without being treated as a sale of the property.

SECTION 1.(e) Construction and Other Contracts. – The contract between the County and the private-developer or private-developers may provide that the private-developer or private-developers shall be responsible for (i) construction of the entire public-private project, (ii) reconstruction and/or repair of the public-private project or any part thereof subsequent to construction of such project, (iii) construction of any addition to the public-private project, (iv) renovation of the public-private project or any part thereof, and/or (v) purchase of apparatus, supplies, materials, or equipment for the public-private project (whether during the initial equipping of such project or subsequent thereto). Additionally, the contract between the County and the private-developer or private-developers may provide that the County and the private-developer or private-developers shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If so, the contract shall include such provisions as the Board of Commissioners of Onslow County deems sufficient to assure that the public facility or facilities included in the public-private project or added thereto are constructed, reconstructed, repaired and/or renovated, and the apparatus, supplies, materials, and equipment purchased for the public facility or facilities included in the public-private project are purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statutes shall not apply to any contracts related to or in furtherance of the public-private project. The County shall require a private-developer to provide a payment bond for construction work in accordance with the provisions of Section 1(f) of this act.

SECTION 1.(f) Bonding Provisions. – The following bonding provisions apply to this act;

(a) Bonds Required. – A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred twenty-five percent (125%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to construct the improvements required by the development contract. The payment bond shall be conditioned upon the prompt payment for all labor or materials for which the private developer or one or more of its contractors or their subcontractors are liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which the private developer or its contractors or subcontractors are liable. The total anticipated amount of the construction contracts shall be stated in the development contract and certified by the private developer as being a good faith projection of its total costs for constructing the improvements required by the development contract. The payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the development contract. The County, in its discretion, may require a private developer to provide a performance bond.

(b) Actions on Payment Bonds; Service of Notice. – Subject to the provision of Section 1(f)(b)(1) of this act, any claimant who has performed labor or furnished materials in the prosecution of the work required by any contract for which a payment bond has been given pursuant to the provisions of this act and who has not been paid in full therefor before the expiration of 90 days after the day on which the claimant performed the last such labor or furnished the last such materials for which he claims payment, may bring an action on such payment bond in his own name, to recover any amount due him for such labor or materials and may prosecute such action to final judgment and have execution on the judgment.

(1) Any claimant who has a direct contractual relationship with any contractor or any subcontractor but has no contractual relationship, express or implied, with the private developer may bring an action on the payment bond only if he has given written notice of claim on payment bond to the private

developer within 120 days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

(2) The notice required by Section 1(f)(b)(1) of this act shall be served by certified mail, or by signature confirmation as provided by the United States Postal Service, postage prepaid, in an envelope addressed to such private developer at any place where his office is regularly maintained for the transaction of business or in any manner provided by law for the service of summons.

(c) Actions on Payment Bonds; Venue and Limitations. – Every action on a payment bond as provided in this act shall be brought in the General Court of Justice, County of Onslow, North Carolina. No action on a payment bond shall be commenced after one year from the day on which the last of the labor was performed or material was furnished by the claimant.

(c1) Limitation of Liability of a Surety. – No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond. A judgment against any surety may be reduced or set aside upon motion by the surety and a showing that the total amount of claims paid and judgments previously rendered under such payment bond, together with the amount of the judgment to be reduced or set aside, exceeds the face amount of the bond.

(d) Variance of Liability; Contents of Bond. – No act of or agreement between the County, a private developer, or a surety shall reduce the period of time for giving notice under Section 1(f)(b)(1)-(2) of this act, or commencing action under Section 1(f)(c) of this act or otherwise reduce or limit the liability of the private developer or surety as prescribed in this act. Every bond given by a private developer pursuant to this act shall be conclusively presumed to have been given in accordance herewith, whether or not such bond be so drawn as to conform to this act. This act shall be conclusively presumed to have been written into every bond given pursuant thereto.

(e) Certified Copy of Bond and Contract. – Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the County or the private developer to certify and furnish a copy of the payment bond, the development contract, and the construction contract or construction contracts covered by the bond. It shall be the duty of such private developer or the County to give any such person a certified copy of the payment bond and the construction contract upon not less than 10 days' notice and request. The County or private developer may require a reasonable payment for the actual cost of furnishing the certified copy. A copy of any payment bond, the development contract, and the construction contract or construction contracts covered by the bond certified by the County or private developer shall constitute prima facie evidence of the contents, execution, and delivery of such bond, development contract, and construction contracts.

(f) Form. – A payment bond form containing the following provisions shall comply with this act: the date the bond is executed; the name of the principal; the name of the surety; Onslow County; the development contract number; and the following conditions:

"KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Onslow County, hereinafter called Onslow County, in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

"THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain development contract with Onslow County, numbered as shown above and hereto attached;

"NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the construction work provided for in said development contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

"IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body."

Appropriate places for execution by the surety and principal shall be provided.

(g) Attorneys' Fees. – In any suit brought or defended under the provisions of this act, the presiding judge may allow a reasonable attorneys' fee to the attorney representing the prevailing party. This attorneys' fee is to be taxed as part of the court costs and be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this section, "prevailing party" is a party plaintiff or third party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or is a party defendant or third party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the foregoing, in the event an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.

(h) Effect on Other Rights. – The rights afforded claimants by this act shall be in addition to and not in lieu of any other rights which claimants may have by law or contract, and this act shall not be construed so as to limit such rights.

SECTION 1.(g) Operation. – The County may contract for the operation of any facility or facilities included in a public-private project by any person, firm, or corporation, public or private.

SECTION 1.(h) Financing. – To assist in the financing of its share of a public-private project, the County may apply for, accept, and expend funds from the federal or State government or any other lawful source.

SECTION 1.(i) Additional Requirements. – The County shall determine its programming needs for such human services functions as may be located in the facility to be constructed under this act. The County shall advertise a notice for interested parties to submit qualifications in such form as the County may require for possible selection as the private developer or private developers in the public-private project in a newspaper having general circulation within the County. Prior to submittal of qualifications, the County shall make available, in such form as it deems appropriate, the programming requirements for the public-private project. Qualifications submitted by interested parties shall include, but not be limited to:

(1) Evidence of financial stability. Information identified in accordance with G.S. 66-152(3) and G.S. 132-1.2 shall be exempt from disclosure under Chapter 132 of the General Statutes.
(2) Experience with construction of similar projects.
(3) Licensure to undertake the actions necessary to accomplish the goals of the public-private project.
(4) Listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction team.

(5) Statement of availability to undertake the public-private project and projected time line for project completion.

(6) Other information as the County, in its sole discretion, may require.

Based on the qualifications package submitted by a responder, along with any other such information as the County may require, the County may select a private developer or private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The County shall advertise the terms of the proposed contract to be entered into by the County in a newspaper having general circulation within the County at least 10 days prior to a regularly scheduled meeting at which the contract is to be considered. The contract for the public-private partnership may only be considered at a regular meeting of the Board of Commissioners of Onslow County.

If the County enters into a contract or lease that involves the actual or effective acquisition of a capital asset, then the contract or lease must provide that no deficiency judgment may be rendered against the County for a breach of a contractual obligation thereunder. The taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under a contract or lease that involves the actual or effective acquisition of a capital asset. A contract or lease that involves the actual or effective acquisition of a capital asset shall state that it does not constitute a pledge of the taxing power or faith and credit of the County.

SECTION 1.(j) Other Authority. – The authority granted by this section is in addition to and not in derogation of any other lawful authority granted to the County by law. The County may exercise any authority granted to it by local act or general statute or law in furtherance of a public-private project. By way of illustration, but not of limitation, the County may exercise the following authority in furtherance of a public-private project:

(a) The authority granted in G.S. 153A-176 and Article 12 of Chapter 160A of the General Statutes with respect to the public or private sale, lease, rent, exchange, or other conveyance of property.

(b) The authority of G.S. 153A-13 and G.S. 153A-449 with respect to contracts with, and appropriation of money to, persons, associations, or corporations for the accomplishment of public purposes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 75
PROPOSED COMMITTEE SUBSTITUTE S75-PCS85080-RN-3

Short Title: Onslow Public-Private Partnership. (Local)

Sponsors:

Referred to:

February 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP.

Whereas, Onslow County's current owned and leased human services facilities are severely inadequate because of age, structural and environmental deficiencies, and the volume of citizens required to be served; and

Whereas, Onslow County lacks the resources or ability to construct new facilities that will adequately meet its needs absent an immediate property tax increase; and

Whereas, there are currently no existing, adequate facilities in Onslow County that the County could lease for the purpose of housing its Department of Social Services operations; and

Whereas, federal government funding does not, as currently authorized, provide sufficient funding for Onslow County to construct such a facility with federal funds; and

Whereas, a combination of government funding sources will provide Onslow County sufficient funds to lease an adequate building if such a building were available for lease; and

Whereas, private developers are not willing to construct such a building for lease unless Onslow County commits, in advance, to a long-term lease of such building; and

Whereas, the existing delivery systems set out in G.S. 143-128 are inadequate for Onslow County to obtain a facility sufficient to satisfy its human services needs; and

With the authorization provided by this act, Onslow County intends to enter into a long-term lease with a private developer to secure the space required to satisfy the County's human services needs; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – For the purpose of this act, the following definitions apply:

(a) "Claimant" includes any individual, firm, partnership, association, or corporation entitled to maintain an action on a bond described in this act and shall include, but not exclusively, any contractor.

(b) "Construction contract" means any contract entered into between a private developer and a contractor for the design, construction, reconstruction, alteration, or repair of any building or other work or improvement, including highways required for a private developer to satisfy its obligations under a development contract.

(c) "Contractor" means any person who has entered into a construction contract with a private developer.

(d) "Development contract" means any contract entered into pursuant to Section 1(b) of this act.

(e) "Labor or materials" shall include all materials furnished or labor performed in the prosecution of the work called for by a construction contract regardless of whether or not the labor or materials enter into or become a component part of the improvement, and further shall include gas, power, light, heat, oil, gasoline, telephone services, and rental of equipment or the reasonable value of the use of equipment directly utilized in the performance of the work called for in a construction contract.

(f) "Private developer" means any person who has entered into a development contract with Onslow County pursuant to this act.

(g) A "public-private project" is defined as a capital project undertaken by Onslow County and a private developer and which is comprised of one or more buildings or other improvements, including, but not limited to, paving, grading, utilities, infrastructure, reconstruction, or repair and includes both public and private facilities. The public-private project may be located anywhere within the geographic boundaries of Onslow County, including within any municipality in Onslow County.

(h) "Subcontractor" means any person who has contracted to furnish labor or materials to, or who has performed labor for, a contractor or another subcontractor in connection with a development contract.

SECTION 1.(b) Authorization. – If the Board of Commissioners of Onslow County determines that the County will benefit from the County's participation in the development of a public-private project as defined in this act, then the County may acquire, construct, own, lease as lessor or lessee, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from moneys lawfully available therefor. The County's authorization under this section is limited to entering into one public-private project, including, without limitation, social services, public health, and human services functions. The County may enter into binding contracts with one or more municipalities within the County or one or more private-developers, or both, on or before June 30, 2017, with respect to acquiring, constructing, owning, leasing, or operating such a project. The contract shall, among other provisions, specify the following:

(1) The property interest of the County and all other participants in the development of the project.

(2) The responsibilities of the County and all other participants in the development of the project.

(3) The responsibilities of the County and all other participants with respect to financing of the project.

The contract may be entered into before or after the acquisition of any real property necessary to the public-private project and may apply to a public-private project developed on real property owned by the County prior to the Board's determination that the County will benefit from the County's participation in the public-private project.

SECTION 1.(c) Property Acquisition. – A public-private project may be constructed on property acquired by the private developer or private developers, on property acquired by the County, on property acquired by any municipality within the County, or on property acquired by the County, municipality, and private developers.

SECTION 1.(d) Property Disposition. – The County may lease or convey its interest in public-private projects, real or personal property, or other real or personal property owned by it, including air rights over public facilities, through any of the methods authorized in G.S. 153A-176 and G.S. 160A-266, including private negotiation and sale, notwithstanding the limitations of G.S. 160A-266(b) or any other provision of law as to value of the interest

conveyed. Notwithstanding the provisions of G.S. 160A-272, property owned by the County may be leased for a period of 10 years or longer without being treated as a sale of the property.

SECTION 1.(e) Construction and Other Contracts. – The contract between the County and the private-developer or private-developers may provide that the private-developer or private-developers shall be responsible for (i) construction of the entire public-private project, (ii) reconstruction and/or repair of the public-private project or any part thereof subsequent to construction of such project, (iii) construction of any addition to the public-private project, (iv) renovation of the public-private project or any part thereof, and/or (v) purchase of apparatus, supplies, materials, or equipment for the public-private project (whether during the initial equipping of such project or subsequent thereto). Additionally, the contract between the County and the private-developer or private-developers may provide that the County and the private-developer or private-developers shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If so, the contract shall include such provisions as the Board of Commissioners of Onslow County deems sufficient to assure that the public facility or facilities included in the public-private project or added thereto are constructed, reconstructed, repaired and/or renovated, and the apparatus, supplies, materials, and equipment purchased for the public facility or facilities included in the public-private project are purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statutes shall not apply to any contracts related to or in furtherance of the public-private project. The County shall require a private-developer to provide a payment bond for construction work in accordance with the provisions of Section 1(f) of this act.

SECTION 1.(f) Bonding Provisions. – The following bonding provisions apply to this act;

(a) Bonds Required. – A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred twenty-five percent (125%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to construct the improvements required by the development contract. The payment bond shall be conditioned upon the prompt payment for all labor or materials for which the private developer or one or more of its contractors or their subcontractors are liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which the private developer or its contractors or subcontractors are liable. The total anticipated amount of the construction contracts shall be stated in the development contract and certified by the private developer as being a good faith projection of its total costs for constructing the improvements required by the development contract. The payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the development contract. The County, in its discretion, may require a private developer to provide a performance bond.

(b) Actions on Payment Bonds; Service of Notice. – Subject to the provision of Section 1(f)(b)(1) of this act, any claimant who has performed labor or furnished materials in the prosecution of the work required by any contract for which a payment bond has been given pursuant to the provisions of this act and who has not been paid in full therefor before the expiration of 90 days after the day on which the claimant performed the last such labor or furnished the last such materials for which he claims payment, may bring an action on such payment bond in his own name, to recover any amount due him for such labor or materials and may prosecute such action to final judgment and have execution on the judgment.

(1) Any claimant who has a direct contractual relationship with any contractor or any subcontractor but has no contractual relationship, express or implied, with the private developer may bring an action on the payment bond only if he has given written notice of claim on payment bond to the private

developer within 120 days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

(2) The notice required by Section 1(f)(b)(1) of this act shall be served by certified mail, or by signature confirmation as provided by the United States Postal Service, postage prepaid, in an envelope addressed to such private developer at any place where his office is regularly maintained for the transaction of business or in any manner provided by law for the service of summons.

(c) Actions on Payment Bonds; Venue and Limitations. – Every action on a payment bond as provided in this act shall be brought in the General Court of Justice, County of Onslow, North Carolina. No action on a payment bond shall be commenced after one year from the day on which the last of the labor was performed or material was furnished by the claimant.

(c1) Limitation of Liability of a Surety. – No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond. A judgment against any surety may be reduced or set aside upon motion by the surety and a showing that the total amount of claims paid and judgments previously rendered under such payment bond, together with the amount of the judgment to be reduced or set aside, exceeds the face amount of the bond.

(d) Variance of Liability; Contents of Bond. – No act of or agreement between the County, a private developer, or a surety shall reduce the period of time for giving notice under Section 1(f)(b)(1)-(2) of this act, or commencing action under Section 1(f)(c) of this act or otherwise reduce or limit the liability of the private developer or surety as prescribed in this act. Every bond given by a private developer pursuant to this act shall be conclusively presumed to have been given in accordance herewith, whether or not such bond be so drawn as to conform to this act. This act shall be conclusively presumed to have been written into every bond given pursuant thereto.

(e) Certified Copy of Bond and Contract. – Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the County or the private developer to certify and furnish a copy of the payment bond, the development contract, and the construction contract or construction contracts covered by the bond. It shall be the duty of such private developer or the County to give any such person a certified copy of the payment bond and the construction contract upon not less than 10 days' notice and request. The County or private developer may require a reasonable payment for the actual cost of furnishing the certified copy. A copy of any payment bond, the development contract, and the construction contract or construction contracts covered by the bond certified by the County or private developer shall constitute prima facie evidence of the contents, execution, and delivery of such bond, development contract, and construction contracts.

(f) Form. – A payment bond form containing the following provisions shall comply with this act: the date the bond is executed; the name of the principal; the name of the surety; Onslow County; the development contract number; and the following conditions:

"KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Onslow County, hereinafter called Onslow County, in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

"THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain development contract with Onslow County, numbered as shown above and hereto attached;

"NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the construction work provided for in said development contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

"IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body."

Appropriate places for execution by the surety and principal shall be provided.

(g) Attorneys' Fees. – In any suit brought or defended under the provisions of this act, the presiding judge may allow a reasonable attorneys' fee to the attorney representing the prevailing party. This attorneys' fee is to be taxed as part of the court costs and be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this section, "prevailing party" is a party plaintiff or third party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or is a party defendant or third party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the foregoing, in the event an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.

(h) Effect on Other Rights. – The rights afforded claimants by this act shall be in addition to and not in lieu of any other rights which claimants may have by law or contract, and this act shall not be construed so as to limit such rights.

SECTION 1.(g) Operation. – The County may contract for the operation of any facility or facilities included in a public-private project by any person, firm, or corporation, public or private.

SECTION 1.(h) Financing. – To assist in the financing of its share of a public-private project, the County may apply for, accept, and expend funds from the federal or State government or any other lawful source.

SECTION 1.(i) Additional Requirements. – The County shall determine its programming needs for such human services functions as may be located in the facility to be constructed under this act. The County shall advertise a notice for interested parties to submit qualifications in such form as the County may require for possible selection as the private developer or private developers in the public-private project in a newspaper having general circulation within the County. Prior to submittal of qualifications, the County shall make available, in such form as it deems appropriate, the programming requirements for the public-private project. Qualifications submitted by interested parties shall include, but not be limited to:

(1) Evidence of financial stability. Information identified in accordance with G.S. 66-152(3) and G.S. 132-1.2 shall be exempt from disclosure under Chapter 132 of the General Statutes.

(2) Experience with construction of similar projects.

(3) Licensure to undertake the actions necessary to accomplish the goals of the public-private project.

(4) Listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction team.

(5) Statement of availability to undertake the public-private project and projected time line for project completion.

(6) Other information as the County, in its sole discretion, may require.

Based on the qualifications package submitted by a responder, along with any other such information as the County may require, the County may select a private developer or private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The County shall advertise the terms of the proposed contract to be entered into by the County in a newspaper having general circulation within the County at least 10 days prior to a regularly scheduled meeting at which the contract is to be considered. The contract for the public-private partnership may only be considered at a regular meeting of the Board of Commissioners of Onslow County.

If the County enters into a contract or lease that involves the actual or effective acquisition of a capital asset, then the contract or lease must provide that no deficiency judgment may be rendered against the County for a breach of a contractual obligation thereunder. The taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under a contract or lease that involves the actual or effective acquisition of a capital asset. A contract or lease that involves the actual or effective acquisition of a capital asset shall state that it does not constitute a pledge of the taxing power or faith and credit of the County.

SECTION 1.(j) Other Authority. – The authority granted by this section is in addition to and not in derogation of any other lawful authority granted to the County by law. The County may exercise any authority granted to it by local act or general statute or law in furtherance of a public-private project. By way of illustration, but not of limitation, the County may exercise the following authority in furtherance of a public-private project:

(a) The authority granted in G.S. 153A-176 and Article 12 of Chapter 160A of the General Statutes with respect to the public or private sale, lease, rent, exchange, or other conveyance of property.

(b) The authority of G.S. 153A-13 and G.S. 153A-449 with respect to contracts with, and appropriation of money to, persons, associations, or corporations for the accomplishment of public purposes.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, March 12, 2013

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

FAVORABLE

SB **177** Hookerton/Maysville Satellite Annexations.

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

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

SB **128** Carrboro Office of Alderman.

Draft Number:	S128-PCS75156-ST-4
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Donald Davis will handle SB 177
Senator Eleanor Kinnaird will handle SB 128



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, March 13, 2013

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

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

SB 75 Onslow Public-Private Partnership.

Draft Number:	S75-PCS85080-RN-3
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Harry Brown will handle SB 75



DATE 3/12/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB. 733-5875
Kaye Culberson

✓ Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Trudy Wade, Vice Chair
✓ Room 2106, LB 733-5856
Kathy Hartsell

✓ Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

✓ Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

✓ Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Brent Jackson
✓ Room 523, LOB
Phillip Christofferson

✓ Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

✓ Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

✓ Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

✓ Erika Churchill
Research Staff
Room 545, LOB 733-2578

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

✓ Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: SENATE STATE AND LOCAL GOVERNMENT

DATE: 03/12/13 ROOM: 1124

1. DONNA BLAKE
2. ROBERT YOUNG
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 1124

DATE: 3-12 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 Keegan Hines	Cary	Senator Stein
2 ERIN RAY	knightdale	senator Blue
3 Evan Haynes	Raleigh	Blue
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 3/12/13

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	AIA NC
Betsy Bartley	PENC
Catherine Wilson	Town of Carrboro
Weldon Jones	Jordan Price
Henry Jones	Jordan Price
Will Graham	MVC
Kay Emanuel	School of Government
Suzanne Beasley	SEANC

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 3/12/13
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Lesley Moxley	Onslow County Attorney 4024 Richlands Hwy Jacksonville, NC 28540
Jeffrey Hudson	Onslow County Manager 4024 Richlands Hwy Jacksonville, NC 28540
DMPS Impact	CMOC
James Wooten	Dare to Discover 307 W. Bridge Ln Nags Head, NC 27959
Sarah Collins	League of Municipalities

Senate Committee on State and Local Government
Tuesday, March 19, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 229	Ocean Isle Beach/Sea Turtle Sanctuary.	Senator Rabon
SB 268	Sunset Beach/Canal Dredging/Maintenance Fee.	Senator Rabon
SB 272	Ayden Charter/Terms of Office Extended.	Senator D. Davis Senator Pate
SB 290	Waynesville Annexation.	Senator J. Davis

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, March 19, 2013 at 12 Noon
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12 Noon on March 19, 2013 in Room 1124/1224. 10 members were present.

Senator Jim Davis presided.

Senator J. Davis welcomed Pages (W. McCain Kerr, Monroe, Sen. Tucker; Timothy Deye, Henderson, Sen. Bryant) and visitors and thanked Sergeants-at-Arms (Robert Young, Billy Fritscher).

Senator J. Davis removed the following bills from the agenda at the requests of bill sponsors:
SB 272 Ayden Charter/Terms of Office Extended, Sen. D. Davis
SB 290 Waynesville Annexation, Sen. J. Davis

Senate Bill 229 Ocean Isle Beach/Sea Turtle Sanctuary – Sen. Rabon explained the bill. There being no questions or comments, Sen. Wade motioned for a favorable report, seconded by Sen. McLaurin, with unanimous approval.

Senate Bill 268 Sunset Beach/Canal Dredging/Maintenance Fee – Sen. Rabon offerred a proposed committee substitute, explained the bill substitute, and answered questions from Sens. Kinnaird and Tarte. Sen. Jackson motioned for unfavorable as to bill and favorable as to committee substitute, with sequential referral to Finance, seconded by Sen. Walters, with unanimous approval.

The meeting adjourned at 12:10 PM.

Senator Jim Davis
Presiding

Kaye D. Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #3: Remove SB 272

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 19, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 229	Ocean Isle Beach/Sea Turtle Sanctuary.	Senator Rabon
SB 268	Sunset Beach/Canal Dredging/Maintenance Fee.	Senator Rabon

Remove Senate Bill 290

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 229

Short Title:	Ocean Isle Beach/Sea Turtle Sanctuary.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

March 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Ocean Isle Beach may create and establish a sea turtle sanctuary within the areas of the town limits above the mean low watermark, to include the foreshore. Any ordinance adopted by the town to regulate activities within the sea turtle sanctuary which may or will disturb or destroy a sea turtle, a sea turtle nest, or sea turtle eggs must be consistent with the ordinance powers found in G.S. 160A-174, G.S. 160A-308, and any other law. The ordinance adopted by the town may by cross-reference incorporate the criminal statutes regarding the taking of sea turtles in G.S. 113-189 and G.S. 113-337. It shall be unlawful for any person within the sea turtle sanctuary to disturb or destroy a sea turtle, a sea turtle nest, or sea turtle eggs in violation of an ordinance adopted by the Town of Ocean Isle Beach.

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

SENATE BILL 229:
Ocean Isle Beach/Sea Turtle Sanctuary

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 19, 2013
Introduced by:	Sen. Rabon	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 229 authorizes the Town of Ocean Isle Beach to create a sea turtle sanctuary within the areas of the town limits that are above the mean low water mark, including the foreshore. The bill prohibits any person within the sanctuary to disturb or destroy a sea turtle, a sea turtle next, or sea turtle eggs in violation of an ordinance adopted by the Town of Ocean Isle Beach.***

CURRENT LAW: G.S. 113-189(a) makes it unlawful under state law to willfully take, disturb, or destroy any sea turtles or their nests or eggs. Violation of this statute is punishable by a Class 3 misdemeanor for a first conviction and a Class 2 misdemeanor for a subsequent conviction within three years, pursuant to G.S. 113-135. G.S. 113-337 also prohibits the taking, possession, or sale of any protected wild animal (including sea turtles), subject to a Class 1 misdemeanor.

G.S. 160A-174 grants municipalities the general power to adopt ordinances to prohibit, regulate, or abate acts, omissions, or conditions that are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the municipality. Any municipal ordinance must be consistent with State or federal law, but may require a higher standard of conduct or condition than an existing State or federal law. G.S. 160A-308 grants coastal municipalities the authority to regulate or prohibit by ordinance the use of vehicles on the beach strand or barrier dunes, except by commercial fishermen for commercial activities, subject to a Class 3 misdemeanor for violation of the ordinance.

The Town of Ocean Isle Beach currently does not have the explicit statutory authority to create a sea turtle sanctuary within its town limits.

BILL ANALYSIS: Senate Bill 229 authorizes the Town of Ocean Isle Beach to create a sea turtle sanctuary within the areas of the town limits, above the mean low water mark, including the foreshore. Any ordinances that the town adopts to regulate activities in the sea turtle sanctuary area must be consistent with the town's general ordinance-making powers. The town ordinance may incorporate the sea turtle criminal statutes by cross reference. The bill makes it unlawful to disturb or destroy a sea turtle, sea turtle nest, or sea turtle eggs within the sanctuary in violation of an ordinance adopted by the Town.

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

BACKGROUND: Sea turtles are protected under the federal Endangered Species Act (ESA), which prohibits trafficking or knowingly taking an endangered species (including eggs). The criminal penalty for violating ESA can be as much as $50,000 and/or imprisonment for one year, plus civil penalties up to $25,000. State laws such as G.S. 113-189(a) and G.S. 113-337 prohibit the willful taking, disturbing, or destruction of sea turtles, sea turtle eggs, or sea turtle nests.

O. Walker Reagan
Director

S229-SMTQ-17 E1 -V9

Research Division
(919) 733-2578

The Town of Ocean Isle Beach currently has ordinances in place to protect sea turtles. Town of Ocean Isle Beach Code of Ordinances § 38-35 prohibits placement of beach equipment seaward of a sea turtle nest, or within 10 feet of the nest in any direction. Town of Ocean Isle Beach Code of Ordinances § 66-660 regulates exterior lighting from structures, partially in order to "protect sea turtle hatchlings from disorienting light." Additionally, Town of Ocean Isle Beach Code of Ordinances § 22-123(c) encourages property owners to plant vegetation and install sand fences to allow nesting of sea turtles on the portion of the frontal dune on their property. The creation of a sea turtle sanctuary will allow the town to post "Sea Turtle Sanctuary" signage to inform visitors that sea turtles may be nesting.

Several other coastal municipalities and counties were granted the authority to create sea turtle sanctuaries in the 1980s and 1990s, including the Town of Pine Knoll (S.L. 1987-968), Brunswick County (S.L. 1989-126), the Town of Caswell Beach (S.L. 1989-858), the Towns of Holden Beach, Sunset Beach, Long Beach, Topsail Beach, North Topsail Beach, and Surf City (S.L. 1991-794), the Town of Yaupon Beach (S.L. 1995-37), the Town of Wrightsville Beach (S.L. 1997-91), and the Village of Bald Head Island (S.L. 1997-324).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 268

Short Title:	Sunset Beach/Canal Dredging/Maintenance Fee.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2004-104, as amended by S.L. 2005-47, S.L. 2005-90, and S.L. 2011-108, reads as rewritten:

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 268
PROPOSED COMMITTEE SUBSTITUTE S268-CSRNx-8 [v.2]

3/18/2013 5:40:37 PM

Short Title: Sunset Beach/Canal Dredging/Maintenance Fee. (Local)

Sponsors:

Referred to:

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2004-104, as amended by S.L. 2005-47, S.L. 2005-90, and S.L. 2011-108, reads as rewritten:

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

SECTION 2. Section 2.(a) of S.L. 2011-108 reads as rewritten:

"**SECTION 2.(a)** This section applies only to the ~~Town~~ Towns of Southern Shores and Sunset Beach."

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

SENATE BILL 268:
Sunset Beach/Canal Dredging/Maintenance Fee

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government, If fav, re-ref to Finance	**Date:**	March 19, 2013
Introduced by:	Sen. Rabon	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	PCS to First Edition S268-CSRNx-8		

SUMMARY: ***Senate Bill 268 would allow the Town of Sunset Beach to impose a canal dredging and maintenance fee.*** ***The Proposed Committee Substitute (PCS) adds Section 2 of the bill which is technical in nature and is necessary to give the Town the authority to charge a canal dredging and maintenance fee.***

CURRENT LAW: The General Assembly authorized the Town of Ocean Isle Beach to create a fee-supported canal dredging district in 2004.[1] The General Assembly granted similar authority to the Towns of Emerald Isle and Holden Beach in 2005.[2] Finally, the General Assembly gave the Town of Southern Shores the authority to impose a canal dredging and maintenance fee in 2011.[3]

BILL ANALYSIS: The PCS would allow the Town of Sunset Beach to do all of the following:

- Create a fee-supported canal dredging and maintenance district for all properties that are contiguous to a canal within its corporate limits.
- Impose annual fees for the dredging and maintenance of canals, both natural and concrete, on or before July 1 of each year. The fees may not exceed the cost of providing for the dredging and maintenance of the canals. The fees must be imposed on owners that could or do benefit from water access through the canal system within the municipality's corporate limits. The fees may be imposed on the property tax bill and collected in the same manner as ad valorem taxes.
- Abolish the district when there is no longer the need for it.
- Establish a capital reserve fund. If a capital reserve fund is established to build up funds to provide the service, the Town may delay providing the service until sufficient funds have accumulated (but not for longer than five years).

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

Giles Perry, Cindy Avrette, and Greg Roney of the Research Division contributed to this summary.

[1] S.L. 2004-104.
[2] S.L. 2005-47 and S.L. 2005-90.,
[3] S.L. 2011-108.

O. Walker Reagan
Director

S268-SMRN-19 CSRN-8 -V2

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, March 19, 2013

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

FAVORABLE

SB **229** Ocean Isle Beach/Sea Turtle Sanctuary.

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

TOTAL REPORTED: 1

Senator William Rabon will handle SB 229



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, March 20, 2013

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

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

SB **268** Sunset Beach/Canal Dredging/Maintenance Fee.

Draft Number:	S268-PCS95003-RNx-8
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator William Rabon will handle SB 268



DATE 3/19/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

✓ Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

✓ Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

✓ Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

✓ Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

✓ Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

✓ Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

✓ Senator Gene McLaurin
Room 1118, LB
Katie Stanley

✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

✓ Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: SENATE STATE AND LOCAL GOVERNMENT

DATE: 03/19/13 ROOM: 1124

1. ROBERT YOUNG
2. BILLY FRITSCHER
3. _____
4. _____
5. _____
6. _____

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 3-19 TIME: Noon

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

	Page Name	Hometown	Sponsoring Senator
1	W. McCain Kerr	Monroe	Tom Tucker
2	Timothy Daye	Henderson	Bryant
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 3/19/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Kirk Ross	Carolina Mercury
Mia Bailey	Electricities
Drew Saunders	" "
Kathryn Trogdon	UNC-Ch
Matt Vinh	CW Consult
J Bussian	NC Press Assn

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 3/19/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Dian Lynd	Western Carolina Univ
Kay Emanuel	UNC School of Government
CHRIS DICUS	NCWRL
Patrick Buffkin	NC AEL

Senate Committee on State and Local Government
Tuesday, March 26, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 209	Cities/Overgrown Vegetation Notice.	Senator Parmon Senator Brunstetter

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, March 26, 2013 at 12 Noon
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12 Noon on 3/26/13 in Room 1124/1224. Twelve members were present.

Senator Tucker presided.

Senate Bill 209 Cities/Overgrown Vegetation Notice was explained by Senator Parmon. Senator Parmon responded to questions from Senators Wade, and Saunders. With no further questions or comments, Senator D. Davis motioned for a favorable report with unanimous approval.

The meeting adjourned at 12:07 PM.

Senator Tommy Tucker
Presiding

Kaye D. Culberson, Committee Clerk

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	March 26, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 209	Cities/Overgrown Vegetation Notice.	Senator Parmon Senator Brunstetter

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 209

Short Title: Cities/Overgrown Vegetation Notice. (Public)

Sponsors: Senators Parmon, Brunstetter (Primary Sponsors); and Meredith.

Referred to: State and Local Government.

March 7, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES BY REGULAR MAIL AND POSTING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-200 reads as rewritten:

"**§ 160A-200. Annual notice to chronic violators of overgrown vegetation ordinances.**

(a) A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the overgrown vegetation ordinance.

(b) Repealed by Session Laws 2009-19, s. 1, effective April 30, 2009."

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

SENATE BILL 209:
Cities/Overgrown Vegetation Notice

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 26, 2013
Introduced by:	Sens. Parmon, Brunstetter	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 209 amends G.S. 160A-200 to allow municipalities to serve notice of remedial action against chronic violators of municipal overgrown vegetation ordinances by regular mail in addition to registered or certified mail.***

CURRENT LAW: Currently, notice shall be served to a chronic violator of a municipal overgrown vegetation ordinance by registered or certified mail, and may not be served by regular mail.

BILL ANALYSIS: Senate Bill 209 amends G.S. 160A-200 to provide that when a chronic violator of a municipal overgrown vegetation ordinance is notified that the municipality is taking action against the property, the initial annual notice may be sent by regular mail, in addition to registered or certified mail.

If the notice is sent by regular mail, service is sufficient if the copy sent by regular mail is not returned by the post office within 10 days after the mailing. In addition, if notice is served by regular mail, a copy of the notice must be posted in a conspicuous place on the affected property.

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

BACKGROUND: As defined in G.S. 160A-200, a chronic violator is "a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the overgrown vegetation ordinance."

O. Walker Reagan
Director

S209-SMTQ-19 E1 -V3

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, March 26, 2013

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

FAVORABLE

SB **209** Cities/Overgrown Vegetation Notice.

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

TOTAL REPORTED: 1

Senator Earline Parmon will handle SB 209



DATE 3/26/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 03/26/13 ROOM: 1124

1. ROBERT YOUNG
2. BILLY FRITSCHER
3. _____
4. _____
5. _____
6. _____

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 3-26 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 Cole Wicker	Bear Creek	Kinnaird
2 Regan Booth	Fairview	Nesbitt
3 Jacalyn Grilli	~~Jackson~~ Marshville	Brown
4 Katie Horner	~~Phil Berger~~ Raleigh	Phil Berger
5 Mattie Tart	Benson	Rabin
6 Rebecca Chisholm	Jacksonville	Brown
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 3/26/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Karl Knapp	NCLM
[signature]	NTS
Cady Thomas	NCAR
Steven Wood	NCHBA
DAVID BRANT	Duke Energy
JOHN BUSSIAN	NC Press Assn

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 3/26/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Rita Farris	McGuire Woods
Will Grantham	MWL
Susanna Davis	Williams Mullen

Senate Committee on State and Local Government
Tuesday, April 2, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 290	Waynesville Annexation.	Senator J. Davis
HB 270	Ronda Recall.	Representative Elmore
SB 258	Asheboro/Charter Amendments.	Senator Tillman

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, April 2, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 2, 2013 in Room 1124/1224 of the Legislative Building. Eleven members were present.

Senators Jim Davis and Tommy Tucker, presided.

Senator Davis welcomed committee members, visitors, and Pages (Alec Harbin, Gastonia, Sen. Harrington; Gina Higgins, Wendell, Sen. Hunt; Griffin Matsue, Cary, Sen. Barringer; Harrison Rhoades, Raleigh, Sen. Hunt) and thanked the Sargeants-at-Arms for their service.

Senate Bill 258 Ashboro/Charter Amendments was explained by Sen. Tillman. With no questions or comments, Senator Wade asked for a favorable report with unanimous approval.

House Bill 270 Ronda Recall was explained by Rep. Elmore and Sen. Randleman. Committee Staff responded to Sen. Nesbitt's questions. With no further questions or comments, Sen. Jackson moved for a favorable report with unanimous approval.

Sen. Davis asked Sen. Tucker to chair the committee while Sen. Davis' bill was heard.

Senate Bill 290 Waynesville Annexation – Sen. Pate motioned to accept a committee substitute bill (PCS S290-CSST-15 [v.1] with unanimous approval. The bill was explained by Sen. J. Davis, Jack Ewing (Executive Director of Lake Junaluska Assembly Board), and Gavin Brown (Mayor of Waynesville). Ewing, and Brown responded to questions and comments from Sens. Wade, Pate, Tucker, Nesbitt, Hartsell, Kinnaird and Jackson. Sen. Tucker asked for the committee's permission for Rep. Joe Sam Queen (Primary Sponsor of HB 306, companion to SB 290) to speak on the bill. Barry Rogers (Former Executive Director of Lake Junaluska Assembly Board) commented on the bill. Curtis Derrick (Lake Junaluska property owner) commented on the bill. With no further questions or comments, Sen. Kinnaird motioned for unfavorable as to bill and favorable as to committee substitute. The motion carried.

The meeting adjourned at 12:56 PM.

Senator Jim Davis
Presiding

Kaye Culberson, Committee Clerk

Senator Tommy Tucker

Principal Clerk ____
Reading Clerk ____

Corrected #2: Add 258

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 2, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 290	Waynesville Annexation.	Senator J. Davis
HB 270	Ronda Recall.	Representative Elmore
SB 258	Asheboro/Charter Amendments.	Senator Tillman

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 290*

Short Title:	Waynesville Annexation. (Local)
Sponsors:	Senator J. Davis (Primary Sponsor).
Referred to:	State and Local Government.

March 14, 2013

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Waynesville:

BEING all that tract of land containing 1,200 acres more or less, with well-defined boundaries commonly known as Lake Junaluska Assembly, established at the Laymen's Conference of the Methodist Episcopal Church South in 1908 as a Christian mission, educational, recreational, and spiritual retreat center, comprising a 200-acre lake, approximately eight hundred residential units and the United Methodist Conference and Retreat Center, located in Haywood County, and more particularly described within boundaries as follows, based on references to Property Identification Numbers (PINs), Deed Books, and Pages, Rights-of-Way, measurements, and existing municipal boundaries as maintained by the Haywood County Geographic Information System as of January 28, 2013:

BEGINNING at a point in the centerline of the track of the Norfolk-Southern Railway, said point being in the southern right-of-way boundary of US Highway 23-74, also known as the Great Smoky Mountains Expressway; said point being further described as being located approximately 2,200 feet west of the intersection of US Highway 23-74 with NC Highway 209; thence running with the southern right-of-way boundary of US Highway 23-74 westerly approximately 5,500 feet to a point, said point being the northeastern corner of the property identified by PIN 8616-54-8639 (335/521); thence running westerly with the eastern, southern and western boundaries of said parcel approximately 1,750 feet to a point, said point being the northwestern corner of said parcel and being located within the southern right-of-way boundary of US Highway 23-74; thence running westerly with the southern right-of-way boundary of US Highway 23-74 approximately 407 feet to a point, said point being the southeastern corner of PIN 8616-44-6336 (334/337); thence running with the eastern and southern property boundaries of said parcel approximately 1,235 feet to a point, said point being the southwestern corner of the property identified by PIN 8616-44-6336 and the southeastern corner of the property identified by PIN 8616-33-6745 (140/95); thence running western and southerly with the southern and eastern boundaries of the property identified by PIN 8616-33-6745 approximately 1,253 feet to a point, said point being the southwestern corner of said parcel; thence running northerly with the western property boundary of the property identified by PIN 8616-33-6745 approximately 147 feet to a point, said point being the intersection of the existing Town of Waynesville corporate limits with the western property

boundary of the property identified by PIN 8616-33-6745; thence continuing northerly with the existing Town of Waynesville corporate limits and the western property boundary of the property identified by PIN 8616-33-6745 approximately 480' to a point, said point being a corner of the property identified by PIN 8616-33-6745; thence continuing northerly with the existing Town of Waynesville corporate limits, crossing the property identified by PIN 8616-33-6745 and US 23-74 approximately 640 feet to a point, said point being in the northern right-of-way boundary of US Highway 23-74; thence leaving the existing Town of Waynesville corporate limits and running easterly with the northern right-of-way boundary of US Highway 23-74 approximately 3,836 feet to a point, said point being the southwestern corner of the property identified by PIN 8616-65-2491 (768/2305); thence leaving the northern right-of-way boundary of US Highway 23-74 and running northerly with the western boundary line of the properties identified by PINs 8616-65-2491, 8616-65-2510 (835/1823), 8616-65-1600 (444/1200), 8616-65-0629 (2012E/295) and 8616-55-9746 (745/776) and a northerly extension thereof approximately 580 feet to a point, said point being located in the centerline of Greenbriar Drive; thence running easterly with the centerlines of Greenbriar Drive and Holston Village Road approximately 490 feet to a point, said point being the intersection of Holston Village Road with a southerly extension of the western property line of the property identified by PIN 8616-66-1287 (594/723); thence running northerly with the western property line of said parcel approximately 542 feet to a point, said point being the northwestern corner of said parcel and a southwestern corner of the property identified by PIN 8616-67-6131 (34/476); thence running northerly with the western property line of the property identified by PIN 8616-67-6131 and a northerly extension thereof approximately 760 feet to a point, said point being in the centerline of Golf Course Road; thence running northerly and westerly with the centerline of Golf Course Road approximately 418 feet to a point, said point being at intersection with a southerly extension of the western property line of the property identified by PIN 8616-58-5362 (34/476); thence running northerly with the western property line of said parcel approximately 2,858 feet to a point, said point being in the centerline of US Highway 19, Dellwood Road; thence running westerly with the centerline of US Highway 19 approximately 682 feet to a point, said point being the intersection of US Highway 19 with Weldon Way; thence running northerly and easterly with the centerline of Weldon Way approximately 40 feet to a point, said point being the intersection of the centerline of Weldon Way with a southerly extension of the western property line of the property identified by PIN 8617-80-1542 (34/476); thence running northerly with the western property line of said parcel and an extension thereto approximately 268 feet to a point in the centerline of SR 1376, County Road; thence running easterly with the centerline of SR 1376 approximately 576 feet to a point, said point being at intersection with a southerly extension of the western property line of the property identified by PIN 8617-50-4491 (358/7); thence leaving the centerline of SR 1376 and running northerly with the western property line of said parcel approximately 283 feet to a point, said point being the northwestern corner of said parcel and being a corner of the property identified by PIN 8617-51-5563; thence running westerly with the southern boundary line of the property identified by PIN 8617-51-5563 approximately 287 feet to a point, said point being the southwestern corner of said parcel; thence running northerly with the western property line of the property identified by PIN 8617-51-5563 approximately 4,798 feet to a point, said point being the northernmost corner of said parcel and being on the ridgeline of Little Muckle Knob; thence running southerly with the eastern property line of said parcel approximately 4,830 feet to a point, said point being the northernmost corner of the property identified by PIN 8617-73-0186 (2008E/373); thence running southerly and easterly with the northern property line of said parcel approximately 200 feet to a point, said point being the westernmost corner of the property identified by PIN 8617-73-2197 (390/777); thence running easterly and southerly with the northern and eastern boundaries of said parcel approximately 213 feet to a point, said point being the westernmost corner of the property identified by PIN

8617-73-5005 (212/208); thence running easterly with the northern property line of said parcel approximately 188 feet to a point, said point being the northwestern corner of the property identified by PIN 8617-72-7938 (481/1136); thence running easterly with the northern property line of said parcel approximately 97 feet to a point, said point being the southwestern corner of the property identified by PIN 8617-73-6199 (481/1136); thence running northerly and easterly with the western and northern boundaries of said parcel approximately 208 feet to a point, said point being the northernmost corner of the property identified by PIN 8617-73-7190 (720/2247); thence running southerly with the eastern boundaries of said parcel approximately 288 feet to a point, said point being the easternmost corner of the property identified by PIN 8617-72-7938; thence running southerly with the eastern boundary of said parcel approximately 95 feet to a point, said point being in the northern right-of-way boundary of Kammerer Drive; thence running easterly and southerly with the northern and eastern right-of-way boundary of Kammerer Drive approximately 319 feet to a point, said point being the northernmost point of the property identified by PIN 8617-82-0604 (444/435); thence running southerly and easterly with the eastern and northern boundaries of said parcel approximately 116 feet to a point, said point being the northwestern corner of the property identified by PIN 8617-82-0694 (809/2181); thence running easterly with the northern property of said parcel approximately 85 feet to a point in the western right-of-way boundary of Wilcox Drive; thence running southerly with the western right-of-way boundary of Wilcox Drive and extension thereof approximately 414 feet to a point, said point being at the intersection of the western right-of-way boundary of Wilcox Drive with the centerline of SR 1376, County Road; thence running easterly with the centerline of SR 1376 approximately 2,075 feet to a point, said point being due north of the northeast corner of the property identified by PIN 8617-91-6900 (349/936); thence running southerly with the eastern boundary of said parcel approximately 163 feet to a point, said point being in the northern boundary of the property identified by PIN 8617-91-9825 (571/1645); thence running easterly and southerly with the northern and eastern boundary lines of said parcel approximately 332 feet to a point, said point being in the northern right-of-way boundary of Whittle Drive extension; thence running easterly and southerly with the northern and eastern right-of-way boundary of Whittle Drive extension approximately 1,035 feet to a point, said point being the northwestern corner of the property identified by PIN 8627-01-7128 (534/614); thence leaving the right-of-way of Whittle Drive and running easterly and southerly with the northern and eastern boundary lines of said parcel approximately 421 feet to a point, said point being the northeastern corner of the property identified by PIN 8627-01-7057 (Book 517/Page 362); thence running southerly with the eastern boundary line of said parcel approximately 194 feet to a point, said point being the southeastern corner of said parcel; thence running westerly with the southern boundary line of said parcel approximately 84 feet to a point in the eastern right-of-way boundary of Whittle Drive; thence running southerly with the eastern right-of-way boundary of Whittle Drive approximately 110 feet to a point, said point being the southwestern corner of the property identified by PIN 8627-00-8846 (836/1441) and being a corner in the boundary of the property identified by PIN 8617-80-1542 (34/476); thence running easterly and northerly with the property boundary of PIN 8617-80-1542 approximately 662 feet to a point in the western right-of-way boundary of SR 1376, County Road; thence running southerly with the western right-of-way boundary of SR 1376 approximately 1,035 feet to a point, said point being the intersection of the western right-of-way boundary of SR 1376 and extension thereof to the centerline of SR 1375, Access Road; thence running westerly and southerly approximately 1,250 feet with the centerline of SR 1375 to a point at intersection with the centerline of the Norfolk Southern Railroad tracks; thence leaving SR 1375 and running southerly with the centerline of the Norfolk Southern Railroad tracks approximately 1,516 feet to a point in the southern right-of-way boundary of US Highway 23-74, Great Smoky Mountains Expressway, said point being the point of BEGINNING.

SECTION 2. This act becomes effective August 31, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 290*
PROPOSED COMMITTEE SUBSTITUTE S290-CSST-15 [v.1]

4/1/2013 10:37:23 AM

Short Title: Waynesville Annexation. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Waynesville:

BEING all that tract of land containing 1,200 acres more or less, with well-defined boundaries commonly known as Lake Junaluska Assembly, established at the Laymen's Conference of the Methodist Episcopal Church South in 1908 as a Christian mission, educational, recreational, and spiritual retreat center, comprising a 200-acre lake, approximately eight hundred residential units and the United Methodist Conference and Retreat Center, located in Haywood County, and more particularly described within boundaries as follows, based on references to Property Identification Numbers (PINs), Deed Books, and Pages, Rights-of-Way, measurements, and existing municipal boundaries as maintained by the Haywood County Geographic Information System as of January 28, 2013:

BEGINNING at a point in the center line of the Norfolk-Southern Railroad track, said point being in the Southern right of way boundary of U.S. Highway 19-23-74 (Great Smoky Mountain West Expressway) said point also being the Northeast corner of the property described in Deed Book 404, page 557, Haywood County Registry, and runs with said highway right of way Southwesterly approximately 2075 feet to the Northeasterly corner of Lot 10 of property recorded in Plat Cabinet C, Slot 2468; thence with Northwest line of said Lot 10 and Southerly margin of said Highway, S 32 deg.04 min. 38 sec. W. 136.28 feet to a point in center of Richland Creek; thence with the center of the creek in a Southwesterly direction 71.94 feet to the intersection of the center of the creek with the Southern right of way of U. S. Highway 23-74; thence leaving creek and continuing with Southerly right of way boundary of U. S. Highway 23-74 and Northerly boundary of that 40.583-acre tract shown on plat recorded in Plat Cabinet C, Slot 3204, to the Northeasterly corner of property of Waynesville Police Department Association, Inc. recorded in Deed Book 335, page 521; thence with line of that property S. 21 deg. 24 min. E. 197.1 feet to a stake, and S. 60 deg. 31 min. W. 530 feet to a stake, common corner of the Shuford Howell and Charles Liner property; thence S. 24 deg. 21 min. W. 434 feet to a stake; thence in a Northwesterly direction with line of property recorded in Deed Book 374, page 995, to a point in Southerly right of way boundary of said highway; thence with said right of way boundary in a Westerly direction to the Northeast corner of property described in Deed Book 343, page 337; thence S. 27 deg. 03 min. 43 sec. E. 386.48 feet; thence S. 88 deg. 53 min. W. 318 feet; thence S. 69 deg. 40 min. 46 sec. W. 179.82 feet to a point; thence continuing S. 69 deg. 40 min. 46 sec. W. to the Northwest corner of property

described in Deed Book 615, page 1330; thence S. 48 deg. 00 min. 49 sec. E. to Southeast corner of Town of Waynesville 17.2 acre tract (PIN 8616-33-6754), being a part of the property described in Deed Book 140, page 95, said point also being the Northeastmost corner of property of Town of Waynesville recorded in Deed Book 615, page 1336; thence with line of that property in a Southwesterly direction to the Southwest corner of said Town of Waynesville 17.2-acre tract; thence with Westerly boundary of that property and with corporate boundary of Town of Waynesville in a Northwesterly direction, crossing U.S. Highway 23-74 to a point in Southerly line of property described in Deed Book 343, page 343, and in Northerly margin of said Highway 23-74, said point also being approximately 1162 feet from Southwest corner of the property of William C. Davis (PIN 8616-23-1869) recorded in Deed Book 149, page 604, and Easterly right of way boundary of U.S. Highway 276 (Russ Avenue); thence continuing with Northerly right of way boundary of U.S. Highway 23-74 in an Easterly direction approximately 3458 feet to the Southeast corner of Lot 40, Fairway Hills Subdivision, plat of which is recorded in Plat Book I, page 42 (Plat Cabinet B, Slot 169) HCR ; thence with the line of that lot two calls as follows: N. 20 deg. 26 min. W. 75 feet to a concrete monument; thence N. 69 deg. 34 min. E. 118 feet to a point in center of a road; , thence N. 38 deg. W. 84 feet to the intersection of said road with the center of Pleasant Hill Circle, Southeast corner of Lot 46 of said subdivision; thence continuing with the center of the above first-mentioned road and the Easterly boundary of Lots 46, 44 and 43 of said Subdivision to a point in center of SR 1257 and in Southerly line of Lot 27 of said subdivision; thence with outside line of said subdivision N. 66 deg. E. 502 feet to the Southeast corner of Lot 23 of said Subdivision; thence with Easterly lines of Lots 23, 22, 16, 14, 12, 10, 8, 6 and 4, N. 39 deg. W. 1274 feet to the Southeast corner of Lot 1 of said subdivision; thence with said lot N 39 deg. 00 min. W. 32 feet to the center of Golf Course Road; thence with the center of said road and with Southwesterly line of Lots 1 and 2 of Block 125, Southern Assembly , plat of which is recorded in Plat Book K, page 81, (Plat Cabinet B, Slot 217), HCR, to a point at the intersection of Golf Course Road and Fairway Hills Drive; thence continuing in a Southwesterly direction with Golf Course Road to the Southwest corner of Lot B12, Golf View Estates, plat of which is recorded in Plat Book I, page 21 (Plat Cabinet B, Slot 165); thence with Southerly lines of Lots B12 and B13 in a Northeasterly direction to a point, Easternmost corner of Lot B13 of said subdivision; thence with Easterly lines of Lots B13, B14 and A18 to a point in Southerly line of Tract E, Great Laurels of Lake Junaluska (Plat Cabinet C, Slot 4325); thence with the line of that tract N. 63 deg. 58 min. 42 sec. E. 65.35 feet to an iron stake in Easterly boundary line of said Tract E; thence with Easterly lines of said Tract E to the Southeast corner of Tract B of said property; thence with Easterly lines of said Tract B to the Northeast corner of Tract B; thence with Northerly line of said Tract B in a Westerly direction to a point, Westernmost corner of property recorded in Deed Book 640, page 654; thence with Westerly line of said property N. 19 deg. E. 521 feet to a point in the center of right of way of U. S. Highway 19 (Dellwood Road) recorded in Deed Book 143, page 259); thence in a Westerly direction with center of said right of way to the Southwest corner of property described in Deed Book 827, page 2245,and Plat Cabinet C, Slot 6162; thence N. 23 deg. 44 min. 49 sec. E. 194.15 feet to a point in NCSR 1376 (Old County Road); thence with said road in an Easterly direction to the Southwest corner of property described in Deed Book 358, page 7; thence N. 3 deg. 20 min. 38 sec. W. 291.61 feet to a point in Southerly margin of 40-foot right of way; thence in a Westerly direction approximately 300 feet to the Southeast corner of Lot 3 of the John C. Noland property recorded in Plat Cabinet C, Slot 3; thence with Easterly lines of Lots 3, 4 and 6 of said property N. 07 deg. 26 min. 19 sec. W. 697.07 feet to the Southeast corner of Lot 7B of plat entitled Division of Remainder of Lot 7, John C. Noland Estate recorded in Plat Cabinet C, Slot 1180; thence with line of that lot N 06 deg. 21 min. 44 sec. W. 197.66 feet to an iron pin, Northeast corner of said Lot 7B; thence with Northerly lines of Lots 7B and 7A, N. 84 deg. 50

min. 11 sec. W. 307.81 feet to an existing iron pin, Southeast corner of Lot B of Blueberry Hill Subdivision recorded in Plat Cabinet C, Slot 741); thence with line of that lot N. 05 deg. 58 min. 29 sec. W. 32.95 feet to a stake, Southeast corner of Lot A of said subdivision; thence with line of that lot N. 23 deg. 30 min. 14 sec. E. 232.01 feet to the Southeast corner of Lot 5 of Muckle Cove Subdivision, Plat Cabinet A, Slot 42A; thence with Easterly lines of Lots 5, 6, 7, 16,17 and 18 to a planted stone found in fence at top of ridge, Southeast corner of Lot 1-D of property of Paul Kenneth Rathbone et ux. recorded in Plat Cabinet C, Slot 5515; thence with Easterly boundary of Lots 1-D and 1-B of said Rathbone property in a Northerly direction to the Southeast corner of Tract V of Susan Queen Carver property recorded in Plat Cabinet C, Slot 3613; thence with Easterly lines of said Tract V and thence continuing with the Easterly boundary of Tract VIII of said property in a North direction to the Northwestmost corner of Lake Junaluska Assembly property recorded in Deed Book 34, page 476, and the Southwestmost corner of Fullbright property recorded in Deed Book 554, page 1739; ; thence with Northeasterly boundary of said Lake Junaluska Assembly property and Southwesterly boundary lines of property of Robert G. Fullbright and Sylvia F. Echols recorded in Plat Cabinet C, Slot 3723, in a Southeasterly direction to a point in the Southwesterly boundary of property recorded in Deed Book 708, page 1269, and in center of Sleepy Hollow Drive; thence leaving said road and running with the Southerly boundary of said property in an Easterly direction to the Southwest corner of property described in Deed Book 689, page 479; thence S. 84 deg. 55 min. 48 sec. E. 650.78 feet to the Southwest corner of the Charles G. and Emma Jean Millwood, Trustees, property (PIN 8617-64-5125) recorded in Deed Book 600, page 2127; thence with Southerly line of said property to the Southwest corner of the Robert G. and Patricia H. Fullbright, Trustees, property recorded in Deed Book 473, page 1894, common corner with Lake Junaluska Assembly property recorded in Deed Book 34, page 476; thence with the Northerly and thence Southwesterly boundary of said Fullbright property a Southeasterly direction to the Northeast corner of Lot 26, Addition to Section 23, Lake Junaluska Assembly, recorded in Plat Book K, page 81, (Plat Cabinet B, Slot 217), said property being described in Deed Book 295, page 394; thence with East line of said property to the Northwest corner of property described in Deed Book 390, page 777, Tract 2; thence N. 58 deg. 26 min. 12 sec. E. 124.09 feet to an iron pipe; thence S. 21 deg. 14 min. 00 sec. E. 105 feet to a point in center of a 10-foot wide asphalt drive, Northwest corner of property described in Deed Book 212, page 208; thence with Northerly line of that property an Easterly direction to the Northwest corner of property described in Deed Book 481, page 1136; thence with Northerly boundary of said property in a Northeasterly direction to the Southwesterly corner of property described in Deed Book 481, page 1136 (PIN 8617-73-6199); thence with Westerly boundary of said property in a Northeasterly direction to a point, Northwest corner of property described in Deed Book 582, page 2001; thence with Westerly boundary of said property in a Southeasterly direction S. 61 deg. 54 min. 48 sec. E. 112.73 feet; S. 58 deg. 19 min. 12 sec. E. 74.01 feet; S. 14 deg. 33 min. 53 sec. E. 64.58 feet; S. 02 deg. 28 min. 02 sec. E. 134.93 feet; and S. 29 deg. 47 min. 02 sec. E. 45.78 feet to the Northwest corner of Lot 6 of the Olin T. and Katherine Mouzon Subdivision as shown on plat recorded in Plat Book L, page 67 (Plat Cabinet B. Slot 235); thence S. 22 deg. 15 min. W. 53.0 feet to the northerly margin of Mouzon Drive as shown on said plat; thence with said margin of said Drive in a Southeasterly direction S. 60 deg. E. 28.0 feet; S. 41 deg. E. 28.0 feet; S. 48 deg. 30 min. E. 54.0 feet; S. 80 deg. E. 48 feet; S. 70 deg. 30 min. E. 32 feet to the Southeast corner of Lot 5 of said subdivision; thence continuing with margin of said drive and Southerly boundary line of Lot 5, S. 80 deg. 00 min. E. 36.0 feet; S. 42 deg. 48 min. E. 31.0 feet; thence S. 73 deg. 13 min. E. 29.0 feet to a stake, common corner of Lots 5, 4 and 2 of said subdivision; thence with Westerly line of said Lot 2, S. 03 deg. 00 min. E. 49 feet to a point, Northeastmost corner of Lot 1A; thence continuing with line of Lot 2, S. 3 deg. 00 min. E. 119 feet to a stake , Southwest corner of said Lot 2;

thence with Southerly line of said lot S. 78 deg. 30 min. E. 150 feet to a point in outside line of said Mouzon subdivision, common corner of Lots 1 and 2 of Patten Subdivision recorded in Plat Book G, page 32 (Plat Cabinet B, Slot 129), said point also being in the Westerly margin of Wilcox Drive; thence with Easterly line of said Lot 1, S. 32 deg. 31 min. W. 195 feet to the Southeast corner of property described in Deed Book 311, page 676; thence with Easterly boundary of said property and continuing with Westerly margin of Wilcox Drive in a Southerly direction to the intersection of Wilcox Drive, Bust O,Dawn Dr., Old County Road (SR 1376) and Norton Way; thence with Old County Road (SR 1376) in an Easterly and Southerly direction approximately 2075 feet to the Northwest corner of property described in Deed Book 236, page 187, and Northeast corner of property described in Deed Book 349, page 938, (Tri-Vista Villas Common Area); thence leaving County Road and with line between said property described in Deed Book 349, page 938, and Tri Vista Villas property, S. 10 deg. 05 min. E. 129 feet to a stake in center of Rogers Cove Branch and in Northern boundary line of property described in Deed Book 571, page 1645; thence continuing with said branch and Southerly boundary of said property in an Easterly direction approximately 236.1 feet to a point in Westerly boundary of property described in Deed Book 352, page 733; thence leaving the branch and running in a Southeasterly direction approximately 57.9 feet to a point in Northern right of way boundary of Whittle Drive extension (also known as Avenue "C"); thence with the arc of a curve running in a clockwise direction with the margin of said Avenue "C" In a Southeasterly direction to the Southwestmost corner of property described in Deed Book 382, page 694; thence continuing with said margin of said Avenue "C" in a Southeasterly direction to the Northwestmost corner of property described in Deed Book 534, page 614, HCR; thence leaving said Avenue "C" and with Northerly boundary of property described in Deed Book 534, page 614, in an Easterly direction N. 69 deg. 00 min. E. 29.3 feet to a stake; S. 71 deg. 15 min. E. 78 feet to a stake; and S. 34 deg. 00 min. E. 34 feet to a in Westerly boundary of property described in Deed Book 662, page 63; thence continuing with Easterly boundary of property described in Deed Book 534, page 614 in a Southwesterly direction to a butternut (walnut) tree, Southeastmost corner of property described in Deed Book 534, page 614, and Northeastmost corner of property described in Deed Book 517, page 362; thence S. 21 deg. 30 min. W. 23.70 feet to an iron pipe, said iron pipe also being in the Westerly boundary of property described in Deed Book 662, page 63; thence continuing with Easterly boundary of property described in Deed Book 517, page 362, S. 32 deg. 48 min. 54 sec. E. 169.39 feet to a point, Northeastmost corner of property described in Deed Book 836, page 1441; thence with Northerly boundary of said property S. 72 deg. 35 min. 23 sec. W. 75.67 feet to a point in Eastern margin of Avenue "C", Northwest corner of property described in Deed Book 836, page 1441; thence continuing with said margin of Avenue "C" and Western boundary of said property in a Southwesterly direction to the Southwest corner of said property; thence with Southern boundary of said property in an Southeasterly direction to the Southwestmost corner of property described in Deed Book 662, page 63; thence with Southerly boundary of said property in a Southeasterly directon to a point, said point being in the center of Tail Race; thence with center of said Tail Race six calls as follows: N. 09 deg. 02 min. 10 sec. E. 25.62 feet; N. 62 deg. 36 min. 22 sec. E. 111.25 feet; N. 54 deg. 20 min. 18 sec. E. 100.98 feet; N. 50 deg. 17 min. 17 sec. E. 55.65 feet; N. 42 deg. 06 min. 04 sec. E. 95.69 feet, and N. 26 deg. 24 min. 03 sec. E. 83.89 feet to a point in center of bridge over said Tail Race and in center of Old County Road (SR 1376); thence with center of said road in a Southeasterly direction to the Northeasterly corner of property described in Deed Book 822, page 2178, and as shown on plat recorded in Plat Cabinet C, Slot 6119; thence with center of said road and with Easterly boundary of said property recorded in Deed Book 822, page 2178, S. 41 deg. 49 min. 49 sec. E. 252.03 feet o the Northeast corner of property described in Deed Book 472, page 386, and as shown on plat recorded in Plat Cabinet C, Slot 2683; thence continuing with said road and

Easterly boundary of said property in a Southeasterly direction S. 40 deg. 06 min. 47 sec. E. 295.41 feet to the intersection of SR 1376 (Old County Road) and SR 1375 (Lake Junaluska Depot Road, aka South Lakeshore Drive); thence with center of said SR 1375 and southerly boundary of said property S. 59 deg. 26 min. 13 sec. W. 307.22 feet to the Southwest corner of said property; thence continuing with center of SR 1375 in a Southwesterly direction approximately 1250 feet to the point of intersection with said road and centerline of said Norfolk-Southern Railroad track; thence leaving said road and running with centerline of said railroad track in a Southwesterly direction approximately 1500 feet to the Southern right of way boundary of U.S. Highway 23-74 (Great Smoky Mountain Expressway), the point of BEGINNING, containing approximately 1200 acres, more or less.

SECTION 2. This act becomes effective August 31, 2013.

SENATE BILL 290:
Waynesville Annexation

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	April 1, 2013
Introduced by:	Sen. J. Davis	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition S290-CSST-15		

SUMMARY: *Senate Bill 290 annexes the community of Lake Junaluska Assembly into the Town of Waynesville.*

[As introduced, this bill was identical to H306, as introduced by Rep. Queen, which is currently in House Government, if favorable, Finance.]

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. 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 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: The pcs would legislatively annex the 1,200 acres, more or less, commonly known as the Lake Junaluska Assembly into the Town of Waynesville.

EFFECTIVE DATE: August 31, 2013.

BACKGROUND: : Lake Junaluska Assembly is an unincorporated community in Haywood County consisting of a 200-acre lake, and a Methodist conference and retreat center which currently provides municipal-type services to approximately 800 residential units within its boundary. The request for annexation into the Town of Waynesville was initiated voluntarily by the governing board of Lake Junaluska Assembly, Inc. following nearly two years of extensive study and public input by the affected private property owners.

According to the Town of Waynesville, the Lake Junaluska Assembly, Inc. will continue to be tax-exempt as a religious assembly, and the extension of corporate boundary will result in the following changes to Town:

- Population increases by approximately 850 to 10, 872.
- Land area increases approximately 1.4 square miles to 10.16 square miles.
- Registered voters increase approximately 630 to 7,478.
- The total assessed value increases approximately $192 million to $1.339 billion.

SENATE COMMITTEE ISSUE STATEMENT—
S 290—Bill for Annexation of Lake Junaluska by the Town Of Waynesville

- On March 8, 2013, the Lake Junaluska Assembly, Inc. (the "Assembly") Board of Directors voted in favor of pursuing annexation with the Town of Waynesville (the "Annexation").
- S 290 was filed immediately thereafter on March 13, in order to accomplish the Annexation through action by the General Assembly ("Annexation by Legislative Act").
- The Assembly (and its Board) is part of "The United Methodist Church."[1]
- The Assembly Board is a "32-member body that oversees big picture operations for the Lake Junaluska Conference and Retreat Center. Its members consist mostly of Methodist Church leaders and appointments, with just a handful of local residents or community leaders."[2]

Annexation by Legislative Act

- Annexation by Legislative Act is ***accomplished solely by the action of the General Assembly, and completely avoids any true or "up or down" (or "yes or no") vote*** on the issue by the property owners/voters affected by the Annexation.
- Annexation by Legislative Act has no statutory basis, and over the last 20 years, ***accounts for only about 1% of all the State's annexations.*** (91 N.C.L. Rev. 165, 254 (2012).)
- ***A true statutory "voluntary annexation" requires the consent of 100% of the property owners/eligible voters affected by the annexation*** (N.C. Gen. Stat. § 160A-58.1).
- The Annexation is being sought without first obtaining the consent of the property owners of Lake Junaluska, and is therefore really a form of ***involuntary annexation*** (N.C. Gen. Stat. §160A-58.64). ***Involuntary annexation requires a vote of the property owners affected.***
- HB 79, a bill sponsored by Rep. Presnell (Haywood), recognizes Annexation for Legislative Act for what it is—a form of involuntary annexation. That Bill would curb the powers of the General Assembly so that Annexation by Legislative Act *cannot occur without the vote and approval of 2/3 of the property owners/eligible voters affected by the annexation.*

Annexation by Legislative Act in this case Violates basic Property Rights

- ***The Assembly and its Board are not elected by the property owners of Lake Junaluska*** **and therefore do not represent or speak on behalf of the property owners.**
- **S 290 should be withdrawn because *the property owners of Lake Junaluska have not first voted on the single issue of the Annexation through a "yes or no" vote.***
- ***If enacted, S 290 would violate the very fundamental property rights that are codified in the annexation statutes and that are to be protected by the General Assembly.***

Annexation ends Junaluska's 100-year existence as a separate community

- Lake Junaluska was formed in 1913 as a separate community for the Methodist Church and is currently celebrating its 100-year anniversary.
- A 2009 North Carolina Supreme Court decision noted that Lake Junaluska has "existed for nearly a century and ***has spent that entire time purposefully developing its unique, religious community character,***" and that ***the "original intent of the parties" in its property deeds was "to preserve the unique religious character and history of the community.***" 363 N.C. 590 (2009).
- Annexation will end Lake Junaluska's existence as a separate, self-governed community.
- It took 12 years for the Assembly to decide whether to prohibit feeding of the Lake's ducks.[3]
- ***Many, many property owners are against the Annexation, and have voiced concerns over how quickly the Assembly has acted to end the Lake's existence as a separate community.***
- Immediately after the Assembly Board announced its decision on March 8 to pursue Annexation, ***the Assembly stated that it would be necessary to assemble a group of facilitators to try to heal the wounds and divisions in the community created by the planned Annexation.***

Confusion and the need for more time to assess options to Annexation

- In September, the costs to fix the water and sewer issues were reported as "$1.77 million."[4]
- While the $60,000 Martin McGill report (commissioned in December and paid for by the Assembly and the Town of Waynesville) elevated the estimated costs, the water and sewer problems are to be fixed on a 10-year schedule, indicating that that the needs are apparently less than immediate.
- Options to Annexation include:
  - forming a separate water and sanitary district, or merging with the adjacent Junaluska Water & Sanitary District;
  - soliciting the Southeastern Jurisdiction of the United Methodist Church for special funds to help fix the infrastructure, and liquidating recent Assembly purchases of unused real estate outside the Junaluska grounds, including the old "Granny's Chicken Palace" restaurant (+$300k) and an abandoned motor lodge (+$700k).
- If Annexation occurs, the Assembly will no longer be forced to pay service fees (to its own Public Works department) and will not be assessed tax by Waynesville, resulting in significant annual savings.
- The Assembly has stated that *it was not willing to take more time in considering options to Annexation and that it must act this year because the Waynesville Town Council would not approve the Annexation in an election year*.

The Survey results should be disregarded

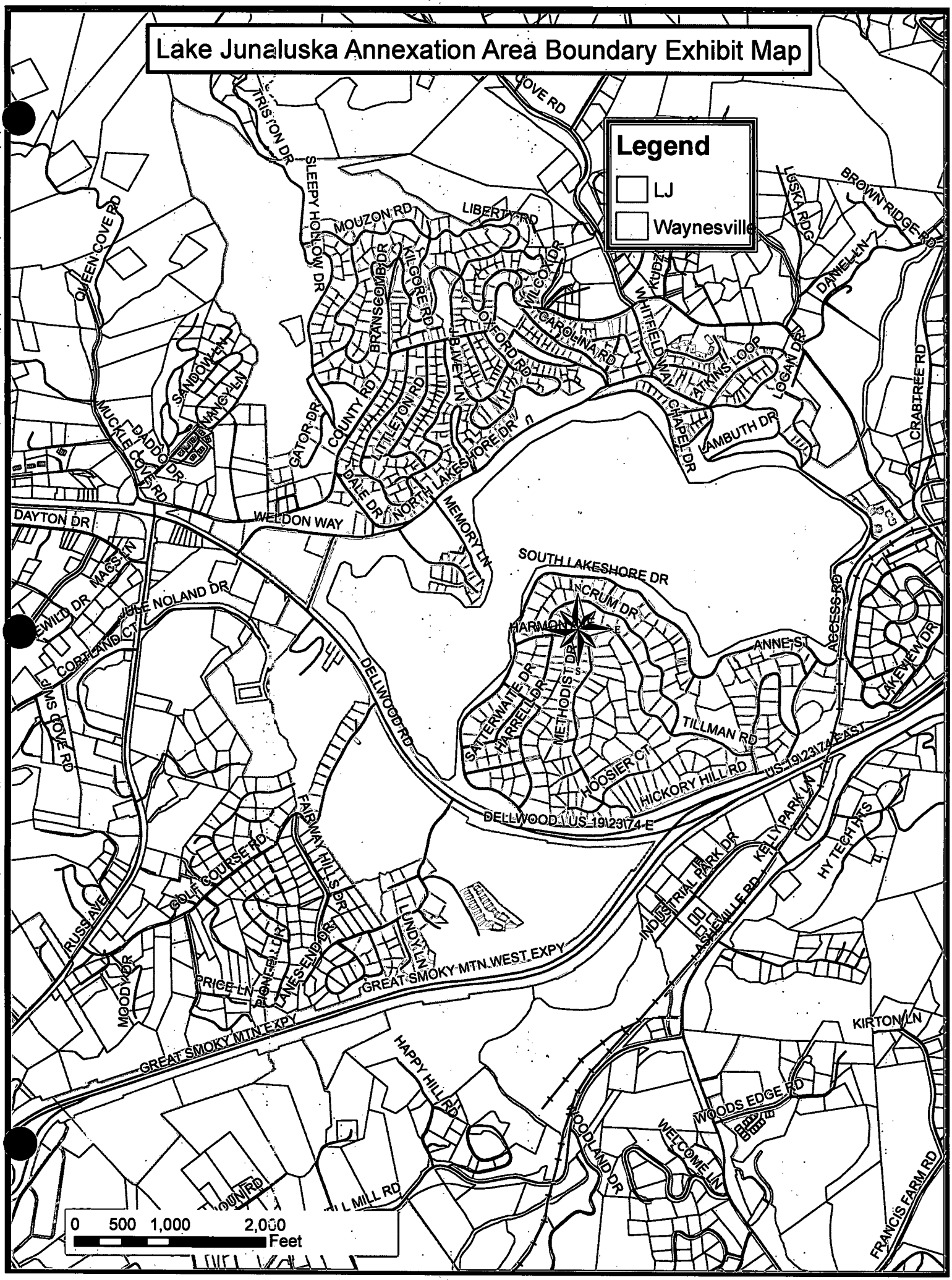
- As recently as September, it was reported that the property owner/residents would get to vote on Annexation: "*For annexation to go through, state law requires a vote to be held of property owners in the area targeted for annexation.* A majority must support annexation for it to go through."[5]
- The Assembly and the Town of Waynesville have dismissed that requirement, and instead are relying on a Survey (prepared and sent by the Assembly on February 8, 2013) asking property owners to rate their opinions on three options for the future of Lake Junaluska (annexation, incorporation, or remaining an unincorporated community).
- ***The Survey results should be disregarded*** because the Survey:
  - was merely an opinion survey (and not a balloted referendum);
  - was not a "yes or no" vote on the single issue of the Annexation;
  - was prepared, administered and tabulated solely by the Assembly, and there is no evidence as to how many property owners actually even received the Survey;
  - information discussing the pros and cons of each option was produced solely by the Assembly and was biased in favor of the Annexation;
  - rather than dealing solely with the Annexation, the Survey addressed each of the three options for the future of Lake Junaluska (and permitted the respondent to favor one, two, or all three of the proposed options); and
  - was conducted prior to the conclusion of even the Assembly's own study of the Annexation (by the Assembly-appointed "Municipal Task Force").

PLEASE VOTE "NO" ON THE JUNALUSKA ANNEXATION BILL

Respectfully submitted, this 30th day of March, 2013, by Christopher W. Derrick (cwd@cwderrick.com; 828-505-7383).

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[1] http://www.lakejunaluska.com/community/.
[2] http://www.smokymountainnews.com/news/item/9854-the-players.
[3] http://www.smokymountainnews.com/archives/item/8659-exploding-waterfowl-population-prompts-feeding-ban-at-lake-junaluska.
[4] http://www.smokymountainnews.com/news/item/8798-waynesville-and-lake-junaluska-talk-merger.
[5] *Id.*


Lake Junaluska Annexation Area Boundary Exhibit Map
Legend
LJ
Waynesville
TRISTON DR
SLEEPY HOLLOW DR
MOUZON RD
LIBERTY RD
COVE RD
QUEEN COVE RD
BRANSCOMB DR
KILGORE RD
WILCOX DR
KUDZ
LUSKA RDG
BROWN RIDGE RD
DANIEL LN
CAROLINA RD
WHITFIELD WAY
ATKINS LOOP
LOGAN DR
CRABTREE RD
SANDOW LN
NANCY LN
MUCKLE COVE RD
DADDO DR
GATOR DR
COUNTY RD
J BIVEY LN
OXFORD RD
LITTLETON RD
LAKESHORE DR
CHAPEL DR
AMBUTH DR
DALE DR
NORTH LAKESHORE DR
MEMORY LN
DAYTON DR
WELDON WAY
SOUTH LAKESHORE DR
MAGS LN
JUDGE NOLAND DR
CORTLAND CT
NCRUM DR
HARMON DR
ANNE ST
ACCESS RD
LAKEVIEW DR
DELLWOOD RD
SATTERWHITE DR
HARRELL DR
METHODIST DR
TILLMAN RD
HOOSIER CT
HICKORY HILL RD
US 19/23/74 EAST
DELLWOOD US 19/23/74 E
JIMS COVE RD
GOLF COURSE RD
FAIRWAY HILLS DR
INDUSTRIAL PARK DR
KELLY PARK LN
HY TECH DRS
ASHEVILLE RD
RUSS AVE
MOODY DR
PRICE LN
PIONEER DR
LAKESIDE DR
LINDY LN
GREAT SMOKY MTN WEST EXPY
GREAT SMOKY MTN EXPY
HAPPY HILL RD
KIRTON LN
WOODS EDGE RD
WELCOME LN
WOODLAND DR
FRANCIS FARM RD
0 500 1,000 2,000
Feet

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 270*

Short Title:	Ronda Recall.	(Local)
Sponsors:	Representative Elmore (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

March 12, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of this act becomes effective only if approved by the qualified voters of the Town of Ronda in a referendum. The election shall be conducted by the Wilkes County Board of Elections on November 5, 2013, the date of the next municipal election in the Town of Ronda. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Amendment of the Charter of the Town of Ronda to allow for recall from office of elected officials of the town upon voter petition and a vote of the registered voters of the town."

SECTION 2. If a majority of the votes cast are in favor of the question, Section 3 of this act becomes effective as provided therein. Otherwise, Section 3 of this act does not become effective.

SECTION 3. The Charter of the Town of Ronda, granted by the Municipal Board of Control on September 27, 1920, under the then provisions of Chapter 136 of the Public Laws of 1917, is amended by adding a new section to read:

"Sec. 1.1. **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 county board of elections that conducts elections for the Town of Ronda. A petition to recall the Mayor or a member of the Board of Commissioners shall bear the signatures equal in number to at least fifty percent (50%) of the registered voters of the Town of Ronda.

The county board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the county 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 between 60 and 120 days of the date of such certification. The county 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 Ronda 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" also includes an officer of the town exercising the function of Town Clerk."

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

HOUSE BILL 270:
Ronda Recall

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 2, 2013
Introduced by:	Rep. Elmore	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 270 authorizes a referendum in the Town of Ronda on the question of adding a provision to the Town Charter authorizing recall of elected municipal officials.***

[As introduced, this bill was identical to S247, as introduced by Sen. Randleman, which is currently in Senate State and Local Government.]

CURRENT LAW: Currently, there is no general State law procedure for recall of local elected officials.

BILL ANALYSIS: House Bill 270 authorizes a referendum on November 5, 2013 on the question of adding a provision to the Town of Ronda Charter authorizing recall of elected municipal officials. If the referendum passes with a majority, the Town Charter would be amended to authorize a recall procedure for the Mayor or member of the Town Board of Commissioners. The recall procedure provides that if a petition signed by at least 50% of the registered voters of the Town is submitted to the Town Clerk, the petition would subject the Mayor or a member of the Board of Commissioners to a recall election, and removal.

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

BACKGROUND: Local acts have authorized recall of local elected officials in these jurisdictions:

Aberdeen	SL 1995-220
Asheville	Pr. 1931, c. 121; Pr. 1935, c. 30; SL 1969-165; SL 1969-313
Belhaven	SL 2011-156
Burke Co Bd. of Ed.	SL 2011-157
Cajah's Mountain	SL 1983-52
Carrboro	SL 1993-358
Chapel Hill	SL 1993-358
Ch.Hill-Carrboro Bd. of Ed.	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
Hickory	SL 1961-323
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 2008-3
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
Topsail Beach	SL 2011-76
Troutman	SL 1981-144

Giles Perry, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 258

Short Title: Asheboro/Charter Amendments. (Local)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to: State and Local Government.

March 13, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEBORO.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 4.11 through 4.19 of the Charter of the City of Asheboro, being Chapter 481 of the 1967 Session Laws, as amended by Chapter 921 of the 1989 Session Laws, are repealed.

SECTION 2. Article IV of the Charter of the City of Asheboro, being Chapter 481 of the 1967 Session Laws, as amended by Chapter 921 of the 1989 Session Laws, is amended by adding a new section to read as follows:

"Sec. 4.20. 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 using the nonpartisan primary and election method as provided in G.S. 163-294."

SECTION 3. Section 10.3 of the Charter of the City of Asheboro, being Chapter 481 of the 1967 Session Laws, as amended by Chapter 233 of the 1991 Session Laws, is repealed.

SECTION 4. Section 16.1 of the Charter of the City of Asheboro, being Chapter 481 of the 1967 Session Laws, as amended by Chapter 233 of the 1991 Session Laws, is repealed.

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

SENATE BILL 258:
Asheboro/Charter Amendments

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 2, 2013
Introduced by:	Sen. Tillman	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 258 would amend Asheboro's charter (1) to provide that regular municipal elections are to be held in accordance with uniform municipal election laws of North Carolina and (2) to delete provisions requiring the Chief of Police and the Chief of the Fire Department to live within the City or its extraterritorial jurisdiction while in office.***

BILL ANALYSIS:

Section 1 would delete provisions in the Asheboro charter dealing with elections for Mayor or Council.

Section 2 would provide that regular municipal elections shall be held in each odd-numbered year in accordance with uniform municipal election laws of North Carolina. The elections are to be nonpartisan, and the results are determined under general law.

Sections 3 and 4 would delete parts of the charter providing that the Chief of Police and the Chief of the Fire Department must reside in the City or within the extraterritorial jurisdiction of the City while in office.

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

O. Walker Reagan
Director

S258-SMRN-23 E1 -V3

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, April 02, 2013

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

FAVORABLE

HB **270** Ronda Recall.

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

SB **258** Asheboro/Charter Amendments.

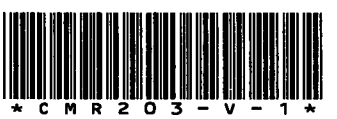
Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

First of 2 reports

Senator Shirley Randleman will handle HB 270
Senator Jerry Tillman will handle SB 258



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, April 03, 2013

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

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

SB **290** Waynesville Annexation.

Draft Number:	S290-PCS35307-ST-15
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

2nd of 2 reports

Senator James Davis will handle SB 290



DATE 4/2/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE & LOCAL GOVERNMENT**

DATE: 04/02/13 ROOM: 1124

1. ASHLEY MICKENS
2. ROBERT YOUNG
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 4-2 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 Alec Harbin	gastonia	harrington
2 Gina Higgins	Wendell	Hunt
3 Griffin Matsuo	Cary	Barringer
4 Harrison Rhoades	Raleigh	Hunt
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/2/2013

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
MARK CLASBY	HAYWOOD COUNTY EDC
GAVIN Brown	Mayor of Waynesville
William E. King	Community Council Lake Junaluska
Buddy Young	Director Assembly Public Works LJA
Marcy Onieal	Town Mgr. Waynesville, NC
CHRIS DERRICK	ATTORNEY - LJ HOMEOWNER
BARRY ROGERS	FORMER D.R. OF LJ ASSEMBLY - HOMEOWNER
J. Hmore	Rep.
[illegible]	CITIZEN
Joe Sam Queen	NC House 119

Senate State and Local gov. 9/2/2013

Name	Firm or Agency

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — April 2, 2013
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
JACK EWING	LAKE JUNALUSKA ASSEMBLY LAKE JUNALUSKA NC 28745
Donald C Rankin	Lake Junaluska Assembly Property Owners Org.
Bryant Lindsey	Lake Junaluska Assembly
Chip Killian	nelson multon
Kay Emanuel	School of Government
BRUCE THOMPSON	PARKER POE
Erin Wynia	NCLM
Barry Rogers	Lake JUNALUSKA PROPERTY Owner
Mary N Rogers	Lake Junaluska " "
Bill Rowe	NC Justice Center

Senate Committee on State and Local Government
Tuesday, April 9, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 9, 2013 in Room 1124/1224 of the Legislative Building. Fourteen members were present.

Senator Jim Davis, Chair, presided.

Senator Davis welcomed committee members, Pages (Chandria Boykin, Winterville, Lillie Gardner, Stantonsburg, and Bobby Evans Snow Hill, sponsored by Sen. Don Davis), visitors, and thanked the Sargeants-at-Arms.

Senate Bill 67 31st Senatorial District Local Act-1 Proposed Committee Substitute S67-CSTO-6 [v.5], new title An Act to Authorize Surry Community College to Convey Property by Gift to Yadkin County and to Lease a Portion of any Structure Subsequently Built on that Property, was explained by Sen. Brunstetter. The PCS allows Surry Community College to convey by gift a portion of a 34 acre parcel owned by it to Yadkin County and include in the conveyance a requirement that Yadkin County lease a portion of any structure built on the property to Surry Community College. Sen. Walters motioned to accept the PCS. There being no questions or comments, Sen. Bingham motioned for an ufavorable report as to bill, favorable report as to PCS, with unanimous approval.

Senate Bill 287 Notice Publication by Some Local Govs. Proposed Committee Substitute S287-CSST-21 [v.4] was explained by Sens.Wade and Barringer. The PCS would allow certain cities and counties to give electronic notice for any matter in which that city or county is required to publish notice in a newspaper. Sen. J. Davis motioned to accept the PCS. Sens. Wade and Barringer responded to questions and comments from Sens. Tucker, Kinnaird, Nesbitt, D. Davis, Walters, and Pate. Visitors Fred Baggett, Kevin Leonard, Karl Knapp, Jack Cozort, and Denise Foreman spoke in favor of the bill. Visitor John Bussian spoke against the bill. Sen. McLaurin motioned for an unfavorable report as to bill, favorable report as to PCS. Sen. J. Davis postponed the vote until the next committee meeting.

House Bill 224 Asheville Extraterritorial Jurisdiction and Annexation was explained by Rep. Moffitt. The bill would place a moratorium on involuntary annexation by the City of Asheville for a period of 12 years and eliminate the City of Asheville's authority to exercise extraterritorial jurisdiction. Rep. Moffitt responded to questions and comments by Sens. Tarte, Tucker, Kinnaird, Goolsby, D. Davis, and Nesbitt. Sen. Goolsby motioned for a favorable report with unanimous approval.

House Bill 222 Buncombe County/Use Design-Build Committee Substitute Bill No. 1 was explained by Rep. Ramsey. The bill would authorize the county of Buncombe to utilize the design-build method of construction for a specified economic development project, to expire on June 30, 2016. Sen. Wade moved to amend the bill H222-AST-10 [v.1], rolling the amendment

into CS Bill No.1. The amendment rewrites lines 11-13 on page 1 to read: "the contract to the best qualified team, taking into consideration all facets of the project, including compliance with the provisions of G.S. 143-128.2.". Sen. Tucker motioned for an unfavorable report as to CS Bill No.1, but favorable as to Senate Committee Substitute Bill with unanimous approval.

The meeting adjourned at 12:55 PM.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #3: Add SB 67

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 9, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 287	Notice Publication by Some Local Govs.	Senator Wade Senator Barringer
HB 224	Asheville Extraterritorial Jurisdiction and Annexation.	Representative Moffitt Representative Ramsey
HB 222	Buncombe County/Use Design-Build Methods.	Representative Moffitt Representative Ramsey
SB 67	31st Senatorial District Local Act-1.	Senator Brunstetter

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

Senate Committee on State and Local Government
Tuesday, April 9, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 287	Notice Publication by Some Local Govs.	Senator Wade Senator Barringer
HB 224	Asheville Extraterritorial Jurisdiction and Annexation.	Representative Moffitt Representative Ramsey
HB 222	Buncombe County/Use Design-Build Methods.	Representative Moffitt Representative Ramsey
SB 67	31st Senatorial District Local Act-1.	Senator Brunstetter

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 287*

Short Title:	Notice Publication by Some Local Govs.	(Local)
Sponsors:	Senators Wade and Barringer (Primary Sponsors).	
Referred to:	State and Local Government.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW GOVERNING BOARDS OF GUILFORD COUNTY, THE CITIES OF GREENSBORO AND HIGH POINT, AND THE TOWN OF MORRISVILLE TO GIVE ELECTRONIC NOTICE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-52.2. Electronic notice.**

(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a selected class or classes of notice.

(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published under an ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:

(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The Web site contains, on its main or index page, links to all notices or a link to another page with links to all notices.

(3) Notices and links to all notices on the Web site must be maintained on that Web site for at least one year after publication.

(4) A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board.

(5) A copy of the notice must be provided to each public library and clerk of superior court located within the jurisdiction of the governing board. The notice shall be available for inspection or copying for at least one year.

(6) A copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board

or with some other person designated by the governing board. The governing board may require each person submitting a written request for notice to renew the request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the county may control notice given by any board appointed by the governing board of the county, including the board of social services and board of health.

(f) For purposes of this section, "governing body" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 1.(b) G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 1.(c) G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

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

"(5) "Publish," "publication," and other forms of the word "publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 1.(e) G.S. 163-33(8) reads as rewritten:

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

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:

...

(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. The county board may adopt a policy under G.S. 160A-52.2 to provide for notices, advertisements, and publications to be given electronically.

...."

SECTION 2. This act applies only to the County of Guilford, the Cities of Greensboro and High Point, and the Town of Morrisville.

SECTION 3. This act becomes effective October 1, 2013, and applies to notice given on or after that date by a county or city.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 287*
PROPOSED COMMITTEE SUBSTITUTE S287-CSST-21 [v.4]
4/8/2013 4:27:24 PM

Short Title: Notice Publication by Some Local Govs. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, AND ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, TO GIVE ELECTRONIC NOTICE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-52.2. Electronic notice.**

(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a selected class or classes of notice.

(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published under an ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:

(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The Web site contains, on its main or index page, links to all notices or a link to another page with links to all notices.

(3) Notices and links to all notices on the Web site must be maintained on that Web site for at least one year after publication.

(4) A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board.

(5) A copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board or with some other person designated by the governing board. The governing board may require each person submitting a written request for notice to renew the request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the county may control notice given by any board appointed by the governing board of the county, including the board of social services and board of health.

(f) For purposes of this section, "governing body" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 2. G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 3. G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

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

"(5) "Publish," "publication," and other forms of the word "publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 5. G.S. 163-33(8) reads as rewritten:

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

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:

...

(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. The county board may adopt a policy under G.S. 160A-52.2 to provide for notices, advertisements, and publications to be given electronically.

...."

SECTION 6. This act applies only to the Counties of Cherokee, Clay, Graham, Guilford, Haywood, Jackson, Macon, Swain, Union, and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

SECTION 7. Section 2 of S.L. 2007-86, as amended by S.L. 2008-5 reads as rewritten:

"**SECTION 2.** This act applies only to the ~~Towns of Apex, Cary, Garner, and Knightdale.~~ Town of Cary."

SECTION 8. This act becomes effective October 1, 2013, and applies to notice given on or after that date by a county or city.

SENATE BILL 287:
Notice Publication by Some Local Govs

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 8, 2013
Introduced by:	Sens. Wade, Barringer	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition S287-CSST-21		

SUMMARY: ***The proposed committee substitute for Senate Bill 287 would allow certain cities and counties to give electronic notice for any matter in which that city or county is required to publish notice in a newspaper.***

The pcs is applicable only to the following: the counties of Cherokee, Clay, Graham, Guilford, Haywood, Jackson, Macon, Swain, Union; and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

CURRENT LAW: Governing boards of counties and cities are required by statute, and sometimes local act, to publish notice or advertise prior to taking certain actions. Local boards of elections are statutorily required to publish certain notices prior to elections in newspapers of general circulation of the county.

Some of the items that require notice or advertisement are:

- Notice of public meetings. Article 33B of Chapter 143
- Various public hearings are commonly statutorily required prior to take action or the adoption of certain ordinances, such as zoning ordinances. Often, the statute requiring the public hearing will specify how notice of the public hearing is to be given, usually publication in a newspaper of general circulation within a specified timeframe of the public hearing.
- Budget ordinance. Chapter 159.
- Sale and disposition of property. Article 12 of Chapter 160A.
- Purchase and contract bids. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.
- Boundary disputes. Article 1 of Chapter 153A.
- Development agreements. Article 18 of Chapter 153A and Article19 of Chapter 160A.
- Referendums and special elections, such as fire tax districts, property tax levies, sales tax levies, etc.
- Dates of primary, general and special elections, and hours the polling places that will be open.

BILL ANALYSIS: The proposed committee substitute does all of the following:

- Provides that cities and counties may adopt an ordinance providing that any notice that the city or county must publish or advertise may be published by electronic means, in lieu of or in addition to the newspaper or other statutorily required publication. "Electronic means" is posted on the city or county website, for at least one year.
- Provides that local boards of election may adopt a policy providing that any notice that the local board is required to provide may be done by electronic means, in lieu of or in addition to the other required publication, under the same parameters as a city or county.
- Requires the city, county, or local board of elections to print any notice published by electronic means and file it in a notice book.
    - The notice book must be separate and apart from ordinance book or minute book of the city or county.
    - The notice book must be indexed maintained for public inspection in the office of the clerk.
- Requires that cities, counties or local boards of election to mail or e-mail to those persons so requesting, a copy of the notice given. The city, county or local board of election may require that the request be renewed annually.
- Specifies that ordinances adopted under these sections will not supersede any State law that or local act that requires notice by mail to certain persons or posting signs on property.
- Makes conforming changes to the definition of "publish" Chapter 153A, Counties; Chapter 160A, Cities; and Chapter 159, Local Government Finance Act.
- Repeals a number of local acts that allow for electronic notice, but provides that any ordinance adopted under those acts will remain valid until amended or repealed.
- Provides that this act prevails over a local act relating to publication of notice by a city or county.

The pcs is applicable only to the following: the Counties of Cherokee, Clay, Graham, Guilford, Haywood, Jackson, Macon, Swain, Union, and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

EFFECTIVE DATE: The act becomes effective October 1, 2013, and applies to notice given on or after that date.

BACKGROUND: The following local governments are permitted to use electronic notice for public hearings: Cabarrus County (S.L. 2003-81), City of Raleigh and Town of Lake Waccamaw (S.L. 2003-161), Towns of Apex, Garner, and Knightdale (S.L. 2007-86), and Town of Cary (S.L. 2008-5).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 4

HOUSE BILL 224

Committee Substitute Favorable 3/18/13
Committee Substitute #2 Favorable 4/2/13
Fourth Edition Engrossed 4/3/13

Short Title: Asheville ETJ and Annexation. (Local)

Sponsors:

Referred to:

March 6, 2013

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

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

"(m) The City of Asheville shall have no authority to exercise any power under this section."

SECTION 1.(b) Relinquishment of authority by the City of Asheville shall be effective when this act becomes law. Upon relinquishment of the jurisdiction over an area that Asheville is regulating under Article 19 of Chapter 160A of the General Statutes, the city regulations and powers of enforcement shall remain in effect until (i) Buncombe County has adopted the regulation or (ii) a period of 120 days has elapsed following the effective date of this act, whichever is sooner. During this period, Buncombe County may hold hearings and take other measures that may be required in order to adopt county regulations for the area.

SECTION 2. Notwithstanding Section 1 of this act, Buncombe County shall have the authority to continue to appoint residents of the County who reside within one mile of the municipal limits of the City of Asheville, as if G.S. 160A-362 applied, with two appointees to serve on the planning board of the City of Asheville and two appointees to serve on the board of adjustment of the City of Asheville.

SECTION 3.(a) The City of Asheville shall not complete, initiate, or otherwise begin any annexation proceeding under Part 7 of Article 4A of Chapter 160A of the General Statutes.

SECTION 3.(b) This section is effective when it becomes law and expires on December 31, 2025.

SECTION 4. This act applies only to the City of Asheville.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 224:
Asheville ETJ and Annexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 8, 2013
Introduced by:	Reps. Moffitt, Ramsey	**Prepared by:**	R. Erika Churchill
Analysis of:	Sixth Edition		Committee Counsel

SUMMARY: ***House Bill 224 would place a moratorium on involuntary annexation by the City of Asheville for a period of 12 years and eliminate the City of Asheville's authority to exercise extraterritorial jurisdiction.***

CURRENT LAW AND BILL ANALYSIS:

Sections 1 and 2. Extraterritorial Jurisdiction.

Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance. With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

Once a city exercises its ETJ authority, the county in which the area lies has the duty to appoint an individual residing in that area to serve on the city's planning board and board of adjustment.

The bill would eliminate the authority for the City of Asheville to exercise extraterritorial jurisdiction. The area currently within the ETJ would return to the County of Buncombe for enforcement of land use planning regulations. The County of Buncombe's authority to appoint two members of the City of Asheville's planning board and the board of adjustment would continue.

Section 3. Annexation.

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 Part 7 of Article 4A of Chapter 160A of the General Statutes, which authorize municipalities to enact ordinances to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation and if a majority of the qualified voters of the area to be annexed vote for annexation of the area.

The bill would place a moratorium on involuntary annexation by the City of Asheville until December 31, 2025.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 222
Committee Substitute Favorable 3/18/13
Third Edition Engrossed 3/28/13

Short Title: Buncombe County/Use Design-Build Methods. (Local)

Sponsors:

Referred to:

March 6, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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, Buncombe County may use the design-build method of construction for the construction or renovations of buildings, facilities, and infrastructure owned by the County. The County shall solicit at least three design-build teams to bid the project and shall receive at least three sealed proposals from those teams for the project. The County shall interview at least three of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

SECTION 2. This act applies only to the demolition and construction of structures for an economic development project at 502 Sweeten Creek Industrial Park in Asheville.

SECTION 3. This act is effective when it becomes law and expires June 30, 2016.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 222

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

H222-AST-10 [v.1]

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

Date _____ ,2013

Senator _____

moves to amend the bill on page 1, lines 11-13 by rewriting those lines to read:

"the contract to the best qualified team, taking into consideration all facets of the project, including compliance with the provisions of G.S. 143-128.2.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 222:
Buncombe County/Use Design-Build Methods

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 8, 2013
Introduced by:	Reps. Moffitt, Ramsey	**Prepared by:**	R. Erika Churchill
Analysis of:	Third Edition		Committee Counsel

SUMMARY: ***House Bill 222 would authorize the County of Buncombe to utilize the design-build method of construction for a specified economic development project, to expire on June 30, 2016.***

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.

The sections of Article 8 for construction or renovations of buildings that require or imply the separate or single-prime bidding process are:

- 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.

Article 3D of Chapter 143 governs public procurement of architectural, engineering, and surveying services. The sections of Article 3D for those services that require or imply the separate or single-prime bidding process are:

- G.S. 143-64.31, regarding procurement of architectural, engineering and surveying services.
- G.S. 143-64.32, regarding local government exemptions from the law regarding the procurement of architectural, engineering, and surveying services.

BILL ANALYSIS: The bill would exempt the County of Buncombe from the application of the statutes that require or imply separate or single-prime bidding, and specifically authorize the design-build method of construction for the economic development project at 502 Sweeten Creek Industrial Park.

EFFECTIVE DATE: Effective when it becomes law and expires June 30, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 67

Short Title:	31st Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Brunstetter (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

February 11, 2013

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 31st Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 67
PROPOSED COMMITTEE SUBSTITUTE S67-CSTO-6 [v.5]

3/26/2013 1:58:18 PM

Short Title: Surry Comm. College/Yadkin Cty. Land Transfer. (Local)

Sponsors:

Referred to:

February 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SURRY COMMUNITY COLLEGE TO CONVEY PROPERTY BY GIFT TO YADKIN COUNTY AND TO LEASE A PORTION OF ANY STRUCTURE SUBSEQUENTLY BUILT ON THAT PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 115D-15, G.S. 115D-15.1, Article 12 of Chapter 160A of the General Statutes, or any other provision of law, Surry Community College, upon approval by its Board of Trustees, may convey by gift to Yadkin County some or all of its right, title, and interest in the 34.017441 acre parcel located in Yadkin County, North Carolina. This parcel is designated parcel number 129880 and is recorded in Yadkin County Deed Book 483, Page 527.

SECTION 2. Notwithstanding any provision of law, Surry Community College may include as a condition of conveyance a requirement that Yadkin County lease to Surry Community College for a term of up to 99 years any portion of any structure built on that portion of parcel number 129880 that is conveyed by gift from Surry Community College to Yadkin County.

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

SENATE BILL 67: Surry Comm. College/Yadkin Cty. Land Transfer

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	March 19, 2013
Introduced by:	Sen. Brunstetter	**Prepared by:**	Shelly DeAdder Committee Counsel
Analysis of:	PCS to First Edition S67-CSTO-6		

SUMMARY: ***The PCS to Senate Bill 67 allows Surry Community College to convey by gift a portion of a 34-acre parcel owned by it to Yadkin County and include in the conveyance a requirement that Yadkin County lease a portion of any structure built on the property to Surry Community College.***

CURRENT LAW: The transfer of property by a community college is governed by G.S. 115D-15 and 115D-15.1.

G.S. 115D-15 provides that a community college may dispose of its property if it determines that the property is unnecessary or undesirable for the purposes of the institution. Typically, the disposition of this property is handled by the Department of Administration pursuant to Article 12 of Chapter 160A of the General Statutes.

G.S. 115D-15.1 provides that a community college may sell, lease, or otherwise dispose of property to the county in which the property is located if doing so is related to additions, improvements, renovations or repairs to the college's property. It does not appear that this statute would permit a conveyance by gift to the county where the community college would not receive a tangible benefit to its own property as a result of the conveyance.

BILL ANALYSIS: The PCS allows Surry Community College to give all or part of a 34-acre parcel of land to Yadkin County notwithstanding G.S. 115D-15, G.S. 115D-15.1, Article 12 of Chapter 160A, or any other provision of law. Surry Community College may include in the conveyance a requirement that Yadkin County lease a portion of any structure built on that property to Surry Community College for up to 99 years.

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

BACKGROUND: Around 1999, Yadkin County gave a 34-acre parcel to Surry Community College and the College has built on a portion of that parcel. The College now wishes to give approximately 7.5 acres of the parcel back to Yadkin County. Yadkin County plans to use the land to construct a building that would house a convention center for the County and additional space for the College to rent for 99 years. The County would own the land and the building.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, April 10, 2013

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

FAVORABLE

HB **224** **(CS#2)** Asheville Extraterritorial Jurisdiction and Annexation.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

2 of 3

Senator Tom Apodaca will handle HB 224



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

CORRECTED REPORT #1

Wednesday, April 10, 2013

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

HB **222** **(CS#1)** Buncombe County/Use Design-Build Methods.

Draft Number:	H222-PCS10271-ST-23
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Report One of

Senator Tom Apodaca will handle HB 222



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Thursday, April 11, 2013

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

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

SB **67** 31st Senatorial District Local Act-1.

Draft Number:	S67-PCS75277-TO-6
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

3rd of 3 reports

Senator Peter Brunstetter will handle SB 67



DATE 4/9/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

✓ Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

✓ Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

✓ Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

✓ Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

✓ Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

✓ Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

✓ Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

✓ Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

✓ Senator Gene McLaurin
Room 1118, LB
Katie Stanley

✓ Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

✓ Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

✓ Erika Churchill
Research Staff
Room 545, LOB 733-2578

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

✓ Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 04/09/13 ROOM: 1124

1. ASHLEY MICKENS
2. ROBERT YOUNG
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: ~~[illegible]~~ 1124

DATE: 4-9 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 ~~[illegible]~~	~~[illegible]~~	~~[illegible]~~
2 Chandria Boykin	Winterville	Davis, D.
3 Lillie Gardner	Stantonsburg	Davis, D.
4 Bobby Evans	Snow Hill	Davis, D.
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/9/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Patricia Bradford	Lumina News Wilmington NC
Tammy Dunn	Montgomery Herald, Troy, NC
Lana Hygh	Town of Cary
Melissa Cocorft	NCS
Jack Gozart	NCSS
Karl Knapp	NCLM
Susan Vick	FSP
Laurie Ameris	F&P
Denise Foreman	Wake County
Michelle Frazier	MF+S
Joe Donovan	SCNC
Mio Bailey	Electricities
Kay Emanuel	School of Government
Nathan Ramsey	NC House Rep

Name	Firm
Stewart Webb	NCHFA
Henry Jones	Jordan Price

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/9/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Kirk Ross	Carolina Public Press
Laura Valkonaczny	NC Press Assn
J Bussian	NC Press Assn
Bob Ashley	NCPA / The Henderson
Beth Grace	NCPA
Hal Tanner III	Goldsboro News-Argus
Katharine Ross	PPAB
W. Gardner Culpepper	PPAB
Will Grantham	MWC
Benton Albritton	ABC of the Carolinas
Sam Skinner	NCACC
Rhonda Trantham	NCACC

NAME	FIRM
PAUL Mayo	NCLM
Chris McClure	Brooks Pierce

Senate Committee on State and Local Government
Tuesday, April 16, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 287	Notice Publication by Some Local Govs.	Senator Wade Senator Barringer
SB 311	Apex/Cary/Raleigh ROW Usage in CBD.	Senator Stein Senator Blue Senator Barringer

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, April 16, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 16, 2013 in Room 1124/1224 of the Legislative Building. 13 members were present.

Senator Tommy Tucker, Chair, presided.

Senator Tucker welcomed Committee members, visitors, and thanked the Page (Colton Estes, Matthews, Sen. Tarte) and Sergeant-at-Arms.

SB 311 Apex/Cary/Raleigh ROW Usage in CBD – Sen. Don Davis moved to accept a Committee Substitute Bill (PCS). Sen. Stein explained the bill. The bill would authorize the Department of Transportation (DOT) to allow sidewalk dining on State highway right-of-way through agreements with local governments (Apex, Cary, and Raleigh only) if the local government has an ordinance permitting sidewalk dining and the ordinance meets minimum requirements. The PCS makes a number of technical and clarifying changes, so that the language matches the Second Edition of House Bill 192, a statewide version of the bill that has passed second and third readings in the House of Representatives. There being no questions or comments, Sen. J. Davis moved for an unfavorable report as to bill with favorable report as to Committee Substitute Bill with a recommended referral to Transportation. The motion carried.

SB 287 Notice Publication by Some Local Govs. – Senator Jackson moved to accept a Committee Substitute Bill (PCS). Sens. Wade and Barringer explained the bill. The PCS for Senate Bill 287 would allow certain cities and counties the option to give electronic notice for any matter in which that city or county is required to publish notice in a newspaper. The PCS is applicable only to the following: the counties of Cherokee and Clay have been removed from last week's PCS (page 3, 16-19) and the counties of Burke and Mecklenburg have been added. Other counties include Graham, Guilford, Haywood, Jackson, Macon, Swain, Union, and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville. Sens. Walters and Kinnaird commented on the bill. Les High representing the NC Press Association, Tammy Dunn representing Montgomery County Herald, and Liz Irwin representing Mecklinburg Times, commented on the bill. Sen. Jackson moved for an unfavorable report as to bill with favorable report as to Committee Substitute Bill. The motion carried.

The meeting adjourned at 12:20 PM.

Senator Tommy Tucker, Chair
Presiding

Kaye Culberson, Committee Clerk

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	April 23, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 555	Design-Build/Buncombe.	Representative Ramsey Representative Moffitt
SB 505	Clarify Agricultural Zoning.	Senator Jackson Senator Cook

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 287*

Short Title:	Notice Publication by Some Local Govs.	(Local)
Sponsors:	Senators Wade and Barringer (Primary Sponsors).	
Referred to:	State and Local Government.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW GOVERNING BOARDS OF GUILFORD COUNTY, THE CITIES OF GREENSBORO AND HIGH POINT, AND THE TOWN OF MORRISVILLE TO GIVE ELECTRONIC NOTICE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-52.2. Electronic notice.**

(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a selected class or classes of notice.

(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published under an ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:

(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The Web site contains, on its main or index page, links to all notices or a link to another page with links to all notices.

(3) Notices and links to all notices on the Web site must be maintained on that Web site for at least one year after publication.

(4) A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board.

(5) A copy of the notice must be provided to each public library and clerk of superior court located within the jurisdiction of the governing board. The notice shall be available for inspection or copying for at least one year.

(6) A copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board

or with some other person designated by the governing board. The governing board may require each person submitting a written request for notice to renew the request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the county may control notice given by any board appointed by the governing board of the county, including the board of social services and board of health.

(f) For purposes of this section, "governing body" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 1.(b) G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 1.(c) G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

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

"(5) "Publish," "publication," and other forms of the word "publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 1.(e) G.S. 163-33(8) reads as rewritten:

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

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:

...

(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. The county board may adopt a policy under G.S. 160A-52.2 to provide for notices, advertisements, and publications to be given electronically.

...."

SECTION 2. This act applies only to the County of Guilford, the Cities of Greensboro and High Point, and the Town of Morrisville.

SECTION 3. This act becomes effective October 1, 2013, and applies to notice given on or after that date by a county or city.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 287*
PROPOSED COMMITTEE SUBSTITUTE S287-CSST-30 [v.1]
4/15/2013 4:07:54 PM

Short Title: Notice Publication by Some Local Govs. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, AND ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-52.2. Electronic notice.**

(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a selected class or classes of notice.

(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published under an ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:

(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The Web site contains, on its main or index page, links to all notices or a link to another page with links to all notices.

(3) Notices and links to all notices on the Web site must be maintained on that Web site for at least one year after publication.

(4) A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board.

(5) A copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board or with some other person designated by the governing board. The governing board may require each person submitting a written request for notice to renew the request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the county may control notice given by any board appointed by the governing board of the county, including the board of social services and board of health.

(f) For purposes of this section, "governing body" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 2. G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 3. G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

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

"(5) "Publish," "publication," and other forms of the word "publish" mean any of the following:

a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board.

c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 5. G.S. 163-33(8) reads as rewritten:

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

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:

...

(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. The county board may adopt a policy under G.S. 160A-52.2 to provide for notices, advertisements, and publications to be given electronically.

...."

SECTION 6. This act applies only to the Counties of Burke, Graham, Guilford, Haywood, Jackson, Macon, Mecklenburg, Swain, Union, and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

SECTION 7. Section 2 of S.L. 2007-86, as amended by S.L. 2008-5 reads as rewritten:

"**SECTION 2.** This act applies only to the ~~Towns of Apex, Cary, Garner, and Knightdale.~~ Town of Cary."

SECTION 8. This act becomes effective October 1, 2013, and applies to notice given on or after that date by a county or city.

SENATE BILL 287:
Notice Publication by Some Local Govs

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 15, 2013
Introduced by:	Sens. Wade, Barringer	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition S287-CSST-30v.1		Committee Counsel

SUMMARY: ***The proposed committee substitute for Senate Bill 287 would allow certain cities and counties to give electronic notice for any matter in which that city or county is required to publish notice in a newspaper.***

The pcs is applicable only to the following: the counties of Cherokee, Clay, Graham, Guilford, Haywood, Jackson, Macon, Swain, Union, and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

CURRENT LAW: Governing boards of counties and cities are required by statute, and sometimes local act, to publish notice or advertise prior to taking certain actions. Local boards of elections are statutorily required to publish certain notices prior to elections in newspapers of general circulation of the county.

Some of the items that require notice or advertisement are:

- Notice of public meetings. Article 33B of Chapter 143
- Various public hearings are commonly statutorily required prior to take action or the adoption of certain ordinances, such as zoning ordinances. Often, the statute requiring the public hearing will specify how notice of the public hearing is to be given, usually publication in a newspaper of general circulation within a specified timeframe of the public hearing.
- Budget ordinance. Chapter 159.
- Sale and disposition of property. Article 12 of Chapter 160A.
- Purchase and contract bids. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.
- Boundary disputes. Article 1 of Chapter 153A.
- Development agreements. Article 18 of Chapter 153A and Article19 of Chapter 160A.
- Referendums and special elections, such as fire tax districts, property tax levies, sales tax levies, etc.
- Dates of primary, general and special elections, and hours the polling places that will be open.

O. Walker Reagan
Director

S287-SMST-38 CSST-30V1 -V1

Research Division
(919) 733-2578

BILL ANALYSIS: The proposed committee substitute does all of the following:

- Provides that cities and counties may adopt an ordinance providing that any notice that the city or county must publish or advertise may be published by electronic means, in lieu of or in addition to the newspaper or other statutorily required publication. "Electronic means" is posted on the city or county website, for at least one year.
- Provides that local boards of election may adopt a policy providing that any notice that the local board is required to provide may be done by electronic means, in lieu of or in addition to the other required publication, under the same parameters as a city or county.
- Requires the city, county, or local board of elections to print any notice published by electronic means and file it in a notice book.
    - The notice book must be separate and apart from ordinance book or minute book of the city or county.
    - The notice book must be indexed maintained for public inspection in the office of the clerk.
- Requires that cities, counties or local boards of election to mail or e-mail to those persons so requesting, a copy of the notice given. The city, county or local board of election may require that the request be renewed annually.
- Specifies that ordinances adopted under these sections will not supersede any State law that or local act that requires notice by mail to certain persons or posting signs on property.
- Makes conforming changes to the definition of "publish" Chapter 153A, Counties; Chapter 160A, Cities; and Chapter 159, Local Government Finance Act.
- Repeals a number of local acts that allow for electronic notice, but provides that any ordinance adopted under those acts will remain valid until amended or repealed.
- Provides that this act prevails over a local act relating to publication of notice by a city or county.

The pcs is applicable only to the following: the Counties of Burke, Graham, Guilford, Haywood, Jackson, Macon, Mecklenburg, Swain, Union, and Wake and any municipality located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

EFFECTIVE DATE: The act becomes effective October 1, 2013, and applies to notice given on or after that date.

BACKGROUND: The following local governments are permitted to use electronic notice for public hearings: Cabarrus County (S.L. 2003-81), City of Raleigh and Town of Lake Waccamaw (S.L. 2003-161), Towns of Apex, Garner, and Knightdale (S.L. 2007-86), and Town of Cary (S.L. 2008-5).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 311*

Short Title:	Apex/Cary/Raleigh ROW Usage in CBD.	(Local)
Sponsors:	Senators Stein, Blue, and Barringer (Primary Sponsors).	
Referred to:	State and Local Government.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(9) reads as rewritten:

"(9) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies and individuals in the furtherance of those objectives. None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except ~~(i) for~~ for any of the following:

a. ~~materials~~ Materials displayed in welcome centers in accordance with ~~G.S. 136-89.56, and (ii) for~~ G.S. 136-89.56.

b. ~~vending~~ Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense.

c. Activities permitted by a local government pursuant to an ordinance meeting the requirements of G.S. 136-27.3."

SECTION 2. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-27.3. Use of certain right-of-way for sidewalk dining.**

(a) The Department may enter into an agreement with any local government permitting use of the State right-of-way associated with components of the State highway system and

located within the zoning jurisdiction of the local government for sidewalk dining activities. For purposes of this section, "sidewalk dining activities" means serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The agreement between the Department and the local government shall provide that the local government is granted the administrative right to permit sidewalk dining activities complying with at least the following requirements and conditions:

(1) Tables, chairs, and other furnishings must be placed a minimum of six feet from any travel lane.

(2) Tables, chairs, and other furnishings must be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semipermanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

(3) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilation areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(4) The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining shall not be greater than 45 miles per hour.

(5) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified as the limit of Tort Claim liability in G.S. 143-299.2, which shall protect and name them as additional insured on any policies covering the business and the sidewalk activities.

(6) The restaurant operator shall provide an agreement to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining.

(7) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county, or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.

(8) The restaurant operator shall cease part of or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building by the Department, the local government, its agents or employees, or by any other governmental entity or public utility.

The Department or the local government may impose additional requirements on a case-by-case basis. Nothing in this section requires the Department or local government to issue or maintain any agreement for sidewalk dining if, in the opinion of the Department or local government, such activities cannot be conducted in a safe manner.

(b) A municipality applying to the Department for administrative rights under this section shall:

(1) Enact an ordinance consistent with, but not necessarily limited to, the requirements of this section.

(2) For applications along a federal-aid route or where the laws of the United States otherwise require, obtain permission from the Federal Highway Administration to permit the right-of-way to be used for the sidewalk dining."

SECTION 3. This act shall not preempt or override local ordinances currently in place.

SECTION 4. This act applies to the Towns of Apex and Cary and the City of Raleigh only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 311*
PROPOSED COMMITTEE SUBSTITUTE S311-CSRN-15 [v.2]

4/15/2013 1:49:43 PM

Short Title: Apex/Cary/Raleigh ROW Usage in CBD. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(9) reads as rewritten:

"(9) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies and individuals in the furtherance of those objectives. None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except ~~(i) for~~ for any of the following:

a. ~~materials~~ Materials displayed in welcome centers in accordance with ~~G.S. 136-89.56, and (ii) for~~ G.S. 136-89.56.

b. ~~vending~~ Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense.

c. Activities permitted by a local government pursuant to an ordinance meeting the requirements of G.S. 136-27.4."

SECTION 2. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-27.4. Use of certain right-of-way for sidewalk dining.**

(a) The Department may enter into an agreement with any local government permitting use of the State right-of-way associated with components of the State highway system and

located within the zoning jurisdiction of the local government for sidewalk dining activities. For purposes of this section "sidewalk dining activities" means serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The agreement between the Department and the local government shall provide that the local government is granted the administrative right to permit sidewalk dining activities that, at a minimum, comply with all of the following requirements and conditions:

(1) Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.

(2) Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

(3) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(4) The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.

(5) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the Department and the local government as additional insureds on any policies covering the business and the sidewalk activities.

(6) The restaurant operator shall provide an agreement to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining activities.

(7) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.

(8) The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the Department, the local government, its agents or employees, or by any other governmental entity or public utility.

(9) Any other requirements deemed necessary by the Department, either for a particular local government or a particular component of the State highway system.

A local government given the administrative right to permit sidewalk dining activities under this section may impose additional requirements on a case-by-case basis, and nothing in this section requires the local government to issue or maintain any permit for sidewalk dining activities if, in the opinion of the local government, such activities cannot be conducted in a safe manner. Nothing in this section requires the Department to give a local government the right to establish a permit program for sidewalk dining activities if in the opinion of the Department, such activities cannot be conducted in a safe manner.

(b) A municipality applying to the Department for administrative rights under this section shall:

(1) Enact an ordinance consistent with, but not necessarily limited to, the requirements of this section.

(2) For applications along a federal-aid route or where the laws of the United States otherwise require, obtain permission from the Federal Highway Administration to permit the right-of-way to be used for the sidewalk dining."

SECTION 3. This act shall not preempt or override local ordinances currently in place.

SECTION 4. This act applies to the Towns of Apex and Cary and the City of Raleigh only.

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

SENATE BILL 311:
Apex/Cary/Raleigh ROW Usage in CBD

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 16, 2013
Introduced by:	Sens. Stein, Blue, Barringer	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition S311-CSRN-15		Committee Counsel

SUMMARY: ***Senate Bill 311 would authorize the Department of Transportation (DOT) to allow sidewalk dining on State highway right-of-way through agreements with local governments (Apex, Cary, and Raleigh only) if the local government has an ordinance permitting sidewalk dining and the ordinance meets minimum requirements.*** ***The Proposed Committee Substitute makes a number of technical and clarifying changes, so that the language matches the Second Edition of House Bill 192, a statewide version of the bill that has passed second and third readings in the House of Representatives.***

[As introduced, this bill was identical to H316, as introduced by Reps. D. Hall, Murry, D. Ross, which is currently in House Commerce and Job Development, if favorable, Regulatory Reform.]

CURRENT LAW: G.S.136-18(9) allows commercial use of State-owned highway rights-of-way for:

1. Materials displayed in welcome centers.
2. Vending machines permitted by DOT and placed by the Division of Services for the Blind.

Any other commercial use of State highway right-of-way is a Class 1 misdemeanor.

BILL ANALYSIS: Senate Bill 311 would authorize DOT to enter into agreements with local governments to allow sidewalk dining activities on State right-of-way. "Sidewalk dining activities" is defined as serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The DOT or a local government is not required to issue or maintain any agreement for sidewalk dining if the dining activities cannot be conducted in a safe manner.

The agreement must meet the following minimum requirements:

- Furnishings must be placed a minimum of 6 feet from any travel lane.
- Furnishings must be placed to allow a minimum 5 feet of unobstructed paved sidewalk.
- Furnishings cannot obstruct any entrance or exit, fire hydrant, utility access, or ventilations areas.
- Speed limit of roads adjacent to the right-of-way cannot exceed 45 miles per hour.
- The restaurant operator must provide proof of liability insurance in an amount satisfactory to the local government, but no less than the amount specified as the limit of the local government's waiver of immunity or the amount of Tort Claim liability (whichever is greater).
- The restaurant operator must agree to indemnify DOT or local government from any claim resulting from the operation of sidewalk dining.
- The restaurant operator must provide copies of all permits and licenses.

- The restaurant operator must cease sidewalk dining activities to allow access to any street or sidewalk by DOT, local government, any other governmental entity, or public utility.
- DOT may require additional conditions for either a local government or a particular component of the State highway system.

The local government must enact an ordinance meeting the minimum requirements and may impose additional requirements on a case-by-case basis.

Senate Bill 311 expressly states that local ordinances currently in place are not preempted. It applies to Apex, Cary, and Raleigh only.

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

Greg Roney, Jennifer Mundt, and Erika Churchill substantially contributed to this summary.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, April 16, 2013

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

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

SB **311** Apex/Cary/Raleigh ROW Usage in CBD.

Draft Number:	S311-PCS35314-RN-15
Sequential Referral:	None
Recommended Referral:	Transportation
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

1 of 2 reports

Senator Joshua Stein will handle SB 311



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, April 17, 2013

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

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

SB **287** Notice Publication by Some Local Govs.

Draft Number:	S287-PCS35315-ST-30
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

2nd of 2 reports

Senator Trudy Wade will handle SB 287



DATE _____

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

✓ Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

✓ Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

✓ Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

✓ Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

✓ Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

✓ Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Ellie Kinnaird
✓ Room 628, LOB 733-5804
Kathie Young

✓ Senator Gene McLaurin
Room 1118, LB
Katie Stanley

✓ Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

✓ Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

✓ Erika Churchill
Research Staff
Room 545, LOB 733-2578

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
✓ Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE and LOCAL GOVERNMENT**

DATE: 04/16/13 ROOM: 1124

1. ASHLEY MICKENS
2. ROBERT YOUNG
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 4-16 TIME: Noon

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

Page Name	Hometown	Sponsoring Senator
1 [illegible]	[illegible]	[illegible]
2 Colton Estes	Matthews	Tarte
3 [illegible]	[illegible]	[illegible]
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/16/13

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Marc Finlayson	Finlayson Consulting, LLC
Jeff Bagwell	City of High Point
Les Hyatt	NC Press Association
HAL TANNER III	NC Press Assoc
J BUSSIAN	"
Laura Nakoneczny	"
Regina Howard-Glanzer	"
Megan Ward	" High Point Enterprise
Michelle Frazier	MFTS
Greg Anderson	Salisbury Post
Pat Taylor	The Pilot, Southern Pines NC

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/16/13
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Chris Volanos	Polar Robin / Mecklenburg Times
Chris McClure	Brooks Pierce
Eric Davis	" "
Susan Vick	FSP
Rebecca Troutman	NCACC
Daniel Blum	Troutman Sanders
Paul Meyer	NCLM
Johanna Reese	NCACC
Kevin Leonard	NCACC
Pat Bradford	Lumina News / Wilmington
Rachel Hawkins	Franklin Press - Franklin, NC
Dayle	~~tdunn@montgomeryherald.com~~ Montgomery Herald
LIZ IRWIN	The DOCKET.COM — Mecklenburg Times Charlotte, NC
Keith Coleman	The News of Orange - Hillsborough

NAME	FIRM
Mark Ibrahim	Pope Flynn
Beam Brace	NCPA
Jim Morrill	Char. Obs
Clifton Dowell	The Lynch Charlotte
Dan Fenton	Pinehurst
David Woronoff	
John Drescher	News + Observer
Jack Cozort	Cary
Bob Ashley	Herald-Sun
Matt Wolfe	PNAB
Julie White	NCMNC
Lana Hygh	Town of Cary
Don McGlade	SAS
Betsy Bailey	PENC
Laurie Onorio	FSP

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — Name of Committee

4/16/13 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Todd Allen	The Wake Forest Weekly
Bill Horner III	The Sanford Herald
Jonathan Key	The Mountaineer - Waynesville
Jeff Schumacher	The Mountaineer - Waynesville
~~Cassandra~~ Skinner	NCACC
Sam Blanton	Rep. Chuck McGrady (Intern)
Chris Emanuel	The C. G. Emanuel Group
Daniel Spuller	The ITB Capital Group
David Crawford	AIA NC

Senate Committee on State and Local Government
Tuesday, April 23, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 555	Design-Build/Buncombe.	Representative Ramsey Representative Moffitt
SB 505	Clarify Agricultural Zoning.	Senator Jackson Senator Cook

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, April 23, 2013 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 23, 2013 in Room 1124/1224 of the Legislative Building. Eleven members were present.

Senator Jim Davis, Chair, presided.

Senator Davis called the meeting to order, welcomed Committee members, Pages (Caleb Sanders, Morganton, Sen. Daniel; Ron Davenport, Clayton, Sen. Jackson; Ben Hedgepeth, Fayetteville, Sen. Meredith), visitors, and thanked the Sergeants-at-Arms.

House Bill 555 Design-Build/Buncombe – Senator Don Davis' motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Ramsey explained the bill. The PCS would authorize the County of Buncombe to utilize the design-build method of construction for a specified economic development project, to expire on June 30, 2016. There being no questions or comments, Senator Pate's motion to approve the bill carried.

Senate Bill 505 Clarify Agricultural Zoning – Senator Wade's motion to roll an amendment into a Committee Substitute was approved. Senator Jackson explained the bill with its amendment. Senate Bill 505 would explicitly provide that a grain storage facility is a bona fide farm purpose that qualifies for the agricultural exemption from county zoning and development ordinances. Additionally, the bill would provide that bona fide farm purposes include the production and activities relating to the production of all forms of agriculture as defined in G.S. 106-581.1, grown on the affected farm property as well as on land owned or leased to or from others by the farm owner, including other tracts of land in the State and land owned or leased in other states. The amendment moved to amend the bill on page 1, lines 17-20, by rewriting the lines to read: "in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or lease to or from others by the bona fide farm operator, no matter where located. For purposes of this subdivision, the production of a nonfarm". Senators Tarte, Pate, Tucker, Kinnaird, and Walters offerred questions and comments. There being no further discussion, Senator Walters' motion to approve the bill carried.

The meeting adjourned at 12:13 PM.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

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	April 23, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 555	Design-Build/Buncombe.	Representative Ramsey Representative Moffitt
SB 505	Clarify Agricultural Zoning.	Senator Jackson Senator Cook

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 555

Short Title:	Design-Build/Buncombe.	(Local)
Sponsors:	Representatives Ramsey and Moffitt (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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, Buncombe County may use the design-build method of construction for the construction or renovations of buildings, facilities, and infrastructure owned by the County. The County shall solicit at least three design-build teams to bid the project and shall receive at least three sealed proposals from those teams for the project. The County shall interview at least three of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

SECTION 2. This act applies only to the demolition and construction of structures for an economic development project at 2154 Hendersonville Road.

SECTION 3. This act is effective when it becomes law and expires June 30, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 555
PROPOSED SENATE COMMITTEE SUBSTITUTE H555-CSST-37 [v.1]

4/21/2013 11:15:00 AM

Short Title: Design-Build/Buncombe. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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, Buncombe County may use the design-build method of construction for the construction or renovations of buildings, facilities, and infrastructure owned by the County. The County shall solicit at least three design-build teams to bid the project and shall receive at least three sealed proposals from those teams for the project. The County shall interview at least three of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration all facets of the project, including compliance with the provisions of G.S. 143-128.2.

SECTION 2. This act applies only to the demolition and construction of structures for an economic development project at 2154 Hendersonville Road.

SECTION 3. This act is effective when it becomes law and expires June 30, 2016.

HOUSE BILL 555: Design-Build/Buncombe

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 21, 2013
Introduced by:	Reps. Ramsey, Moffitt	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition H555-CSST-37		Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 555 would authorize the County of Buncombe to utilize the design-build method of construction for a specified economic development project, to expire on June 30, 2016.***

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.

The sections of Article 8 for construction or renovations of buildings that require or imply the separate or single-prime bidding process are:

- 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.

Article 3D of Chapter 143 governs public procurement of architectural, engineering, and surveying services. The sections of Article 3D for those services that require or imply the separate or single-prime bidding process are:

- G.S. 143-64.31, regarding procurement of architectural, engineering and surveying services.
- G.S. 143-64.32, regarding local government exemptions from the law regarding the procurement of architectural, engineering, and surveying services.

BILL ANALYSIS: The pcs would exempt the County of Buncombe from the application of the statutes that require or imply separate or single-prime bidding, and specifically authorize the design-build method of construction for the economic development project at 2154 Hendersonville Road.

EFFECTIVE DATE: Effective when it becomes law and expires June 30, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 505

Short Title:	Clarify Agricultural Zoning.	(Public)
Sponsors:	Senators Jackson, Cook (Primary Sponsors); Meredith and Rabin.	
Referred to:	Commerce.	

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-340(b) reads as rewritten:

"**§ 153A-340. Grant of power.**

...

(b) (1) These regulations may affect property used for bona fide farm purposes only as provided in subdivision (3) of this subsection. This subsection does not limit regulation under this Part with respect to the use of farm property for nonfarm purposes.

(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, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of ~~agriculture~~ agriculture, as defined in ~~G.S. 106-581.1.~~G.S. 106-581.1, grown or cultivated on the affected farm property, as well as on land owned or leased to or from others by the farm owner, including other tracts of land in the State and land owned or leased in other states. 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. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.

b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.

c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

d. A forest management plan.

e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

(3) The definitions set out in G.S. 106-802 apply to this subdivision. A county may adopt zoning regulations governing swine farms served by animal waste management systems having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater provided that the zoning regulations may not have the effect of excluding swine farms served by an animal waste management system having a design capacity of 600,000 pounds SSLW or greater from the entire zoning jurisdiction."

SECTION 2. G.S. 106-581.1 reads as rewritten:

"**§ 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.

(7) A public or private grain warehouse or warehouse operation, where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain."

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

SENATE BILL 505:
Clarify Agricultural Zoning

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 23, 2013
Introduced by:	Sens. Jackson, Cook	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 505 would explicitly provide that a grain storage facility is a bona fide farm purpose that qualifies for the agricultural exemption from county zoning and development ordinances. Additionally, the bill would provide that bona fide farm purposes include the production and activities relating to the production of all forms of agriculture as defined in G.S. 106-581.1, grown on the affected farm property as well as on land owned or leased to or from others by the farm owner, including other tracts of land in the State and land owned or leased in other states.***

CURRENT LAW: Except for farms that are subject to a conservation easement, farms used for bona fide farm purposes are exempt from county zoning ordinances. Bona fide farm purposes include the production and activities related or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S. 106-581.1. This section applies to agricultural activities occurring on the affected farm property.

Currently, grain storage facilities are not explicitly included in G.S. 106-581.1 (Agriculture defined).

BILL ANALYSIS: Senate Bill 505 would add grain storage facilities to the definition of "agriculture" under G.S. 106-581.1 so that grain storage facilities would qualify for the agricultural exemption from county zoning ordinances.

The bill would also provide that, except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement, bona fide farm purposes include the production and activities relating to the production of agriculture as defined in G.S. 106-581.1, grown or cultivated on the affected farm property and on land owned or leased to or from others by the farm owner, including other tracts in the State and land owned or leased in other states.

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

O. Walker Reagan
Director

S505-SMTQ-45 E1 -V5

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 505

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

S505-ATQ-2 [v.4]

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

Date _____,2013

Senator Jackson

moves to amend the bill on page 1, lines 17-20, by rewriting the lines to read:

"in G.S. 106-581.1. For purposes of this subdivision, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this subdivision, the production of a nonfarm".

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 J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, April 23, 2013

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

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

HB **555** Design-Build/Buncombe.

Draft Number:	H555-PCS70345-ST-37
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

1 of 2 Reports

Senator Tom Apodaca will handle HB 555



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, April 24, 2013

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

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

SB **505** Clarify Agricultural Zoning.

Draft Number:	S505-PCS35329-TQ-21
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

2nd of 2 reports

Senator W. Jackson will handle SB 505



DATE 4/23/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

✓ Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

✓ Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
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✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

✓ Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 1124

DATE: 4-23 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Caleb Sanders	Morganton	Daniel
2. Ron Davenport	Clayton	Jackson
3. Ben Hedgepeth	Fayetteville	Meredith
4.		
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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 SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 04/23/13 ROOM: 1124

1. ASHLEY MICKENS
2. JUSTIN OWENS
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/23/13

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
DSP	NTOO
Joy Hicks	NCDA&CS
David McLeod	NCDA & CS
JAKE PARKER	NCFB
	NCPC/NCCM
Erin Wynia	NCLM

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/23/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Rebecca Troutman	NCACC
Keith Richardson	City of Charlotte
Penny Huffman	School of Gov
Glenn Kenyon	Ag Alliance of N.C. Monsanto
David Crawford	AIANC
Dallas Elmore	CATOC
Rick Zechini	Willis Mulls

Senate Committee on State and Local Government
Tuesday, April 30, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 506	Weddington/Fire Dept Agreements.	Representative Horn
SB 269	Salisbury/Deannex Rowan Cty Airport Property.	Senator Brock
SB 372	Omnibus County Legislation.	Senator J. Davis

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, April 30, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 30, 2013 in Room 1124/1224 of the Legislative Building. Twelve members were present.

Senator Tommy Tucker presided.

Senator Tucker called the meeting to order, welcomed Committee members, Pages (RaeQuawn Anderson, Wilson, Sen. Bryant; Odom Williford, Chapel Hill, Sen. Nesbitt), visitors, and thanked the Sergeants-at-Arms.

House Bill 506 Weddington/Fire Dept. Agreements. Representative Horn explained the bill. The bill would authorize the Town of Weddington to enter into long-term agreements with volunteer fire departments not to exceed ten years. Senator Pate offered a question. Senator Wade's motion to approve the bill carried.

Senate Bill 269 Salisbury/Deannex Rowan City Airport Property. Senator Brock explained the bill. The bill would deannex a described area from the corporate limits of the city of Salisbury. Tom Fetzer, representing the City of Salisbury and Jim Sides, Chairman of the Rowan County Board of Commissioners spoke on the bill. Senators Kinnaird, McLaurin, D. Davis, Pate and Wade offered questions and comments. There being no further discussion, Senator Goolsby's motion to approve the bill with referral to finance was carried.

Senate Bill 372 Omnibus County Legislation – Senator Tarte's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Senator J. Davis explained the bill. The PCS would (1) require the Environmental Management Commission to provide county boards with notice and an opportunity for comment prior to acting on a permit application for land application of waste; (2) increase the threshold for the Department of Transportation's informal bid process from $1,200,000 to $2,500,000 per year; and (3) establish the State Payment in Lieu of Taxes Study Commission to study issues related to the development of a State payment in lieu of taxes for State properties, including wildlife, game lands, and other issues deemed relevant. Rebecca Troutman, representing the North Carolina Association of County Commissioners, spoke on the bill. Senators Tucker and Kinnaird offered questions and comments. There being no further discussion, Senator D. Davis' motion to approve the bill carried.

The meeting adjourned at 12:35 PM

Senator Tommy Tucker, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk
Reading Clerk

Corrected #1: Add SB 372

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 30, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 506	Weddington/Fire Dept Agreements.	Representative Horn
SB 269	Salisbury/Deannex Rowan Cty Airport Property.	Senator Brock
SB 372	Omnibus County Legislation.	Senator J. Davis

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

HOUSE BILL 506
Second Edition Engrossed 4/15/13

Short Title:	Weddington/Fire Dept Agreements.	(Local)
Sponsors:	Representative Horn (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

April 3, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Weddington may enter into agreements with one or more organized volunteer fire departments, including the Providence Volunteer Fire Department, the Stallings Volunteer Fire Department, and the Wesley Chapel Volunteer Fire Department, to provide fire protection services to the citizens of the Town. The term of any individual agreement under this act shall not exceed 10 years. Any agreement under this act is a continuing agreement and is binding on and enforceable against the Town during the full term of the agreement. The Town and volunteer fire departments may modify or amend any agreement under this act on mutual written consent without the approval of the General Assembly.

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

HOUSE BILL 506:
Weddington/Fire Dept Agreements

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 30, 2013
Introduced by:	Rep. Horn	**Prepared by:**	Chris Saunders
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 506 authorizes the Town of Weddington to enter into long-term agreements with volunteer fire departments not to exceed 10 years.

CURRENT LAW: G.S. 160A-11 gives local governments the authority to contract for fire protection services.

BILL ANALYSIS: House Bill 506 authorizes the Town of Weddington to enter into agreements with one or more organized volunteer fire departments for fire protection services. The term of any such agreement may not exceed 10 years. The agreement is enforceable against the Town during the full term of the agreement and may be modified by mutual written consent.

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

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H506-SMTQ-54 E2 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 269*

Short Title:	Salisbury/Deannex Rowan Cty Airport Property.	(Local)
Sponsors:	Senator Brock (Primary Sponsor).	
Referred to:	State and Local Government.	

March 13, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property owned by Rowan County and located in the vicinity of the Rowan County Airport, and identified by Property Identification Number (PIN), is removed from the corporate limits of the City of Salisbury:

PIN# 460 063
460 165
460 184
461 0770000001
461 1870000001
469 063
470 0010000011
470 037
470 042
471 043

SECTION 2. This act has no effect upon the validity of any liens of the City of Salisbury 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 City of Salisbury.

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

SENATE BILL 269:
Salisbury/Deannex Rowan Cty Airport Property

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	April 30, 2013
Introduced by:	Sen. Brock	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 269 would deannex a described area from the corporate limits of the City of Salisbury.

[As introduced, this bill was identical to H260, as introduced by Rep. Ford, which is currently in House 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 governs municipal annexations by creating a statewide statutory process for cities to expand their territories. The General Assembly has not provided a like process for removing territory from a city's jurisdiction — that power remains with the General Assembly and is accomplished by local act.

BILL ANALYSIS: House Bill 260 would deannex 10 parcels totaling 175.2 acres from the City of Salisbury. These parcels are located near or within the Rowan County airport and are owned by Rowan County. The largest parcel, 470 0010000011 (147.90 acres), constitutes the south end of the airport's runway. The north end of the runway is not in the corporate limits of the City.

The act also provides that it does not affect the validity of any liens of the City of Salisbury for outstanding ad valorem taxes or special assessments.

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

Shelly DeAdder contributed substantially to the drafting of this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 372

Short Title:	Omnibus County Legislation.	(Public)
Sponsors:	Senators J. Davis (Primary Sponsor); and Tucker.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A CONSULTATION WITH COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS; AND TO STUDY THE E911 SYSTEM AND ITS RELATIONSHIP WITH LOCAL 911 SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.1(d) reads as rewritten:

"**§ 143-215.1. Control of sources of water pollution; permits required.**

...

(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –

(1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved. Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission. Prior to acting on a permit application for the land application of sludge resulting from operation of a wastewater treatment facility, the Commission shall provide notice and an opportunity for comment from the governing board of the county containing the land application site proposed in the permit application. Local governmental units to whom pretreatment program

authority has been delegated shall establish, maintain, and provide to the public, upon written request, a list of pretreatment applications received.

(2) An applicant for a permit to dispose of petroleum contaminated soil by land application shall give written notice that he intends to apply for such a permit to each city and county government having jurisdiction over any part of the land on which disposal is proposed to occur. The Commission shall not accept such a permit application unless it is accompanied by a copy of the notice and evidence that the notice was sent to each such government by certified mail, return receipt requested. The Commission may consider, in determining whether to issue the permit, the comments submitted by local governments."

SECTION 2. G.S. 136-28.1(b) reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

...

(b) For contracts let to carry out the provisions of this Chapter in which the amount of work to be let to contract for transportation infrastructure construction or repair is ~~one million two hundred thousand dollars ($1,200,000)~~two million five hundred thousand dollars ($2,500,000) or less, and for transportation infrastructure maintenance, excluding resurfacing, that is ~~one million two hundred thousand dollars ($1,200,000)~~two million five hundred thousand dollars ($2,500,000) per year or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened."

SECTION 3.1. There is established the State Payment in Lieu of Taxes Study Commission. The Commission shall consist of 13 members 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 Revenue or the Secretary's designee.

(4) Three members of the public appointed by the Speaker of the House of Representatives based on the recommendation of the North Carolina Association of County Commissioners.

(5) Three members of the public appointed by the President Pro Tempore of the Senate based on the recommendation of the North Carolina Association of County Commissioners.

SECTION 3.2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its members.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

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 Director of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

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 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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 3.3. The Commission shall study issues relating to the development of a State payment in lieu of taxes for State properties, including wildlife and games lands. The Commission may consider any other issues deemed relevant.

SECTION 3.4. The Commission may make an interim report, including any legislative recommendations, to the 2013 Regular Session of the General Assembly when it reconvenes in 2014 and shall submit a final report, including any legislative recommendations, prior to the convening of the 2013 Regular Session of the General Assembly in 2014. The Commission shall terminate upon the filing of its final report or on January 1, 2015, whichever occurs first.

SECTION 4.1. There is established the e911 Study Commission. The Commission shall consist of 13 members 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 Public Safety or the Secretary's designee.

(4) Three members of the public appointed by the Speaker of the House of Representatives based on the recommendation of the North Carolina Association of County Commissioners.

(5) Three members of the public appointed by the President Pro Tempore of the Senate based on the recommendation of the North Carolina Association of County Commissioners.

SECTION 4.2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its members.

Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

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 Director of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

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 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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 4.3. The Commission shall study issues relating to the e911 fee structure, its use to support local 911 activities, and the structure of statewide e911 oversight. The Commission may also consider any other issue that it deems relevant to this study.

SECTION 4.4. The Commission may make an interim report, including any legislative recommendations, to the 2013 Regular Session of the General Assembly when it reconvenes in 2014 and shall submit a final report, including any legislative recommendations, prior to the convening of the 2013 Regular Session of the General Assembly in 2014. The Commission shall terminate upon the filing of its final report or on January 1, 2015, whichever occurs first.

SECTION 5. Section 1 of this act becomes effective July 1, 2013, and applies to land application permit applications received on or after that date. Section 2 of this act becomes effective July 1, 2013, and applies to transportation project bids solicited on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 372
PROPOSED COMMITTEE SUBSTITUTE S372-CSTQ-24 [v.5]
4/29/2013 7:07:18 PM

Short Title: Omnibus County Legislation. (Public)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.1(d) reads as rewritten:

"**§ 143-215.1. Control of sources of water pollution; permits required.**

...

(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –

(1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved. Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission. Prior to acting on a permit application for the land application of waste resulting from the operation of a wastewater treatment facility, the Commission shall provide notice and an opportunity for comment from the governing board of the county in which the site of the land application of waste is proposed to be located. Local governmental units to whom pretreatment program authority has been delegated shall establish, maintain,

and provide to the public, upon written request, a list of pretreatment applications received.

(2) An applicant for a permit to dispose of petroleum contaminated soil by land application shall give written notice that he intends to apply for such a permit to each city and county government having jurisdiction over any part of the land on which disposal is proposed to occur. The Commission shall not accept such a permit application unless it is accompanied by a copy of the notice and evidence that the notice was sent to each such government by certified mail, return receipt requested. The Commission may consider, in determining whether to issue the permit, the comments submitted by local governments."

SECTION 2. G.S. 136-28.1(b) reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

...

(b) For contracts let to carry out the provisions of this Chapter in which the amount of work to be let to contract for transportation infrastructure construction or repair is ~~one million two hundred thousand dollars ($1,200,000)~~two million five hundred thousand dollars ($2,500,000) or less, and for transportation infrastructure maintenance, excluding resurfacing, that is ~~one million two hundred thousand dollars ($1,200,000)~~two million five hundred thousand dollars ($2,500,000) per year or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened."

SECTION 3.1. There is established the State Payment in Lieu of Taxes Study Commission. The Commission shall consist of 13 members 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 Revenue or the Secretary's designee.

(4) Three members of the public appointed by the Speaker of the House of Representatives based on the recommendation of the North Carolina Association of County Commissioners.

(5) Three members of the public appointed by the President Pro Tempore of the Senate based on the recommendation of the North Carolina Association of County Commissioners.

SECTION 3.2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present.

SECTION 3.3. Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

SECTION 3.4. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

SECTION 3.5. 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 Director of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

SECTION 3.6. 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 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

SECTION 3.7. 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 3.8. The Commission shall study issues relating to the development of a State payment in lieu of taxes for State properties, including wildlife and game lands. The Commission may consider any other issues deemed relevant.

SECTION 3.9. The Commission may submit an interim report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives at any time by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Commission shall submit a final report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, prior to the convening of the 2015 General Assembly, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Committee shall terminate upon the convening of the 2015 General Assembly or upon the filing of its final report, whichever occurs first.

SECTION 4. Section 1 of this act becomes effective July 1, 2013, and applies to land application permit applications received on or after that date. Section 2 of this act becomes effective July 1, 2013, and applies to transportation project bids solicited on or after that date. The remainder of this act is effective when it becomes law.

SENATE BILL 372:
Omnibus County Legislation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	April 30, 2013
Introduced by:	Sen. J. Davis	**Prepared by:**	Chris Saunders
Analysis of:	PCS to First Edition S372-CSTQ-24 [v.5]		Committee Counsel

SUMMARY: ***The proposed committee substitute (PCS) to House Bill 458 would (1) require the Environmental Management Commission to provide county boards with notice and an opportunity for comment prior to acting on a permit application for land application of waste; (2) increase the threshold for the Department of Transportation's informal bid process from $1,200,000 to $2,500,000 per year; and (3) establish the State Payment in Lieu of Taxes Study Commission to study issues related to the development of a State payment in lieu of taxes for State properties, including wildlife, game lands, and other issues deemed relevant.***

[As introduced, this bill was identical to H458, as introduced by Rep. McElraft, which is currently in House Transportation.]

CURRENT LAW: Currently, the Environmental Management Commission (EMC) must act on new and renewal permit applications for the land application of waste, and may conduct any necessary inquiries or investigations before acting on a permit application. The EMC is not required to notify the board of the county in which a land application site is proposed to be located prior to acting on the permit application.

For Department of Transportation contracts for transportation infrastructure or repair totaling $1,200,000 per year or less, the Department must solicit at least three informal bids. An informal bid is a bid in writing, received pursuant to a written request, without public advertising.

BILL ANALYSIS: Section 1 of the PCS would require that the EMC, before acting on a permit application for the land application of waste resulting from the operation of a wastewater treatment facility, provide notice and an opportunity for comment to the governing board of the county in which the proposed land application site is located.

Section 2 of the PCS would raise the threshold for the Department of Transportation's informal bid process from $1,200,000 to $2,500,000.

Sections 3.1 through 3.9 of the PCS would establish the State Payment in Lieu of Taxes Study Commission (Commission), directed to study issues relating to developing a State payment in lieu of taxes for State properties, including wildlife and game lands, and any other issues the Commission deems relevant. The Commission may submit an interim report, including any legislative recommendations, at any time, and must submit a final report prior to the convening of the 2015 Regular Session of the General Assembly. The Commission would terminate on the earlier of the filing of the final report or January 1, 2015.

EFFECTIVE DATE: Section 1 of the PCS would become effective July 1, 2013, and would apply to land application permit applications received on or after that date. Section 2 of the PCS would become effective on July 1, 2013, and would apply to transportation project bids solicited on or after that date. The remainder of the PCS would become effective when it becomes law.

O. Walker Reagan
Director



Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, April 30, 2013

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

FAVORABLE

HB **506** Weddington/Fire Dept Agreements.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **269** Salisbury/Deannex Rowan Cty Airport Property.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

First of two reports.

Senator Tommy Tucker will handle HB 506
Senator Andrew Brock will handle SB 269



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, May 01, 2013

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

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

SB **372** Omnibus County Legislation.

Draft Number:	S372-PCS75297-TQ-24
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Second of two reports.

Senator James Davis will handle SB 372



DATE 4/30/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

✓ Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

✓ Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

✓ Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

✓ Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

✓ Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

✓ Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

✓ Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

✓ Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

✓ Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

✓ Erika Churchill
Research Staff
Room 545, LOB 733-2578

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

✓ Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 4-30 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. RaeQuawn Anderson	Wilson, NC	Bryant
2. Odom Williford	Chapel Hill	Nesbitt
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 SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 04/30/13 ROOM: 1124

1. ASHLEY MICKENS
2. ROBERT YOUNG
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/30/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Horake	Troutman Sanders
[illegible]	Ewm
Erin Wynia	NCLM
Sarah Hardin	CTL
Steve Brewer	CTL
Hayden Bourgeois	FSL
Susan Vick	FSB
Laura Orono	FSB
Chris McClure	Brooks Pierce
Mike Smallwood	SOG Daily Bulletin
Will Morgan	TNC
Wendy Kelly	Acting Group

NAME FIRM

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 4/30/13
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Rebecca Tarkington	NCACC
Jon Fetzer	FSP
JIM SIDES	ROWAN COUNTY 130 W. INNES ST SALISBURY NC 28144
Elizabeth Biser	Brooks Pierce
Trey Rabon	AT&T
Vicki Baye	self
Alissa Willett	NCACC
K. Stanley	Sen. McLaurin
Jack Cozort	NSS
[illegible]	NSS

Senate Committee on State and Local Government
Tuesday, May 7, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 288	Wake Board of Commissioners Vacancies.	Senator Barringer Senator Hunt
SB 136	50th Senatorial District Local Act-1.	Senator J. Davis
HB 314	Ayden Charter/Terms of Office Extended.	Representative Martin Representative B. Brown
SB 314	Durham County Water/Wastewater Plant Projects.	Senator McKissick Senator Woodard
SB 315	Durham/Design-Build Delivery Method.	Senator McKissick Senator Woodard
SB 483	Streamline Certain Leases for State Agencies.	Senator Apodaca

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, May 7, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on May 7, 2013 in Room 1124/1224. Eleven members were present.

Senator Jim Davis presided.

Senator J. Davis called the meeting to order, welcomed Committee members, Pages (Donald Kernodle, Burlington, Sen. Berger; John Kernodle, Burlington, Sen. Gunn), visitors, and thanked the Sergeants-at-Arms.

Senate Bill 483 Streamline Certain Leases for State Agencies. Senator Apodaca explained the bill. The bill is an act to streamline the process of leasing space for State Agencies under very limited circumstances. There was no discussion on the bill. Senator Jackson's motion to approve the bill was carried.

Senate Bill 314 Durham County Water/Wastewater Plant Projects. Senator McKissick explained the bill. The bill would permit Durham County to construct water treatment plant and wastewater treatment plant projects without having to comply with specific public contracting requirements. There was no further discussion on the bill. Senator D. Davis' motion to approve the bill was carried.

Senate Bill 315 Durham/Design-Build Delivery Method. Senator McKissick explained the bill. The bill would authorize the City of Durham to utilize the design-build method of construction for a police headquarters and annex facility, two police service centers, and a 911 facility. Senator McLaurin sent forth a technical amendment. The Amendment moves to amend the bill on page one, line eight by deleting "sessions" and substituting "session." D. Davis' motion to roll the amendment into a Committee Substitute Bill (PCS) was carried. Then Senator D. Davis' motion to approve the bill was carried.

House Bill 314 Ayden charter/Terms of Office Extended. Representative Martin explained the bill. The bill extends the terms of office of the Mayor and Board of Commissioners of the Town of Ayden from two-year terms to four-year staggered terms. The bill also provides that the notice of candidacy for office must be filed with the Pitt County Board of Elections. Senator Tarte offered a question. There being no further discussion, Senator D. Davis' motion to approve the bill carried.

Senate Bill 288 Wake Board of Commissioners Vacancies. Senator Barringer explained the bill. The bill is a local act addressing the filling of vacancies on the Wake County Board of Commissioners. Senators D. Davis and McLaurin offered questions and comments. There being no further discussion on the bill, Senator Tucker's motion to approve the bill was carried.

Senator Tommy Tucker assumed the position of Chair, as Sen. J. Davis presented his bill.

Senate Bill 136 Graham Occupancy Tax Changes – Senator Jackson's motions to accept a Proposed Committee Substitute Bill (PCS) was approved. Senator J. Davis explained the bill. The PCS would allow the Graham Board of Commissioners to increase the occupancy tax in Graham County from 3% to 6%. Senator Tarte offered a question. There being no further discussion, Senator Kinnaird's motion to approve the bill with a referral to Finance was carried.

Senator Davis adjourned the meeting at 12:15.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #1: Add SB 483

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 7, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 288	Wake Board of Commissioners Vacancies.	Senator Barringer Senator Hunt
SB 136	50th Senatorial District Local Act-1.	Senator J. Davis
HB 314	Ayden Charter/Terms of Office Extended.	Representative Martin Representative B. Brown
SB 314	Durham County Water/Wastewater Plant Projects.	Senator McKissick Senator Woodard
SB 315	Durham/Design-Build Delivery Method.	Senator McKissick Senator Woodard
SB 483	Streamline Certain Leases for State Agencies.	Senator Apodaca

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 288

Short Title:	Wake Board of Commissioners Vacancies.	(Local)
Sponsors:	Senators Barringer and Hunt (Primary Sponsors).	
Referred to:	Redistricting.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-27.2. Vacancies on the board of commissioners in certain counties.**

(a) This section applies to Wake County only, which is not subject to G.S. 153A-27.

(b) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the vacating member was elected as the nominee of a political party, the board of commissioners shall consult the county executive committee of that party before filling the vacancy. The board shall vote on that nomination within 30 days of its submission, and, if it is not approved, the board shall request that county executive committee to submit another name. The board shall vote on that second nomination within 30 days of its submission, and, if it is not approved, the board may appoint any person eligible under subsection (d) of this section. If the remaining board members are unable to fill the vacancy within 30 days of the failure to approve the second nomination and the vacating member was elected as the nominee of a political party, a special primary election shall be called under subsection (e) of this section.

(c) If the vacancy occurs later than 90 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 90 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated for the remainder of the unexpired term.

(d) To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts.

(e) If a special primary election is required under subsection (b) of this section, the county board of commissioners shall call that special primary election for the purpose of allowing the members of the party with which the vacating member was affiliated when elected to make a recommendation. The special primary election shall be conducted in accordance with Article 10 of Chapter 163 of the General Statutes, except that the county board of elections may, with the approval of the State Board of Elections, set deadlines for filing notices of candidacy and for absentee voting in the special primary election. The date of the special

primary election shall be set by the county board of commissioners but the date shall be governed by G.S. 163-287. Only persons who are affiliated with the party may vote, except that if the party has allowed unaffiliated voters to participate in primary elections of that party under G.S. 163-119 then unaffiliated voters may also participate. No such special primary shall be held, however, if (i) less than 120 days remain in the term of office, or (ii) if the vacancy is being filled for the remainder of the term at the mid-term election under subsection (c) of this section and less than 120 days remain until the date of that election. The county board of commissioners shall immediately upon the certification of the primary returns appoint the winner to serve until the first Monday in December following the next general election which occurs after the date of the vacancy. This subsection applies only if the vacating member was elected as the nominee of a political party.

(g) If the number of vacancies on the board is such that a quorum of the board cannot be obtained for any action under this section, the chairman of the board shall appoint enough members to make up a quorum. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any registered voters of the county."

SECTION 2. This act is effective when it becomes law but only applies to vacancies occurring on or after that date.

SENATE BILL 288:
Wake Board of Commissioners Vacancies

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 7, 2013
Introduced by:	Sens. Barringer, Hunt	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 288 is a local act addressing the filling of vacancies on the Wake County Board of Commissioners.***

BILL ANALYSIS: Senate Bill 288 addresses vacancies on the Wake County Board of Commissioners.

If a vacancy occurs on the board of commissioners, the remaining members of the board must appoint someone to fill the vacancy. If the vacating member was elected as the nominee of a political party, the board of commissioners must consult the county executive committee of that party before filling the vacancy. The board must vote on that nomination within 30 days of its submission.

If it is not approved, the board must request that county executive committee to submit another name. The board must vote on that second nomination within 30 days of its submission. If it is not approved, the board may appoint any eligible person. To be eligible, a person must (i) be a member of the same political party as the member being replaced (if the member was elected as the nominee of a party) and (ii) be a resident of the same district as the member being replaced, if the county is divided into districts.

If the remaining board members are unable to fill the vacancy within 30 days of the failure to approve the second nomination and the vacating member was elected as the nominee of a political party, a special primary election shall be called.

If a special primary election is required, the county board of commissioners must call that special primary election for the purpose of allowing the members of the party with which the vacating member was affiliated when elected to make a recommendation. With the approval of the State Board of Elections, the county board of elections may set deadlines for filing notices of candidacies and for absentee voting. Only persons affiliated with the party may participate in the primary election unless the party has allowed unaffiliated voters to participate. No special primary shall be held if: (1) less than 120 days remain in the term of office, or (ii) if the vacancy is being filled for the remainder of the term at the mid-term election and less than 120 days remain until the date of that election.

If the number of vacancies leads to a lack of a quorum of the board, the chairman of the board must appoint enough members to make up a quorum. If the number of vacancies leads to a lack of a quorum and the office of chairman is vacant, the clerk of superior court of the county must fill the vacancies upon the request of any remaining member of the board or upon the petition of any registered voters.

EFFECTIVE DATE: The act is effective when it becomes law, but only applies to vacancies occurring on or after that date. The act applies to Wake County only.

BACKGROUND: S.L. 1981-763 called for a special primary election if the Wake County Board of Commissioners rejected the nomination of a party to fill a vacancy. S.L. 2011-126 repealed this provision and placed Wake County under the general law in which the appointing authority has discretion to make the appointment without being bound by the recommendation of the executive

committee of the party. Senate Bill 288 would once again allow a special primary election in some circumstances.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 136
PROPOSED COMMITTEE SUBSTITUTE S136-CSSTx-50 [v.1]

5/3/2013 11:37:28 AM

Short Title: Graham Occupancy Tax Changes. (Local)

Sponsors:

Referred to:

February 27, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF GRAHAM COUNTY TO LEVY AN OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection 1(a) of Chapter 969 of the 1985 Session Laws (Regular Session 1986), as it applies to Graham County, reads as rewritten:

"Occupancy Tax. (a) Authorization and Scope. The board of commissioners of a county may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy tax of ~~three percent (3%)~~six percent (6%) 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 county that is subject to sales tax imposed by the State under G.S. 105-164.4(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."

SECTION 2. This act applies to Graham County only.

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

SENATE BILL 136:
Graham Occupancy Tax Changes.

2013-2014 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	**Date:**	May 7, 2013
Introduced by:	Sen. J. Davis	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	PCS to First Edition S136-CSSTx-50 [v.1]		

SUMMARY: The Proposed Committee Substitute (PCS) for Senate Bill 136 would allow the Graham County Board of Commissioners to increase the occupancy tax in Graham County from 3% to 6%.

CURRENT LAW: Pursuant to Chapter 969 of the 1985 Session Laws, the Graham County Board of Commissioners may, after 10 days' public notice and a public hearing, may adopt a resolution to levy an occupancy tax of 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 county that is subject to sales tax imposed by the State under G.S. 105-164.4(3).

BILL ANALYSIS: The PCS to Senate Bill 136 would allow the Graham County Board of Commissioners to adopt a resolution to increase the occupancy tax to 6% of the gross receipts, subject to the 10 days' public notice and public hearing requirements.

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

O. Walker Reagan
Director

S136-SMTQ-61 CSSTX-50 -V4

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 314*

Short Title:	Ayden Charter/Terms of Office Extended.	(Local)
Sponsors:	Representatives Martin and B. Brown (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

March 18, 2013

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Ayden, being Chapter 79 of the 1965 Session Laws, as amended by Chapter 590 of the 1967 Session Laws, Chapter 287 of the 1969 Session Laws, Chapter 579 of the 1969 Session Laws, and Chapter 98 of the 1971 Session Laws, reads as rewritten:

"THE CHARTER OF THE TOWN OF AYDEN

...

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

...

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The mayor and members of the board of commissioners shall serve for terms of ~~two~~ 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.

...

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular Municipal Elections. ~~The regular municipal elections shall be held on the first Tuesday after the Monday in May of each year. In each even-numbered year, there shall be elected by the qualified voters of the town voting at large a mayor and a commissioner from each even-numbered ward established in accordance with Section 4.6 of this Article, but in no case less than two. In each odd-numbered year, there shall be elected by the qualified voters of the town voting at large a commissioner from each odd-numbered ward established in accordance with Section 4.6 of this Article, but in no case less than three.~~ Except as provided in this section, regular municipal elections shall be held in the Town every four years and shall be conducted in accordance with the uniform municipal elections laws of North Carolina. Beginning in 2013, there shall be elected by the qualified voters of the Town voting at-large a mayor and a commissioner from Ward No. 1 and Ward No. 2, who shall each serve for a term of two years, and a commissioner from Ward No. 3, Ward No. 4, and Ward No. 5, who shall each serve for a term of four years. In 2015, and quadrennially thereafter, a mayor and a commissioner from Ward No. 1 and Ward No. 2 shall be elected to four-year terms. In 2017, and quadrennially thereafter, a commissioner from Ward No. 3, Ward No. 4, and Ward No. 5

shall be elected to four-year terms. In addition, all offices to which appointments have been made due to vacancies shall be filled by election for the unexpired terms in the regular municipal elections. All municipal elections shall be nonpartisan elections.

...

"Sec. 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of mayor or commissioner shall file a notice of candidacy with the Pitt County Board of Elections as provided in G.S. 163-294.2.~~town manager a written statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty days nor later than ten days prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of Five Dollars ($5.00), and shall be substantially in the following form: "I, _____, do hereby give notice that I am a candidate for election to the office of (Mayor) (Commissioner, Ward _____) to be voted on at the election to be held on _____, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Ayden, Ward _____, residing at _____.~~

~~Signature: _____~~

~~Date: _____~~

~~Witness: _____."~~

...."

SECTION 2. The Town Attorney of the Town of Ayden shall submit this act to the Attorney General of the United States 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 this act is not so submitted, the Attorney General of North Carolina shall submit it under G.S. 120-30.9I.

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

HOUSE BILL 314:
Ayden Charter/Terms of Office Extended

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 7, 2013
Introduced by:	Reps. Martin, B. Brown	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 314 extends the terms of office of the Mayor and Board of Commissioners of the Town of Ayden from two-year terms to four-year staggered terms. The bill also provides that the notice of candidacy for office must be filed with the Pitt County Board of Elections.

[As introduced, this bill was identical to S272, as introduced by Sens. D. Davis, Pate, which is currently in Senate State and Local Government.]

CURRENT LAW:

Terms of Office: Currently, the Mayor of the Town of Ayden and the Ayden Board of Commissioners are elected for two-year terms.

Filing of Candidates: Notices of candidacy must be filed with the town manager.

BILL ANALYSIS:

Terms of Office: House Bill 314 would extend the term of office for the Mayor and the Board of Commissioners to four-year staggered terms. Elections would be held biennially.

Filing of Candidates: House Bill 314 would require notices of candidacy to be filed with the Pitt County Board of Elections, as provided in G.S. 163-294.2.

EFFECTIVE DATE: This act is effective when it becomes law. The Town Attorney of the Town of Ayden must submit the changes in this act for preclearance under Section 5 of the Voting Rights Act within 30 days of the act becoming law.

BACKGROUND: The Town of Ayden Board of Commissioners adopted a resolution on February 11, 2013, requesting that the General Assembly extend the terms for the Mayor and Board of Commissioners from two years to four years. (Resolution No. 12-13-16).

Kelly Quick contributed substantially to the drafting of this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 314

Short Title:	Durham County Water/Wastewater Plant Projects.	(Local)
Sponsors:	Senators McKissick and Woodard (Primary Sponsors).	
Referred to:	State and Local Government.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. The County of Durham may contract for the design and construction or design, construction, and operation of water treatment and wastewater treatment plant projects for the purpose of providing services throughout Durham County 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, if deemed appropriate by the Durham County Board of Commissioners, the use of the single-prime contractor method of design and construction, the design-build or design-build operate method of construction, or a request for proposals and negotiation as an alternative design and construction method.

SECTION 2. The County of Durham shall obtain proposals from and interview at least three design-build teams, or design-build operate teams, as appropriate, that have submitted proposals for a water treatment plant or wastewater treatment project. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the County may proceed with the proposals received. The Board of Commissioners shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance cost of the project, the technical merits of the proposal, including, but not limited to, reliability and protection of the environment, and any other factors and information set forth in the request for proposals that the County determines to have a material bearing on the ability to evaluate any proposal.

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

SENATE BILL 314: Durham County Water/Wastewater Plant Projects

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 7, 2013
Introduced by:	Sens. McKissick, Woodard	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 314 would permit Durham County to construct water treatment plant and wastewater treatment plant projects without having to comply with specific public contracting requirements.***

BILL ANALYSIS:

Section 1 permits Durham County to contract for the design, construction, and operation of water treatment and wastewater treatment plant projects without being subject to various provisions of Article 8 of Chapter 143 of the General Statutes (Public Contracts). It also permits the use of the single prime contractor method of design and construction, the design-build or design-build operate method of construction, or a request for proposals and negotiation as an alternative design and construction method.

Section 2 requires Durham County to obtain proposals from and interview at least three design-build teams or design-build operate teams that have submitted proposals for a water treatment plant or wastewater treatment project. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the County may proceed with the proposals received. The Board of Commissioners must award the contract to the best qualified contractor. It must consider the time of completion of the project, the capital and operation and maintenance cost of the project, and the technical merits of the proposal, including reliability and protection of the environment.

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

O. Walker Reagan
Director

S314-SMRN-55 E1 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 315

Short Title:	Durham/Design-Build Delivery Method.	(Local)
Sponsors:	Senators McKissick and Woodard (Primary Sponsors).	
Referred to:	State and Local Government.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter VI of the Charter of the City of Durham, being Chapter 671 of the 1975 Sessions Laws, as amended, is amended by adding a new section to read as follows:

"Sec. 85.1. Utilization of design-build delivery methods. (a) The City may award contracts for the design and construction of a police headquarters and annex facility, two police service centers, and a 911 facility without being subject to the requirements of G.S. 133-1, 133-2, or 133-3, the provisions of Article 3D of Chapter 143 of the General Statutes, and Article 8 of Chapter 143 of the General Statutes. The authorization granted in this section 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 city shall obtain proposals from at least three design-build teams for the projects authorized under subsection (a) of this section. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the City may proceed with the proposals received. In evaluating the proposals received, the City may pay the same fixed stipend to short-listed design-build teams for preparation of additional, technical proposals if necessary to advance the contract award process. The evaluation of design-build teams and the proposals shall not be exempt from the requirements of the City's Equal Business Opportunity Program Ordinance, created pursuant to the authority granted in Section 84.1 of this Charter, to establish minority and women business participation goals.

(c) The City Council shall award the contract to the best qualified design-build team, 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 proposal that the City determines to have a material bearing on the ability to evaluate any proposal."

SECTION 2. If any portion 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 applications, and to this end the provisions of this act are severable.

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



SENATE BILL 315:
Durham/Design-Build Delivery Method

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 7, 2013
Introduced by:	Sens. McKissick, Woodard	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 315 would authorize the City of Durham to utilize the design-build method of construction for a police headquarters and annex facility, two police service centers, and a 911 facility.***

CURRENT LAW: G.S. 133-1, 133-2, and 133-3 generally prohibit architects, engineers, or other individuals providing design services for any public works from unduly favoring specific suppliers of building materials, equipment, or other items.

Article 3D of Chapter 143 governs public procurement of architectural, engineering, and surveying services. Article 8 of Chapter 143 sets out the current general law for public building contracts. That Article generally requires separate or single-prime bidding.

BILL ANALYSIS: Senate Bill 315 would exempt the City of Durham from the application of the statutes that regulate relationships between architects, engineers, or designers and building materials manufacturers, and the statutes that require or imply separate or single-prime bidding with regard to awarding contracts for the design and construction of a police headquarters and annex facility, two police service centers, and a 911 facility. The bill would require the city to obtain proposals from at least three design-build teams for each of the four projects. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, the City may proceed with the proposals received. The bill would require the City Council to award the contract to the best qualified design-build team, considering the completion time 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 proposal that the City determines to have a material bearing on the ability to evaluate any proposal."

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

O. Walker Reagan
Director

S315-SMTQ-62 E1 -V4

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE May 7, 2013

S. B. No. 315 Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) McLaurin
Sen.)

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

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "Sessions" and

4

5 substituting "Session"

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SIGNED _____

ADOPTED X FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 483

Short Title:	Streamline Certain Leases for State Agencies.	(Public)
Sponsors:	Senators Apodaca (Primary Sponsor); and Meredith.	
Referred to:	State and Local Government.	

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO STREAMLINE THE PROCESS OF LEASING SPACE FOR STATE AGENCIES UNDER VERY LIMITED CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 146-25.1 reads as rewritten:

"**§ 146-25.1. Proposals to be secured for leases.**

(a) If pursuant to G.S. 146-25, the Department of Administration determines that it is in the best interest of the State to lease or rent land and the rental is estimated to exceed twenty-five thousand dollars ($25,000) per year or the term will exceed three years, the Department shall require the State agency desiring to rent land to prepare and submit for its approval a set of specifications for its needs. Upon approval of specifications, the Department shall prepare a public advertisement. The State agency shall place such advertisement in a newspaper of general circulation in the county for proposals from prospective lessors of said land and shall make such other distribution thereof as the Department directs. The advertisement shall be run for at least five consecutive days, and shall provide that proposals shall be received for at least seven days from the date of the last advertisement in the State Property Office of the Department. The provisions of this section do not apply to property owned by governmental agencies and leased to other governmental agencies.

(b) The Department may negotiate with the prospective lessors for leasing of the needed land, taking into account not only the rental offered, but the type of land, the location, its suitability for the purposes, services offered by the lessor, and all other relevant factors. In the event either no proposal or no acceptable proposal is received after advertising in accordance with subsection (a) of this section, the Department may negotiate in the open market for leasing of the needed land.

(c) The Department of Administration shall present the proposed transaction to the Council of State for its consideration as provided by this Article. In the event the lowest rental proposed is not presented to the Council of State, that body may require a statement of justification, and may examine all proposals.

(d) Subsections (a) and (b) of this section shall not apply to any potential lease if all of the following conditions are satisfied:

(1) The lease would constitute a renewal or an extension of an existing lease involving the same State agency, same leased property, and same terms, except that the length of the renewal or extension is not required to be the same.

(2) The lease renewal or extension would be for a term not to exceed three years.

(3) A bill has been introduced in at least one chamber of the current General Assembly that includes language appropriating funds and that if enacted would provide sufficient land for the State agency so that the lease at issue would no longer need to continue."

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, May 07, 2013

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

FAVORABLE

HB **314** Ayden Charter/Terms of Office Extended.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **288** Wake Board of Commissioners Vacancies.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **314** Durham County Water/Wastewater Plant Projects.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **483** Streamline Certain Leases for State Agencies.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

First of two reports.



Senator Donald Davis will handle HB 314
Senator Tamara Barringer will handle SB 288
Senator Floyd McKissick will handle SB 314
Senator Tom Apodaca will handle SB 483



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, May 07, 2013

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

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

SB	315	Durham/Design-Build Delivery Method.	
		Draft Number:	S315-PCS75310-TQ-32
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Two of Three

Senator Floyd McKissick will handle SB 315



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, May 07, 2013

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

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

SB **136** 50th Senatorial District Local Act-1.

Draft Number:	S136-PCS75313-STx-50
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Three of three reports

Senator James Davis will handle SB 136



DATE 5 | 7 | 13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

✓ Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

✓ Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

✓ Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

✓ Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

✓ Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

✓ Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

✓ Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

✓ Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

✓ Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

✓ Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

✓ Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

✓ Erika Churchill
Research Staff
Room 545, LOB 733-2578

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

✓ Chris Saunders
Research Staff
Room 545, LOB 733-2578

Senate State and Local Government Committee

May 7, 2013

Sergeants-at-Arms

Spann, Ronald
Young, Robert
Mickens, Ashley

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 5-7 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Donald Kernodle	Burlington	Berger
2. John Ange Kernodle	Burlington	Gunn
3.		
4.		
5.		
6.		
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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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 5/7/13
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Lindh	DENR - 217 W. Jones St.
Cindy Hanes	DENR
Chris Agnes	DOJ
John Webb	DOA
Joseph Pearce	County of Durham
Glen Whitley	County of Durham
Deborah Craig-Roe	County of Durham
Dave Simpkins	CCPCC
Erin Wynia	NCLM

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 5/7/13
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Scott K. Warren	Wake County Attorney, Raleigh
~~Rule~~ JERRY COHEN	NCGA Staff
Susanna Davis	Williams Mullen
Audra Daniel	General Public
Karmisha Wallace	City of Durham
FRED LAMAR	CITY OF DURHAM / CITY ATTORNEY OFFICE
JOEL REITZER	CITY OF DURHAM / GEN'L SERVICES
Jina Propst	City of Durham / General Services
Mike Smallwood	SOL
Benton Albritton	ABC Carolinas
Mia Bailey	Electricities

Senate Committee on State and Local Government
Tuesday, May 14, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 226	22nd Senatorial District Local Act-1.	Senator Woodard
SB 257	Alamance/Guilford County Boundary.	Senator Gunn
SB 211	Cities/Public Nuisance Notice.	Senator Parmon
		Senator Brunstetter

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, May 14, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on May 14, 2013 in Room 1124/1224. Nine members were present.

Senator Tommy Tucker presided.

Senator Tucker called the meeting to order, welcomed Committee members, Pages (Amon McEacheth, Goldsboro, Sen. D.Davis; Jamario Williams, Henderson, Sen. Bryant; Faith Coleman, Wake Forest, Sen. Barefoot; Nicholas Couchell, Matthews, Sen. Rucho; Elijah Hamilton, Apex, Sen. Clodfelter; Cassie Burk, Cornelius, Sen. Tarte), visitors, and thanked the Sergeants-at-Arms.

Senate Bill 226 Repeal 1935 Durham Co. Firearm Act – Senator J. Davis' motion to accept the Proposed Committee Substitute (PCS) was carried. Senator Woodard explained the PCS. The Proposed Committee Substitute would repeal a 1935 Durham County Local Act concerning registration of pistols and similar firearms. There was no discussion on the bill. Senator D.Davis' motion to approve the PCS was carried.

Senate Bill 257 Alamance/Guilford County Boundary– Senator Pate's motion to accept the Proposed Committee Substitute (PCS) was carried. Senator Gunn explained the PCS. The Proposed Committee Substitute would enable the transition of properties of the area along their common boundary between Alamance County and Guilford County by requiring a survey of the boundary line between the counties. Senators Pate and Wade offered questions; Gerry Cohen, Special Counsel, offered explanations. There being no further discussion Senator Pate's motion to approve the PCS was carried.

Senate Bill 211 Cities/Public Nuisance Notice – Senator Parmon explained the bill. The bill would amend G.S. 160A-200.1 to allow municipalities to serve notice of remedial action against chronic violators of public nuisance ordinances by regular mail in addition to registered or certified mail.Senators Nesbitt and Wade offered questions and comments; Gerry Cohen, Special Counsel, offered explanations. There being no further discussion Senator J. Davis' motion to approve the bill was carried.

Senator Tucker adjourned the meeting at 12:13.

Senator Tommy Tucker, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #2: Add 257

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 14, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
SB 226	22nd Senatorial District Local Act-1.	Senator Woodard
SB 257	Alamance/Guilford County Boundary.	Senator Gunn
SB 211	Cities/Public Nuisance Notice.	Senator Parmon
		Senator Brunstetter

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 226

Short Title:	22nd Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Woodard (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

March 7, 2013

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 22nd Senatorial District.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 226
PROPOSED COMMITTEE SUBSTITUTE S226-CSRW-10 [v.3]

5/13/2013 5:34:04 PM

Short Title: Repeal 1935 Durham Co. Firearm Act. (Local)

Sponsors:

Referred to:

March 7, 2013

A BILL TO BE ENTITLED

AN ACT TO REPEAL A 1935 DURHAM COUNTY LOCAL ACT CONCERNING FIREARM REGISTRATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 157, Public-Local Laws of 1935, is repealed.

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

SENATE BILL 226:
Repeal 1935 Durham Co. Firearm Act.

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 14, 2013
Introduced by:	Sen. Woodard	**Prepared by:**	Chris Saunders
Analysis of:	PCS to First Edition S226-CSRW-10 [v.1]		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute (PCS) for Senate Bill 226 would repeal a 1935 Durham County local act concerning registration of pistols and similar firearms.***

CURRENT LAW: **Chapter 157 of the 1935 Public-Local Laws** requires any person owning or possessing a pistol, revolver, short-arm machine gun, or submachine gun ("handgun") in Durham County to register the handgun with the Clerk of Superior Court of Durham County within ten days of the purchase or transfer. The sale or transfer of a handgun must be registered within five days of the sale or transfer. The failure to register a handgun is a misdemeanor, the failure to report any handgun mortgaged or promised for the purpose of obtaining a loan, or altering or destroying any identifying mark on a handgun are all misdemeanors. Unregistered pistols or similar firearms are subject to confiscation by law enforcement, but can be retrieved if the owner obtains a registration within ten days of the confiscation. Upon arraignment for trial of any person for committing or attempting to commit a felony, any handguns in the possession or custody of that person will be confiscated and destroyed, whether registered or unregistered.

Under **State law**, there is no requirement to register a handgun or notify any public official. Only a permit to purchase a handgun is required. It is illegal for an individual to own a submachine gun in North Carolina pursuant to G.S. 14-409, with very limited exceptions.

BILL ANALYSIS: The PCS would repeal Chapter 157 of the 1935 Public-Local Laws, which would make Durham County subject to State law concerning registration of handguns.

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

BACKGROUND: Chapter 66 of the 1937 Session Laws amended Chapter 157 of the 1935 Public-Local Laws to make that law apply to both Durham and Alamance Counties. Chapter 504 of the 1951 Session Laws then repealed its application. Durham County is the only county in the State that requires registration of handguns.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 257

Short Title:	Alamance/Guilford County Boundary.	(Local)
Sponsors:	Senator Gunn (Primary Sponsor).	
Referred to:	State and Local Government.	

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO FURTHER DEFINE THE BOUNDARY LINE BETWEEN ALAMANCE AND GUILFORD COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section II of Chapter XXIV, Laws of 1770 (Royal Assent granted by Governor Tryon, January 26, 1771), the boundary line between Alamance County and Guilford County shall be as follows:

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S D

SENATE BILL 257
PROPOSED COMMITTEE SUBSTITUTE S257-CSST-61 [v.2]

5/13/2013 9:22:32 PM

Short Title: Alamance/Guilford County Boundary. (Local)

Sponsors:

Referred to:

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO ENABLE THE TRANSITION OF PROPERTIES OF THE AREA ALONG THEIR COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND GUILFORD COUNTY BY REQUIRING A SURVEY OF THE BOUNDARY LINE BETWEEN THE COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. The county commissioners of Alamance County and Guilford County shall request that the North Carolina Geodetic Survey (hereinafter "NCGS") perform a preliminary resurvey and present a proposed map for consideration by both counties, as the exact location of the surveyed boundary line between the two counties has become uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections.

SECTION 2. The General Assembly recognizes the difficulties in addressing these issues and authorizes Alamance County and Guilford County to maintain the current taxing, elections, education, and any other recognized government functions in place until July 1, 2014.

SECTION 3. Alamance County and Guilford 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.

SECTION 4. Upon the conclusion of the survey and petition process established in Section 3 of this act, and no later than May 15, 2014, Alamance County and Guilford County shall submit to the North Carolina General Assembly for ratification a completed survey that includes both the North Carolina Geodetic Survey line and all mutually agreed upon modifications thereto.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 211

Short Title:	Cities/Public Nuisance Notice.	(Public)
Sponsors:	Senators Parmon, Brunstetter (Primary Sponsors); and Meredith.	
Referred to:	State and Local Government.	

March 7, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCES BY REGULAR MAIL AND POSTING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-200.1 reads as rewritten:

"**§ 160A-200.1. Annual notice to chronic violators of public nuisance ordinance.**

A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance."

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

SENATE BILL 211:
Cities/Public Nuisance Notice

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	May 13, 2013
Introduced by:	Sens. Parmon, Brunstetter	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 211 amends G.S. 160A-200.1 to allow municipalities to serve notice of remedial action against chronic violators of public nuisance ordinances by regular mail in addition to registered or certified mail.***

CURRENT LAW:

Currently, notice shall be served to a chronic violator of a county or municipal public nuisance ordinance by registered or certified mail, and may not be served by regular mail. G.S. 153A-140.2 and G.S. 160A-200.1.

BILL ANALYSIS: The bill amends the municipal statutes to provide that when a chronic violator of a municipal public nuisance ordinance is notified that the municipality is taking action against the property, the initial annual notice may be sent by registered or certified mail. The city may also send the notice by regular mail at that time. Service is sufficient if the copy sent by regular mail is not returned by the post office within 10 days after the mailing, but the registered or certified service is unclaimed or refused. When notice is served by regular mail, a copy of the notice must be posted in a conspicuous place on the affected property.

The bill does not amend the county statutes with respect to notice of public nuisance ordinance violations.

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

O. Walker Reagan
Director

S211-SMST-66 E1 -V2

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, May 14, 2013

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

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

SB **226** 22nd Senatorial District Local Act-1.

Draft Number:	S226-PCS85226-RW-10
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Second of three reports.

Senator J. Woodard will handle SB 226



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, May 14, 2013

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

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

SB **257** Alamance/Guilford County Boundary.

Draft Number:	S257-PCS75326-ST-61
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Last of three reports.

Senator Richard Gunn will handle SB 257.



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, May 14, 2013

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

FAVORABLE

SB **211** Cities/Public Nuisance Notice.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

First of two or more reports.

Senator Earline Parmon will handle SB 211



MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Don Davis
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Senator Jeff Tarte
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Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 05/14/13 ROOM: 1024

1. ASHLEY MICKENS
2. KEN KIRBY
3. BILLY FRITSCHER
4. _____
5. _____
6. _____

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 5-14 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Amon McEachern	Goldsboro	D. Davis
~~Dillon Phillips~~	~~Louisburg~~	~~Barefoot~~
2. Jamario Williams	Henderson	Bryant
3. Faith Coleman	Wake Forest	Barefoot
4. Nicholas Couchell	Matthews	Rucho
5. Elijah Hamilton	~~Apex~~	Clodfelter
6. Cassie Burk	Cornelius	Tarte
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 5/14/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Keith Richardson	City of Charlotte
Penny Hamilton	Advocacy Gov.
Mike Terrell	UNCG

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 5/14/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Steven Webb	NCHBA
Lindsay Robinson	NCHBA

Senate Committee on State and Local Government
Tuesday, June 4, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 143	Eden Payment in Lieu of Taxes.	Representative Jones
HB 261	Kannapolis/Deannexation.	Representative Ford
HB 302	Repeal Kannapolis Annexation.	Representative Ford
HB 409	Shelby Deannexation.	Representative T. Moore
HB 412	Eden/Duke Energy/Annexation Agreement.	Representative Jones
HB 421	Marshville Deannexation.	Representative Brody
HB 567	Lumberton Deannexation.	Representative Waddell Representative C. Graham Representative Goodman Representative Pierce
HB 526	Chadbourn Voluntary Annexation.	Representative Waddell

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, June 4, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 4, 2013 in Room 1124/1224 of the Legislative Building. Thirteen members were present.

Senator Jim Davis presided.

Senator J. Davis called the meeting to order, welcomed Committee members, Pages (Lilly Kinney, Reidsville, Sen. Berger; Haley Webb, Summerfield, Sen. Berger; Grace Replogle, Raleigh, Sen. Stein; Max Toney, Reidsville, Sen. Berger; Alex Hale, Eden, Sen. Berger; Anjan Sapasbetty, Cary, Jackson), visitors, and thanked the Sergeants-at-Arms.

House Bill 143 Eden Payment in Lieu of Taxes – Representative Jones explained the bill. The bill would authorize the City of Eden to agree by contract not to annex two described tracts and, accept payment in lieu of taxes as part of the agreement. There being no discussion on the bill, Senator Tucker's motion to approve the bill with referral to Finance was carried.

House Bill 412 Eden/Duke Energy/Annexation Agreement – Representative Jones explained the bill. The bill would authorize the City of Eden to agree by contract not to annex two described tracts, and accept payment in lieu of taxes as part of the agreement. Senators Tucker and D. Davis offered questions; Chris Saunders (Research) and Kathy Hawkins representing Duke Energy spoke on the bill. There being no further discussion, Senator Walters' motion to approve the bill with referral to Finance was carried.

House Bill 261 Kannapolis/Deannexation – Senator Tucker's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Ford explained the bill. The PCS would deannex 1.85 acre tract from the City of Kannapolis and add the tract to the City of Landis. There being no discussion on the bill, Senator Hartsell's motion to approve the PCS with referral to Finance was carried.

House Bill 302 Repeal Kannapolis Annexation – Representative Ford explained the bill. The bill would repeal S.L. 2009-113 that placed the Southland Development property (approximately 327 acres) in the City of Kannapolis. There was no discussion on the bill. Senator Hartsell's motion to approve the bill with referral to Finance was carried.

House Bill 421 Marshville Deannexation – Senator Walter's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Brody explained the bill. The PCS would deannex 118.95 acres from the Town of Marshville. The PCS changes the effective date to June 30, 2013. There being no discussion on the bill, Senator McLaurin's motion to approve the PCS with referral to Finance was carried.

House Bill 567 Lumberton Deannexation – Senator Wade's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Senator Walters explained the bill. The PCS would deannex two tracts from the City of Lumberton. The PCS changes the effective date to June 30, 2013. There being no discussion on the bill, Senator Wade's motion to approve the PCS with referral to Finance was carried.

House Bill 526 Chadbourn Voluntary Annexation – Senator D. Davis' motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Senator Walters explained the bill. The PCS would annex 39.63 acres as a satellite parcel into the Town of Chadbourn. There being no discussion on the bill, Senator Wade's motion to approve the PCS with referral to Finance was carried.

The meeting adjourned at 12:11 PM

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk
Reading Clerk

Corrected #2: Add HB 526, HB 567

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 4, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 143	Eden Payment in Lieu of Taxes.	Representative Jones
HB 261	Kannapolis/Deannexation.	Representative Ford
HB 302	Repeal Kannapolis Annexation.	Representative Ford
HB 409	Shelby Deannexation.	Representative T. Moore
HB 412	Eden/Duke Energy/Annexation Agreement.	Representative Jones
HB 421	Marshville Deannexation.	Representative Brody
HB 567	Lumberton Deannexation.	Representative Waddell Representative C. Graham Representative Goodman Representative Pierce
HB 526	Chadbourn Voluntary Annexation.	Representative Waddell

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

HOUSE BILL 143:
Eden Payment in Lieu of Taxes

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 4, 2013
Introduced by:	Rep. Jones	**Prepared by:**	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 143 authorizes the City of Eden to agree by contract not to annex two described tracts and accept payment in lieu of taxes as part of the agreement.***

CURRENT LAW: Article 4A of Chapter 160A of the General Statutes governs annexation by cities, including voluntary annexation by petition, voluntary satellite annexation, and municipal initiated annexation subject to referendum.

S.L. 1993-418 and S.L. 2002-74 authorized the City of Eden, by contract, to provide that certain property described in the contract would not be annexed by the City prior to December 31, 2013, and that the City could accept, as consideration for the contract, payments in lieu of taxes.

BILL ANALYSIS: House Bill 143 authorizes the City of Eden, by contract, to provide that two described tracts (the Miller Brewing Company Tracts I and II) may not be annexed by the City prior to December 31, 2038, and that the City may accept, as consideration for the contract, payments in lieu of taxes.

House Bill 143 does not affect the validity of the prior session law governing annexation agreements by the City of Eden, enacted as S.L. 2002-74.

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

BACKGROUND: Other prior legislation authorizing *payment in lieu of taxes* annexation agreements: City of Eden S.L. 1993-418; City of Washington S.L. 1993-713; Town of Stanley S.L. 1993-713; City of Belmont S.L. 1997-105; City of Hendersonville S.L. 1997-188; Town of Laurel Park S.L. 1997-188; Town of Huntersville S.L. 1997-426; Town of Huntersville S.L. 2000-100; Town of Weldon S.L. 2001-425; City of Eden S.L. 2002-74; City of Eden S.L. 2003-316; Town of Navassa S.L. 2007-314; Town of Robbins S.L. 2009-294.

Giles Perry, Counsel to House Government, contributed substantially to this summary.

O. Walker Reagan
Director

H143-SMRN-8D E2 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 143
Second Edition Engrossed 5/1/13

Short Title:	Eden Payment in Lieu of Taxes.	(Local)
Sponsors:	Representative Jones (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government, if favorable, Finance.	

February 25, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Eden may, by contract, provide that certain property described in the contract may not be annexed by the City under Article 4A of Chapter 160A of the General Statutes prior to December 31, 2038. Nothing in this act impairs the right of the General Assembly to annex any such property by specific local act.

~~**SECTION 2.** The City of Eden may accept, as consideration for such contract,~~ "payments in lieu of taxes."

SECTION 3. Payments in lieu of taxes under this act shall be annually computed based upon the tax valuations of the properties subject to contracts under Section 1 of this act as determined by the Rockingham County Tax Department, with the formula for making the computation being stated in each contract.

SECTION 4. Contracts under Section 1 of this act apply only to the following described properties: Miller Brewing Company TRACTS I and II as described in Section 4 of S.L. 2002-74, which descriptions are incorporated by reference in this act.

SECTION 5. This act does not affect the validity of S.L. 2002-74 which restricted certain annexations by the City of Eden through December 31, 2013.

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

HOUSE BILL 412:
Eden/Duke Energy/Annexation Agreement

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 4, 2013
Introduced by:	Rep. Jones	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 412 authorizes the City of Eden to agree by contract not to annex two described tracts, and accept payment in lieu of taxes as part of the agreement.***

CURRENT LAW: Article 4A of Chapter 160A of the General Statutes governs annexation by cities, including voluntary annexation by petition, voluntary satellite annexation, and municipal initiated annexation subject to referendum.

S.L. 1993-418 and S.L. 2002-74 authorized the City of Eden, by contract, to provide that certain property described in the contract would not be annexed by the City prior to December 31, 2013, and that the City could accept, as consideration for the contract, payments in lieu of taxes.

BILL ANALYSIS: House Bill 412 authorizes the City of Eden, by contract, to provide that two described tracts (the Dan River Plant Property - Duke Energy tracts) may not be annexed by the City between January 1, 2014, and December 31, 2019, and that the City may accept, as consideration for the contract, payments in lieu of taxes.

The bill specifies that the City of Eden will accept one million dollars as payment in lieu of taxes for the five year period of the agreement. Duke Energy must make annual payments of $200,000 during the course of the agreement.

The bill also provides that (1) the City of Eden shall not seek to repeal this act if it is approved by the General Assembly, (2) the agreement is consistent with public policy of the State, (3) the agreement is binding on current and future members of the City Council of Eden, and (4) the parties may modify the agreement without approval of the General Assembly as long as the modification does not materially alter the concept of the agreement.

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

BACKGROUND: Other prior legislation authorizing *payment in lieu of taxes* annexation agreements: City of Eden S.L. 1993-418; City of Washington S.L. 1993-713; Town of Stanley S.L. 1993-713; City of Belmont S.L. 1997-105; City of Hendersonville S.L. 1997-188; Town of Laurel Park S.L. 1997-188; Town of Huntersville S.L. 1997-426; Town of Huntersville S.L. 2000-100; Town of Weldon S.L. 2001-425; City of Eden S.L. 2002-74; City of Eden S.L. 2003-316; Town of Navassa S.L. 2007-314; Town of Robbins S.L. 2009-294.

Giles Perry, Counsel to House Government, contributed to this summary.

O. Walker Reagan
Director

H412-SMRN-81 E1 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 412

Short Title: Eden/Duke Energy/Annexation Agreement. (Local)

Sponsors: Representative Jones (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Government, if favorable, Finance.

March 25, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Eden is granted certain contract powers as follows:

(1) The City of Eden may, by agreement, provide that certain property described in the agreement as the "Dan River Plant Property" may not be involuntarily annexed by the City during the period beginning January 1, 2014, and ending on December 31, 2019, except as provided in the agreement, under the General Statutes as they now exist or may be subsequently amended. The City of Eden shall not seek to repeal this act upon its approval by the General Assembly.

(2) Any agreement entered into as provided in subdivision (1) of this section is deemed by this section to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.

(3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the City Council of the City of Eden during the full term of the agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section are authorized by this section to modify, amend, and extend the agreement on mutual written consent, without the approval of the General Assembly, provided that any modification or amendment does not materially alter the concept of the agreement.

SECTION 2. The City of Eden may accept payments in lieu of taxes as consideration for the agreement discussed in Section 1 of this act.

SECTION 3. The City of Eden will accept the total amount of one million dollars ($1,000,000) as payment in lieu of taxes on the Dan River Plant Property. Duke Energy shall make annual payments in the amount of two hundred thousand dollars ($200,000) during the course of the agreement.

SECTION 4. The agreement under Section 1 of this act shall apply to the Dan River Plant Property described as follows:

Tract 1

Beginning at a concrete monument set in the westerly line of S. R. # 1779 (Edgewood Road) and running thence from said beginning point, S 360° 45' E 80.6 feet to a stake, thence N 69° 26' E 826.6 feet to an iron rod found; thence N 20° 32' W 239.1 feet to an iron rod; thence N 69° 28' E 97.1 feet to an iron rod found; thence N 20° 39' W 180.0 feet to an iron rod found; thence N 69° 18' E 54.7 feet to a concrete monument found; thence N 20° 30' W 240.4 feet to an iron rod; thence N 69° 30' E 87.0 feet to an iron rod found; thence N 20° 35' W 180.1 feet to an iron rod found; thence N 69° 27' E 515.5 feet to an iron rod and iron pipe found in the westerly boundary of the property of Fieldcrest Mills, Inc.; thence with said property line S 10° 19' E 1390.2 feet to a concrete monument found in the southwesterly corner of the property of Fieldcrest Mills, Inc.; thence with the southerly line of Fieldcrest Mills, Inc., N 79° 03' E 161.9 feet to a concrete monument found; thence S 80° 53' E 1126.3 feet to an iron rod found in the centerline of the CNW Railroad Spur Track; thence with the centerline of said Spur track the following courses and distances: S 4° 02' E 100.0 feet to a point; S 0° 02' E 99.9 feet to a point; S 4° 04' W 100.0 feet to a point; S 7° 43' W 100.0 feet to a point; S 11° 45' W 100.0 feet to a point; S 15° 57' W 100.0 feet to a point; S 20° 00' W 100.0 feet to a point; S 24° 15' W 100.0 feet to a point; S 28° 05' W 100.0 feet to a point; S 31° 33' W 72.0 feet to a spike found; thence N 88° 54' E 623.1 feet to an iron rod found; thence S 18° 36' E 367.2 feet to an iron pipe found; thence S 6° 02' W 74.9 feet to an iron pipe found; thence S 24° 38' E 141.5 feet to a point in the northerly bank of the Dan River; thence with the Dan River the following courses and distances: S 66° 35' W 48.8 feet; S 54° 44' W 77.0 feet; S 61° 37' W 108.8 feet; S 55° 43' W 74.6 feet; S 53° 05' W 203.1 feet; S 32° 02' W 281.5 feet; S 27° 20' W 140.7 feet; S 27° 58' W 436.3 feet; S 29° 28'W 142.1 feet; S 26° 31' W 236.2 feet; S 41° 30' W 204.0 feet; S 52° 38' W 266.5 feet; S 58° 31' W 263.2 feet; S 63° 40' W 317.8 feet; S 57° 38' W 75.4 feet; S 65° 46' W 312.0 feet; S 71° 46' W 148.1 feet; S 75° 07' W 232.9 feet; S 76° 21' W 205.8 feet; N 6° 55' W 64.0 feet; S 68° 04' W 235.4 feet; S 17° 07' E 61.4 feet; S 66° 21' W 108.2 feet; S 67° 33' W 318.2 feet; S 68° 11' W 220.3 feet; S 70° 06' W 139.5 feet; S 78° 35' W 234.8 feet; S 65° 10' W 88.2 feet to a point in the southeasterly margin of the property of Fieldcrest Mills, Inc.; thence with the property line of Fieldcrest Mills, Inc.; N 18° 51' W 176.4 feet to an iron rod set; thence S 56° 26' W 96.7 feet to an iron pipe found; thence N 19° 06' W 1090.1 feet to a concrete monument found; thence N 82° 22' E 247.0 feet to a point in the westerly bank of a pond; thence with the westerly bank of said pond, eight courses and distances as follows: (1) N 46° 33' W 98.7 feet; (2) N 32° 44' W 86.0 feet; (3) N 47° 00' W 82.7 feet; (4) N 84° 22' W 45.6 feet; (5) N 39° 52' W 147.9 feet; (6) N 18° 33' W 89.6 feet; (7) N 7° 38' E 206.9 feet; (8) N 36° 54' E 60.4 feet at an intersection of the said pond and Moir Branch; thence with the centerline of Moir Branch the following courses and distances: (1) N 22° 07' W 200.2 feet; (2) N 25° 40' W 40.5 feet; (3) N 45° 48' W 58.0 feet; (4) N 11° 08' W 47.0 feet; (5) S 79° 32' E 37.3 feet; (6) N 4° 09' E 25.0 feet; (7) N 6° 39' W 132.1 feet; (8) N 5° 25' E 193.7 feet; (9) N 7° 04' W 76.1 feet; (10) S 30° 57' W 48.8 feet; (11) S 73° 25' W 18.4 feet; (12) N 15° 37' W 44.9 feet; (13) N 3° 35' E 122.1 feet; (14) N 30° 20' W 34.8 feet; (15) N 14° 01' W 129.2 feet; (16) N 50° 22' W 61.7 feet; (17) N 22° 47' W 85.8 feet; (18) N 34° 56' W 29.7 feet; (19) N 4° 25' E 177.2 feet; (20) N 16° 48' E 54.7 feet; (21) N 30° 16' E 28.2 feet; (22) N 18° 14' W 25.5 feet; (23) N 13° 26' W 47.0 feet; (24) N 4° 41' E 115.3 feet; (25) S 89° 12' E 26.5 feet; (26) N 41° 02' E 26.5 feet; (27) N 9° 00' W 94.8 feet; (28) N 1° 43' W 62.0 feet; (29) N 40° 18' E 15.7 feet; (30) N 22° 50' E 46.8 feet; (31) N 11° 42' E 37.1 feet; (32) S 82° 45' E 40.0 feet; (33) N 16° 55' E 45.3 feet; (34) N 21° 40' E 37.9 feet; (35) N 6° 31' E 114.3 feet to a point in the southerly line of the property of Fieldcrest Mills, Inc.; thence with the southerly line of said property N 63° 10' E 308.3 feet to an iron pipe found; thence N 63° 14' E 523.5 feet to an iron pipe found; thence N 63° 07' E 132.1 feet to an iron pipe found; N 63° 20' E 171.2 feet to an iron pipe found; thence N 63° 13' E 357.6 feet to the point of Beginning, containing 371.48 acres.

Tract 2

Beginning at a point on the west bank of Miry Branch at the confluence of Miry Branch and Dan River; thence with the west branch of Miry Branch the following courses and distances: S 33° 39' W 85.4 feet; S 57° 48' W 80.0 feet; S 30° 56' W 51.1 feet; S 14° 24' E 36.7 feet; S 43° 41' E 74.3 feet; S 1° 31' W 72.2 feet; S 6° 51' W 117.5 feet; S 5° 17' W 37.8 feet; S 45° 12' W 74.0 feet; S 41° 15' W 117.0 feet; S 31° 11' W 36.9 feet; S 15° 35' E 72.8 feet; S 31° 08' W 52.5 feet; S 24° 33' E 44.3 feet; S 24° 09' W 94.5 feet; S 7° 15' W 35.1 feet; S 36° 54' E 71.5 feet to an iron rod; thence S 72° 11' W 395.3 feet to a concrete monument found; thence N 2° 25' E 917.1 feet to the southerly line of said river; thence with the southerly bank of Dan River three calls as follows: N 70° 00' E 336.4 feet; N 69° 52' E 115.1 feet; N 79° 21' E 154.5 feet to the point of Beginning, containing 9.08 acres.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 261
Committee Substitute Favorable 4/9/13

Short Title: Kannapolis/Deannexation. (Local)

Sponsors:

Referred to:

March 11, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Kannapolis and added to the corporate limits of the City of Landis:

A 1.85 acre tract, PIN # 156 0020000001, owned by Gary and Anita Moss.

SECTION 2. This act has no effect upon the validity of any liens of the City of Kannapolis 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 City of Kannapolis.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 261

Committee Substitute Favorable 4/9/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H261-CSTQx-47 [v.2]
6/3/2013 5:39:39 PM

Short Title: Kannapolis/Deannexation. (Local)

Sponsors:

Referred to:

March 11, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Kannapolis and added to the corporate limits of the City of Landis:

A 1.85 acre tract, PIN # 156 0020000001, owned by Gary and Anita Moss.

SECTION 2. This act has no effect upon the validity of any liens of the City of Kannapolis 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 City of Kannapolis.

SECTION 3. This act becomes effective June 30, 2013.

HOUSE BILL 261:
Kannapolis/Deannexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 4, 2013
Introduced by:	Rep. Ford	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	PCS to Second Edition H261-CSTQx-47		

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 261 would deannex a 1.85 acre tract from the City of Kannapolis and add the tract to the City of Landis.***

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 governs municipal annexations. The General Assembly has not enacted any method for municipalities to *deannex* property — that power remains with the General Assembly.

BILL ANALYSIS: The PCS for House Bill 261 would deannex a 1.85 acre tract from the City of Kannapolis and place the tract in the City of Landis. The property is currently owned by Gary and Anita Moss.

The PCS would not affect the duty of the owners to pay taxes for any prior year, and does not eliminate any liens for taxes for prior years.

BACKGROUND: The Cities of Kannapolis and Landis support moving the property from Kannapolis to Landis. The PCS resolves a boundary issue where a 3.42 acre parcel was split between two jurisdictions and places the entire parcel in the City of Landis.

EFFECTIVE DATE: The PCS would become effective June 30, 2013.

Shelly DeAdder, Counsel to House Government, and Greg Roney, counsel to House Finance, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 302

Short Title:	Repeal Kannapolis Annexation.	(Local)
Sponsors:	Representative Ford (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government, if favorable, Finance.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2009-113, as amended by S.L. 2011-124, is repealed.

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

HOUSE BILL 302:
Repeal Kannapolis Annexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 4, 2013
Introduced by:	Rep. Ford	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 302 would repeal S.L. 2009-113 that placed the Southland Development property (approximately 327 acres) in the City of Kannapolis.***

CURRENT LAW: S.L. 2009-113 provided for the annexation of the Southland Development property, approximately 327 acres adjacent to I-85 in southern Rowan County into the City of Kannapolis, effective September 30, 2011.

S.L. 2011-124 delayed the annexation of the Southland Development property for two years, to September 30, 2013.

Under Section 1 of Article VII of the NC Constitution, the General Assembly has the authority to set the boundaries of cities. The General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which governs municipal annexations. The power to deannex property remains with the General Assembly.

BILL ANALYSIS: House Bill 302 would repeal S.L. 2009-113, as amended by S.L. 2011-124, that will place the Southland Development property in the City of Kannapolis in 2013.

BACKGROUND: In 2009, the property owner planned to develop a corporate business park, Southland Development. The owner formally requested that Southland Development be voluntarily annexed into Kannapolis. Kannapolis could not annex Southland Development because the property is closer to other cities. The General Assembly enacted S.L. 2009-113 to annex Southland Development into Kannapolis effective September 30, 2011.

By 2011, Southland Development had not developed at the anticipated rate, and the property owner sought to delay the start of Kannapolis' property taxes for two years. The General Assembly enacted S.L. 2011-124 delaying the annexation of the Southland Development property for two years.

Now, the owner of Southland Development seeks to reverse the annexation sought in 2009. The planned business park has not been economically feasible. The City of Kannapolis does not oppose repealing the session laws that would place Southland Development in the City.

EFFECTIVE DATE: House Bill 302 would be effective when it becomes law.

Shelly DeAdder and Greg Roney, Research Staff, substantially contributed to this summary.

O. Walker Reagan
Director

H302-SMTQ-92 E1 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 409
Committee Substitute Favorable 4/15/13

Short Title: Shelby Deannexation. (Local)

Sponsors:

Referred to:

March 25, 2013

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Shelby:

Parcel #60180, being all of 56.381 acre tract on plat book 31, page 184 of the Cleveland County Registry and reference is hereby made to said plat for a full metes and bounds description as if fully set out therein.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the City of Shelby 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 Shelby.

SECTION 3. Notwithstanding any other provision of law, the City of Shelby may exercise the powers of extraterritorial jurisdiction, as provided in Article 19 of Chapter 160A of the General Statutes, within the property area described in Section 1 of this act.

SECTION 4. If the property described in Section 1 of this act is not developed by June 30, 2016, for the purpose of operating a public school including a charter school, Pinnacle Classical Academy, Section 1 of this act is repealed effective June 30, 2016, and the property described in Section 1 of this act shall be added back to the corporate limits of the City of Shelby, effective July 1, 2016.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 409

Committee Substitute Favorable 4/15/13

PROPOSED SENATE COMMITTEE SUBSTITUTE H409-CSSTx-65 [v.1]

6/3/2013 12:25:38 PM

Short Title: Shelby Deannexation. (Local)

Sponsors:

Referred to:

March 25, 2013

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Shelby:

Parcel #60180, being all of 56.381 acre tract on plat book 31, page 184 of the Cleveland County Registry and reference is hereby made to said plat for a full metes and bounds description as if fully set out therein.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the City of Shelby 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 Shelby.

SECTION 3. Notwithstanding any other provision of law, the City of Shelby may exercise the powers of extraterritorial jurisdiction, as provided in Article 19 of Chapter 160A of the General Statutes, within the property area described in Section 1 of this act.

SECTION 4. If the property described in Section 1 of this act is not developed by June 30, 2016, for the purpose of operating a public school including a charter school, Pinnacle Classical Academy, Section 1 of this act is repealed effective June 30, 2016, and the property described in Section 1 of this act shall be added back to the corporate limits of the City of Shelby, effective July 1, 2016.

SECTION 5. This act is effective June 30, 2013.

HOUSE BILL 409: Shelby Deannexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 3, 2013
Introduced by:	Rep. T. Moore	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to Second Edition H409-CSSTx-65		Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 409 would deannex an approximately 56.381-acre tract from the corporate limits of Shelby.***

The pcs would change the effective date to June 30, 2013.

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 governs municipal annexations. The General Assembly has not enacted any method for municipalities to *deannex* property — that power remains with the General Assembly.

BILL ANALYSIS: The bill would do all of the following:

- Deannex Parcel #60180, being approximately 56.381 acres, from the corporate limits of the City of Shelby.
- Specify that the City of Shelby may exercise ETJ powers in the area being deannexed.
- Specify that if the property being deannexed is not developed for the purpose of operating a public school, Pinnacle Classical Academy, by June 30, 2016, then the property is annexed back into the corporate limits of Shelby, effective July 1, 2016.

EFFECTIVE DATE: June 30, 2013.

BACKGROUND: S.L. 2013-7, enacted March 7, 2013, permits the County of Cleveland to convey by gift, by private negotiation and sale, or by lease for a term of more than 10 years, the same property to Pinnacle Classical Academy, for the purpose of operating a public school, including a charter school. Cleveland County may require the property be returned to Cleveland County if the property ceases to be used for public school purposes.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 421

Short Title:	Marshville Deannexation.	(Local)
Sponsors:	Representative Brody (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable, Finance.	

March 27, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Marshville:

Union County Tax Parcel Number 02180003 located off Old Highway 74 in Marshville, NC and described in Exhibit A in the North Carolina General Warranty Deed filed with the Union County Register of Deeds, Book 3577, Page 769, reference to which is hereby made for a more complete and accurate description of the aforesaid lot.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the Town of Marshville 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 Marshville.

SECTION 3. This act becomes effective July 1, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 421
PROPOSED SENATE COMMITTEE SUBSTITUTE H421-CSSTx-64 [v.1]
6/3/2013 11:01:57 AM

Short Title: Marshville Deannexation. (Local)

Sponsors:

Referred to:

March 27, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Marshville:

Union County Tax Parcel Number 02180003 located off Old Highway 74 in Marshville, NC and described in Exhibit A in the North Carolina General Warranty Deed filed with the Union County Register of Deeds, Book 3577, Page 769, reference to which is hereby made for a more complete and accurate description of the aforesaid lot.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the Town of Marshville 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 Marshville.

SECTION 3. This act becomes effective June 30, 2013.

HOUSE BILL 421:
Marshville Deannexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 3, 2013
Introduced by:	Rep. Brody	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition H421-CSSTx-64		Committee Counsel

SUMMARY: ***The pcs for House Bill 421 would deannex 118.95 acres from the Town of Marshville. The pcs changes the effective date to June 30, 2013.***

CURRENT LAW: The North Carolina Constitution, in Section 1 of Article VII, authorizes 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." The General Assembly enacted Article 4A of Chapter 160A of the General Statutes governing municipal annexations. The General Assembly has not enacted any method for municipalities to deannex property. The authority to deannex remains with the General Assembly.

BILL ANALYSIS: The pcs would deannex 118.95 acres from the Town of Marshville.

Property taxes and special assessments imposed by the Town of Marshville before the effective date are valid and may be collected as though the property was still in the Town of Marshville.

BACKGROUND: The Town of Marshville annexed the property in 2002. The tract is a farm qualifying for present use value.

On March 18, 2013, the Town Council of the Town of Marshville passed a resolution requesting the property be deannexed. The Town of Marshville cites the following in support of the deannexation:

- The property is not contiguous to the current Town of Marshville corporate limits and is approximately 1.3 miles from the closest point of corporate boundary.
- The property contains no development.
- The property has no access to public utilities, and the Town of Marshville provides no services to the property.

EFFECTIVE DATE: June 30, 2013.

Greg Roney substantially contributed to this summary.

O. Walker Reagan
Director

H421-SMST-72 CSSTX-64 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 567

Short Title:	Lumberton Deannexation.	(Local)
Sponsors:	Representatives Waddell, C. Graham, Goodman, and Pierce (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government, if favorable, Finance.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Lumberton:

Tract #1

The areas to be deannexed are the entire right-of-way of I-95 South (right-of-way varies) including the area of the off ramps for US 74, where it adjoins the City of Lumberton Annexation as shown in Map Book 38, page 126, Map Book 39, page 20, Map Book 39, page 20-A and Map Book 31, page 77 and includes all of the right-of-way of I-95 South running from US 74 in a westerly direction, about 3.5 miles and or about 1500 feet west of Exit 10 on 1-95 South, also deannexed is all of the right-of-way (100 ft. right-of-way) of US Highway 301 that leads from US 74 in a southwesterly direction about 1.5 miles to the intersection of US Highway 301 with the east right-of-way line of SR 1164, Back Swamp Road and including an area between US Highway 301 and I-95 South near the pt of a curve from US 74, all as shown in Map Book 39, page 20-A, also deannexed is all of the 60 foot right-of-way of SR 2422, McDonald Road that leads from I-95 South in a southern direction about 1.7 miles to its intersection with the north right-of-way line of SR 1003, Chicken Road as shown in Map Book 39, page 20-A, also deannexed is all of the 60 foot right-of-way of SR 1003, Chicken Road that leads from I-95 South in a southeast direction about 1.5 miles to its intersection with the northwest right-of-way line of SR 2422, McDonald Road as shown in Map Book 39, page 20-A.

Tract #2

All that certain tact or parcel of land lying about 5.2 miles west of the center of Lumberton, NC, adjacent to and south of I-74, about 1000 feet west of SR 2417, Thompson Road and adjoining the lands of Bonnie I. Rhodes (585/714) and Judy Smith Kinlaw (723/800) and SR 2503, Garland Road, on the east, Joanna W. Musselwhite (796/41), Barnes Farms, Inc. (719/860) and Luther Barnes (914/763) on the west and Luther Barnes (914/763) on the south and being more particularly described as follows: COMMENCING at NC Grid Monument "Taylor" having NC Grid Coordinates, NAD 83, (horizontal distance), N=307,541.590 and E=1,973,196.296 and runs South 89 degrees 36 minutes 24 seconds West 1357.82 feet to an iron rod found in the center of SR 2416, Emory Road, the northeast corner of the City of Lumberton (1166/693) and the northeast corner of the existing Corporate Limits line of the City

of Lumberton, North Carolina; thence with the east line of said City of Lumberton tract and Corporate Limits line South 22 degrees 26 minutes 10 seconds West 1184.40 feet to an iron rod found in said east line, at its intersection with the north right-of-way line of I-74 (variable public right-of-way), the point and place of BEGINNING, having NC Grid Coordinates N=306,437.52 and E=1,971,386.47 and runs from said beginning iron rod with said east line, crossing I-74, South 22 degrees 26 minutes 10 seconds West 461.18 feet to an iron rod found at the intersection of said east line and right-of-way line of I-74; thence continuing with said line South 22 degrees 26 minutes 10 seconds West 958.25 feet to an iron pipe found; thence continuing with said east line South 22 degrees 27 minutes 58 seconds West 1709.11 feet to an iron pipe found on the south bank of a ditch and in the west right-of-way line (60 ft. right-of-way) of SR 2503, Garland Road; thence continuing with said east line and west right-of-way line of SR 2503, Garland Road, South 22 degrees 47 minutes 47 seconds West 626.81 feet to an iron pipe found, the southeast corner of said City of Lumberton tract and the Dead End of SR 2503, Garland Road; thence with the south line of said City of Lumberton tract, North 62 degrees 04 minutes 00 seconds West 609.85 feet to a concrete monument found, the southwest corner of said City of Lumberton tract; thence with a west line of said City of Lumberton tract, North 28 degrees 26 minutes 16 seconds East 257.38 feet to a pump pipe found; thence continuing with a west line of said City of Lumberton tract, North 29 degrees 29 minutes 12 seconds East 2115.07 feet to an iron pipe found, a corner of said City of Lumberton tract; thence with another south line of said City of Lumberton tract South 81 degrees 01 minutes 32 seconds West 526.89 feet to an iron axle found (bent); thence with a west line of said City of Lumberton tract, North 31 degrees 23 minutes 37 seconds East 198.02 feet to a pump pipe found; thence continuing with an east line of said City of Lumberton tract, North 31 degrees 09 minutes 02 seconds East 683.93 feet to an iron rod found at the intersection of said west line with the south right-of-way line of I-74; thence continuing with west line and crossing I-74, North 31 degrees 09 minutes 02 seconds East 340.06 feet to a pump pipe found and North 30 degrees 17 minutes 01 seconds East 68.90 feet to an iron rod found at the intersection of said City of Lumberton west line and the north right-of-way line of I-74; thence with the north right-of-way line of I-74, the following (4) calls, North 85 degrees 41 minutes 08 seconds East 345.38 feet to a found North Carolina Disc, North 76 degrees 30 minutes 03 seconds East 26.15 feet to an iron rod found, North 76 degrees 30 minutes 03 seconds East 102.03 feet to a found North Carolina Disc and North 79 degrees 11 minutes 33 seconds East 200.21 feet to the beginning containing 44.27 acres including 5.86 acres in right-of-way of I-74. And being a part of those lands as shown in Map Book 1166, page 693, Robeson County Registry. Bearings referenced NC Grid, NAD 83, horizontal distance.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the City of Lumberton 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 Lumberton.

SECTION 3. This act becomes effective July 1, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 567
PROPOSED SENATE COMMITTEE SUBSTITUTE H567-CSSTx-68 [v.1]

6/3/2013 7:16:44 PM

Short Title: Lumberton Deannexation. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Lumberton:

Tract #1

The areas to be deannexed are the entire right-of-way of I-95 South (right-of-way varies) including the area of the off ramps for US 74, where it adjoins the City of Lumberton Annexation as shown in Map Book 38, page 126, Map Book 39, page 20, Map Book 39, page 20-A and Map Book 31, page 77 and includes all of the right-of-way of I-95 South running from US 74 in a westerly direction, about 3.5 miles and or about 1500 feet west of Exit 10 on 1-95 South, also deannexed is all of the right-of-way (100 ft. right-of-way) of US Highway 301 that leads from US 74 in a southwesterly direction about 1.5 miles to the intersection of US Highway 301 with the east right-of-way line of SR 1164, Back Swamp Road and including an area between US Highway 301 and I-95 South near the pt of a curve from US 74, all as shown in Map Book 39, page 20-A, also deannexed is all of the 60 foot right-of-way of SR 2422, McDonald Road that leads from I-95 South in a southern direction about 1.7 miles to its intersection with the north right-of-way line of SR 1003, Chicken Road as shown in Map Book 39, page 20-A; also deannexed is all of the 60 foot right-of-way of SR 1003, Chicken Road that leads from I-95 South in a southeast direction about 1.5 miles to its intersection with the northwest right-of-way line of SR 2422, McDonald Road as shown in Map Book 39, page 20-A.

Tract #2

All that certain tact or parcel of land lying about 5.2 miles west of the center of Lumberton, NC, adjacent to and south of I-74, about 1000 feet west of SR 2417, Thompson Road and adjoining the lands of Bonnie I. Rhodes (585/714) and Judy Smith Kinlaw (723/800) and SR 2503, Garland Road, on the east, Joanna W. Musselwhite (796/41), Barnes Farms, Inc. (719/860) and Luther Barnes (914/763) on the west and Luther Barnes (914/763) on the south and being more particularly described as follows: COMMENCING at NC Grid Monument "Taylor" having NC Grid Coordinates, NAD 83, (horizontal distance), N=307,541.590 and E=1,973,196.296 and runs South 89 degrees 36 minutes 24 seconds West 1357.82 feet to an iron rod found in the center of SR 2416, Emory Road, the northeast corner of the City of Lumberton (1166/693) and the northeast corner of the existing Corporate Limits line of the City of Lumberton, North Carolina; thence with the east line of said City of Lumberton tract and Corporate Limits line South 22 degrees 26 minutes 10 seconds West 1184.40 feet to an iron rod

found in said east line, at its intersection with the north right-of-way line of I-74 (variable public right-of-way), the point and place of BEGINNING, having NC Grid Coordinates N=306,437.52 and E=1,971,386.47 and runs from said beginning iron rod with said east line, crossing I-74, South 22 degrees 26 minutes 10 seconds West 461.18 feet to an iron rod found at the intersection of said east line and right-of-way line of I-74; thence continuing with said line South 22 degrees 26 minutes 10 seconds West 958.25 feet to an iron pipe found; thence continuing with said east line South 22 degrees 27 minutes 58 seconds West 1709.11 feet to an iron pipe found on the south bank of a ditch and in the west right-of-way line (60 ft. right-of-way) of SR 2503, Garland Road; thence continuing with said east line and west right-of-way line of SR 2503, Garland Road, South 22 degrees 47 minutes 47 seconds West 626.81 feet to an iron pipe found, the southeast corner of said City of Lumberton tract and the Dead End of SR 2503, Garland Road; thence with the south line of said City of Lumberton tract, North 62 degrees 04 minutes 00 seconds West 609.85 feet to a concrete monument found, the southwest corner of said City of Lumberton tract; thence with a west line of said City of Lumberton tract, North 28 degrees 26 minutes 16 seconds East 257.38 feet to a pump pipe found; thence continuing with a west line of said City of Lumberton tract, North 29 degrees 29 minutes 12 seconds East 2115.07 feet to an iron pipe found, a corner of said City of Lumberton tract; thence with another south line of said City of Lumberton tract South 81 degrees 01 minutes 32 seconds West 526.89 feet to an iron axle found (bent); thence with a west line of said City of Lumberton tract, North 31 degrees 23 minutes 37 seconds East 198.02 feet to a pump pipe found; thence continuing with an east line of said City of Lumberton tract, North 31 degrees 09 minutes 02 seconds East 683.93 feet to an iron rod found at the intersection of said west line with the south right-of-way line of I-74; thence continuing with west line and crossing I-74, North 31 degrees 09 minutes 02 seconds East 340.06 feet to a pump pipe found and North 30 degrees 17 minutes 01 seconds East 68.90 feet to an iron rod found at the intersection of said City of Lumberton west line and the north right-of-way line of I-74; thence with the north right-of-way line of I-74, the following (4) calls, North 85 degrees 41 minutes 08 seconds East 345.38 feet to a found North Carolina Disc, North 76 degrees 30 minutes 03 seconds East 26.15 feet to an iron rod found, North 76 degrees 30 minutes 03 seconds East 102.03 feet to a found North Carolina Disc and North 79 degrees 11 minutes 33 seconds East 200.21 feet to the beginning containing 44.27 acres including 5.86 acres in right-of-way of I-74. And being a part of those lands as shown in Map Book 1166, page 693, Robeson County Registry. Bearings referenced NC Grid, NAD 83, horizontal distance.

SECTION 2. Section 1 of this act shall have no effect upon the validity of any liens of the City of Lumberton 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 Lumberton.

SECTION 3. This act becomes effective June 30, 2013.

HOUSE BILL 567:
Lumberton Deannexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 3, 2013
Introduced by:	Reps. Waddell, C. Graham, Goodman, Pierce	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition H567-CSSTx-68		

SUMMARY: ***The proposed committee substitute for House Bill 567 would deannex 2 tracts from the City of Lumberton.***

The pcs changes the effective date to June 30, 2013.

CURRENT LAW: The North Carolina Constitution, in Section 1 of Article VII, authorizes 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." The General Assembly enacted Article 4A of Chapter 160A of the General Statutes governing municipal annexations. The General Assembly has not enacted any method for municipalities to deannex property. The authority to deannex remains with the General Assembly.

BILL ANALYSIS: House Bill 567 would deannex 2 tracts from the City of Lumberton. The tracts include parts of the right-of-way of the following roads: I-95 South, US 74, US 301, SR 1164 (Back Swamp Road), SR 2422 (McDonald Road), SR 1003 (Chicken Road), I-74, SR 2417 (Thompson Road), SR 2503 (Garland Road).

Property taxes and special assessments imposed by the City of Lumberton before the effective date are valid and may be collected as though the property was still in the City of Lumberton.

BACKGROUND: The City of Lumberton annexed the property approximately 10 years ago. The tracts are primarily undeveloped land and highway right-of-way along I-95 and I-74.

On March 26, 2013, the City Council of the City of Lumberton passed a resolution requesting the property be deannexed. The City of Lumberton cites the following in support of the deannexation:

- The tracts are more than 5 miles from Lumberton and are classified as the lowest fire protection class for homeowners' insurance policies. The low rating on the tracts affects the fire protection rating of the entire City and increases insurance cost in Lumberton.
- The correct emergency responders vary along the Interstates as the roadways move in and out of the tracts. The City and county do not know who should respond.
- The tracts have no industry and few homes. There is no plan to extend utilities such as sewer.
- The roadways have moved over time, and the tracts no longer match the location of the roads.

EFFECTIVE DATE: June 30, 2013.

Greg Roney substantially contributed to this summary.

O. Walker Reagan
Director

H567-SMST-75 CSSTX-68 -V1

Research Division
(919) 733-2578

H

HOUSE BILL 526

Short Title:	Chadbourn Voluntary Annexation.	(Local)
Sponsors:	Representative Waddell (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable; Finance.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Chadbourn:

BEGINNING at a spike in the centerline of NC Hwy 410 where a 39.63 acre tract intersects land owned now or formerly by R. L. Ward; thence with the centerline North 03 degrees 54 minutes 29 seconds East 140.70 feet to a nail in the centerline; thence North 02 degrees 58 minutes 17 seconds East 135.07 feet to an old nail in the centerline; thence North 01 degrees 30 minutes 00 seconds East 93.34 feet to an old nail in the centerline; thence North 41 degrees 53 minutes 00 seconds East 164.08 feet; thence North 27 degrees 00 minutes 00 seconds East 283.39 feet to an iron by an old concrete marker; thence North 27 degrees 00 minutes 00 seconds East 30 feet; thence South 80 degrees 29 minutes 10 seconds East 571.41 feet; thence South 81 degrees 05 minutes 22 seconds East 391.43 feet; thence South 85 degrees 59 minutes 18 seconds East 282.08 feet; thence South 84 degrees 40 minutes 10 seconds East 311.38 feet; thence North 73 degrees 30 minutes 57 seconds East 13.95 feet; thence South 30 degrees 09 minutes 33 seconds East 473.67 feet to an old concrete marker; thence South 84 degrees 41 minutes 48 seconds East 973.12 feet to an old concrete marker in the edge of the road; thence South 84 degrees 41 minutes 48 seconds East 30.32 feet to an old iron in the centerline of SR 1562; thence down the centerline South 05 degrees 00 minutes 18 seconds West 336.14 feet to an old iron in the centerline; thence North 85 degrees 03 minutes 06 seconds West 2991.60 feet to a spike in the centerline of NC Hwy 410, the BEGINNING and containing 39.63 acres more or less as shown on a "Survey for A. P. Worley and Richard Worley," dated September 20, 1988, prepared by Soles & Walker RLS to which reference is specifically made.

SUBJECT TO drainage easement acquired by Columbus Drainage District Number 1 and/or as shown on a copy of the attached map. For back title see Book 282 page 301, Book 282 page 303, Book 371 page 185, and Book 282 page 305.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 526
PROPOSED SENATE COMMITTEE SUBSTITUTE H526-CSSTx-66 [v.1]

6/3/2013 3:03:34 PM

Short Title: Chadbourn Voluntary Annexation. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Chadbourn:

BEGINNING at a spike in the centerline of NC Hwy 410 where a 39.63 acre tract intersects land owned now or formerly by R. L. Ward; thence with the centerline North 03 degrees 54 minutes 29 seconds East 140.70 feet to a nail in the centerline; thence North 02 degrees 58 minutes 17 seconds East 135.07 feet to an old nail in the centerline; thence North 01 degrees 30 minutes 00 seconds East 93.34 feet to an old nail in the centerline; thence North 41 degrees 53 minutes 00 seconds East 164.08 feet; thence North 27 degrees 00 minutes 00 seconds East 283.39 feet to an iron by an old concrete marker; thence North 27 degrees 00 minutes 00 seconds East 30 feet; thence South 80 degrees 29 minutes 10 seconds East 571.41 feet; thence South 81 degrees 05 minutes 22 seconds East 391.43 feet; thence South 85 degrees 59 minutes 18 seconds East 282.08 feet; thence South 84 degrees 40 minutes 10 seconds East 311.38 feet; thence North 73 degrees 30 minutes 57 seconds East 13.95 feet; thence South 30 degrees 09 minutes 33 seconds East 473.67 feet to an old concrete marker; thence South 84 degrees 41 minutes 48 seconds East 973.12 feet to an old concrete marker in the edge of the road; thence South 84 degrees 41 minutes 48 seconds East 30.32 feet to an old iron in the centerline of SR 1562; thence down the centerline South 05 degrees 00 minutes 18 seconds West 336.14 feet to an old iron in the centerline; thence North 85 degrees 03 minutes 06 seconds West 2991.60 feet to a spike in the centerline of NC Hwy 410, the BEGINNING and containing 39.63 acres more or less as shown on a "Survey for A. P. Worley and Richard Worley," dated September 20, 1988, prepared by Soles & Walker RLS to which reference is specifically made.

SUBJECT TO drainage easement acquired by Columbus Drainage District Number 1 and/or as shown on a copy of the attached map. For back title see Book 282 page 301, Book 282 page 303, Book 371 page 185, and Book 282 page 305.

SECTION 2. This act is effective June 30, 2013.

HOUSE BILL 526:
Chadbourn Voluntary Annexation

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 3, 2013
Introduced by:	Rep. Waddell	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition H526-CSSTx-66		

SUMMARY: ***The proposed committee substitute for House Bill 526 would annex 39.63 acres as a satellite parcel into the Town of Chadbourn.***

The pcs changes the effective date to June 30, 213.

CURRENT LAW: The North Carolina Constitution, in Section 1 of Article VII, authorizes 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." The General Assembly enacted Article 4A of Chapter 160A of the General Statutes governing municipal annexations.

BILL ANALYSIS: House Bill 526 would annex 39.63 acres as a satellite parcel into the Town of Chadbourn.

BACKGROUND: All property owners in the satellite parcel signed a petition to be annexed into the Town of Chadbourn. The Town Council of the Town of Chadbourn approved the proposed annexation. The 39.63 acres parcel is used by Victory in Jesus Ministries, Inc. (VIJM). VIJM plans a mixed-use development.

EFFECTIVE DATE: June 30, 2013.

Greg Roney substantially contributed to this summary.

O. Walker Reagan
Director

H526-SMST-74 CSSTX-66 -V1

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 04, 2013

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

FAVORABLE

HB **143** Eden Payment in Lieu of Taxes.

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

HB **412** Eden/Duke Energy/Annexation Agreement.

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

TOTAL REPORTED: 2

Committee Clerk Comments:

First of multiple reports.

Senator James Davis will handle HB 143
Senator James Davis will handle HB 412



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 04, 2013

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

FAVORABLE

HB **302** Repeal Kannapolis Annexation.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Second of multiple reports.

Senator Andrew Brock will handle HB 302



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, June 05, 2013

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

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

HB **421** Marshville Deannexation.
- Draft Number: H421-PCS70442-STx-64
- Sequential Referral: None
- Recommended Referral: Finance
- Long Title Amended: No

HB **526** Chadbourn Voluntary Annexation.
- Draft Number: H526-PCS70443-STx-66
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

HB **567** Lumberton Deannexation.
- Draft Number: H567-PCS70444-STx-68
- Sequential Referral: None
- Recommended Referral: Finance
- Long Title Amended: No

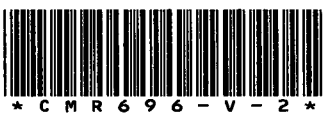
UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **261 (CS#1)** Kannapolis/Deannexation.
- Draft Number: H261-PCS10419-TQx-47
- Sequential Referral: None
- Recommended Referral: Finance
- Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

Three of three reports.



Senator Tommy Tucker will handle HB 421
Senator Michael Walters will handle HB 526.
Senator Michael Walters will handle HB 567
Senator Andrew Brock will handle HB 261



MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 1124

DATE: 6-4 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Lilly Kinney	Reidsville	Berger
2. Haley Webb	Summerfield	Berger
3. Grace Peplogle	Raleigh	Stein
4. Max Toney	Reidsville	Berger
5. Alex Hale	Eden	Berger
6. Anjan Sappsetty	Cary	Jackson
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/Agriculture/Environment/Natural Resources
(Committee Name)

6/4/2013 STATE + LOCAL
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Johanna Reese	NCACC
Kathryn Trogdon	NCMMC
Sarah L. Miller	Self

VISITOR REGISTRATION SHEET

Senate/Agriculture/Environment/Natural Resources
(Committee Name)

6/4/2013 STATE & LOCAL
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ryken Lundell	LCG
CARL FORD	NCA
Kathy Hawkins	DWQ

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE JUDICIARY II**

DATE: 06/04/13 ROOM: 1124

1. HAL ROACH
2. ROBERT YOUNG
3. ASHLEY MICKENS
4. BILLY FRITSCHER

Senate Committee on State and Local Government
Tuesday, June 11, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 68	Establish Ombudsman/Foster Care/Gaston County.	Representative Torbett
HB 234	Clarify Pender County ABC Laws.	Representative Millis
HB 501	Buncombe Cty/Community College Projects.	Representative Ramsey Representative Moffitt
HB 562	Cramerton Charter Revisal.	Representative Bumgardner
HB 857	Public Contracts/Construction Methods/DB/P3.	Representative Arp Representative Bryan Representative Moffitt Representative Hager
HB 229	Holden Beach/Canal Dredging District Fee.	Representative Iler
HB 289	State Computer Equipment/Buy Refurbished.	Representative Saine Representative Horn Representative Cotham
HB 427	Middlesex/Extend Mayor's Term to Four Years.	Representative Collins

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, June 11, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 11, 2013 in Room 1124/1224 of the Legislative Building. Eleven members were present.

Senator Jim Davis presided.

Senator J. Davis called the meeting to order, welcomed Committee members, Pages, visitors, and thanked the Sergeants-at-Arms.

House Bill 229 Holden Beach/Canal Dredging District Fee – Representative Iler explained the bill. The bill would extend from five years to ten years the amount of time the Towns of Holden Beach and Ocean Isle Beach may accumulate funds in a capital reserve for canal dredging. There being no discussion on the bill, Senator Wade's motion to approve the bill with referral to Finance was carried.

House Bill 68 Establish Ombudsmen/Foster Care/Gaston County – Senator Harrington explained the bill. The bill would authorize the appointment of an ombudsman for foster parents in Gaston County, as a time limited pilot project. Senator D. Davis offered questions. There being no further discussion, Senator Tucker's motion to approve the bill was carried.

House Bill 234 Clarify Pender County ABC Laws – Representative Millis explained the bill. The bill would clarify that the Pender County ABC Board has authority to make distributions of 5%-15% of the next profits from Pender County ABC Stores to law enforcement. Senator Tucker offered questions. There being no further discussion Senator Wade's motion to approve the bill with referral to Finance was carried.

House Bill 501 Buncombe Cty/Community College Projects – Representative Moffitt explained the bill. The bill would authorize Buncombe County (County) to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College (A-B Tech) located within the County. There was no discussion on the bill. Senator Tarte's motion to approve the bill was carried.

House Bill 562 Cramerton Charter Revisal – Senator Jackson's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Bumgardner explained the bill. The PCS revises and consolidates the charter of the Town of Cramerton. Senators Tarte, Pate and Wade offered questions on the bill; Chris Saunders (Research) spoke to the bill. There being no further discussion on the bill, Senator Walters' motion to approve the PCS was carried.

House Bill 857 Public Contracts/Construction Methods/DB/P3 – Senator D. Davis' motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Arp explained the bill. The PCS would authorize three new methods of bidding for construction of public

buildings: Design-build method; Design-build bridging method; Public-Private Partnership method. There being no discussion on the bill, Senator D. Davis' motion to approve the PCS with referral to Finance was carried.

House Bill 289 State Computer Equipment/Buy Refurbished – Senator Tarte explained the bill. The bill requires the Office of the State Chief Information Officer and the Department of Administration, with administrative support of the Information Technology Office, to offer state and local government entities the option of purchasing refurbished computer equipment from registered computer equipment refurbishers. Senator D. Davis offered questions. Senator D. Davis' motion to approve the bill was carried.

House Bill 427 Middlesex/Extend Mayor's Term to Four Years – Senator Tucker explained the bill. The bill extends the term of the Mayor of Middlesex from two years to four years. Senators Pate, McLaurin and Tarte offered questions; Senator D. Davis and Chris Saunders (Research) spoke to the bill. This bill was for discussion only and will be held until a further date.

The meeting adjourned at 12:26 PM

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #3: Add H 427

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 11, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 68	Establish Ombudsman/Foster Care/Gaston County.	Representative Torbett
HB 234	Clarify Pender County ABC Laws.	Representative Millis
HB 501	Buncombe Cty/Community College Projects.	Representative Ramsey Representative Moffitt
HB 562	Cramerton Charter Revisal.	Representative Bumgardner
HB 857	Public Contracts/Construction Methods/DB/P3.	Representative Arp Representative Bryan Representative Moffitt Representative Hager
HB 229	Holden Beach/Canal Dredging District Fee.	Representative Iler
HB 289	State Computer Equipment/Buy Refurbished.	Representative Saine Representative Horn Representative Cotham
HB 427	Middlesex/Extend Mayor's Term to Four Years.	Representative Collins

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 68
Committee Substitute Favorable 4/2/13

Short Title: Establish Ombudsman/Foster Care/Gaston County. (Local)

Sponsors:

Referred to:

February 6, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is created a foster care ombudsman pilot program.

SECTION 1.(b) The Board of County Commissioners (Board) shall establish qualifications for the selection of the foster care ombudsman, including the criteria that the person selected shall have experience in child welfare and State laws and policies governing children in foster care and shall remain objective and impartial when performing his or her duties. The Board shall appoint a person to serve as the foster care ombudsman for a period of time established by the Board. The ombudsman shall serve at the discretion and under the direction and supervision of the Board.

SECTION 1.(c) The foster care ombudsman shall:

(1) When a juvenile is placed in foster care following a disposition order under G.S. 7B-905, be a party in all actions under G.S. 7B-906 and G.S. 7B-907 on behalf of the foster parents and permitted to speak on their behalf. The County shall designate an attorney to assist the ombudsman, if requested by the ombudsman.

(2) Determine the facts, the needs of the juvenile, and the available resources within the family, foster community, and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to explore options with the court at the dispositional hearing; to report to the court when the needs of the juvenile are not being met; and to protect and promote the best interests of the juvenile as seen by the foster family.

(3) Have the authority to obtain any information or reports, whether or not confidential, that may in the ombudsman's opinion be relevant to the case. No privilege other than the attorney-client privilege may be invoked to prevent the ombudsman from obtaining such information. The confidentiality of the information or reports shall be respected by the ombudsman, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.

(4) Refer to the social services director and any appropriate law enforcement any cause of suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101.

(5) Be a resource and advocate for foster parents.

(6) Provide to the director of social services a periodic report on foster placements within the county, including any recommendations regarding that placement or future placements.
(7) Compile and make available to the Board any data the ombudsman has collected in the course of exercising his or her official duties.
(8) Provide information regarding the role, duties, and functions of foster parents and the ombudsman, and the rights of children in foster care.
(9) Comply with any other duties or responsibilities deemed appropriate by the Board.

SECTION 2. G.S. 7B-906(c) reads as rewritten:

"(c) At every review hearing, the court shall consider information from the parent, the juvenile, the guardian, any foster parent, relative, or preadoptive parent providing care for the child, the custodian or agency with custody, the guardian ad litem, the foster care ombudsman, and any other person or agency which will aid in its review. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition.

In each case the court shall consider the following criteria and make written findings regarding those that are relevant:

(1) Services which have been offered to reunite the family, or whether efforts to reunite the family clearly would be futile or inconsistent with the juvenile's safety and need for a safe, permanent home within a reasonable period of time.
(2) Where the juvenile's return home is unlikely, the efforts which have been made to evaluate or plan for other methods of care.
(3) Goals of the foster care placement and the appropriateness of the foster care plan.
(4) A new foster care plan, if continuation of care is sought, that addresses the role the current foster parent will play in the planning for the juvenile.
(5) Reports on the placements the juvenile has had and any services offered to the juvenile and the parent, guardian, custodian, or caretaker.
(6) An appropriate visitation plan.
(7) If the juvenile is 16 or 17 years of age, a report on an independent living assessment of the juvenile and, if appropriate, an independent living plan developed for the juvenile.
(8) When and if termination of parental rights should be considered.
(9) Any other criteria the court deems necessary."

SECTION 3. G.S. 7B-907 reads as rewritten:

"**§ 7B-907. Permanency planning hearing.**

(a) In any case where custody is removed from a parent, guardian, custodian, or caretaker, the judge shall conduct a review hearing designated as a permanency planning hearing within 12 months after the date of the initial order removing custody, and the hearing may be combined, if appropriate, with a review hearing required by G.S. 7B-906. The purpose of the permanency planning hearing shall be to develop a plan to achieve a safe, permanent home for the juvenile within a reasonable period of time. Subsequent permanency planning hearings shall be held at least every six months thereafter, or earlier as set by the court, to review the progress made in finalizing the permanent plan for the juvenile, or if necessary, to make a new permanent plan for the juvenile. The Director of Social Services shall make a timely request to the clerk to calendar each permanency planning hearing at a session of court scheduled for the hearing of juvenile matters. The clerk shall give 15 days' notice of the hearing and its purpose to the parent, the juvenile if 12 years of age or more, the guardian, the foster

parent, relative, or preadoptive parent providing care for the child, the custodian or agency with custody, the guardian ad litem, the foster care ombudsman, and any other person or agency the court may specify, indicating the court's impending review. The department of social services shall either provide to the clerk the name and address of the foster parent, relative, or preadoptive parent providing care for the child for notice under this subsection or file written documentation with the clerk that the child's current care provider was sent notice of hearing. Nothing in this provision shall be construed to make the foster parent, relative, or preadoptive parent a party to the proceeding solely based on receiving notice and the right to be heard.

(b) At any permanency planning review, the court shall consider information from the parent, the juvenile, the guardian, any foster parent, relative or preadoptive parent providing care for the child, the custodian or agency with custody, the guardian ad litem, the foster care ombudsman, and any other person or agency which will aid it in the court's review. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition. At the conclusion of the hearing, if the juvenile is not returned home, the court shall consider the following criteria and make written findings regarding those that are relevant:

(1) Whether it is possible for the juvenile to be returned home immediately or within the next six months, and if not, why it is not in the juvenile's best interests to return home;

(2) Where the juvenile's return home is unlikely within six months, whether legal guardianship or custody with a relative or some other suitable person should be established, and if so, the rights and responsibilities which should remain with the parents;

(3) Where the juvenile's return home is unlikely within six months, whether adoption should be pursued and if so, any barriers to the juvenile's adoption;

(4) Where the juvenile's return home is unlikely within six months, whether the juvenile should remain in the current placement or be placed in another permanent living arrangement and why;

(5) Whether the county department of social services has since the initial permanency plan hearing made reasonable efforts to implement the permanent plan for the juvenile;

(6) Any other criteria the court deems necessary.

(c) At the conclusion of the hearing, the judge shall make specific findings as to the best plan of care to achieve a safe, permanent home for the juvenile within a reasonable period of time. The judge may appoint a guardian of the person for the juvenile pursuant to G.S. 7B-600 or make any disposition authorized by G.S. 7B-903 including the authority to place the child in the custody of either parent or any relative found by the court to be suitable and found by the court to be in the best interest of the juvenile. If the juvenile is not returned home, the court shall enter an order consistent with its findings that directs the department of social services to make reasonable efforts to place the juvenile in a timely manner in accordance with the permanent plan, to complete whatever steps are necessary to finalize the permanent placement of the juvenile, and to document such steps in the juvenile's case plan. Any order shall be reduced to writing, signed, and entered no later than 30 days following the completion of the hearing. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within 10 days of the subsequent hearing required by this subsection.

If at any time custody is restored to a parent, or findings are made in accordance with G.S. 7B-906(b), the court shall be relieved of the duty to conduct periodic judicial reviews of the placement.

If the court continues the juvenile's placement in the custody or placement responsibility of a county department of social services, the provisions of G.S. 7B-507 shall apply to any order entered under this section.

(d) In the case of a juvenile who is in the custody or placement responsibility of a county department of social services, and has been in placement outside the home for 12 of the most recent 22 months; or a court of competent jurisdiction has determined that the parent has abandoned the child; or has committed murder or voluntary manslaughter of another child of the parent; or has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the child or another child of the parent, the director of the department of social services shall initiate a proceeding to terminate the parental rights of the parent unless the court finds:

(1) The permanent plan for the juvenile is guardianship or custody with a relative or some other suitable person;

(2) The court makes specific findings why the filing of a petition for termination of parental rights is not in the best interests of the child; or

(3) The department of social services has not provided the juvenile's family with such services as the department deems necessary, when reasonable efforts are still required to enable the juvenile's return to a safe home.

(e) If a proceeding to terminate the parental rights of the juvenile's parents is necessary in order to perfect the permanent plan for the juvenile, the director of the department of social services shall file a petition to terminate parental rights within 60 calendar days from the date of the permanency planning hearing unless the court makes written findings why the petition cannot be filed within 60 days. If the court makes findings to the contrary, the court shall specify the time frame in which any needed petition to terminate parental rights shall be filed.

(f) If the court determines that the juvenile shall be placed in the custody of an individual other than the parents or appoints an individual guardian of the person pursuant to G.S. 7B-600, the court shall verify that the person receiving custody or being appointed as guardian of the juvenile understands the legal significance of the placement or appointment and will have adequate resources to care appropriately for the juvenile."

SECTION 4. This act applies to Gaston County only.

SECTION 5. This act is effective when it becomes law and expires July 1, 2015.

HOUSE BILL 68: Establish Ombudsman/Foster Care/Gaston County

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 11, 2013
Introduced by:	Rep. Torbett	**Prepared by:**	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 68 would authorize the appointment of an ombudsman for foster parents in Gaston County, as a time limited pilot project.***

CURRENT LAW: Foster care is a temporary living arrangement for abused, neglected, and dependent children who need a safe place to live when the parents of that child or another relative cannot take care of the child, according to the Web site for the NC Division of Social Services.

When a county department of social services determines that a child is abused, neglected or dependent, and a court grants that DSS the authority to remove the child from the home, DSS takes custody of that child and finds a placement for the child. The DSS placement is often a foster family, with the length of stay varying from days to months, or longer.

The DSS, the birth family, and the foster family work to reunite the child and the birth family. In the case a child becomes free for adoption, the foster parents may be considered as adoptive parents.

Foster parents must be licensed by the NC Department of Health and Human Services and must receive at least 30 hours of training in the licensing process. If a child is placed with a foster family, there is no guarantee that the child will remain with that foster family while that child is in the custody of the DSS.

BILL ANALYSIS:

Section 1 establishes a foster care ombudsman pilot program in Gaston County. The Gaston County Board of Commissioners would appoint the foster care ombudsman, who would be a person with experience in child welfare and State laws governing children in foster care and would remain objective in performance of the duties.

The duties and responsibilities of the foster care ombudsman would include:

- Be a party in all court reviews of the juvenile's placement on behalf of the foster parents.
- Determine the facts, the needs of the juvenile, and the available resources within the family, foster community, and community to meet those needs.
- Obtain any information or reports, whether or not confidential, that may in the ombudsman's opinion be relevant to the case. The confidentiality of the information or reports must be respected by the ombudsman.
- Refer to the social services director, and any appropriate law enforcement, any suspicion that any juvenile is abused, neglected, or dependent.
- Be a resource and advocate for foster parents.
- Periodically report to the Gaston County DSS director on foster placements within the county, including any recommendations regarding that placement or future placements.

O. Walker Reagan
Director

H68-SMRN-84 E2 -V2

Research Division
(919) 733-2578

- Compile for the Gaston Board of Commissioners any data the ombudsman has collected in the course of the official duties.
- Provide information regarding the role, duties, and functions of foster parents and the ombudsman, and the rights of children in foster care.
- Other duties deemed appropriate by the Gaston County Board of Commissioners.

Sections 2 and 3 make conforming changes to provide notice of court hearings to the foster care ombudsman.

EFFECTIVE DATE: The act is effective when it becomes law, and expires July 1, 2015. It applies to Gaston County only.

Erika Churchill contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 234
Committee Substitute Favorable 4/30/13

Short Title: Clarify Pender County ABC Laws. (Local)

Sponsors:

Referred to:

March 7, 2013

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. The introductory language of Section 3 of S.L. 2012-125 reads as rewritten:

"**SECTION 3.** Section 6 of Chapter 50 of the 1963 Session Laws, as rewritten by Section 1 of Chapter 277 of the 1973 Session Laws, reads as rewritten:"

SECTION 2. Section 6 of Chapter 50 of the 1963 Session Laws, as rewritten by Section 1 of Chapter 277 of the 1973 Session Laws, and as amended by Section 3 of S.L. 2012-125, reads as rewritten:

"**Sec. 6.** After deducting not less than five percent (5%) nor more than fifteen percent (15%) of total net profits as determined by quarterly audits to be expended for law ~~enforcement~~enforcement, in amounts determined by the Pender County Board of Alcoholic Control, and after providing for expenditure of a sum not less than two percent (2%) nor more than five percent (5%) of total future net profits, and current funds, to provide facilities, material for the care, education, rehabilitation, treatment of alcoholic, mental patients, for education of the general public on the excessive use of alcoholic beverages, or distribution to various Pender County Rescue Squads, at intervals and in amounts determined by the Pender County Board of Alcoholic Control, and after further payment to the general fund of Pender County of five percent (5%) of total net profits for use in mosquito control, the remaining total net profits from Alcoholic Beverage Control Stores shall, pursuant to G.S. 18B-805(e), be paid over on a quarterly basis as follows: sixty-five percent (65%) to the general fund of Pender County, and the remaining thirty-five percent (35%) shall be distributed as follows:

(1) Seventy percent (70%) of the remaining thirty-five percent (35%) shall be distributed to the Town of Burgaw and the Town of Surf City as follows:
   a. Forty percent (40%) of the seventy percent (70%) to the Town of Burgaw.
   b. Sixty percent (60%) of the seventy percent (70%) to the Town of Surf City.

(2) Thirty percent (30%) of the remaining thirty-five percent (35%) shall be distributed to each of the following municipalities according to each municipality's percentage of population within Pender County, as determined by the last decennial federal census:
   a. Town of Atkinson.

b. Village of St. Helena.
c. Town of Topsail Beach.
d. Town of Watha."

SECTION 3. Chapter 107 of the 1981 Session Laws is repealed.

SECTION 4. This act becomes effective July 1, 2013.

HOUSE BILL 234:
Clarify Pender County ABC Laws

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 11, 2013
Introduced by:	Rep. Millis	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 234 would clarify that the Pender County ABC Board has authority to make distributions of 5%-15% of the net profits from Pender County ABC Stores to law enforcement.***

CURRENT LAW: G.S. 18B-805 provides for the distribution of revenue of a local board: net receipts are paid to the general fund of the city or county for which the board is established, unless another distribution or schedule is provided for by law.

Pursuant to local acts[1], a range from 5% to 15% of the net profits from Pender County Alcoholic Beverage Control Stores is distributed to law enforcement.

BILL ANALYSIS: House Bill 234 would clarify that the amount of total net profits that must be expended for law enforcement is a range of not less than 5% or not more than 15%. The range is set by the Pender County ABC Board and determined by quarterly audits.

BACKGROUND: A series of local acts affected the distribution to law enforcement. The local acts were not properly coordinated.

EFFECTIVE DATE: House Bill 234 would become effective July 1, 2013.

Greg Roney, counsel to House Finance, substantially contributed to this summary.

[1] Section 6 of Chapter 50 of the 1963 Session Laws; Section 1 of Chapter 277 of the 1973 Session Laws; Chapter 107 of the 1981 Session Laws; Section 3 of S.L. 2012 125.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 501
Committee Substitute Favorable 5/9/13
Third Edition Engrossed 5/13/13

Short Title: Buncombe Cty/Community College Projects. (Local)

Sponsors:

Referred to:

April 3, 2013

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115D-9, 115D-15.1(c), and 143-341(3) or any other provisions of law, Buncombe County (County) is hereby authorized to construct community college buildings, as that term is defined in G.S. 143-336, on the campuses of Asheville-Buncombe Technical Community College (College) located within Buncombe County. Buncombe County may finance the construction of these buildings in accordance with Article 8 of Chapter 159 and Chapter 160A-20 of the General Statutes. In constructing the buildings, the County does not have to comply with the provisions of G.S. 115D-9 or Part 1 of Article 36 of Chapter 143 of the General Statutes. However, the County shall comply with the provisions of Article 3D of Chapter 143 of the General Statutes (Procurement of Architectural, Engineering, and Surveying Services) and Article 8 of Chapter 143 of the General Statutes (Public Contracts). The County shall consult with the Board of Trustees of the College about programming requirements for the buildings and shall keep the Board informed as to the construction process and progress. Upon the completion of the construction of the buildings, the County shall lease the buildings to the College under the terms and conditions agreed to by both the County and College.

SECTION 2. The Board of Trustees of the College shall transfer title to the following properties to the County for the life of the debt: (i) Tract 1 as shown on a survey recorded in Plat Book 78, Page 23, and as described in Deed Book 2360, Page 507, recorded in the Buncombe County Registry of Deeds; (ii) a 7.9 acre tract as described in Deed Book 2870, Page 607, as recorded in the Buncombe County Registry of Deeds; and (iii) a 12.87 acre parcel of land as described in Deed Book 1492, Page 339, as recorded in the Buncombe County Registry of Deeds. Upon the satisfaction of the debt, the County shall transfer title to the property back to the Board of Trustees of the College.

SECTION 3. The memorandum of understanding by and between the County and the Board of Trustees of the College executed on March 20; 2012, is null and void. Any provision of any other interlocal or other agreement between the County and College that is inconsistent with the provisions of this act is null and void. However, notwithstanding the provisions of this act, the County and Board of Trustees of the College may enter into another memorandum of understanding to allow for the construction of community college buildings by

the County on the campuses of the College located within the County if deemed appropriate by the County and College and if the terms of the memorandum will allow for the construction to be completed in a timely fashion and cost-efficient manner.

SECTION 4. This act is effective when it becomes law and applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for College uses and purposes between January 1, 2012, and December 31, 2018.

HOUSE BILL 501:
Buncombe Cty/Community College Projects

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 10, 2013
Introduced by:	Reps. Ramsey, Moffitt	**Prepared by:**	R. Erika Churchill
Analysis of:	Third Edition		Committee Counsel

SUMMARY: ***House Bill 501 would authorize Buncombe County (County) to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College (A-B Tech) located within the County.***

CURRENT LAW: In general, the State Construction Office under the Department of Administration has the authority to oversee architecture and engineering aspects for construction or renovation of most State buildings, as well as community college buildings with an estimated expenditure for construction or repair work requiring public bidding ($500,000). G.S. 143-341(3) governs the architecture and engineering process for projects handled by the State Construction Office.

Under G.S. 115D-9, the State Board of Community Colleges (State Board) may handle aspects of design, construction, repair, or renovation of buildings, utilities, and other State-funded property developments of the Community College System requiring $4,000,000 of public money or less. The State Board may delegate this authority to a community college if the community college is qualified under guidelines adopted by the State Board and approved by the State Building Commission and Director of the Budget. The State Board has delegated this authority to A-B Tech.

The statutory provisions related to community college construction under G.S. 143-341(3) do not apply to a capital improvement project of a community college funded with non-State funds if the State Board determines that the college has the expertise necessary to manage the project unless the assistance of the State Construction Office is requested.

In 2007, the North Carolina General Assembly enacted the "One-Quarter Cent County Sales and Use Tax Act," as Article 46 of Chapter 105 of the General Statutes (G.S. 105-535 through G.S. 105-538). This act authorized counties to levy an additional sales and use tax upon the passage of an advisory referendum.

BACKGROUND: In August of 2011, the Board of Commissioners of Buncombe County, upon request of A-B Tech, passed a resolution directing the Buncombe County Board of Elections to conduct an advisory referendum on the question of whether to levy a one-quarter percent sales and use tax in accordance with G.S. 105-537. This question was on the ballot on November 8, 2011 with the following statement "This sales and use tax will sunset in 2029 and will be used exclusively for the stated capital improvement needs of Asheville-Buncombe Technical Community College." The referendum passed with 50.76% of the vote.

On March 20, 2012, the County and the Board of Trustees of A-B Tech entered into a memorandum of understanding (MOU) on construction projects at A-B Tech, which provided the following:

- The Board of Trustees and Board of Commissioners would agree to jointly make certain final decisions regarding construction projects for A-B Tech, including the selection of and fee for the architect, award of final contract, monies to be spent by A-B Tech in excess of $50,000, and final acceptance of the project.

- The County would act as the agent for the college and would have authority over certain construction activities. The County would agree to consult with and keep A-B Tech informed of construction activities.
- The County would be responsible for specific funding activities for the construction projects at A-B Tech.

Construction on the project is currently suspended.

BILL ANALYSIS: Section 1 of House Bill 501 authorizes the County to construct community college buildings on the campuses of A-B Tech within the County to be financed in accordance with Article 8 of Chapter 159. The debt will be secured by the buildings and repaid with revenue from the one-quarter cent local sales tax approved by the voters of the County in a referendum held on November 8, 2011. The County must consult with the Board of Trustees of A-B Tech about the programming requirements for the buildings and keep the Trustees informed about the construction process and progress. Section 1 directs the County to lease the buildings, upon completion, to A-B Tech under conditions agreed to by both the County and A-B Tech.

Section 2 of House Bill 501 directs the Board of Trustees of A-B Tech to transfer the titles of 3 specific properties to the County for the life of the debt, and states that upon satisfaction of the debt, the County must transfer title to the properties back to the Board of Trustees.

Section 3 of House Bill 501 nullifies and voids the MOU dated March 20, 2012 between the County and the Board of Trustees of A-B Tech and other interlocal agreements between the two bodies that are inconsistent with the act. The County and Board of Trustees of A-B Tech can enter into additional MOU's on the timely construction, if deemed appropriate.

EFFECTIVE DATE: This act is effective when it becomes law, and applies only to construction and renovation projects funded entirely with county funds between January 1, 2012 and December 31, 2018.

Denise Adams, Legislative Analyst for House Education, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 562
Committee Substitute Favorable 5/6/13

Short Title: Cramerton Charter Revisal. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Cramerton is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF CRAMERTON.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation.** The Town of Cramerton shall continue to be a body politic and corporate under the name of "Town of Cramerton." 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 Cramerton 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 Board of Commissioners, hereinafter referred to as the "Board," and the Mayor shall be the governing body of the town.

"Section 3.2. **Board; Composition; Terms of Office.** The qualified voters of the entire Town shall elect the Board. The Board shall be composed of five members to serve staggered terms of four years and until their successors are elected and qualified. Five members of the Board shall be elected in 2013, with the two receiving the highest numbers of votes elected to four-year terms, and the three receiving the next highest numbers of votes elected to two-year terms. In 2015 and quadrennially thereafter, three members of the Board shall be elected to four-year terms. In 2017 and quadrennially thereafter, two members of the Board shall be elected to four-year terms.

"Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the qualified voters of the Town in 2013 and quadrennially thereafter for a term of four 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 Board. The Mayor shall have the right to vote only when there is an equal division on any question or matter before the Board and shall exercise the powers and duties conferred by law and as directed by the Board.

"Section 3.4. **Mayor Pro Tempore.** In accordance with general law, the Board 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 Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law. Robert's Rules of Order, Revised, shall govern the proceeding of the Board.

"Section 3.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. A quorum shall be a majority of the members elected to the Board present and voting.

"Section 3.7. **Compensation; Qualifications for Office; Vacancies.** The compensation, qualifications, and filing of vacancies of the Mayor and members of the Board shall be in accordance with general law, except that vacancies are filled for the remainder of the unexpired term.

"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 Cramerton 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 Board 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 Board may direct.

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

"Section 5.4. **Tax Collector.** The Board 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 Board.

"Section 5.5. **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, including assignment of administrative duties to the Town Clerk.

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

"Section 5.8. **Residency.** Residency within the corporate limits of the Town is not required for any office under this Article."

SECTION 2. This act does not affect the terms of office of the current Mayor and Board of Commissioners of the Town of Cramerton.

SECTION 3. No action or 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 Cramerton or any of its departments or agencies shall be abated or otherwise affected by enactment of this act.

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

SECTION 5. Chapter 1061 of the Session Laws of 1967, having been consolidated into this act, is hereby repealed.

SECTION 6. This act does not affect the following:

(1) S.L. 2005-45 (weeded lot ordinance).

(2) G.S. 160A-58.1(b)(5) as it applies to the Town.

(3) G.S. 20-171.24 as it applies to the Town.

(4) S.L. 2009-429 (Occupancy Tax).

(5) S.L. 2003-124 as amended by S.L. 2011-171 (regulation of utility vehicles).

SECTION 7. All existing ordinances and resolutions of the Town of Cramerton and all existing rules and regulations of departments or agencies of the Town of Cramerton 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 562
Committee Substitute Favorable 5/6/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H562-CSTQ-44 [v.4]
6/6/2013 2:32:42 PM

Short Title: Cramerton Charter Revisal. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

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"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 Cramerton 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 Board of Commissioners, hereinafter referred to as the "Board," and the Mayor shall be the governing body of the town.

"Section 3.2. **Board; Composition; Terms of Office.** The qualified voters of the entire Town shall elect the Board. The Board shall be composed of five members to serve staggered terms of four years and until their successors are elected and qualified. Two members of the Board shall be elected in 2013 and quadrennially thereafter for four-year terms and three members shall be elected in 2015 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 2013 and quadrennially thereafter for a term of four 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 Board. The Mayor shall have the right to vote only when there is an equal division on any question or matter before the Board and shall exercise the powers and duties conferred by law and as directed by the Board.

"Section 3.4. **Mayor Pro Tempore.** In accordance with general law, the Board 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 Board 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 Board and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. A quorum shall be a majority of the members elected to the Board present and voting.

"Section 3.7. **Compensation; Qualifications for Office; Vacancies.** The compensation, qualifications, and filing of vacancies of the Mayor and members of the Board shall be in accordance with general law, except that vacancies are filled for the remainder of the unexpired term.

"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 Cramerton 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 Board 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 Board may direct.

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"Section 5.5. **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, including assignment of administrative duties to the Town Clerk.

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

"Section 5.8. **Residency.** Residency within the corporate limits of the Town is not required for any office under this Article."

SECTION 2. This act does not affect the terms of office of the current Mayor and Board of Commissioners of the Town of Cramerton.

SECTION 3. No action or 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 Cramerton or any of its departments or agencies shall be abated or otherwise affected by enactment of this act.

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

SECTION 5. Chapter 1061 of the Session Laws of 1967, having been consolidated into this act, is hereby repealed.

SECTION 6. This act does not affect the following:

(1) S.L. 2005-45 (weeded lot ordinance).

(2) G.S. 160A-58.1(b)(5) as it applies to the Town.
(3) G.S. 20-171.24 as it applies to the Town.
(4) S.L. 2009-429 (Occupancy Tax).
(5) S.L. 2003-124 as amended by S.L. 2011-171 (regulation of utility vehicles).

SECTION 7. All existing ordinances and resolutions of the Town of Cramerton and all existing rules and regulations of departments or agencies of the Town of Cramerton 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. Those members of the Board serving on the date of ratification of this Charter shall complete the remainder of their terms and their positions shall be filled as the terms expire.

HOUSE BILL 562:
Cramerton Charter Revisal

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 11, 2013
Introduced by:	Rep. Bumgardner	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	PCS to Second Edition H562-CSTQ-44 [v.4]		

SUMMARY: ***House Bill 562 revises and consolidates the charter of the Town of Cramerton.***

CURRENT LAW: Cramerton was incorporated in 1967. Currently, the mayor and five commissioners are elected in odd-numbered years for two-year, non-staggered terms.

BILL ANALYSIS: The PCS for House Bill 562 makes technical and conforming changes to the charter of the Town of Cramerton and consolidates the charter. The PCS also makes the following substantive changes to the charter:

- Changes the term of the Mayor of Cramerton from two years to four years.
- Changes the terms of the Board of Commissioners from two-year, non-staggered terms to four-year staggered terms.

The PCS would not affect the terms of office of the current Mayor and Board of Commissioners. All existing town ordinances, resolutions, rules, and regulations that are not inconsistent with the bill would still be in effect.

EFFECTIVE DATE: This act is effective when it becomes law. The Town of Cramerton lies in Gaston County, a county covered by Section 5 of the Voting Rights Act. As a result, the Town of Cramerton must submit the changes in this act for preclearance under Section 5 of the Voting Rights Act prior to implementing the changes to the elections of the Town.

BACKGROUND: An ordinance passed by the Town in 1977 changed the term of the Mayor of Cramerton from two years to four years, and the terms of the Board of Commissioners from two-year non-staggered terms to four-year staggered terms. After the 1977 election, three members of the Board were elected to four-year terms in 1979, and two members and the Mayor were elected to four-year terms in 1981. The four-year term staggered election cycle has been in effect since that time, but the local acts reflecting the charter have not yet been updated.

Kelly Quick, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H562-SMTQ-101 CSTQ-44 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 857
Committee Substitute Favorable 5/13/13
Committee Substitute #2 Favorable 5/15/13

Short Title: Public Contracts/Construction Methods/DB/P3. (Public)

Sponsors:

Referred to:

April 15, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS.

Whereas, the legislature recognizes that there is a public need for the design, construction, improvement, renovation, and expansion of high-performing public buildings within the State of North Carolina; and

Whereas, the public need may not be, in limited situations, wholly satisfied by existing procurement methods in which public buildings are designed, constructed, improved, renovated, or expanded; and

Whereas, many local government entities request special legislative authorization to enter into public-private partnerships and use design-build contracting every legislative session; and

Whereas, in some instances, more efficient delivery of quality design and construction can be realized when a governmental entity is authorized to utilize an integrated approach for the design and construction of a project under one contract with a single point of responsibility; and

Whereas, the design-build integrated approach to project delivery, based upon qualifications and experience, in some instances, can yield improved collaboration among design professionals, builders, and owners throughout the entire process and deliver a quality and cost-efficient building; and

Whereas, certain governmental entities within the State lack the financial resources required to undertake capital building construction projects that are necessary to satisfy critical public needs; and

Whereas, partnerships with private developers may offer an effective financial mechanism for governmental entities to secure public buildings to satisfy critical public needs that cannot otherwise be met; and

Whereas, the legislature recognizes that the general public must have confidence in governmental entities' processes for construction contracting; and

Whereas, the legislature realizes that open competition delivers the best value for taxpayers and public owners; and

Whereas, the legislature seeks to create transparent, fair, and equitable contracting procedures for the use of public funds in government construction contracting; and

Whereas, the legislation proposed in this act is not intended to affect the existing statutes, regulations, or practices relevant to projects administered by the North Carolina Department of Transportation; Now, therefore,



The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-64.31 reads as rewritten:

"**§ 143-64.31. Declaration of public policy.**

(a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, ~~surveying and~~surveying, construction management at risk ~~services;~~services, design-build services, and public-private partnership construction services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

(a1) A resident firm providing architectural, engineering, surveying, ~~or~~ construction management at risk ~~services~~ services, design-build services, or public-private partnership construction services shall be granted a preference over a nonresident firm, in the same manner, on the same basis, and to the extent that a preference is granted in awarding contracts for these services by the other state to its resident firms over firms resident in the State of North Carolina. For purposes of this section, a resident firm is a firm that has paid unemployment taxes or income taxes in North Carolina and whose principal place of business is located in this State.

(b) Public entities that contract with a construction manager at ~~risk~~ risk, design-builder, or private developer under a public-private partnership under this section shall report to the Secretary of Administration the following information on all projects where a construction manager at ~~risk~~ risk, design-builder, or private developer under a public-private partnership is utilized:

(1) A detailed explanation of the reason why the particular construction manager at ~~risk~~ risk, design-builder, or private developer was selected.

(2) The terms of the contract with the construction manager at ~~risk.~~risk, design-builder, or private developer.

(3) A list of all other firms considered but not selected as the construction manager at ~~risk~~ risk, design-builder, or private developer, and the amount of their proposed fees for services.

(4) A report on the form of bidding utilized by the construction manager at ~~risk~~ risk, design-builder, or private developer on the project.

(c) The Secretary of Administration shall adopt rules to implement the provisions of this subsection including the format and frequency of reporting.

(d) For purposes of this Article, the definition in G.S. 143-128.1B and G.S. 143-128.1C shall apply."

SECTION 2. G.S. 143-64.32 reads as rewritten:

"**§ 143-64.32. Written exemption of particular contracts.**

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case ~~of:~~

~~(a)~~ ~~Proposed~~ of proposed projects where an estimated professional fee is in an amount less than ~~thirty thousand dollars ($30,000), or~~fifty thousand dollars ($50,000.00).

~~(b) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefor and the circumstances attendant thereto.~~"

SECTION 3. G.S. 143-128(a1) reads as rewritten:

"(a1) Construction methods. – The State, a county, municipality, or other public body shall award contracts to erect, construct, alter, or repair buildings pursuant to any of the following methods:

(1) Separate-prime bidding.
(2) Single-prime bidding.
(3) Dual bidding pursuant to subsection (d1) of this section.
(4) Construction management at risk contracts pursuant to G.S. 143-128.1.
(5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).
(6) Design-build contracts pursuant to G.S. 143-128.1A.
(7) Design-build bridging contracts pursuant to G.S. 143-128.1B.
(8) Public-private partnership construction contracts pursuant to G.S. 143-128.1C."

SECTION 4. Article 8 of Chapter 143 of the General Statutes is amended by adding the following new sections to read:

"**§ 143-128.1A. Design-build contracts.**

(a) Definitions for purposes of this section:
(1) Design-builder. – As defined in G.S. 143-128.1B.
(2) Governmental entity. – As defined in G.S. 143-128.1B.

(b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:
(1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
(2) The time constraints for the delivery of the project.
(3) The ability to ensure that a quality project can be delivered.
(4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
(5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section.

(c) A governmental entity shall issue a public notice of the request for qualifications that includes, at a minimum, general information on each of the following:
(1) The project site.
(2) The project scope.
(3) The anticipated project budget.
(4) The project schedule.
(5) The criteria to be considered for selection, and the weighting of the qualifications criteria.
(6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business participation.

(7) Other information provided by the owner to potential design-builders in submitting qualifications for the project.

(8) A statement providing that each design-builder shall submit in its response to the request for qualifications an explanation of its project team selection, which shall consist of either of the following:

a. A list of the licensed contractors, licensed subcontractors, and licensed design professionals whom the design-builder proposes to use for the project's design and construction.

b. An outline of the strategy the design-builder plans to use for open contractor and subcontractor selection based upon the provisions of Article 8 of Chapter 143 of the General Statutes.

(d) Following evaluation of the qualifications of the design-builders, the three most highly qualified design-builders shall be ranked. If after the solicitation for design-builders, not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation, not as many as three responses are received, the governmental entity may then begin negotiations with the highest ranked design-builder under G.S. 143-64.31 even though fewer than three responses were received. If the governmental entity deems it appropriate, the governmental entity may invite some or all responders to interview with the governmental entity.

(e) The design-builder shall be selected in accordance with Article 3D of this Chapter. Each design-builder shall certify to the governmental entity that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

(f) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel as listed in sub-subdivision (c)(8)a. of this section after the contract has been awarded.

"**§ 143-128.1B. Design-build bridging contracts.**

(a) Definitions for purposes of this section:

(1) Design-build bridging. – A design and construction delivery process whereby a governmental entity contracts for design criteria services under a separate agreement from the construction phase services of the design-builder.

(2) Design-builder. – A person, partnership, corporation, joint venture, or other legally eligible entity that offers to provide or provides, directly or indirectly through properly licensed subcontractors, design and construction services under a single contract.

(3) Design criteria. – The requirements for a public project, expressed in drawings and specifications sufficient to allow the design-builder to make a responsive bid proposal.

(4) Design professional. – Any professional licensed under Chapter 83A, Chapter 89A, or Chapter 89C of the General Statutes.

(5) First-tier subcontractor. – A subcontractor who contracts directly with the design-builder or general contractor, excluding design professionals.

(6) Governmental entity. – Every officer, board, department, commission, or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration,

or repair of any buildings for the State, or for any county, municipality, or other public body.

(b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which engaging a design criteria design professional is appropriate for a project, and such criteria shall, at a minimum, address all of the following:

(1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for proposals for a design-builder.

(2) The time constraints for the delivery of the project.

(3) The ability to ensure that a quality project can be delivered.

(4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.

(5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (d) of this section.

(c) On or before entering into a contract for design-build services, the governmental entity shall select or designate a staff design professional, or a design professional who is independent of the design-builder, to act as its design criteria design professional as its representative for the procurement process and for the duration of the design and construction. If the design professional is not a full-time employee of the governmental entity, the governmental entity shall select the design professional on the basis of demonstrated competence and qualifications as provided by G.S. 143-64.31. The design criteria design professional shall develop design criteria in consultation with the governmental entity. The design criteria design professional shall not be eligible to submit a response to the request for proposals nor provide design input to a design-bid response to the request for proposals. The design criteria design professional shall prepare a design criteria package equal to thirty-five percent (35%) of the completed design documentation for the entire construction project. The design criteria package shall include all of the following:

(1) Programmatic needs, interior space requirements, intended space utilization, and other capacity requirements.

(2) Information on the physical characteristics of the site, such as a topographic survey.

(3) Material quality standards or performance criteria.

(4) Special material requirements.

(5) Provisions for utilities.

(6) Parking requirements.

(7) The type, size, and location of adjacent structures.

(8) Preliminary or conceptual drawings and specifications sufficient in detail to allow the design-builder to make a proposal which is responsive to the request for proposals.

(9) Notice of any ordinances, rules, or goals adopted by the governmental entity.

(d) A governmental entity shall issue a public notice of the request for proposals that includes, at a minimum, general information on each of the following:

(1) The project site.

(2) The project scope.

(3) The anticipated project budget.

(4) The project schedule.

(5) The criteria to be considered for selection, and the weighting of the selection criteria.

(6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business entities.

(7) The thirty-five percent (35%) design criteria package prepared by the design criteria design professional.

(8) Other information provided by the owner to design-builders in submitting responses to the request for proposals for the project.

(9) A statement providing that each design-builder shall submit in its request for proposal response an explanation of its project team selection, which shall consist of a list of the licensed contractor and licensed design professionals whom the design-builder proposes to use for the project's design and construction.

(10) A statement providing that each design-builder shall submit in its request for proposal a sealed envelope with all of the following:

a. The design-builder's price for providing the general conditions of the contract.

b. The design-builder's proposed fee for general construction services.

c. The design-builder's fee for design services.

(e) Following evaluation of the qualifications of the design-builders, the three most highly qualified design-builders shall be ranked. If after the solicitation for design-builders, not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation, not as many as three responses are received, the governmental entity may then make its selection. The governmental entity shall select the winning design-builder proposal from the three most highly qualified design-builders using the information supplied to the governmental entity under subdivision (d)(10) of this section. Each design-builder shall certify to the governmental entity that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

(f) The design-builder shall accept bids based upon the provisions of this Article from first-tier subcontractors for all construction work under this section.

(g) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel, as listed under (d)(9) of this section, after the contract has been awarded.

"**§ 143-128.1C. Public-private partnership construction contracts.**

(a) Definitions for purposes of this section:

(1) Construction contract. – Any contract entered into between a private developer and a contractor for the design, construction, reconstruction, alteration, or repair of any building or other work or improvement required for a private developer to satisfy its obligations under a development contract.

(2) Contractor. – Any person who has entered into a construction contract with a private developer under this section.

(3) Design-builder. – Defined in G.S. 143-128.1B.

(4) Development contract. – Any contract between a governmental entity and a private developer under this section and, as part of the contract, the private developer is required to provide at least fifty percent (50%) of the financing

for the total cost necessary to deliver the capital improvement project, whether through lease or ownership, for the governmental entity.

(5) Governmental entity. – Defined in G.S. 143-128.1B.

(6) Labor or materials. – Includes all materials furnished or labor performed in the performance of the work required by a construction contract whether or not the labor or materials enter into or become a component part of the improvement and shall include gas, power, light, heat, oil, gasoline, telephone services, and rental of equipment or the reasonable value of the use of equipment directly utilized in the performance of the work required by a construction contract.

(7) Private developer. – Any person who has entered into a development contract with a governmental entity under this section.

(8) Public-private project. – A capital improvement project undertaken for the benefit of a governmental entity and a private developer pursuant to a development contract that includes construction of a public facility or other improvements including paving, grading, utilities, infrastructure, reconstruction, or repair and may include both public and private facilities.

(9) State entity. – The State and every agency, authority, institution, board, commission, bureau, council, department, division, officer, or employee of the State. The term does not include a unit of local government as defined in G.S. 159-7.

(10) State-supported financing arrangement. – Any installment financing arrangement, lease-purchase arrangement, arrangement under which funds are to be paid in the future based upon the availability of an asset or funds for payment, or any similar arrangement in the nature of a financing, under which a State entity agrees to make payments to acquire or obtain a capital asset for the State entity or any other State entity for a term, including renewal options, of greater than one year. Any arrangement that results in the identification of a portion of a lease payment, installment payment, or similar scheduled payment thereunder by a State entity as "interest" for purposes of federal income taxation shall automatically be a State-supported financing arrangement for purposes of this section.

(11) Subcontractor. – Any person who has contracted to furnish labor, services, or materials to, or who has performed labor or services for, a contractor or another subcontractor in connection with a development contract.

(b) If the governmental entity determines in writing that it has a critical need for a capital improvement project, the governmental entity may acquire, construct, own, lease as lessor or lessee, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from funds available to the governmental entity for these purposes. If the governmental entity is a public body under Article 33C of this Chapter, the determination shall occur during an open meeting of that public body. The governmental entity may enter into development contracts with private developers with respect to acquiring, constructing, owning, leasing, or operating a project under this section. The development contract shall specify the following:

(1) The property interest of the governmental entity and all other participants in the development of the project.

(2) The responsibilities of the governmental entity and all other participants in the development of the project.

(3) The responsibilities of the governmental entity and all other participants with respect to financing of the project.

(4) The responsibilities to put forth a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(c) The development contract may provide that the private developer shall be responsible for any or all of the following:

(1) Construction of the entire public-private project.

(2) Reconstruction or repair of the public-private project or any part thereof subsequent to construction of the project.

(3) Construction of any addition to the public-private project.

(4) Renovation of the public-private project or any part thereof.

(5) Purchase of apparatus, supplies, materials, or equipment for the public-private project whether during or subsequent to the initial equipping of the project.

(6) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(d) The development contract may also provide that the governmental entity and private developer shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If the development contract provides that the governmental entity and private developer shall use the same contractor, the development contract shall include provisions deemed appropriate by the governmental entity to assure that the public facility or facilities included in or added to the public-private project are constructed, reconstructed, repaired, or renovated at a reasonable price and that the apparatus, supplies, materials, and equipment purchased for the public facility or facilities included in the public-private project are purchased at a reasonable price. For public-private partnerships using the design-build project delivery method, the provisions of G.S. 143-128.1A shall apply.

(e) A private developer and its contractors shall make a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(f) A private developer may perform a portion of the construction or design work only if both of the following criteria apply:

(1) A previously engaged contractor defaults, and a qualified replacement cannot be obtained after a good-faith effort has been made in a timely manner.

(2) The governmental entity approves the private developer to perform the work.

(g) The following bonding provisions apply to any development contract entered into under this section:

(1) A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred percent (100%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to design or construct the improvements required by the development contract. The payment bond shall be conditioned upon the prompt payment for all labor or materials for which the private developer or one or more of its contractors or those contractors' subcontractors are liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor or services for which the private developer or its contractors or subcontractors are liable. The total anticipated amount of the construction contracts shall be stated in the development contract and certified by the private developer as being a good-faith projection of its total costs for constructing the improvements required by the development contract. The payment bond shall be executed by one or more surety companies legally authorized to do

business in the State of North Carolina and shall become effective upon the awarding of the development contract. The development contract may provide for the requirement of a performance bond.

(2) Subject to the provisions of this subsection, any claimant who has performed labor or furnished materials in the prosecution of the work required by any contract for which a payment bond has been given pursuant to the provisions of this subsection, and who has not been paid in full therefor before the expiration of 90 days after the day on which the claimant performed the last labor or furnished the last materials for which that claimant claims payment, may bring an action on the payment bond in that claimant's own name to recover any amount due to that claimant for the labor or materials and may prosecute the action to final judgment and have execution on the judgment.

a. Any claimant who has a direct contractual relationship with any contractor or any subcontractor but has no contractual relationship, express or implied, with the private developer may bring an action on the payment bond only if that claimant has given written notice of claim on the payment bond to the private developer within 120 days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which that claimant claims payment, in which that claimant states with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

b. The notice required by sub-subdivision a. of this subdivision shall be served by certified mail or by signature confirmation as provided by the United States Postal Service, postage prepaid, in an envelope addressed to the private developer at any place where that private developer's office is regularly maintained for the transaction of business or in any manner provided by law for the service of summons.

(3) Every action on a payment bond as provided in this subsection shall be brought in a court of appropriate jurisdiction in a county where the development contract or any part thereof is to be or has been performed. No action on a payment bond shall be commenced after one year from the day on which the last of the labor was performed or material was furnished by the claimant.

(4) No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond. A judgment against any surety may be reduced or set aside upon motion by the surety and a showing that the total amount of claims paid and judgments previously rendered under the payment bond, together with the amount of the judgment to be reduced or set aside, exceeds the face amount of the bond.

(5) No act of or agreement between the governmental entity, a private developer, or a surety shall reduce the period of time for giving notice under sub-subdivision (2)a. of this subsection or commencing action under subdivision (3) of this subsection or otherwise reduce or limit the liability of the private developer or surety as prescribed in this subsection. Every bond given by a private developer pursuant to this subsection shall be conclusively presumed to have been given in accordance with the provisions of this subsection, whether or not the bond is drawn as to conform to this subsection. The provisions of this subsection shall be conclusively presumed to have been written into every bond given pursuant to this subsection.

(6) Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the governmental entity or the private developer to certify and furnish a copy of the payment bond, the development contract, and any construction contracts covered by the bond. It shall be the duty of the private developer or the governmental entity to give any such person a certified copy of the payment bond and the construction contract upon not less than 10 days' notice and request. The governmental entity or private developer may require a reasonable payment for the actual cost of furnishing the certified copy. A copy of any payment bond, development contract, and any construction contracts covered by the bond certified by the governmental entity or private developer shall constitute prima facie evidence of the contents, execution, and delivery of the bond, development contract, and construction contracts.

(7) A payment bond form containing the following provisions shall comply with this subsection:

a. The date the bond is executed.

b. The name of the principal.

c. The name of the surety.

d. The governmental entity.

e. The development contract number.

f. All of the following:

1. "KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named [governmental entity], hereinafter called [governmental entity], in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents."

2. "THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain development contract with [governmental entity], numbered as shown above and hereto attached."

3. "NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the construction or design work provided for in the development contract, and any and all duly authorized modifications of the contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue."

4. "IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body." Appropriate places for execution by the surety and principal shall be provided.

(8) In any suit brought or defended under the provisions of this subsection, the presiding judge may allow reasonable attorneys' fees to the attorney representing the prevailing party. Attorneys' fees under this subdivision are

to be taxed as part of the court costs and shall be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this subdivision, the term "prevailing party" means a party plaintiff or third-party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or a party defendant or third-party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the provisions of this subdivision, if an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.

(9) The rights afforded claimants by the provisions of this subsection shall be in addition to and not in lieu of any other rights which claimants may have by law or contract, and the provisions of this subsection shall not be construed so as to limit such rights. Provided, however, if a payment bond is obtained for a development contract and maintained throughout the public-private project pursuant to this section, the provisions of Article 2 of Chapter 44A of the General Statutes shall not apply to that public-private project.

(h) The governmental entity shall determine its programming requirements for facilities to be constructed under this section and shall determine the form in which private developers may submit their qualifications. The governmental entity shall advertise a notice for interested private developers to submit qualifications in a newspaper having general circulation within the county in which the governmental entity is located. Prior to the submission of qualifications, the governmental entity shall make available, in whatever form it deems appropriate, the programming requirements for facilities included in the public-private project. Any private developer submitting qualifications shall include the following:

(1) Evidence of financial stability. However, "trade secrets" as that term is defined in G.S. 66-152(3) shall be exempt from disclosure under Chapter 132 of the General Statutes.

(2) Experience with construction of similar projects.

(3) Explanation of project team selection by either listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction or a statement outlining a strategy for open contractor and subcontractor selection based upon the provisions of this Article.

(4) Statement of availability to undertake the public-private project and projected time line for project completion.

(5) Any other information required by the governmental entity.

(i) Based upon the qualifications package submitted by the private developers and any other information required by the governmental entity, the governmental entity may select one or more private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The governmental entity shall advertise the terms of the proposed contract to be entered into by the governmental entity in a newspaper having general circulation within the county in which the governmental entity is located at least 30 days prior to entering into the development contract. If the governmental entity is a public body under Article 33C of this Chapter, the development contract shall be considered in an open meeting of that public body following a public hearing on the proposed development contract. Notice of the public hearing shall be published in the same notice as the advertisement of the terms under this subsection.

(j) The governmental entity shall make available a summary of the development contract terms, which shall include a statement of how to obtain a copy of the complete development contract.

(k) Leases entered into under this section are subject to approval as follows:

(1) If a capital lease or operating lease is entered into by a unit of local government as defined in G.S. 159-7, that capital lease or operating lease is subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3), 159-148(a)(4) or 159-153. For purposes of determining whether the standards set out in G.S.159-148(a)(3) have been met, only the five hundred thousand dollar ($500,000) threshold applies.

(2) If a capital lease is entered into by a State entity that constitutes a State-supported financing arrangement and requires payments thereunder that are payable, whether directly or indirectly, and whether or not subject to the appropriation of funds for such payment, by payments from the General Fund of the State or other funds and accounts of the State that are funded from the general revenues and other taxes and fees of the State or State entities, not including taxes and fees that are required to be deposited to the Highway Fund or Highway Trust Fund, that capital lease shall be subject to the approval procedures required for special indebtedness by G.S. 142-83 and G.S. 142-84. This requirement shall not apply to any arrangement where bonds or other obligations are issued or incurred by a State entity to carry out a financing program authorized by the General Assembly under which such bonds or other obligations are payable from moneys derived from specified, limited, nontax sources, so long as the payments under that arrangement by a State entity are limited to the sources authorized by the General Assembly.

(l) A capital lease or operating lease entered into under this section may not contain any provision with respect to the assignment of specific students or students from a specific area to any specific school.

(m) This section shall not apply to any contract or other agreement between or among The University of North Carolina or one of its constituent institutions, a private, nonprofit corporation established under Part 2B of Article 1 of Chapter 116 of the General Statutes, or any private foundation, private association, or private club created for the primary purpose of financial support to The University of North Carolina or one of its constituent institutions."

SECTION 5. G.S. 143-128.1 reads as rewritten:

"**§ 143-128.1. Construction management at risk contracts.**

(a) For purposes of this section and G.S. 143-64.31:

(1) "Construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

(2) "Construction management at risk services" means services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases, (ii) who is licensed as a general contractor, and (iii) who guarantees the cost of the project.

(3) "Construction manager at risk" means a person, corporation, or entity that provides construction management at risk services.

(4) "First-tier subcontractor" means a subcontractor who contracts directly with the construction manager at risk.

(b) The construction manager at risk shall be selected in accordance with Article 3D of this Chapter. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer. The public owner shall make a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities when selecting a construction manager at risk.

(c) The construction manager at risk shall contract directly with the public entity for all construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The prequalification criteria shall be determined by the public entity and the construction manager at risk to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the public entity. The public entity shall require the construction manager at risk to submit its plan for compliance with G.S. 143-128.2 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager at risk and first-tier subcontractors shall make a good faith effort ~~to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2.~~ to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. A construction manager at risk may perform a portion of the work only if (i) bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner, and (ii) the public entity approves of the construction manager at risk's performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records under Chapter 132 of the General Statutes. The construction manager at risk shall act as the fiduciary of the public entity in handling and opening bids. The construction manager at risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager at risk is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall provide for a dispute resolution procedure as provided in G.S. 143-128(f1). (d) The construction manager at risk shall provide a performance and payment bond to the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes."

SECTION 6. This act becomes effective October 1, 2013, and applies to projects bid on or after that date and public-private development contracts entered into on or after that date. This act expires on July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 857
Committee Substitute Favorable 5/13/13
Committee Substitute #2 Favorable 5/15/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H857-CSST-72 [v.2]
6/10/2013 6:48:07 PM

Short Title: Public Contracts/Construction Methods/DB/P3. (Public)

Sponsors:

Referred to:

April 15, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS.

Whereas, the legislature recognizes that there is a public need for the design, construction, improvement, renovation, and expansion of high-performing public buildings within the State of North Carolina; and

Whereas, the public need may not be, in limited situations, wholly satisfied by existing procurement methods in which public buildings are designed, constructed, improved, renovated, or expanded; and

Whereas, many local government entities request special legislative authorization to enter into public-private partnerships and use design-build contracting every legislative session; and

Whereas, in some instances, more efficient delivery of quality design and construction can be realized when a governmental entity is authorized to utilize an integrated approach for the design and construction of a project under one contract with a single point of responsibility; and

Whereas, the design-build integrated approach to project delivery, based upon qualifications and experience, in some instances, can yield improved collaboration among design professionals, builders, and owners throughout the entire process and deliver a quality and cost-efficient building; and

Whereas, certain governmental entities within the State lack the financial resources required to undertake capital building construction projects that are necessary to satisfy critical public needs; and

Whereas, partnerships with private developers may offer an effective financial mechanism for governmental entities to secure public buildings to satisfy critical public needs that cannot otherwise be met; and

Whereas, the legislature recognizes that the general public must have confidence in governmental entities' processes for construction contracting; and

Whereas, the legislature realizes that open competition delivers the best value for taxpayers and public owners; and

Whereas, the legislature seeks to create transparent, fair, and equitable contracting procedures for the use of public funds in government construction contracting; and

Whereas, the legislation proposed in this act is not intended to affect the existing statutes, regulations, or practices relevant to projects administered by the North Carolina Department of Transportation; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-64.31 reads as rewritten:

"**§ 143-64.31. Declaration of public policy.**

(a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, ~~surveying and~~surveying, construction management at risk ~~services;~~services, design-build services, and public-private partnership construction services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

(a1) A resident firm providing architectural, engineering, surveying, ~~or~~ construction management at risk ~~services~~ services, design-build services, or public-private partnership construction services shall be granted a preference over a nonresident firm, in the same manner, on the same basis, and to the extent that a preference is granted in awarding contracts for these services by the other state to its resident firms over firms resident in the State of North Carolina. For purposes of this section, a resident firm is a firm that has paid unemployment taxes or income taxes in North Carolina and whose principal place of business is located in this State.

(b) Public entities that contract with a construction manager at ~~risk~~ risk, design-builder, or private developer under a public-private partnership under this section shall report to the Secretary of Administration the following information on all projects where a construction manager at ~~risk~~ risk, design-builder, or private developer under a public-private partnership is utilized:

(1) A detailed explanation of the reason why the particular construction manager at ~~risk~~ risk, design-builder, or private developer was selected.

(2) The terms of the contract with the construction manager at ~~risk~~ risk, design-builder, or private developer.

(3) A list of all other firms considered but not selected as the construction manager at ~~risk~~ risk, design-builder, or private developer, and the amount of their proposed fees for services.

(4) A report on the form of bidding utilized by the construction manager at ~~risk~~ risk, design-builder, or private developer on the project.

(c) The Secretary of Administration shall adopt rules to implement the provisions of this subsection including the format and frequency of reporting.

(d) For purposes of this Article, the definition in G.S. 143-128.1B and G.S. 143-128.1C shall apply."

SECTION 2. G.S. 143-64.32 reads as rewritten:

"**§ 143-64.32. Written exemption of particular contracts.**

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case ~~of:~~

~~(a)~~ ~~Proposed~~ of proposed projects where an estimated professional fee is in an amount less than ~~thirty thousand dollars ($30,000), or~~fifty thousand dollars ($50,000.00).

~~(b) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefor and the circumstances attendant thereto.~~"

SECTION 3. G.S. 143-128(a1) reads as rewritten:

"(a1) Construction methods. – The State, a county, municipality, or other public body shall award contracts to erect, construct, alter, or repair buildings pursuant to any of the following methods:

(1) Separate-prime bidding.
(2) Single-prime bidding.
(3) Dual bidding pursuant to subsection (d1) of this section.
(4) Construction management at risk contracts pursuant to G.S. 143-128.1.
(5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).
(6) Design-build contracts pursuant to G.S. 143-128.1A.
(7) Design-build bridging contracts pursuant to G.S. 143-128.1B.
(8) Public-private partnership construction contracts pursuant to G.S. 143-128.1C."

SECTION 4. Article 8 of Chapter 143 of the General Statutes is amended by adding the following new sections to read:

"**§ 143-128.1A. Design-build contracts.**

(a) Definitions for purposes of this section:
(1) Design-builder. – As defined in G.S. 143-128.1B.
(2) Governmental entity. – As defined in G.S. 143-128.1B.

(b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:
(1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
(2) The time constraints for the delivery of the project.
(3) The ability to ensure that a quality project can be delivered.
(4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
(5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section.

(c) A governmental entity shall issue a public notice of the request for qualifications that includes, at a minimum, general information on each of the following:
(1) The project site.
(2) The project scope.
(3) The anticipated project budget.
(4) The project schedule.
(5) The criteria to be considered for selection, and the weighting of the qualifications criteria.

(6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business participation.

(7) Other information provided by the owner to potential design-builders in submitting qualifications for the project.

(8) A statement providing that each design-builder shall submit in its response to the request for qualifications an explanation of its project team selection, which shall consist of either of the following:

a. A list of the licensed contractors, licensed subcontractors, and licensed design professionals whom the design-builder proposes to use for the project's design and construction.

b. An outline of the strategy the design-builder plans to use for open contractor and subcontractor selection based upon the provisions of Article 8 of Chapter 143 of the General Statutes.

(d) Following evaluation of the qualifications of the design-builders, the three most highly qualified design-builders shall be ranked. If after the solicitation for design-builders, not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation, not as many as three responses are received, the governmental entity may then begin negotiations with the highest ranked design-builder under G.S. 143-64.31 even though fewer than three responses were received. If the governmental entity deems it appropriate, the governmental entity may invite some or all responders to interview with the governmental entity.

(e) The design-builder shall be selected in accordance with Article 3D of this Chapter. Each design-builder shall certify to the governmental entity that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

(f) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel as listed in sub-subdivision (c)(8)a. of this section after the contract has been awarded.

"**§ 143-128.1B. Design-build bridging contracts.**

(a) Definitions for purposes of this section:

(1) Design-build bridging. – A design and construction delivery process whereby a governmental entity contracts for design criteria services under a separate agreement from the construction phase services of the design-builder.

(2) Design-builder. – A person, partnership, corporation, joint venture, limited liability company, 0or other legally eligible entity that offers to provide or provides, directly or indirectly through properly licensed subcontractors, design and construction services under a single contract.

(3) Design criteria. – The requirements for a public project, expressed in drawings and specifications sufficient to allow the design-builder to make a responsive bid proposal.

(4) Design professional. – Any professional licensed under Chapter 83A, Chapter 89A, or Chapter 89C of the General Statutes.

(5) First-tier subcontractor. – A subcontractor who contracts directly with the design-builder or general contractor, excluding design professionals.

(6) Governmental entity. – Every officer, board, department, commission, or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration, or repair of any buildings for the State, or for any county, municipality, or other public body.

(b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which engaging a design criteria design professional is appropriate for a project, and such criteria shall, at a minimum, address all of the following:

(1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for proposals for a design-builder.

(2) The time constraints for the delivery of the project.

(3) The ability to ensure that a quality project can be delivered.

(4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.

(5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (d) of this section.

(c) On or before entering into a contract for design-build services under this section, the governmental entity shall select or designate a staff design professional, or a design professional who is independent of the design-builder, to act as its design criteria design professional as its representative for the procurement process and for the duration of the design and construction. If the design professional is not a full-time employee of the governmental entity, the governmental entity shall select the design professional on the basis of demonstrated competence and qualifications as provided by G.S. 143-64.31. The design criteria design professional shall develop design criteria in consultation with the governmental entity. The design criteria design professional shall not be eligible to submit a response to the request for proposals nor provide design input to a design-build response to the request for proposals. The design criteria design professional shall prepare a design criteria package equal to thirty-five percent (35%) of the completed design documentation for the entire construction project. The design criteria package shall include all of the following:

(1) Programmatic needs, interior space requirements, intended space utilization, and other capacity requirements.

(2) Information on the physical characteristics of the site, such as a topographic survey.

(3) Material quality standards or performance criteria.

(4) Special material requirements.

(5) Provisions for utilities.

(6) Parking requirements.

(7) The type, size, and location of adjacent structures.

(8) Preliminary or conceptual drawings and specifications sufficient in detail to allow the design-builder to make a proposal which is responsive to the request for proposals.

(9) Notice of any ordinances, rules, or goals adopted by the governmental entity.

(d) A governmental entity shall issue a public notice of the request for proposals that includes, at a minimum, general information on each of the following:

(1) The project site.

(2) The project scope.
(3) The anticipated project budget.
(4) The project schedule.
(5) The criteria to be considered for selection, and the weighting of the selection criteria.
(6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business entities.
(7) The thirty-five percent (35%) design criteria package prepared by the design criteria design professional.
(8) Other information provided by the owner to design-builders in submitting responses to the request for proposals for the project.
(9) A statement providing that each design-builder shall submit in its request for proposal response an explanation of its project team selection, which shall consist of a list of the licensed contractor and licensed design professionals whom the design-builder proposes to use for the project's design and construction.
(10) A statement providing that each design-builder shall submit in its request for proposal a sealed envelope with all of the following:
a. The design-builder's price for providing the general conditions of the contract.
b. The design-builder's proposed fee for general construction services.
c. The design-builder's fee for design services.

(e) Following evaluation of the qualifications of the design-builders, the governmental entity shall rank the design-builders who have provided responses, grouping the top three without ordinal ranking. If after the solicitation for design-builders, not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation, not as many as three responses are received, the governmental entity may then make its selection. From the grouping of the top three design-builders, the governmental entity shall select the design-builder who is the lowest responsive, responsible bidder based on the cumulative amount of fees provided in accordance with subdivision (d)(10) of this section and taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract. Each design-builder shall certify to the governmental entity that each licensed design professional who is a member of the design-build team, including sub-consultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

(f) The design-builder shall accept bids based upon the provisions of this Article from first-tier subcontractors for all construction work under this section.

(g) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel, as listed under (d)(9) of this section, after the contract has been awarded.

"**§ 143-128.1C. Public-private partnership construction contracts.**

(a) Definitions for purposes of this section:
(1) Construction contract. – Any contract entered into between a private developer and a contractor for the design, construction, reconstruction, alteration, or repair of any building or other work or improvement required for a private developer to satisfy its obligations under a development contract.

(2) Contractor. – Any person who has entered into a construction contract with a private developer under this section.
(3) Design-builder. – Defined in G.S. 143-128.1B.
(4) Development contract. – Any contract between a governmental entity and a private developer under this section and, as part of the contract, the private developer is required to provide at least fifty percent (50%) of the financing for the total cost necessary to deliver the capital improvement project, whether through lease or ownership, for the governmental entity.
(5) Governmental entity. – Defined in G.S. 143-128.1B.
(6) Labor or materials. – Includes all materials furnished or labor performed in the performance of the work required by a construction contract whether or not the labor or materials enter into or become a component part of the improvement and shall include gas, power, light, heat, oil, gasoline, telephone services, and rental of equipment or the reasonable value of the use of equipment directly utilized in the performance of the work required by a construction contract.
(7) Private developer. – Any person who has entered into a development contract with a governmental entity under this section.
(8) Public-private project. – A capital improvement project undertaken for the benefit of a governmental entity and a private developer pursuant to a development contract that includes construction of a public facility or other improvements including paving, grading, utilities, infrastructure, reconstruction, or repair and may include both public and private facilities.
(9) State entity. – The State and every agency, authority, institution, board, commission, bureau, council, department, division, officer, or employee of the State. The term does not include a unit of local government as defined in G.S. 159-7.
(10) State-supported financing arrangement. – Any installment financing arrangement, lease-purchase arrangement, arrangement under which funds are to be paid in the future based upon the availability of an asset or funds for payment, or any similar arrangement in the nature of a financing, under which a State entity agrees to make payments to acquire or obtain a capital asset for the State entity or any other State entity for a term, including renewal options, of greater than one year. Any arrangement that results in the identification of a portion of a lease payment, installment payment, or similar scheduled payment thereunder by a State entity as "interest" for purposes of federal income taxation shall automatically be a State-supported financing arrangement for purposes of this section.
(11) Subcontractor. – Any person who has contracted to furnish labor, services, or materials to, or who has performed labor or services for, a contractor or another subcontractor in connection with a development contract.

(b) If the governmental entity determines in writing that it has a critical need for a capital improvement project, the governmental entity may acquire, construct, own, lease as lessor or lessee, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from funds available to the governmental entity for these purposes. If the governmental entity is a public body under Article 33C of this Chapter, the determination shall occur during an open meeting of that public body. The governmental entity may enter into development contracts with private developers with respect to acquiring, constructing, owning, leasing, or operating a project under this section. The development contract shall specify the following:

(1) The property interest of the governmental entity and all other participants in the development of the project.
(2) The responsibilities of the governmental entity and all other participants in the development of the project.
(3) The responsibilities of the governmental entity and all other participants with respect to financing of the project.
(4) The responsibilities to put forth a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(c) The development contract may provide that the private developer shall be responsible for any or all of the following:
(1) Construction of the entire public-private project.
(2) Reconstruction or repair of the public-private project or any part thereof subsequent to construction of the project.
(3) Construction of any addition to the public-private project.
(4) Renovation of the public-private project or any part thereof.
(5) Purchase of apparatus, supplies, materials, or equipment for the public-private project whether during or subsequent to the initial equipping of the project.
(6) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(d) The development contract may also provide that the governmental entity and private developer shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If the development contract provides that the governmental entity and private developer shall use the same contractor, the development contract shall include provisions deemed appropriate by the governmental entity to assure that the public facility or facilities included in or added to the public-private project are constructed, reconstructed, repaired, or renovated at a reasonable price and that the apparatus, supplies, materials, and equipment purchased for the public facility or facilities included in the public-private project are purchased at a reasonable price. For public-private partnerships using the design-build project delivery method, the provisions of G.S. 143-128.1A shall apply.

(e) A private developer and its contractors shall make a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(f) A private developer may perform a portion of the construction or design work only if both of the following criteria apply:
(1) A previously engaged contractor defaults, and a qualified replacement cannot be obtained after a good-faith effort has been made in a timely manner.
(2) The governmental entity approves the private developer to perform the work.

(g) The following bonding provisions apply to any development contract entered into under this section:
(1) A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred percent (100%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to design or construct the improvements required by the development contract. The payment bond shall be conditioned upon the prompt payment for all labor or materials for which the private developer or one or more of its contractors or those contractors' subcontractors are liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor or

services for which the private developer or its contractors or subcontractors are liable. The total anticipated amount of the construction contracts shall be stated in the development contract and certified by the private developer as being a good-faith projection of its total costs for designing and constructing the improvements required by the development contract. The payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the development contract. The development contract may provide for the requirement of a performance bond.

(2) Subject to the provisions of this subsection, any claimant who has performed labor or furnished materials in the prosecution of the work required by any contract for which a payment bond has been given pursuant to the provisions of this subsection, and who has not been paid in full therefor before the expiration of 90 days after the day on which the claimant performed the last labor or furnished the last materials for which that claimant claims payment, may bring an action on the payment bond in that claimant's own name to recover any amount due to that claimant for the labor or materials and may prosecute the action to final judgment and have execution on the judgment.

a. Any claimant who has a direct contractual relationship with any contractor or any subcontractor but has no contractual relationship, express or implied, with the private developer may bring an action on the payment bond only if that claimant has given written notice of claim on the payment bond to the private developer within 120 days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which that claimant claims payment, in which that claimant states with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

b. The notice required by sub-subdivision a. of this subdivision shall be served by certified mail or by signature confirmation as provided by the United States Postal Service, postage prepaid, in an envelope addressed to the private developer at any place where that private developer's office is regularly maintained for the transaction of business or in any manner provided by law for the service of summons. The claimants' service of a claim of lien on real property or a claim of lien on funds as funds as allowed by Article 2 of Chapter 44A of the General Statutes on the private developer shall be deemed, nonexclusively, as adequate notice under this section.

(3) Every action on a payment bond as provided in this subsection shall be brought in a court of appropriate jurisdiction in a county where the development contract or any part thereof is to be or has been performed. Except as provided in G.S. 44A-16(c), no action on a payment bond shall be commenced after one year from the day on which the last of the labor was performed or material was furnished by the claimant.

(4) No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond. A judgment against any surety may be reduced or set aside upon motion by the surety and a showing that the total amount of claims paid and judgments previously rendered under the payment bond, together with the amount of the judgment to be reduced or set aside, exceeds the face amount of the bond.

(5) No act of or agreement between the governmental entity, a private developer, or a surety shall reduce the period of time for giving notice under sub-subdivision (2)a. of this subsection or commencing action under subdivision (3) of this subsection or otherwise reduce or limit the liability of the private developer or surety as prescribed in this subsection. Every bond given by a private developer pursuant to this subsection shall be conclusively presumed to have been given in accordance with the provisions of this subsection, whether or not the bond is drawn as to conform to this subsection. The provisions of this subsection shall be conclusively presumed to have been written into every bond given pursuant to this subsection.

(6) Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the governmental entity or the private developer to certify and furnish a copy of the payment bond, the development contract, and any construction contracts covered by the bond. It shall be the duty of the private developer or the governmental entity to give any such person a certified copy of the payment bond and the construction contract upon not less than 10 days' notice and request. The governmental entity or private developer may require a reasonable payment for the actual cost of furnishing the certified copy. A copy of any payment bond, development contract, and any construction contracts covered by the bond certified by the governmental entity or private developer shall constitute prima facie evidence of the contents, execution, and delivery of the bond, development contract, and construction contracts.

(7) A payment bond form containing the following provisions shall comply with this subsection:

a. The date the bond is executed.
b. The name of the principal.
c. The name of the surety.
d. The governmental entity.
e. The development contract number.
f. All of the following:
    1. "KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named [governmental entity], hereinafter called [governmental entity], in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents."
    2. "THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain development contract with [governmental entity], numbered as shown above and hereto attached."
    3. "NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the construction or design work provided for in the development contract, and any and all duly authorized modifications of the contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue."

4. "IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body." Appropriate places for execution by the surety and principal shall be provided.

(8) In any suit brought or defended under the provisions of this subsection, the presiding judge may allow reasonable attorneys' fees to the attorney representing the prevailing party. Attorneys' fees under this subdivision are to be taxed as part of the court costs and shall be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this subdivision, the term "prevailing party" means a party plaintiff or third-party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or a party defendant or third-party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the provisions of this subdivision, if an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.

(9) The obligations and lien rights set forth in Article 2 of Chapter 44A of the General Statutes shall apply to a project awarded under this section to the extent of any property interests held by the private developer in the project. For purposes of applying the provisions of Article 2 of Chapter 44A of the General Statutes, the private developer shall be deemed the owner to the extent of that private developer's ownership interest. This subdivision shall not be construed as making the provisions of Article 2 of Chapter 44A of the General Statutes apply to governmental entities or public buildings to the extent of any property interest held by the governmental entity in the building.

(h) The governmental entity shall determine its programming requirements for facilities to be constructed under this section and shall determine the form in which private developers may submit their qualifications. The governmental entity shall advertise a notice for interested private developers to submit qualifications in a newspaper having general circulation within the county in which the governmental entity is located. Prior to the submission of qualifications, the governmental entity shall make available, in whatever form it deems appropriate, the programming requirements for facilities included in the public-private project. Any private developer submitting qualifications shall include the following:

(1) Evidence of financial stability. However, "trade secrets" as that term is defined in G.S. 66-152(3) shall be exempt from disclosure under Chapter 132 of the General Statutes.

(2) Experience with similar projects.

(3) Explanation of project team selection by either listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction or a statement outlining a strategy for open contractor and subcontractor selection based upon the provisions of this Article.

(4) Statement of availability to undertake the public-private project and projected time line for project completion.

(5) Any other information required by the governmental entity.

(i) Based upon the qualifications package submitted by the private developers and any other information required by the governmental entity, the governmental entity may select one or more private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The governmental entity shall advertise the terms of the proposed contract to be entered into by the governmental entity in a newspaper having general circulation within the county in which the governmental entity is located at least 30 days prior to entering into the development contract. If the governmental entity is a public body under Article 33C of this Chapter, the development contract shall be considered in an open meeting of that public body following a public hearing on the proposed development contract. Notice of the public hearing shall be published in the same notice as the advertisement of the terms under this subsection.

(j) The governmental entity shall make available a summary of the development contract terms, which shall include a statement of how to obtain a copy of the complete development contract.

(k) Leases entered into under this section are subject to approval as follows:

(1) If a capital lease or operating lease is entered into by a unit of local government as defined in G.S. 159-7, that capital lease or operating lease is subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if it meet the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3), 159-148(a)(4) or 159-153. For purposes of determining whether the standards set out in G.S.159-148(a)(3) have been met, only the five hundred thousand dollar ($500,000) threshold applies.

(2) If a capital lease is entered into by a State entity that constitutes a State-supported financing arrangement and requires payments thereunder that are payable, whether directly or indirectly, and whether or not subject to the appropriation of funds for such payment, by payments from the General Fund of the State or other funds and accounts of the State that are funded from the general revenues and other taxes and fees of the State or State entities, not including taxes and fees that are required to be deposited to the Highway Fund or Highway Trust Fund, that capital lease shall be subject to the approval procedures required for special indebtedness by G.S. 142-83 and G.S. 142-84. This requirement shall not apply to any arrangement where bonds or other obligations are issued or incurred by a State entity to carry out a financing program authorized by the General Assembly under which such bonds or other obligations are payable from moneys derived from specified, limited, nontax sources, so long as the payments under that arrangement by a State entity are limited to the sources authorized by the General Assembly.

(l) A capital lease or operating lease entered into under this section may not contain any provision with respect to the assignment of specific students or students from a specific area to any specific school.

(m) This section shall not apply to any contract or other agreement between or among The University of North Carolina or one of its constituent institutions, a private, nonprofit corporation established under Part 2B of Article 1 of Chapter 116 of the General Statutes, or any private foundation, private association, or private club created for the primary purpose of financial support to The University of North Carolina or one of its constituent institutions."

SECTION 5. G.S. 143-128.1 reads as rewritten:

"**§ 143-128.1. Construction management at risk contracts.**

(a) For purposes of this section and G.S. 143-64.31:

(1) "Construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

(2) "Construction management at risk services" means services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases, (ii) who is licensed as a general contractor, and (iii) who guarantees the cost of the project.

(3) "Construction manager at risk" means a person, corporation, or entity that provides construction management at risk services.

(4) "First-tier subcontractor" means a subcontractor who contracts directly with the construction manager at risk.

(b) The construction manager at risk shall be selected in accordance with Article 3D of this Chapter. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer. The public owner shall make a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities when selecting a construction manager at risk.

(c) The construction manager at risk shall contract directly with the public entity for all construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The prequalification criteria shall be determined by the public entity and the construction manager at risk to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the public entity. The public entity shall require the construction manager at risk to submit its plan for compliance with G.S. 143-128.2 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager at risk and first-tier subcontractors shall make a good faith effort ~~to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2.~~ to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. A construction manager at risk may perform a portion of the work only if (i) bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner, and (ii) the public entity approves of the construction manager at risk's performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records under Chapter 132 of the General Statutes. The construction manager at risk shall act as the fiduciary of the public entity in handling and opening bids. The construction manager at risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager at risk is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall provide for a dispute resolution procedure as provided in G.S. 143-128(f1). (d) The construction manager at risk shall provide a performance and payment bond to the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes."

SECTION 6. G.S. 44A-16 is amended by adding a new subsection to read:

"(c) For improvements performed in conjunction with a development contract under G.S. 143-128.1C, a claim of lien on real property or a claim of lien on funds served on a private developer may also be discharged by the private developer and the surety on a payment bond issued under G.S. 143-128.1C(g)(1) in accordance with this subsection. The claim of lien may be discharged by the private developer and surety jointly filing with the clerk of superior court of the county where the project is located a copy of the payment bond together with an affidavit executed by the surety stating that, as of the date of the filing of the payment bond with the clerk of superior court, the amount of the penal sum of the payment bond minus any amounts paid in good faith to other claimants on the project and minus the amount of all other claims of lien on real property filed against the property improved by the project exceeds the amount claimed by the lien claim being discharged by at least one hundred and twenty five percent (125%). Notwithstanding any other contractual provision or law, where a claimant's lien claim has been discharged under this subsection, the claimant shall have no less than one year from the date of being served with the payment bond and affidavit to file suit on the payment bond."

SECTION 7. This act becomes effective October 1, 2013, and applies to projects bid on or after that date and public-private development contracts entered into on or after that date. This act expires on July 1, 2019.

HOUSE BILL 857:
Public Contracts/Construction Methods/DB/P3

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 10, 2013
Introduced by:	Reps. Arp, Bryan, Moffitt, Hager	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Third Edition H857-CSST-72		

SUMMARY: ***The proposed committee substitute for House Bill 857 would authorize three new methods of bidding for construction of public buildings:***

- ***Design-build method.***
- ***Design-build bridging method.***
- ***Public-Private Partnership method.***

CURRENT LAW:

With respect to **public contracting**, Article 8 of Chapter 143 sets out the current general law for public building contracts. That Article generally requires separate or single-prime bidding. The sections of Article 8 for construction or renovations of buildings that require or imply the separate or single-prime bidding process are:

- 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.

Article 3D of the Chapter 143 governs public procurement of architectural, engineering, and surveying services. The sections of Article 3D for those services that require or imply the separate or single-prime bidding process are:

- 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.

With respect to **acquisition of land by State agencies**, Article 6 of Chapter 146 governs acquisition of State lands by State agencies. "Every acquisition of land on behalf of the State or any State agency, whether by purchase, condemnation, lease, or rental, shall be made by the Department of Administration (DOA) and approved by the Governor and Council of State." G.S. 146-22(a). Acquisitions by the University of North Carolina, through the Board of Governors, are governed separately, under Chapter 116 of the General Statutes. When a State agency desires to acquire land, that State agency is to file an application with the DOA. DOA then reviews that application, looking at:

- The existence of actual need for the requested property on the part of the requesting agency
- The availability of land already owned by the State or by any State agency which might meet the requirements of the requesting agency.
- The availability, value, and status of title of other land, whether for purchase, condemnation, lease, or rental, which might meet the requirements of the requesting agency.

- The availability of funds to pay for land if purchased, condemned, leased, or rented. G.S. 146-23.

In order to promote the use of buildings having historic, architectural or cultural significance, the Department of Administration shall inform the North Carolina Historical Commission of all geographical areas in the State within which the State is actively seeking to lease space for the accommodation of State agencies. In acquiring lease space under G.S. 146-25.1, DOA must give preference to lease proposals involving historic buildings identified by the North Carolina Historical Commission if DOA determines that such proposal is feasible, prudent and in the best interest of the State. G.S. 146-23.1

G.S. 146-25.1 sets the forth procedure for the leasing of space for State agencies. If the DOA determines that it is in the State's best interest to lease or rent land, that exceeds $25,000 or a term of three years, DOA must require the State agency desiring to rent land to prepare and submit a set of specifications for its needs. If DOA approves the specifications, DOA must publicly advertise for at least five days in a newspaper of general circulation in the county for the proposal. Proposals from prospective lessors must be received for at least seven days from the date of the last advertisement. DOA is permitted to negotiate with prospective lessors. If no proposal, or no acceptable proposal, is received after the public advertisement, DOA may negotiate with lessors in the open market.

Generally, all leases and rental agreements entered into by DOA must be submitted to the Governor and Council of State for approval or disapproval. G.S. 146-22(a), G.S. 146-25, G.S. 146-25.1(c). Some exceptions apply for lands owned by a governmental entity, and certain leases exempted by the Governor.

BILL ANALYSIS: The pcs would:

1. Establish 3 new methods of bidding public construction contracts, as follows:
    a. **Design-Build contracts** (Page 3, line 20). A governmental entity opting to use the design-build method would be required to establish written criteria for the project, publish notice of the request for qualifications, solicit three responses, rank the three most qualified design-builders, and begin negotiations with the highest ranked design-builder. The governmental entity would select the design-builder on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information, and would negotiate for a contract at a fair and reasonable fee with the best qualified firm. G.S. 143-64.31. The selected design-builder would be required to provide a performance and payment bond, and obtain written approval of the governmental entity prior to changing key personnel.
    b. **Design-Build Bridging contracts** (Page 4, line 34). Similar to design-build contracts, but the governmental entity opting to use the design-build bridging method would first select a design criteria design professional to develop 35% of the project, then publish notice of the request for qualifications and solicit bids based upon that partial completion of the design documentation. The design criteria design professional may not be a full-time employee of the governmental entity, and is selected on the basis of demonstrated competence and qualifications. The selection of the design-build contractor would utilize the same process as the design build method, but the awarding of the contract would be based upon the fees provided in the response to the RFP. The selected design-builder would be required to provide a performance and payment bond, and obtain written approval of the governmental entity prior to changing key personnel.

c. **Public-Private Partnership contracts** (Page 6, line 42). A governmental entity would authorized to enter into a development contract with a private developer, where the private developer is required to provide at least 50% of the financing for the total cost necessary to deliver the project. The development contract may require the private developer to be responsible for any of the following:

i. Construction of the entire project.

ii. Reconstruction or repair of the project, or any part thereof subsequent to the project.

iii. Construction of any addition to the project.

iv. Renovation of the projection, or any part thereof.

v. Purchase of supplies, materials, or equipment for the project.

vi. A good faith effort to comply with the minority and underutilized business participation goals, and to recruit and select small businesses.

vii. To use the same contractor(s) as the governmental entity for the project, or any portion thereof.

Bonding requirements would apply to the project. If the governmental entity is a public body for purposes of the Open Meetings Law, that governmental entity must act upon the public-private partnership in an open meeting after conducting a public hearing on the proposed contract.

If the governmental entity is a unit of local government and it is a capital or operating lease, the Local Government Commission would need to approve of the project. If it is a State entity, is a capital lease, and the moneys for the project are payable from the general fund or other accounts of the State except the Highway Fund or Highway Trust Fund, the project would be approved under the approval procedures for special indebtedness, unless the project was funded by a financing program approved by the General Assembly.

2. For procurement of architectural, engineering and surveying services, increase the threshold for exemption from the required bidding from $30,000 to $50,000 when the estimated professional fee is at or below that amount and eliminate the exemption for those projects determined in the sole discretion of the Department of Transportation or a unit of local government to be exempt.
3. For construction management at risk contracts, require a good faith effort to recruit and select small business entities when selecting the construction manager at risk and the construction itself.

The bill does not change or amend any of the procedures for acquisition of State lands by State agencies.

EFFECTIVE DATE: October 1, 2013, and expires July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 229
Committee Substitute Favorable 3/26/13

Short Title: Holden Beach/Canal Dredging District Fee. (Local)

Sponsors:

Referred to:

March 6, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.1 of S.L. 2004-104 reads as rewritten:

"**SECTION 6.1.** Capital Reserve Fund. – If a municipality establishes a capital reserve fund under Chapter 159 of the General Statutes to build up funds for the purpose of providing the service under this act, it may delay providing the service until sufficient funds have accumulated, but in no case to exceed ~~five~~ 10 years."

SECTION 2. This act applies only to the Towns of Holden Beach and Ocean Isle Beach.

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

HOUSE BILL 229:
Holden Beach/Canal Dredging District Fee

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 11, 2013
Introduced by:	Rep. Iler	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 229 would extend from 5 years to 10 years the amount of time the Towns of Holden Beach and Ocean Isle Beach may accumulate funds in a capital reserve for canal dredging.***

CURRENT LAW: S.L. 2004-104 allows the Town of Ocean Isle Beach to impose a canal dredging fee set annually and used within 5 years to pay for dredging. The following Session Laws granted additional towns the authority to impose a dredging fee: S.L. 2005-47 added the Town of Emerald Isle; S.L. 2005-90 added the Town of Holden Beach; and S.L. 2011-108 added the Town of Southern Shores.

BILL ANALYSIS: House Bill 229 would increase from 5 years to 10 years the maximum time funds can be accumulated to pay for dredging in Holden Beach and Ocean Isle Beach.

EFFECTIVE DATE: House Bill 229 would be effective when it becomes law.

O. Walker Reagan
Director

H229-SMST-82 E2 -V1

Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 289

Short Title:	State Computer Equipment/Buy Refurbished.	(Public)
Sponsors:	Representatives Saine, Horn, and Cotham (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

March 13, 2013

A BILL TO BE ENTITLED

AN ACT RELATED TO THE PURCHASING OF REFURBISHED COMPUTER EQUIPMENT AS A METHOD OF ACQUISITION FOR STATE AND LOCAL GOVERNMENTAL ENTITIES.

The General Assembly of North Carolina enacts:

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

(1) Computer equipment. – Any desktop computer, notebook or laptop computer, monitor or video display unit for a computer system, and the keyboard, mice, other peripheral equipment, and a printing device such as a printer, a scanner, a combination print-scanner-fax machine, or other device designed to produce hard paper copies from a computer.

(2) Computer equipment refurbisher. – A person in the business of restoring pre-owned computer equipment to original equipment standards, meeting the manufacturers' warranty requirements and any software licensing requirements.

(3) Registered computer equipment refurbisher. – A person certified by the original equipment manufacturer to restore pre-owned computer equipment to original equipment standards meeting the manufacturers' warranty requirements, and any software licensing requirements, in accordance with the manufacturers' and software makers' official refurbisher programs.

(4) Refurbished computer equipment. – Computer equipment that has been reformatted to remove any preexisting software and data, and then cleaned, repaired, inspected, and tested as necessary to ensure that the equipment has been restored to "like new" full functionality that meets or exceeds the manufacturers' original equipment standards and warranty requirements.

(5) State and local governmental entities. – The executive, legislative, and judicial branches of government; any local political subdivisions of the State; community colleges; local boards of educations; and The University of North Carolina.

SECTION 2. The Office of the State Chief Information Officer and the Department of Administration, with the administrative support of the Information Technology Procurement Office, shall offer State and local governmental entities the option of purchasing refurbished computer equipment from registered computer equipment refurbishers whenever most appropriate to meet the needs of State and local governmental entities.

State and local governmental entities shall document savings resulting from the purchase of the refurbished computer equipment, including, but not limited to, the initial acquisition cost as well as operations and maintenance costs. These savings shall be reported quarterly to the Office of the State Chief Information Officer.

The Information Technology Procurement Office shall administer the refurbished computer equipment program by establishing a competitive purchasing process to support this initiative that meets all State information technology procurement laws and procedures and ensures that agencies receive the best value.

Participating computer equipment refurbishers must meet all procurement requirements established by the Office of the State Chief Information Officer and the Department of Administration.

SECTION 3. Refurbished computer equipment purchased under this act must conform to the same standards as the State may establish as to the configuration and specification requirements for the purchase of new computers.

SECTION 4. The Office of the State Chief Information Officer shall maintain data on equipment reliability, potential cost savings, and any issues associated with the refurbished computer equipment initiative and shall report the results of the initiative to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division by March 1, 2014, and then quarterly thereafter.

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

HOUSE BILL 289:
State Computer Equipment/Buy Refurbished

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 11, 2013
Introduced by:	Reps. Saine, Horn, Cotham	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 289 requires the Office of the State Chief Information Officer and the Department of Administration, with administrative support of the Information Technology Office, to offer state and local government entities the option of purchasing refurbished computer equipment from registered computer equipment refurbishers.***

CURRENT LAW: Article 3D of Chapter 147 governs state information technology services. The laws do not apply to local governments, the General Assembly, the Judicial Department, or the University of North Carolina and its constituent institutions. These agencies may elect to participate in the information technology programs, services, or contracts offered by the Office of Information Technology if they choose.

BILL ANALYSIS:

Section 1 defines the terms computer equipment, computer equipment refurbisher, registered computer equipment refurbisher, refurbished computer equipment, state and local government entities.

Section 2 requires the Office of the State Chief Information Officer and the Department of Administration, with the administrative support of the Information Technology Office, to offer State and local government entities the option of buying refurbished computer equipment from registered computer equipment refurbishers when appropriate. State and local government entities must document savings resulting from the purchase of refurbished computer equipment and report the savings quarterly to the Office of the State Chief Information Officer. The Information Technology Procurement Office must establish a competitive purchasing process that meets all State information technology procurement laws and procedures and ensures that agencies receive the best value. Participating computer equipment refurbishers must meet all procurement requirements by the Office of the State Chief Information Officer and the Department of Administration.

Section 3 requires refurbished computer equipment purchased under this act to conform to the same standards as the State may establish as to the configuration and specification requirements for the purchase of new computers.

Section 4 requires the Office of the State Chief Information Officer to maintain data on equipment reliability, potential cost savings, and any issues associated with the refurbished computer equipment initiative and report the results to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division by March 1, 2014, and then quarterly thereafter.

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

BACKGROUND: Some local governments and school boards do currently purchase refurbished computer equipment. Currently, Statewide IT Procurement does not does not have an enterprise contract for refurbished computer equipment.

Kelly Quick, Committee Staff to House Government, contributed substantially to this summary.

O. Walker Reagan
Director

H289-SMRN-85 E1 -V1

Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 427
Committee Substitute Favorable 4/22/13

Short Title: Middlesex/Extend Mayor's Term to Four Years. (Local)

Sponsors:

Referred to:

March 27, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 44 of the 1961 Session Laws is repealed.

SECTION 2. Section 3 of the Charter of the Town of Middlesex, being Chapter 21 of the 1908 Private Laws, as amended by Chapter 350 of the Private Laws of 1913, Chapter 159 of the Public-Local Laws of 1931, Chapter 498 of the 1945 Session Laws, Chapter 1178 of the 1953 Session Laws, and Chapter 899 of the 1963 Session Laws, reads as rewritten:

"Section 3. ~~That the officers of said town shall consist of a mayor and five aldermen, who shall be styled the Board of Aldermen of Middlesex, and the said mayor and the aldermen shall be elected by the qualified voters of said town on the first Monday in June, one thousand nine hundred and nine, and biennially thereafter, under the same rules and regulations as are prescribed by the law for the holding of municipal elections; a constable and secretary and treasurer, to be chosen by the board of aldermen immediately after its organization, to hold office one year, or until their successors are duly elected and qualified. And until the first Monday in June, one thousand nine hundred and nine, E.T. Lewis shall fill the office of mayor, and A. F. manning, J.R.J. Finch, S.G. High and H.J. Morris shall act as aldermen of said town.~~Regular municipal elections shall be held in the Town of Middlesex in Nash County every two years and shall be conducted in accordance with the uniform municipal elections laws of North Carolina. In 2013, and quadrennially thereafter, two commissioners shall be elected for a four-year term, and each shall serve until the successor is duly elected and qualified. In 2015, and quadrennially thereafter, three commissioners shall be elected for a four-year term, and each shall serve until the successor is duly elected and qualified. In 2013, and quadrennially thereafter, the mayor shall be elected for a four-year term and shall serve until the successor is duly elected and qualified."

SECTION 3. The Town Attorney of the Town of Middlesex shall submit this act to the Attorney General of the United States 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 this act is not so submitted, the Attorney General of North Carolina shall submit it under G.S. 120-30.9I.

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

HOUSE BILL 427:
Middlesex/Extend Mayor's Term to Four Years

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 11, 2013
Introduced by:	Rep. Collins	**Prepared by:**	Chris Saunders
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 427 extends the term of the Mayor of Middlesex from two years to four years.***

CURRENT LAW: Elections in Middlesex are held every two years in odd-numbered years. Town Commissioners serve four-year staggered terms, with two commissioners elected in 2013 and three commissioners elected in 2015. The mayor serves a two-year term.

BILL ANALYSIS: House Bill 427 extends the Mayor of Middlesex's term from two years to four years.

EFFECTIVE DATE: This act is effective when it becomes law. The Town Attorney must submit the act to the US Attorney General for Section 5 preclearance.

Kelly Quick, counsel to House Government, substantially contributed to this summary.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 11, 2013

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

HB **562** **(CS#1)** Cramerton Charter Revisal.

Draft Number:	H562-PCS70451-TQ-44
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **857** **(CS#2)** Public Contracts/Construction Methods/DB/P3.

Draft Number:	H857-PCS80376-ST-72
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

Final of multiple (three)

Senator Kathryn Harrington will handle HB 562
Senator Tommy Tucker will handle HB 857



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 11, 2013

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

FAVORABLE

HB **229** **(CS#1)** Holden Beach/Canal Dredging District Fee.

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

HB **501** **(CS#1)** Buncombe Cty/Community College Projects.

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

TOTAL REPORTED: 2

Committee Clerk Comments:

Second of multiple reports

Senator William Rabon will handle HB 229
Senator Tom Apodaca will handle HB 501



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 11, 2013

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

FAVORABLE

HB **68** **(CS#1)** Establish Ombudsman/Foster Care/Gaston County.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **234** **(CS#1)** Clarify Pender County ABC Laws.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **289** State Computer Equipment/Buy Refurbished.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

1 of Multiple Reports.

Senator Kathryn Harrington will handle HB 68
Senator William Rabon will handle HB 234
Senator Jeffery Tarte will handle HB 289



DATE 6/11/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

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Kaye Culberson

✓ Senator Trudy Wade, Vice Chair
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Katie Stanley

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Edna Pearce

Senator Michael Walters
✓ Room 517, LOB 733-5651
Vickie Spears

✓ Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 06/11/13 ROOM: 1124

1. HAL ROACH
2. ROBERT YOUNG
3. ASHLEY MICKENS
4. BILLY FRITSCHER

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT

(Committee Name)

06-11-2013

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Henry Jones	Jordan Price
David Crawford	AIA NC
Sara Flaggs	DOA
R Todd	DOA
S Mitchell	Astellas
Sarah Lin Miller	Self
Jill Grantham	MWC
David Carson	Staff
Joan Alcalaonn	N.C. Guardian Ad Litem (intern)
KEITH HARROD	HARROD & ASSOC CONSTRUCTORS
MARSHALL GUILEY L	CENTURION CONSTRUCTION CO.
Cabell Sinclair	Safran Law Offices
MATT GUNNET	NCACC
Rebecca Trask	NCACC
LASANDRA STANLEY	NCACC
Amanda Stratton	NCACC
Weldon Jones	Jordan Price

09-22-2012

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT

(Committee Name)

06-11-2013

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Michelle Frazier	MFTS
Chris Sigmann	Intern - Sen. Hunt'd
Adam Prideaux	NCDOT
Penny Griffin	School of Gov
Keith Coltrain	Wall Templeton & Haldrup, PA
Dave Simpson	CACC
Berry Jenkins	Carolinas AGC
Betsy Bailey	PENC
Vidalia Jarrett	Rep Jarrett's office
Kevin Kelley	NCDHHS DSS
Jennifer Haygood	NCCCS
Leann Wurm	NCSBA
Craig Rushing	Ingersoll Rand

09-22-2012

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT

(Committee Name)

06-11-2013

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Johanna Reese	NCACC
Erin Wynia	NCLM

09-22-2012

Senate Committee on State and Local Government
Tuesday, June 18, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 18, 2013 in Room 1124/1224 of the Legislative Building. Twelve members were present.

Senator Jim Davis presided.

Senator J. Davis called the meeting to order, welcomed Committee members, Pages (Austin Right, Morrisville, Sen. Nesbitt; Jack Valentine, Nashville, Sen. Newton; Tarek Zikry, Chapel Hill, Sen. Kinnaird; Bradley Auderton, Wake Forest, Sen. Sanderson), visitors, and thanked the Sergeants-at-Arms.

House Bill 427 Middlesex/Extend Mayor's Term to Four Years – Representative Collins explained the bill. The bill extends the term of the Mayor of Middlesex from two years to four years. Senator McLaurin offered a question. There being no discussion on the bill, Senator Tucker's motion to approve the bill was carried.

House Bill 110 Public Contracts/Projects Labor – Representative Goodman explained the bill. The bill would prohibit the State and its political subdivisions from requiring or prohibiting project labor agreements (PLAs) in government construction contracts or conditioning the award of grants or tax incentives on the existence or absence of PLAs. Senators Kinnaird, D. Davis and Walters offered questions. There being no further discussion, Senator Walters' motion to approve the bill was carried.

House Bill 140 City of Lowell/Regulate Utility Vehicles – Representative Torbett explained the bill. The bill authorizes the City of Lowell in Gaston County to regulate the operation of utility vehicles on any public street or road. There being no discussion on the bill, Senator D. Davis' motion to approve the bill was carried.

House Bill 195 Cornelius/Extend Use of Design-Build – Representative Jeter explained the bill. The bill extends the authority of the Town of Cornelius to use design-build delivery methods until June 30, 2016. There was no discussion on the bill. Senator Tucker's motion to approve the bill was carried.

House Bill 290 Rutherford Airport Authority – Senator Tucker's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Hager explained the bill. The PCS allows the Rutherford County Board of Commissioners to serve as the Rutherford County Airport Authority. There being no discussion on the bill, Senator Jackson's motion to approve the PCS was carried.

House Bill 326 Rutherford County Condemnation Consent – Representative Hager explained the bill. The bill would require another county to obtain the Rutherford County board of

commissioners' approval before acquiring property in Rutherford County by eminent domain, exchange, purchase or lease. There being no discussion on the bill, Senator Jackson's motion to approve the bill was carried.

House Bill 294 Authority to Remove Abandoned Vessels – Senator D. Davis' motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Tine explained the bill. The PCS authorizes Brunswick and Dare Counties to remove abandoned vessels from navigable waters. Senator McLaurin offered a technical amendment to be rolled into the PCS. There being no discussion on the bill, Senator Tucker's motion to approve the PCS was carried.

House Bill 305 Chapel Hill/Economic Development Projects – Representative Foushee explained the bill. The bill would amend the Chapel Hill Town Charter to authorize its participation in economic development projects not located in the Town's downtown area. Senators Pate and Kinnaird offered questions and comments. There being no discussion on the bill, Senator Kinnaird's motion to approve the bill was carried.

House Bill 334 Buncombe Cty Sales Tax Use Expansion – Representative Ramsey explained the bill. The bill would expand the use of funds in the Buncombe County School Capital Fund to include expenditures for digital learning needs such as school connectivity, digital textbooks, digital devices, and associated ongoing professional development for teachers. Senators Nesbitt, Jackson and Tarte comments on the bill; Senator Tucker offered questions on the bill. There being no further discussion, Senator Jackson's motion to approve the bill was carried.

House Bill 354 2 County Commissioners May Serve/AB Tech. Bd – Representative Ramsey explained the bill. The bill authorizes a county commissioner from each of the two counties located in the administrative area of the institution (Buncombe County and Madison County) to serve on the Board of Trustees for Asheville-Buncombe Technical Community College. Senator Nesbitt offered a question on the bill; Erika Churchill (Research Staff) spoke to the bill. There being no further discussion on the bill, Senator Nesbitt's motion to approve the bill was carried.

House Bill 418 Buncombe Culture & Rec. Authority – Senator Tucker's motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Ramsey explained the bill. The PCS would authorize Buncombe County to levy an additional property tax of up 7¢/100 and dedicate the funds for cultural and recreational purposes and to establish a Culture and Recreation Authority to manage those funds. At least 24 months after creation, the Authority could expand to include one or more municipalities in Buncombe County. Senator Nesbitt offered a question. There being no further discussion on the bill, Senator Tucker's motion to approve the PCS with a referral to Finance was carried.

House Bill 404 Camden Local Stormwater Fees – Representative Steinburg explained the bill. The bill would authorize Camden County to bill stormwater utility fees in the same manner as property taxes, and in the case of nonpayment, to collect stormwater utility fees in the same manner as property taxes. Senators Tucker, Kinnaird and Pate offered questions on the bill; Senators Nesbitt and Wade spoke to the bill. There being no further discussion on the bill, Senator D. Davis' motion to approve the bill with a referral to Finance was carried.

House Bill 408 Beaufort/Right-of-Way Safety – Representative Speciale explained the bill. The bill prohibits the discharge or attempted discharge of a firearm or bow and arrow from or across the roadway or right-of-way of any public road in Beaufort County. Senators Nesbitt, Tarte and Wade offered a questions; Senators Walters and Chris Saunders (Research Staff) spoke to the bill. There being no further discussion on the bill, Senator Tucker's motion to approve the bill was carried.

House Bill 490 Lee County Elections – Representative Stone explained the bill. The bill changes elections for the Lee County Board of Education and Sanford City Council and mayoral races from nonpartisan to partisan. Senators Nesbitt, Wade, D. Davis and McLaurin offered questions on the bill; Senators Kinnaird, Rabin, Tarte, Pate, Tamara Brogen (Lee County Board of Election Representative) and Kirk Smith (Vice Chair of Lee County Commissioners) spoke to the bill.

The meeting adjourned at 1:08 PM

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #1: Add H 427

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 18, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 110	Public Contracts/Project Labor.	Representative Goodman Representative J. Bell Representative Moffitt Representative Murry
HB 140	City of Lowell / Regulate Utility Vehicles.	Representative Torbett
HB 195	Cornelius/Extend Use of Design-Build.	Representative Jeter
HB 290	Rutherford Airport Authority.	Representative Hager
HB 294	Authority to Remove Abandoned Vessels.	Representative Tine
HB 305	Chapel Hill/Economic Development Projects.	Representative Foushee Representative Luebke
HB 326	Rutherford County Condemnation Consent.	Representative Hager
HB 334	Buncombe Cty Sales Tax Use Expansion.	Representative Ramsey Representative Moffitt
HB 354	2 County Commissioners May Serve/AB Tech. Bd.	Representative Ramsey Representative Moffitt Representative Presnell
HB 404	Camden Local Stormwater Fees.	Representative Steinburg
HB 408	Beaufort/Right-of-Way Safety.	Representative Speciale
HB 418	Buncombe Culture & Rec. Authority.	Representative Ramsey Representative Moffitt
HB 490	Lee County Elections.	Representative Stone
HB 544	Wilmington Charter/Civil Service Commission.	Representative Hamilton Representative Davis
HB 427	Middlesex/Extend Mayor's Term to	Representative Collins

Four Years.

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 110
Committee Substitute Favorable 4/8/13

Short Title: Public Contracts/Project Labor. (Public)

Sponsors:

Referred to:

February 18, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 143 of the General Statutes is amended by adding a new section to read as follows:

"**§ 143-133.5. Public contracts; labor organizations.**

(a) It is the intent of the General Assembly that the provisions of this section will provide for more economical, nondiscriminatory, neutral, and efficient procurement of construction-related services by the State and political subdivisions of the State as market participants. The General Assembly finds that providing for fair and open competition best effectuates this intent.

(b) Every officer, board, department, commission, or commissions charged with the responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration, or repair of any buildings for the State, or for any county, municipality, or other public body subject to this Article shall not in any bid specifications, project agreements, or other controlling documents:

(1) Require or prohibit a bidder, offeror, contractor, or subcontractor from adhering to an agreement with one or more labor organizations in regard to that project or a related construction project.

(2) Otherwise discriminate against a bidder, offeror, contractor, or subcontractor for becoming, remaining, refusing to become or remain a signatory to, or for adhering or refusing to adhere to an agreement with one or more labor organizations in regard to that project or a related construction project.

(c) No officer, board, department, commission, or commissions charged with the responsibility of awarding grants or tax incentives, or any county, municipality, or other public body in the award of grants or tax incentives, may award a grant or tax incentive that is conditioned upon a requirement that the awardee include a term described in subsection (b) of this section in a contract document for any construction, improvement, maintenance, or renovation to real property or fixtures that are the subject of the grant or tax incentive.

(d) This section does not prohibit any officer, board, department, commission, or commissions or any county, municipality, or other public body from awarding a contract, grant, or tax incentive to a private owner, bidder, contractor, or subcontractor who enters into or who is party to an agreement with a labor organization if being or becoming a party or adhering to an agreement with a labor organization is not a condition for award of the contract, grant, or tax

incentive, and if the State agent, employee, or board or the political subdivision does not discriminate against a private owner, bidder, contractor, or subcontractor in the awarding of that contract, grant, or tax incentive based upon the person's status as being or becoming, or the willingness or refusal to become, a party to an agreement with a labor organization.

(e) This section does not prohibit a contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract with the State or a political subdivision of the State or funded in whole or in part from a grant or tax incentive from the State or political subdivision.

(f) The State or the governing body of a political subdivision may exempt a particular project, contract, subcontract, grant, or tax incentive from the requirements of any or all of the provisions of subsection (b) or (c) of this section if the State or governing body of the political subdivision finds, after public notice and a hearing, that special circumstances require an exemption to avert a significant, documentable threat to public health or safety. A finding of special circumstances under this section shall not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or concerning employees on the project who are not members of or affiliated with a labor organization.

(g) This section does not do either of the following:

(1) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the National Labor Relations Act, 29 U.S.C. §§ 151 to 169.

(2) Interfere with labor relations of parties that are left unregulated under the National Labor Relations Act, 29 U.S.C. §§ 151 to 169."

SECTION 2. This act becomes effective October 1, 2013, and applies to all contracts awarded on or after that date.

HOUSE BILL 110:
Public Contracts/Project Labor

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 18, 2013
Introduced by:	Reps. Goodman, J. Bell, Moffitt, Murry	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 110 would prohibit the State and its political subdivisions from requiring or prohibiting project labor agreements (PLAs) in government construction contracts or conditioning the award of grants or tax incentives on the existence or absence of PLAs.***

[As introduced, this bill was identical to S611, as introduced by Sen. Brown, which is currently in Senate Commerce.]

CURRENT LAW: The State has not statutorily regulated the use of PLAs. The National Labor Relations Act (NLRA) permits the use of PLAs in construction contracts. Consequently, the State and its subdivisions may require that all contractors and subcontractors on any given government construction project be unionized. This requirement is usually effectuated through the use of a PLA. The PLA requires all contractors and subcontractors to adhere to its terms and typically includes provisions such as no-strike clauses, grievance procedures, and jurisdiction requirements for any dispute that may arise. Generally, a contractor must agree to the PLA in his/her bid specifications.

BILL ANALYSIS: The PCS would prohibit the State and its political subdivisions from requiring or prohibiting PLAs in government construction contracts or conditioning the award of grants or tax incentives on the existence or absence of PLAs. An exception can be made if the State or governing body of the political subdivision determines, after holding a public hearing, that there is a significant threat to public health or safety if a PLA is not required. The finding of such a threat cannot be based on the potential existence of a labor dispute.

Contractors who choose to unilaterally enter into agreements with unions on a project are not prohibited from doing so.

EFFECTIVE DATE: The act is effective October 1, 2013, and applies to all contracts awarded on or after that date.

BACKGROUND:

House Bill 110 is substantively identical to a Michigan statute — Michigan Public Act 238 of 2012 ("Public Act 238"). On November 15, 2012, the United States District Court for the Eastern District of Michigan entered a preliminary injunction in *Michigan Building v. Snyder* (2011) ("*Snyder II*") enjoining the enforcement of Public Act 238 because the law is preempted by the NLRA. Defendant Snyder, the Governor of Michigan, has appealed the lower court's decision to the Sixth Circuit Court of Appeals.

The predecessor to Public Act 238, Michigan Public Act 98 of 2011 ("Public Act 98"), was permanently enjoined in *Michigan Building v. Snyder* (2012) ("*Snyder I*") by the United States District Court for the

Eastern District of Michigan in February 2012 because the law is preempted by the NLRA. An appeal is pending with the Sixth Circuit in this case as well.

Snyder I and *II* have been consolidated by the Sixth Circuit. The court is expected to rule on each case individually, but at the same time. The opinions will likely be released this summer.

Other states have enacted similar measures as Michigan, either through statute or Executive Order ("EO"): Arizona; Arkansas; Idaho; Iowa; Kansas; Louisiana; Maine; Missouri; Minnesota (subsequently repealed); Montana; South Carolina; Tennessee; Utah; and Virginia.

Aside from Michigan, the laws in Iowa, Idaho, and Louisiana have been challenged. All of these statutes ban PLAs in government construction contracts.

- The Louisiana case is still in the early stages of litigation.
- The United States District Court of Idaho held that the statute is preempted.[1]
- The United States District Court for the Southern District of Iowa granted the motion to dismiss the plaintiff's complaint challenging the Iowa statute banning government-mandated PLAs.[2]

On the federal level, the D.C. Circuit Court upheld an EO by president George W. Bush that forbid federal agencies and any entity receiving federal funds to require a PLA.[3]

Shelly DeAdder, Counsel to House Government, contributed substantially to this summary.

[1] *Idaho Bldg. and Const. Trades Council, AFL-CIO v. Wasden*, 836 F.Supp.2d 1146 (D. Idaho 2011).
[2] *Central Iowa Bldg. and Const. Trades Council, AFL-CIO v. Branstad (unpublished)*. It does not appear that an appeal has been filed with the Eighth Circuit Court of Appeals.
[3] *Building and Const. Trades Dept., AFL-CIO v. Allbaugh*, 295 F.3d 28 (D.C. Cir. 2001), *cert. denied*, 537 U.S. 1171, 154 L. Ed. 2d 912 (2003)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 140

Short Title:	City of Lowell / Regulate Utility Vehicles.	(Local)
Sponsors:	Representative Torbett (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

February 25, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF LOWELL 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, S.L. 2009-459, and S.L. 2011-171, 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~~Cities of Conover and Lowell 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.

HOUSE BILL 140:
City of Lowell / Regulate Utility Vehicles

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Rep. Torbett	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 140 authorizes the City of Lowell in Gaston County to regulate the operation of utility vehicles on any public street or road.***

CURRENT LAW: Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50). Utility vehicles may not be registered (G.S. 20-54(8)) and therefore may not operate on streets and highways.

A utility vehicle is defined in G.S. 20-4.01(48c) as a vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

BILL ANALYSIS: House Bill 140 authorizes the City of Lowell, by ordinance, to 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.

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

BACKGROUND: Similar legislation has been enacted for the Towns of Beech Mountain, Cramerton, North Topsail Beach, and Seven Devils, and the City of Conover.

S.L. 2009-459 authorized all counties and cities to regulate the operation of golf carts. The regulation of utility vehicles has not been authorized Statewide.

Giles Perry, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H140-SMTQ-106 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 195

Short Title:	Cornelius/Extend Use of Design-Build.	(Local)
Sponsors:	Representative Jeter (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable, Regulatory Reform.	

March 5, 2013

A BILL TO BE ENTITLED

AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2011-180 reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law. Section 1 of this act shall expire ~~July 1, 2013.~~July 1, 2016. Section 3 of this act shall expire June 30, 2016."

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

HOUSE BILL 195:
Cornelius/Extend Use of Design-Build

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2013
Introduced by:	Rep. Jeter	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 195 extends the authority of the Town of Cornelius to use design-build delivery methods until June 30, 2016.***

CURRENT LAW: The Town of Cornelius was granted the authority to use the design-build method of construction in 2011. S. L. 2011-180 amended the Charter for the Town of Cornelius (Chapter 288 of the 1971 Session Laws) by authorizing the Town to contract for design and construction of public projects without being subject to public contract laws, and authorizing the use of any combination of design-build, operate or maintain methods. The new charter provision required the Town to request proposals from at least three design-build teams and required the Board to award the contract to the best qualified contractor taking into account all of the following:

- Completion time
- Capital, operation, and maintenance cost of the project
- Technical merits of the proposal
- Other factors set forth in the request for proposal.

The Town of Cornelius's authority to use design-build delivery methods expires on July 1, 2013.

BILL ANALYSIS: The bill extends the authority of the Town of Cornelius to use design-build delivery methods until June 30, 2016.

EFFECTIVE DATE: This act is effective when it becomes law and expires on June 30, 2016.

BACKGROUND: Article 8 of Chapter 143 of the General Statutes sets out the provisions for the bidding and award of contracts by State and local governments. Such contracts generally are bid separately for each subdivision of work.

G.S. 143-64.31 and 143-64.32 provide for the procurement of architectural, engineering, and surveying services by public subdivisions and local governmental units of the State.

In general, contracts entered into or awarded by the State, local governments, and or other public bodies require that the bids be prepared to allow for separate and independent bidding for each subdivision of work, including design stages (architectural and engineering), building stages (heating, ventilating, and air conditioning; plumbing; electrical; and general contracting), and in some cases the operation of the facility. The contracts are normally awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and time specified in the bids for performance of the contract.

Under the design, build, and operate approach, a single contract is awarded for the design, construction, *and operation* of a capital improvement.

Kelly Quick substantially contributed to this summary.

O. Walker Reagan
Director

H195-SMST-85 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 290
Committee Substitute Favorable 4/2/13

Short Title: Rutherford Airport Authority. (Local)

Sponsors:

Referred to:

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 335 of the 1971 Session Laws reads as rewritten:

"**Sec. 2.** The Airport Authority shall consist of five (5) members who shall be appointed to staggered terms of four (4) years by the Rutherford County Board of Commissioners. All of the members shall be residents of the County. The terms of the initial five (5) members of the Airport Authority shall be as follows: two (2) members to be appointed to a term of four (4) years; three (3) members appointed for a term of two (2) years. Thereafter, all terms shall be for four (4) years. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Rutherford County, an oath of office and file same with the Rutherford County Board of Commissioners. Upon the occurrence of any vacancy on said Airport Authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular meeting of the Board of County Commissioners. Alternatively, the Board of Commissioners of Rutherford County may provide by resolution that it shall serve ex officio as the Airport Authority, but it shall serve as such without additional compensation."

SECTION 2. Section 7 of Chapter 335 of the 1971 Session Laws reads as rewritten:

"**Sec. 7.** Private property needed by said Airport Authority for any airport, landing field as facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain, pursuant to the provisions of Chapter ~~40~~ 40A of the General Statutes of North Carolina, as amended."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 290
Committee Substitute Favorable 4/2/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H290-CSST-75 [v.1]
6/17/2013 1:52:38 PM

Short Title: Rutherford Airport Authority. (Local)

Sponsors:

Referred to:

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 335 of the 1971 Session Laws reads as rewritten:

"**Sec. 2.** The Airport Authority shall consist of five (5) members who shall be appointed to staggered terms of four (4) years by the Rutherford County Board of Commissioners. All of the members shall be residents of the County. The terms of the initial five (5) members of the Airport Authority shall be as follows: two (2) members to be appointed to a term of four (4) years; three (3) members appointed for a term of two (2) years. Thereafter, all terms shall be for four (4) years. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Rutherford County, an oath of office and file same with the Rutherford County Board of Commissioners. Upon the occurrence of any vacancy on said Airport Authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular meeting of the Board of County Commissioners. Alternatively, at any time, the Board of Commissioners of Rutherford County may provide by resolution that the Board of Commissioners shall serve as the Airport Authority, but it shall serve as such without additional compensation."

SECTION 2. Section 7 of Chapter 335 of the 1971 Session Laws reads as rewritten:

"**Sec. 7.** Private property needed by said Airport Authority for any airport, landing field as facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain, pursuant to the provisions of Chapter ~~40~~ 40A of the General Statutes of North Carolina, as amended."

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

HOUSE BILL 290:
Rutherford Airport Authority

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2013
Introduced by:	Rep. Hager	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to Second Edition H290-CSST-75		Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 290 allows the Rutherford County Board of Commissioners to serve as the Rutherford County Airport Authority.***

CURRENT LAW: The Airport Authority was established in 1971 by act of the General Assembly. Currently, the Rutherford County Airport Authority consists of five members who are appointed by the Rutherford County Board of Commissioners. Airport Authority members serve staggered, four-year terms.

The Airport Authority constitutes a body corporate and politic and has powers and duties that include:

- Purchasing, acquiring, establishing, constructing, owning, controlling, leasing, equipping, improving, maintaining, operating, and regulating airports or landing fields
- Borrowing money and issuing bonds, with the consent of the Rutherford County Board of Commissioners
- Charging and collecting fees and rents for the use of the airport property or for services rendered
- Selling real or personal property belonging to the Airport Authority, with the approval of the Board of Commissioners.
- Operating, owning, leasing, controlling, regulating, or granting to others the right to operate restaurants, agricultural fairs, motion picture shows, and other amusements on airport property.

Private property needed by the Airport Authority can be acquired by gift or devise, or can be acquired by private purchase or by the exercise of the power of eminent domain. The Airport Authority must make annual reports to the Board of Commissioners.

BILL ANALYSIS: The pcs for House Bill 290 provides a second, alternative membership for the Airport Authority by allowing the Rutherford County Board of Commissioners to serve as the Airport Authority.

Section 2 of the bill is a technical change in Section 7 of the underlying 1971 law, which makes reference to a statute that has been repealed.

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

O. Walker Reagan
Director

H290-SMST-84 CSST-75 -V1

Research Division
(919) 733-2578

HOUSE BILL 294
Committee Substitute Favorable 4/2/13

Short Title: Authority to Remove Abandoned Vessels. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Brunswick and Dare Counties only.

SECTION 2. G.S. 153A-132 reads as rewritten:

"**§ 153A-132. Removal and disposal of abandoned and junked motor vehicles.**

(a) Grant of Power. – A county may by ordinance prohibit the abandonment of motor vehicles on public grounds and private property within the county's ordinance-making jurisdiction and on county-owned property wherever located. The county may enforce the ordinance by removing and disposing of abandoned or junked motor vehicles according to the procedures prescribed in this section.

(b) Definitions. – "Motor vehicle" includes any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled vehicle.

(1) An "abandoned motor vehicle" is one that:
  a. Is left on public grounds or county-owned property in violation of a law or ordinance prohibiting parking; or
  b. Is left for longer than 24 hours on property owned or operated by the county; or
  c. Is left for longer than two hours on private property without the consent of the owner, occupant, or lessee of the property; or
  d. Is left for longer than seven days on public grounds.

(2) A "junked motor vehicle" is an abandoned motor vehicle that also:
  a. Is partially dismantled or wrecked; or
  b. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
  c. Is more than five years old and appears to be worth less than one hundred dollars ($100.00); or
  d. Does not display a current license plate.

(c) Removal of Vehicles. – A county may remove to a storage garage or area an abandoned or junked motor vehicle found to be in violation of an ordinance adopted pursuant to this section. A vehicle may not be removed from private property, however, without the written request of the owner, lessee, or occupant of the premises unless the board of commissioners or a duly authorized county official or employee has declared the vehicle to be a health or safety hazard. Appropriate county officers and employees have a right, upon presentation of proper credentials, to enter on any premises within the county

ordinance-making jurisdiction at any reasonable hour in order to determine if any vehicles are health or safety hazards. The county may require a person requesting the removal from private property of an abandoned or junked motor vehicle to indemnify the county against any loss, expense, or liability incurred because of the vehicle's removal, storage, or sale.

When an abandoned or junked motor vehicle is removed, the county shall give notice to the owner as required by G.S. 20-219.11(a) and (b).

(d) Hearing Procedure. – Regardless of whether a county does its own removal and disposal of motor vehicles or contracts with another person to do so, the county shall provide a hearing procedure for the owner. For purposes of this subsection, the definitions in G.S. 20-219.9 apply.

(1) If the county operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of Article 7A, Chapter 20, apply.

(2) If the county operates in such a way that it is responsible for collecting towing fees, it shall:

a. Provide by contract or ordinance for a schedule of reasonable towing fees,

b. Provide a procedure for a prompt fair hearing to contest the towing,

c. Provide for an appeal to district court from that hearing,

d. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and

e. Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the county may destroy it.

(e) and (f) Repealed by Session Laws 1983, c. 420, s. 10.

(g) No Liability. – No person nor any county may be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost, or stolen motor vehicle for disposing of the vehicle as provided in this section.

(h) Exceptions. – This section does not apply to any vehicle in an enclosed building, to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county.

(i) A county may by ordinance prohibit the abandonment of vessels in navigable waters within the county's ordinance-making jurisdiction, subject to the provisions of this subsection. The provisions of this section shall apply to abandoned vessels in the same manner that they apply to abandoned or junked motor vehicles, to the extent that the provisions may apply to abandoned vessels, except that the storage requirements of subsection (c) of this section shall not apply to an abandoned vessel that meets a description found in sub-subdivision a. or b. of subdivision (b)(2) of this section or to an abandoned vessel that is more than five years old and appears to be worth less than five hundred dollars ($500.00). For purposes of this subsection, an "abandoned vessel" is one that meets any of the following:

(1) A vessel that is moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of the dock owner.

(2) A vessel that 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 vessels 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 3. This act is effective when it becomes law.

HOUSE BILL 294:
Authority to Remove Abandoned Vessels

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Rep. Tine	**Prepared by:**	Chris Saunders
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 294 authorizes Brunswick and Dare Counties to remove abandoned vessels from navigable waters.***

CURRENT LAW: Current G.S. 153A-132 authorizes counties to enact ordinances regulating the removal and disposal of junked and abandoned motor vehicles. The current statute includes a notice, hearing, and appeal procedure for the owner.

BILL ANALYSIS: House Bill 294 amends G.S. 153A-132, applicable to Brunswick and Dare Counties only, to authorize those counties to enact ordinances authorizing removal of abandoned vessels in navigable waters in those counties. The ordinance would have to include a notice, hearing, and appeal procedure for the owner.

Those counties would be permitted to dispose of an abandoned vessel (i) that is partially dismantled or wrecked, (ii) that cannot be self-propelled or moved in the manner in which it originally was intended to move, or (iii) that is more than five years old and appears to be worth less than $500.

An abandoned vessel is defined as any of the following:

- A vessel moored, anchored, or otherwise located for more than 30 consecutive days in any 180-consecutive-day period without permission of a dock owner.
- A vessel that 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 shipwrecks and archeological remains in place more than 10 years.

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

BACKGROUND: Similar legislation authorizing Wrightsville Beach to remove and dispose of abandoned vessels was enacted in 2011 (S.L. 2011-82).

Giles Perry, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H294-SMTQ-107 E2 -V2

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 305*

Short Title:	Chapel Hill/Economic Development Projects.	(Local)
Sponsors:	Representatives Foushee and Luebke (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 14, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.20 of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended, reads as rewritten:

"Sec. 4.20. Definition. As used in this Article 'economic development project' means an economic capital development project within a certain defined area or areas of the Town as established by the Town Council, comprised of one or more buildings or other improvements and including any public and/or private facilities.~~Said project may include programs or facilities for improving downtown development, 'pocket of poverty' or other federal or State assistance programs which the Town Council determines to be in need of economic capital development or revitalization and which qualify for capital assistance under applicable federal or State programs.~~"

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

HOUSE BILL 305:
Chapel Hill/Economic Development Projects

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Reps. Foushee, Luebke	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 305 would amend the Chapel Hill Town Charter to authorize its participation in economic development projects not located in the Town's downtown area.***

[As introduced, this bill was identical to S265, as introduced by Sen. Kinnaird, which is currently in Senate State and Local Government.]

CURRENT LAW: Under the Charter of the Town of Chapel Hill, "economic development project" is defined as an economic capital development project that may include "programs or facilities for improving downtown development, 'pocket of poverty' or other federal or State assistance programs which the Town Council determines to be in need of economic capital development or revitalization and which qualify for capital assistance under applicable federal or State programs."

BILL ANALYSIS: House Bill 305 would amend the Town Charter's definition of "economic development project" by deleting the above-quoted language. As amended, "economic development project" would be defined as "an economic capital development project within a certain defined area or areas of the Town as established by the Town Council, comprised of one or more buildings or other improvements and including any public and/or private facilities."

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

Bill Patterson, Research Staff, substantially contributed to this summary.

O. Walker Reagan
Director

H305-SMTQ-108 E1 -V3

Research Division
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HOUSE BILL 326

Short Title:	Rutherford County Condemnation Consent.	(Local)
Sponsors:	Representative Hager (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

March 19, 2013

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONSENT OF RUTHERFORD COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-15(c) reads as rewritten:

"(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only."

SECTION 2. This act applies to Rutherford County only.

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

HOUSE BILL 326:
Rutherford County Condemnation Consent

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Rep. Hager	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 326 would require another county to obtain the Rutherford County board of commissioners' approval before acquiring property in Rutherford County by eminent domain, exchange, purchase or lease.

CURRENT LAW: Chapter 40A of the General Statutes sets out the general procedure under which counties and municipalities, referred to as 'public condemnors', may exercise the authority to acquire real property by eminent domain. G.S. 153A-158, G.S. 160A-240.1, and 130A-55 grant authority to counties and municipalities to acquire real property by other lawful means, such as purchase, lease, or exchange.

Notwithstanding these statutes, G.S. 153A-15 states that for a county to obtain property in another county by eminent domain, purchase, lease, or exchange, the board of commissioners in the county where the property is located must approve the acquisition.

These provisions currently apply to 85 counties.

BILL ANALYSIS: House Bill 326 would make Rutherford County the 86th county listed in G.S. 153A-15. Consequently, if another county seeks to obtain land in Rutherford County by eminent domain, purchase, lease, or exchange, it must first obtain the approval of the Rutherford County board of commissioners.

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

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

HOUSE BILL 334

Short Title:	Buncombe Cty Sales Tax Use Expansion.	(Local)
Sponsors:	Representatives Ramsey and Moffitt (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable, Finance.	

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO AUGMENT THE USES OF CERTAIN MONEYS IN THE BUNCOMBE SCHOOL CAPITAL FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 134 of the 1983 Session Laws, as amended by Chapter 534 of the 1983 Session Laws, reads as rewritten:

"Section 1. There is hereby created a Commission to be known as the School Capital Fund Commission for Buncombe County, which Commission shall have and possess all the powers conferred by this act and such other powers as may be useful or necessary to permit it fully to carry out the purposes of this act. The Commission is hereby declared to be a corporation with perpetual succession, the right to adopt and use a corporate seal, to sue and to be sued, and to hold, manage and control the moneys and properties received by it under the provisions of this act. It shall have the right to make reasonable rules and regulations for the conduct of its business.

"Sec. 2. The Commission shall consist of five members. Initial members of the Commission shall be Richard B. Stone, Ronald K. Payne, John F. Shuford, Nilous M. Avery, and John L. Simmons, who shall each serve for a term ending June 30, 1985, or as soon thereafter as his successor is appointed. After June 30, 1985, members of the Commission shall serve two-year terms and shall be appointed as follows: one appointed by the Asheville City Council, one appointed by the Asheville City Board of Education, one appointed by the Buncombe County Board of Education, one appointed by the Buncombe County Board of Commissioners, and one appointed by the other four appointees. A member appointed by a local governing board or a school board shall serve at the pleasure of that board. The member appointed by the other appointees shall serve at the pleasure of the majority of the other appointees. Any vacancy occurring during the term of the original appointees shall be filled by the other members of the Commission. Vacancies occurring after June 30, 1985, shall be filled by the appointing authority of the member creating the vacancy to fill the unexpired term.

"Sec. 3. A quorum shall be three members of the Commission.

"Sec. 4. The first meeting of the Commission shall be held within 30 days after the ratification of this act, at which meeting, or any adjournment thereof, the Commission shall organize, adopt bylaws or rules and regulations to govern its procedure and the conduct of the business and affairs of the Commission and appoint a chairman and vice-chairman from among its membership who shall serve a one-year term and appoint a secretary for a one-year term and until their successors are appointed by the Commission. The finance officer for Buncombe County shall be the finance officer of the Commission. The county finance officer shall give

bond for the faithful performance of his duties as the finance officer of the Commission in an amount determined by the Commission. The finance officer of the Commission shall manage the funds of the Commission only as directed by the Commission. At said meeting the Commission shall select and appoint an attorney of the Commission and fix his compensation, such attorney to serve at the pleasure of the Commission.

"Sec. 5. Regular or stated meetings of the Commission shall be held at such time and place as may be provided by the Commission in its bylaws or rules and regulations, and special meetings may be held on the call of the chairman after due notice.

"Sec. 6. One half of any local government sales and use tax revenue distributed to Buncombe County under G.S. 105-472, and one half of any State sales and use tax revenue distributed to Buncombe County, shall be paid to the Commission by the Secretary of Revenue; provided that if distribution of the local government sales and use tax revenue is made under G.S. 105-472(2), (the ad valorem method), then taxing districts shall receive their funds under G.S. 105-472(2) as if no funds had been paid to the Commission by the Secretary of Revenue, and in computing what amount is one-half of the sales and use tax revenue, the Secretary of Revenue shall not reduce the total by the amount to be distributed to the taxing districts. This section does not affect the distribution of any local or State sales and use tax revenue to the municipalities in Buncombe County.

"Sec. 7. All of the special property tax levied by Buncombe County for necessary capital outlay improvements of County and City Schools in Buncombe County, approved by the voters of Buncombe County in 1959, shall be appropriated by Buncombe County to the Commission and paid by the Tax Collector to the Commission.

"Sec. 8. Any other funds appropriated by Buncombe County for public school construction of any amount, and public school improvement and renovation projects estimated to cost in excess of one hundred thousand dollars ($100,000) in any one location in Buncombe County shall be paid to the Commission, provided that the board of county commissioners may choose to designate funds under this section to a specific account under Section 10 of this act rather than pro rata.

"Sec. 9. All funds received by the Commission under Sections 6, 7, and 8 of this act shall be placed in a capital reserve fund as provided in Part 2 of Article 3 of Chapter 159 of the General Statutes.

"Sec. 10. All funds in the capital reserve ~~fund~~ fund, other than unencumbered revenue distributed to Buncombe County under G.S. 105-472, shall be used to finance new public school construction of any amount, and public school improvement and renovation projects estimated to cost in excess of one hundred thousand dollars ($100,000) at any one location or to retire any indebtedness incurred by the county after July 1, 1983 for these purposes. Unencumbered revenue distributed to Buncombe County under G.S. 105-472 shall be used (i) to finance new public school construction of any amount and public school improvement and renovation projects estimated to cost in excess of one hundred thousand dollars ($100,000) at any one location, (ii) to retire any indebtedness incurred by the county after July 1, 1983, for these purposes, or (iii) to provide for digital learning needs such as school connectivity, digital textbooks and instructional resources, digital devices, and associated ongoing professional development for teachers. The Commission shall annually divide the funds received that year into two accounts, one for the Buncombe County Board of Education and one for the Asheville City Board of Education. The division of funds shall be pro rata according to average daily membership in the two systems. If the funds in the capital reserve fund are to be expended to retire any indebtedness incurred by the county, they shall be drawn out of the two accounts established by this section pro rata, according to the average daily membership in the two systems. Any funds not expended in a fiscal year shall remain in that system's account for use in later years, including any accrued interest.

By joint agreement of the Board of County Commissioners and both boards of education, money may be transferred from the account under this section of one board of education to the account under this section of the other board of education, provided that the agreement must require a transfer back of an equal amount of funds at some fixed date in the future, plus a sum to be determined at that date which represents interest which would have accrued on the funds if they had remained in the first account.

"Sec. 11. Moneys in the Capital Reserve Fund shall be subject to appropriation by the board of county commissioners. The Commission shall disburse such moneys as a ministerial duty upon receiving a written request from the board of county commissioners after the county board of commissioners has adopted an ordinance and after receipt of a written request from the appropriate board of education indicating it is prepared to enter into a contract, and G.S. 115C-521 shall continue to apply.

"Sec. 11.1. Notwithstanding any other provision of this act, if the Buncombe County Board of Commissioners appropriates any federal revenue sharing funds to the Commission for the purpose of substituting revenue sharing funds for sales tax funds, then it must at the same time appropriate from the Commission to the county an equal amount of funds received under Section 6 to be used for such purposes as the Board of Commissioners shall deem appropriate and are otherwise authorized by law, provided that such federal revenue sharing funds shall be divided pro rata under Section 10 of this act.

"Sec. 12. The reasonable and necessary expenses of the Commission, including the compensation of its officers and employees and the cost of any bond required by it, shall be paid by the County of Buncombe. The chairman of the Commission shall, on or about the first day of each calendar month, certify to the governing body of Buncombe County the expenses of the Commission incurred during the preceding month, and the governing body of the county shall forthwith, and within five days thereafter, cause to be paid to the Commission the expenses required to be paid. All such payments shall be charged to the general fund of the county.

"Sec. 13. Sections 1 through 5, 11.1 and 12 of this act are effective upon ratification. Sections 6 through 11 shall become effective July 1, 1983. The Secretary shall make the first distribution of local sales and use tax revenue to the Commission at the end of the quarter that begins on July 1, 1983."

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

HOUSE BILL 334:
Buncombe Cty Sales Tax Use Expansion

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 18, 2013
Introduced by:	Reps. Ramsey, Moffitt	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 334 would expand the use of funds in the Buncombe County School Capital Fund to include expenditures for digital learning needs such as school connectivity, digital textbooks, digital devices, and associated ongoing professional development for teachers.***

CURRENT LAW: Counties must allocate 30% of Article 40 local sales and use tax revenue and 60% of Article 42 local sales and use tax revenue for public school capital outlay purposes.

In 1983, the General Assembly established the Buncombe County School Capital Fund Commission, which administers funds remitted to it derived from a portion of State and local sales and use tax revenue to finance new public school construction and public school renovation projects estimated to cost in excess of $100,000 at any one location, or to retire indebtedness incurred by the county for these purposes.

Commission. – The Commission is made up of five members appointed as follows:

- One appointed by the Asheville City Council
- One appointed by the Asheville City Board of Education
- One appointed by the Buncombe County Board of Education
- One appointed by the Buncombe County Board of Commissioners
- One appointed by the other four appointees

Funds. – A portion of State and local sales and use tax revenue is remitted directly to the Commission by the Department of Revenue as follows:

- One-half of the local sales and use tax revenue distributed to Buncombe County under G.S. 105-472 (*Article 39: First One-Cent Local Government Sales and Use Tax*). This represents approximately 25% of the county's total sales tax revenue.
- One-half of any State sales and use tax distributed to Buncombe County.[1]

The Commission divides the funds annually into two accounts, one for the Buncombe County Board of Education and one for the Asheville City Board of Education. The division of funds is pro rata based on the average daily membership in the two systems.

Use. – The funds in the capital reserve fund administered by the Buncombe County School Capital Fund Commission may be used as follows:

- To finance new public school construction of any amount.

[1] A portion of the State sales and use tax on modular homes, video programming, and telecommunications is distributed to counties.

O. Walker Reagan
Director

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- To finance public school improvement and renovation projects estimated to cost in excess of $100,000 at any one location.
- To retire indebtedness incurred by the county for these purposes.

BILL ANALYSIS: The bill would allow money in the School Capital Fund to also be used to provide for digital learning needs such as school connectivity, digital textbooks and instructional resources, digital devices, and associated ongoing professional development for teachers. Use of funds for this purpose is not mandatory, but would be within the discretion of the Commission.

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

BACKGROUND: This year, the General Assembly also passed S.L. 2013-12, which is a statement of intent for the State to transition from funding for textbooks, both traditional and digital, to funding for digital materials, including textbooks and instructional resources, effective for all learners by 2017.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 354

Short Title:	2 County Commissioners May Serve/AB Tech. Bd.	(Local)
Sponsors:	Representatives Ramsey, Moffitt, and Presnell (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

March 21, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-12(a) reads as rewritten:

"(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

Group One – four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two – four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group Two may be a member of a board of county ~~commissioners.~~ commissioners of a given county. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group Three – four trustees, appointed by the Governor.

Group Four – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said institution."

SECTION 2. This act applies only to Asheville-Buncombe Technical Community College.

SECTION 3. This act is effective when it becomes law and applies to appointments made on or after that date.

HOUSE BILL 354:
2 County Commissioners May Serve/AB Tech. Bd

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2013
Introduced by:	Reps. Ramsey, Moffitt, Presnell	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 354 authorizes a county commissioner from each of the two counties located in the administrative area of the institution (Buncombe County and Madison County) to serve on the Board of Trustees for Asheville-Buncombe Technical Community College.***

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. Of the remaining twelve members, they are appointed in groups of four respectively by the following entities:

- The board of education of the public school administrative unit located in the administrative area of the institution. If the administrative area of the community college is 2 or more school administrative units, then the boards of education jointly elect the 4 trustees.
- The board of commissioners of the county in which the institution is located. If the administrative area of the community college is 2 or more counties, then the boards of commissioners jointly elect the 4 trustees.
- The Governor.

The statute places the following requirements and restrictions on membership:

1) No member of the General Assembly may be appointed to a local board of trustees for a community college.
2) All trustees must be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members appointed by the Governor.
3) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.
4) No board of education may elect a member of the board of education or any person employed by the board of education to serve as a trustee.
5) No more than one trustee from appointed by the board of county commissioners may be a member of a board of county commissioners.

BILL ANALYSIS: The bill authorizes the boards of county commissioners jointly electing trustees to each elect a member of the board of commissioners to serve as a trustee, resulting in the authority of more than one elected county commissioner serving on the board of trustees of Asheville-Buncombe Technical Community College. Asheville-Buncombe Technical Community College serves Buncombe County and Madison County.

O. Walker Reagan
Director

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EFFECTIVE DATE: When it becomes law, and applies to appointments made on or after that date.

Kelly Quick substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 404

Short Title:.	Camden Local Stormwater Fees.	(Local)
Sponsors:	Representative Steinburg (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable, Finance.	

March 21, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(c) of S.L. 2012-55 reads as rewritten:

"**SECTION 1.(c)** This section applies only to the Counties of Camden, Granville and Person."

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

HOUSE BILL 404:
Camden Local Stormwater Fees

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Rep. Steinburg	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 404 would authorize Camden County to bill stormwater utility fees in the same manner as property taxes, and in the case of nonpayment, to collect stormwater utility fees in the same manner as property taxes.***

CURRENT LAW: Cities and counties may operate a stormwater management program as a public enterprise, 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 enterprise services cannot be a lien upon the property served by the enterprise 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.

BILL ANALYSIS: House Bill 404 would authorize Camden County to adopt an ordinance providing that stormwater management 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 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.

BACKGROUND: By local acts, the General Assembly has already authorized Granville and Person Counties, the Towns of Butner, and Stem, the Cities of Creedmoor, 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. S.L. 2005-441, S.L. 2011-109, S.L. 2012-55.

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

Giles Perry, Counsel to House Government, and Greg Roney, Counsel to House Finance, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 408

Short Title:	Beaufort/Right-of-Way Safety.	(Local)
Sponsors:	Representative Speciale (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Environment, if favorable, Judiciary Subcommittee B.	

March 25, 2013

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN BEAUFORT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to discharge a firearm or bow and arrow, or to attempt to discharge a firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of any public road.

SECTION 2. Violation of the provisions of this act is punishable as 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 other peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Beaufort County.

SECTION 5. This act becomes effective October 1, 2013, and applies to offenses committed on or after that date.

HOUSE BILL 408:
Beaufort/Right-of-Way Safety

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Rep. Speciale	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 408 is a local bill that prohibits the discharge or attempted discharge of a firearm or bow and arrow from or across the roadway or right-of-way of any public road in Beaufort County.***

BILL ANALYSIS: House Bill 408 does all of the following:

- Prohibits the discharge or attempted discharge of a firearm or bow and arrow from, on, across, or over the roadway or right-of-way of any public road.
- Provides that a violation of the bill is a Class 3 misdemeanor.
- Provides that the 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.

The act applies only to Beaufort County.

EFFECTIVE DATE: This act becomes effective October 1, 2013, and applies to offenses committed on or after that date.

O. Walker Reagan
Director

H408-SMTQ-110 E1 -V1

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 418
Committee Substitute Favorable 4/15/13
Committee Substitute #2 Favorable 5/1/13

Short Title: Buncombe Culture & Rec. Authority. (Local)

Sponsors:

Referred to:

March 26, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING BUNCOMBE COUNTY, OR BUNCOMBE COUNTY AND MUNICIPALITIES LOCATED THEREIN, TO ESTABLISH A CULTURE AND RECREATION AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Culture and Recreation Authority; creation; membership. – (a) Either (i) Buncombe County or (ii) Buncombe County and one or more municipalities located within that county may create a Culture and Recreation Authority (hereinafter "Authority"). The Authority shall be a body corporate and politic.

(a1) If the Authority is initially created solely by Buncombe County, it shall be created by ordinance. If the Authority is created solely by Buncombe County, the Authority shall consist of seven members, all of whom shall be appointed by the Board of Commissioners of Buncombe County. The county may later, by agreement incorporated in ordinances adopted by each participating unit, make other municipalities located within that county party to such agreement. In such case, the agreement may reduce the number of appointees by the county, but in all cases the Board shall be seven, nine, 11, or 13 members with a majority appointed by the county.

(a2) If the Authority is initially created by Buncombe County and the City of Asheville, it shall be created by agreement, incorporated in ordinances adopted by both participating units of local government. If the Authority is created by Buncombe County and the City of Asheville, it shall consist of seven members, four of whom shall be appointed by the Board of Commissioners of Buncombe County (hereinafter "Board"), and three of whom shall be appointed by the City Council of the City of Asheville. The county and the City of Asheville may later, by agreement incorporated in ordinances adopted by each participating unit, make other municipalities located within that county party to such agreement. In such case, the Board may be expanded to nine, 11, or 13 members, with a majority appointed by the county.

(a3) If the authority is initially created by Buncombe County and one or more municipalities located within that county other than the City of Asheville, it shall be created by agreement, incorporated in ordinances adopted by each participating unit of local government. The county and municipalities subject to that agreement may later, by agreement incorporated in ordinances adopted by each participating unit, make other municipalities located within that county party to such agreement. The size of the Board shall be seven, nine, 11, or 13 members, with a majority appointed by the county.

(a4) For the purpose of this act, "participating unit" means any unit of local government that is a party to the agreement.

(b) In all cases, at least one of the members appointed by the Board shall be a member of the Board of Commissioners, and at least one of the members appointed by each other municipality shall be a member of the governing board of the municipality. Nothing in this act shall prohibit the appointment of only elected officials to the Authority. All appointments shall be for a term of three years, except that initial members shall serve one-, two-, or three-year terms to provide for staggering. The date from which regular three-year terms shall run shall be established in the ordinance. If the Authority created under subsection (a1) of this section is later expanded to include one or more additional municipalities located within Buncombe County and the number of county appointees is reduced, that ordinance shall specify which county appointees' terms are terminated.

(c) The members of the Authority shall elect a chair and vice-chair from the membership of the Authority. They shall also elect a secretary who may or may not be a member of the Authority.

(d) 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. Members of the Authority shall receive such compensation, if any, as may be fixed by the participating units.

SECTION 2. Purpose of the Authority. – The purpose of the Authority shall be to manage or operate libraries, parks, greenways, recreation facilities, or cultural organizations, as designated by the units of local government who are parties to the agreement. Notwithstanding any other provision of law, participating units may dedicate, sell, convey, donate, or lease any of its interest in any property to the Authority under any terms established by the participating units. Once an asset is conveyed to the Authority, it may not be removed from the Authority's management or control without the approval of a majority of the members of the governing boards of all participating units.

SECTION 3. General powers of the Authority. – The general powers of the Authority shall be to:

(1) Make rules and regulations not inconsistent with this act for its organization and internal management.

(2) Employ persons deemed necessary to carry out functions and duties assigned to them by the Authority and to fix their compensation within the limit of available funds.

(3) With the approval of a participating unit, to use officers, employees, agents, and facilities of the county or city on such basis as may be agreed upon.

(3a) Appoint a full-time Director to serve at its pleasure. The Director is responsible to the Authority for the administration of all departments within the Authority. The Director shall appoint, suspend, or remove all Authority employees. The Director shall make his or her appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the Authority may adopt.

(4) Acquire, maintain, and operate any buildings, structures, and facilities as may be necessary or convenient for the operations of the Authority.

(5) Establish rules governing the use of the cultural and recreational facilities under the jurisdiction of the Authority.

(6) Enter into contracts and leases for facilities and services.

(7) Acquire and dispose of real and personal property under the jurisdiction of the Authority with the approval of the participating units.

(8) Surrender to the participating unit who conveyed it to the Authority any property no longer required by the Authority.

(9) Allocate funds for repairs, renovations, and improvements of real and personal property under the jurisdiction of the Authority.

(10) Solicit financial and material support from public and private sources.
(11) Receive public and private donations, appropriations, and grants.
(12) Prepare and submit an annual budget to the participating units in the same manner as other county and city departments, but the budget is subject to adoption only by the county.
(13) Make recommendations and an annual report to the participating units concerning the operation of the Authority and the status of cultural and recreational programs under the jurisdiction of the Authority.
(14) Make plans, surveys, and studies of libraries, parks, greenways, recreational facilities, and cultural organizations under the jurisdiction of the Authority and to prepare and make recommendations to the participating units in regard thereto.
(15) Retain and employ counsel, auditors, engineers, and private consultants on an annual salary contract basis or otherwise for rendering professional or technical services and advice.
(16) Sue and be sued.
(17) Have a seal.
(18) Do all things necessary or convenient to carry out the purposes provided for in this act and for the exercise of the powers granted to the Authority.

SECTION 4. Funds. – (a) Participating units may appropriate funds to support the establishment and operation of the Authority. Participating units may also dedicate, sell, convey, donate, or lease any of its interest in any property to the Authority. Further, the Authority may establish any license and regulatory fees and charges as it may deem appropriate, subject to the approval of the governing boards of all the participating units. In accordance with G.S. 153A-149, Buncombe County may separately levy and collect an ad valorem tax in the county, but not exceeding seven cents (7¢) on the one hundred dollars ($100.00) valuation of property in the county from year to year and shall keep the same as a separate and special fund to be used only for cultural and recreational purposes under the jurisdiction of the Authority. The county may also issue general obligation bonds as authorized by the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes.

(b) The Authority shall have no authority to tax property within its jurisdictional boundaries and shall have no powers of eminent domain. The Authority is not eligible to receive local sales or use or any other taxes allocated by the State to taxing counties and cities.

SECTION 5. Fiscal accountability. – The Authority shall be fiscally accountable to the participating units, which have authority to examine all records and accounts of the Authority at any time.

SECTION 6. Termination. – The participating units shall have the authority to terminate the existence of the Authority at any time by a majority vote of the governing boards of all of the participating units. In the event of termination, (i) all property and assets of the Authority which were conveyed to the Authority shall automatically become the property of the participating unit which conveyed the asset to the Authority, and (ii) the participating units shall jointly succeed to all other rights, obligations, and liabilities of the Authority as provided by the agreement.

SECTION 7. Insofar as the provisions of this act are not consistent with the provisions of any other act or law, public or private, the provisions of this act shall be controlling.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 418

Committee Substitute Favorable 4/15/13
Committee Substitute #2 Favorable 5/1/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H418-CSSTx-74 [v.1]
6/17/2013 1:37:55 PM

Short Title: Buncombe Culture & Rec. Authority. (Local)

Sponsors:

Referred to:

March 26, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING BUNCOMBE COUNTY, OR BUNCOMBE COUNTY AND MUNICIPALITIES LOCATED THEREIN, TO ESTABLISH A CULTURE AND RECREATION AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Culture and Recreation Authority; creation; membership. – Buncombe County may create a Culture and Recreation Authority (hereinafter "Authority"). The Authority shall be a body corporate and politic.

(a1) The Authority shall be created by ordinance. The Authority shall consist of seven members (hereinafter "Board"). All Board members shall be appointed by the Board of Commissioners of Buncombe County (hereinafter "Board of Commissioners"). The Board of Commissioners may, no earlier than 24 months after the creation of the Authority, expand the Authority to include other municipalities located within Buncombe County. Agreement to expand shall be evidenced by ordinances adopted by each participating unit in the Authority. In such case, the agreement may reduce the number of appointees by the Board of Commissioners, but in all cases the Board shall be seven, nine, 11, or 13 members with a majority appointed by the Board of Commissioners.

(a2) For the purpose of this act, "participating unit" means any unit of local government that is a party to the agreement.

(b) In all cases, at least one of the members appointed by each participating unit shall be a member of the governing board of that participating unit. Nothing in this act shall prohibit the appointment of only elected officials to the Authority. All appointments shall be for a term of three years, except that initial members shall serve one-, two-, or three-year terms to provide for staggering. The date from which regular three-year terms shall run shall be established in the ordinance. If the Authority created under subsection (a1) of this section is later expanded to include one or more additional municipalities located within Buncombe County and the number of county appointees is reduced, that ordinance shall specify which county appointees' terms are terminated.

(c) The members of the Authority shall elect a chair and vice-chair from the membership of the Authority. They shall also elect a secretary who may or may not be a member of the Authority.

(d) 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. Members of the Authority shall receive such compensation, if any, as may be fixed by the participating units.

SECTION 2. Purpose of the Authority. – The purpose of the Authority shall be to manage or operate libraries, parks, greenways, recreation facilities, or cultural organizations, as designated by the units of local government who are parties to the agreement. Notwithstanding any other provision of law, participating units may dedicate, sell, convey, donate, or lease any of its interest in any property to the Authority under any terms established by the participating units. Once an asset is conveyed to the Authority, it may not be removed from the Authority's management or control without the approval of a majority of the members of the governing boards of all participating units.

SECTION 3. General powers of the Authority. – The general powers of the Authority shall be to:

(1) Make rules and regulations not inconsistent with this act for its organization and internal management.

(2) Employ persons deemed necessary to carry out functions and duties assigned to them by the Authority and to fix their compensation within the limit of available funds.

(3) With the approval of a participating unit, to use officers, employees, agents, and facilities of the county or city on such basis as may be agreed upon.

(4) Appoint a full-time Director to serve at its pleasure. The Director is responsible to the Authority for the administration of all departments within the Authority. The Director shall appoint, suspend, or remove all Authority employees. The Director shall make his or her appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the Authority may adopt.

(5) Acquire, maintain, and operate any buildings, structures, and facilities as may be necessary or convenient for the operations of the Authority.

(6) Establish rules governing the use of the cultural and recreational facilities under the jurisdiction of the Authority.

(7) Enter into contracts and leases for facilities and services.

(8) Acquire and dispose of real and personal property under the jurisdiction of the Authority with the approval of the participating units.

(9) Surrender to the participating unit who conveyed it to the Authority any property no longer required by the Authority.

(10) Allocate funds for repairs, renovations, and improvements of real and personal property under the jurisdiction of the Authority.

(11) Solicit financial and material support from public and private sources.

(12) Receive public and private donations, appropriations, and grants.

(13) Prepare and submit an annual budget to the participating units in the same manner as other county and city departments, but the budget is subject to adoption only by the county.

(14) Make recommendations and an annual report to the participating units concerning the operation of the Authority and the status of cultural and recreational programs under the jurisdiction of the Authority.

(15) Make plans, surveys, and studies of libraries, parks, greenways, recreational facilities, and cultural organizations under the jurisdiction of the Authority and to prepare and make recommendations to the participating units in regard thereto.

(16) Retain and employ counsel, auditors, engineers, and private consultants on an annual salary contract basis or otherwise for rendering professional or technical services and advice.

(17) Sue and be sued.
(18) Have a seal.
(19) Do all things necessary or convenient to carry out the purposes provided for in this act and for the exercise of the powers granted to the Authority.

SECTION 4. Funds. – (a) Participating units may appropriate funds to support the establishment and operation of the Authority. Participating units may also dedicate, sell, convey, donate, or lease any of its interest in any property to the Authority. Further, the Authority may establish any license and regulatory fees and charges as it may deem appropriate, subject to the approval of the governing boards of all the participating units. In accordance with G.S. 153A-149, Buncombe County may separately levy and collect an ad valorem tax in the county, but not exceeding seven cents (7¢) on the one hundred dollars ($100.00) valuation of property in the county from year to year and shall keep the same as a separate and special fund to be used only for cultural and recreational purposes under the jurisdiction of the Authority. The county may also issue general obligation bonds as authorized by the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes.

(b) The Authority shall have no authority to tax property within its jurisdictional boundaries and shall have no powers of eminent domain. The Authority is not eligible to receive local sales or use or any other taxes allocated by the State to taxing counties and cities.

SECTION 5. Fiscal accountability. – The Authority shall be fiscally accountable to the participating units, which have authority to examine all records and accounts of the Authority at any time.

SECTION 6. Termination. – The participating units shall have the authority to terminate the existence of the Authority at any time by a majority vote of the governing boards of all of the participating units. In the event of termination, (i) all property and assets of the Authority which were conveyed to the Authority shall automatically become the property of the participating unit which conveyed the asset to the Authority, and (ii) the participating units shall jointly succeed to all other rights, obligations, and liabilities of the Authority as provided by the agreement.

SECTION 7. Insofar as the provisions of this act are not consistent with the provisions of any other act or law, public or private, the provisions of this act shall be controlling.

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

HOUSE BILL 418:
Buncombe Culture & Rec. Authority

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2013
Introduced by:	Reps. Ramsey, Moffitt	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Third Edition H418-CSSTx-74		

SUMMARY: ***The Proposed Committee Substitute for House Bill 418 would authorize Buncombe County to levy an additional property tax of up to 7¢/$100 and dedicate the funds for cultural and recreational purposes and to establish a Culture and Recreation Authority to manage those funds. At least 24 months after creation, the Authority could expand to include one or more municipalities in Buncombe County.***

CURRENT LAW: G.S. 153A-149 sets out the scope of a county's authority to levy a property tax. A county may also levy a property tax for any authorized purpose with an approving vote of the people. Any property tax authorized by a vote of the people is not counted toward the rate limitation.

No Rate Restriction. – Each county may levy property taxes without restriction as to rate or amount for the following purposes:

- courts
- debt service
- deficits
- elections
- jails
- joint undertakings
- schools
- social services

Rate Restriction. – A county may levy property taxes up to a combined rate of $1.50 on the $100.00 appraised value of property subject to taxation for approximately 50 named purposes, including libraries, parks and recreation, and open space.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 418 provides for the establishment of a Culture and Recreation Authority to manage and operate libraries, parks, greenways, recreation facilities, or cultural organizations in Buncombe County. The bill further provides a dedicated source of funding for the Authority by authorizing license and regulatory fees as well as an additional property tax of 7¢/$100. Under current law, the county already has authority to levy this additional property tax for this purpose, but this bill specifically directs a separate levy, dedicates the use, and establishes a separate entity to manage the funds.

Creation of Authority. – The Authority may be created by Buncombe County. The Authority can later add other cities by agreement, and the bill directs changes in membership accordingly. Additional cities could be added no earlier than 24 months after the creation of the Authority. In all cases, at least one member must be a member of the board of commissioners and at least one of the members appointed by each other municipality must be on that municipality's governing board.

- Buncombe only – The Authority would be created by ordinance and consist of seven members appointed by the Board of Commissioners.

- Buncombe and additional cities in Buncombe County – The Authority would be created by agreement and consist of 7, 9, 11, or 13 members with a majority appointed by the county.

Purpose. – The purpose of the Authority is to manage or operate libraries, parks, greenways, recreation facilities, or cultural organizations, as designated by the units of local government who are parties to the agreement.

Interest in Property. – Participating units may dedicate, sell, convey, donate, or lease any of its interest in any property to the Authority under any terms established by the participating units. Once an asset is conveyed to the Authority, it may not be removed from the Authority's management or control without the approval of a majority of the members of the governing boards of all participating units.

Powers. – The powers of the Authority are set out in Section 3 of the PCS and include:

- Make rules and regulations for its organization and internal management.
- Employ persons necessary to carry out functions and duties assigned to them by the Authority and to fix their compensation within the limit of available funds.
- With the approval of a participating unit, to use officers, employees, agents, and facilities of the county or city on such basis as may be agreed upon.
- Appoint a full-time Director to serve at its pleasure. The Director is responsible to the Authority for the administration of all departments within the Authority. The Director shall appoint, suspend, or remove all Authority employees. The Director shall make his or her appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the Authority may adopt.
- Acquire, maintain, and operate any buildings, structures, and facilities as may be necessary or convenient for the operations of the Authority.
- Establish rules governing the use of the cultural and recreational facilities under the jurisdiction of the Authority.
- Enter into contracts and leases for facilities and services.
- Acquire and dispose of real and personal property under the jurisdiction of the Authority with the approval of the participating units.
- Allocate funds for repairs, renovations, and improvements of real and personal property under the jurisdiction of the Authority.
- Solicit financial and material support from public and private sources and receive public and private donations, appropriations, and grants.
- Prepare and submit an annual budget to the participating units subject to adoption only by the county.
- Make recommendations and an annual report to the participating units concerning the operation of the Authority and the status of cultural and recreational programs under the jurisdiction of the Authority.
- Make plans, surveys, and studies of libraries, parks, greenways, recreational facilities, and cultural organizations under the jurisdiction of the Authority and to prepare and make recommendations to the participating units in regard thereto.

Funding. – Funding for the Authority may come from any of the following sources:

- Funds appropriated by participating units.
- License and regulatory fees established by the Authority and approved by the governing boards of all participating units.
- A separately levied county-wide property tax of up to 7¢ on the $100 valuation of property, the proceeds of which must be maintained in a separate fund to be used only for cultural and

recreational purposes. The Authority itself would have no authority to levy a tax, no powers of eminent domain, or be eligible to receive sales and use tax proceeds allocated to counties.

Fiscal Accountability. – The Authority would be fiscally accountable to the participating units, which would have authority to examine records and accounts of the Authority at any time.

Termination. – The Authority may be terminated at any time by a majority vote of the governing boards of all participating units. In the event of termination, all property and assets of the Authority that were conveyed to the Authority automatically become the property of the participating unit that conveyed the asset to the Authority. The participating units shall jointly succeed to all other rights, obligations, and liabilities of the Authority as provided by the agreement.

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

Trina Griffin substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 490
Committee Substitute Favorable 4/3/13
Third Edition Engrossed 4/4/13

Short Title: Lee County Elections. (Local)

Sponsors:

Referred to:

April 2, 2013

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 852, Session Laws of 1973, as amended by Chapter 204 of the Session Laws of 1977 and Chapter 307 of the 1989 Session Laws, reads as rewritten:

"Section 1. The Lee County Board of Education shall consist of seven members, to be elected by the voters of the county on a ~~nonpartisan basis as herein provided,~~ partisan basis, who shall serve for a term of four years. The term of office of each member shall begin at the first regular meeting in ~~July~~ December in the year of his election, and each member shall serve until a successor has been elected and qualified.

...

"Section 3. ~~At the primary election for county officers held for Lee County in 1974, there shall be elected three members of the Lee County Board of Education. At the primary election for county officers held in Lee County in 1976, there shall be elected four members of the Sanford-Lee County Board of Education.~~ At the time for election of county officers in Lee County in 2014, there shall be elected three members of the Lee County Board of Education. At the time for election of county officers in Lee County in 2016, there shall be elected four members of the Lee County Board of Education. Thereafter, biennially there shall be elected members of the Lee County Board of Education to succeed the members whose terms next expire."

SECTION 2. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Graham, Lee, New Hanover, Vance, and Washington."

SECTION 3.(a) The Charter of the City of Sanford, being Chapter 650 of the 1967 Session Laws, as amended by Chapter 541 of the Session Laws of 1971, Chapter 403 of the Session Laws of 1987, and S.L. 1997-245, is amended by adding a new section to read:

"Sec. 4.2. Manner of Election. The Mayor and City Council are elected on a partisan basis in accordance with Article 24 of Chapter 163 of the General Statutes."

SECTION 3.(b) If approval of this section is required under Section 5 of the Voting Rights Act of 1965, this section is effective January 1, 2014.

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

RESOLUTION OF LEE COUNTY BOARD OF EDUCATION

OPPOSING HOUSE BILL 490, HOUSE BILL 491, AND HOUSE BILL 512

PENDING IN NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, over forty-five years ago Chapter 779 of the Session Laws of the 1967 General Assembly, provided for the merger of all public schools in Lee County into one administrative unit; and further provided for the election of seven (7) board members on ballots "bearing no party designation and no party affiliation"; and

WHEREAS, on April 1, 2013, April Fools' Day, Representative Mike Stone introduced House Bill 490 and House Bill 491. House Bill 490 requires citizens seeking seats on the Lee County Board of Education to declare their political affiliation. House Bill 491 eliminates the Board's present security force and places the responsibility for security in the public schools upon the Lee County Sheriff; and

WHEREAS, the Board of Education never requested a change to the method of election from non-partisan to partisan, and as far as can be determined an over-whelming majority of the citizens of Lee County have approved and accepted the non-partisan concept of electing members of the Board of Education as the best way to keep politics out of the public education system; and

WHEREAS, the Board of Education has been unable to determine the motive and agenda of Representative Mike Stone in House Bill 491. He has given no basis or reasons to fire our SRO officers. The security and protection of our school children have never been questioned; and

WHEREAS, Representative Stone not only failed to notify the local press and radio media, he even refused to discuss the legislation with Representative McManus whose constituency includes a large part of Lee County which deliberate snub the Board regards as highly improper, discourteous and a violation of trust and his fiduciary responsibility to the citizens of Lee County; and

WHEREAS, all of the above legislation introduced by Representative Mike Stone is an insult to the citizens in Lee County who understand and take pride in the service of the members of the Lee County Board of Education who have been elected as "non-partisan" since the merger of all schools in Lee County; and

WHEREAS, the bills were heard by the Elections Committee of the House on Wednesday, April 3, 2013, passed out of the House on Thursday, April 4, 2013, a total of three days; and

WHEREAS, present members of the Board were never consulted or given notice of the legislation by Representative Stone prior to introduction on April 1,2013, and were surprised and astonished to learn that he, on his own and without any discussion, introduced these far-reaching bills; and

WHEREAS, by his refusal to consult Representative McManus and members of the Board of Education and give notice to the local press and media "he has

demonstrated a clear disregard for both this aspect of his constituency and his office". (Sanford Herald, April 5,2013); and

WHEREAS, on April 2, 2013, Representative Mike Stone, again without consulting anyone, introduced House Bill 512 which strips the Board of Education of its appointments to Central Carolina Community College Board of Trustees and transfers these appointments to the Lee County Board of Commissioners; and

WHEREAS, the Board of Education and the Community College have always worked closely and effectively in many local educational programs including the highly successful Lee Early College. Representative Stone alleges the four (4) trustees appointed by the Board of Education have "a conflict of interest" (Sanford Herald, April 5, 2013) which could be a crime. This allegation is simply without a factual basis, has no substance or truth, and is a feeble attempt to justify his ill-advised legislation; and

WHEREAS, the Board cannot help but believe the thinking citizens of Lee County who understand and take pride in the service of the members of the Lee County Board of Education who were elected on a non-partisan ballot will countenance or support this specious and poorly disguised attempt to dismantle public education in Lee County; and

WHEREAS, the Board regards this action by Representative Stone as highly improper, discourteous, and a violation of trust and his fiduciary responsibility to the citizens of Lee County.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

The Lee County Board of Education, for the reasons herein noted, and in the strongest terms possible, opposes House Bill 490, House Bill 491, and House Bill 512, and respectfully requests that the North Carolina General Assembly reject the passage into law of these bills during the 2013 session.

1. That a copy of this Resolution be delivered to Representative Stone, Representative McManus, and Senator Rabin, and the remaining members of the House and Senate.

2. That a copy of this Resolution be published in the official minutes of this meeting.

Adopted this 9th day of April, 2013

Lee County Board of Education

By _____

Chairman

HOUSE BILL 490:
Lee County Elections

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2013
Introduced by:	Rep. Stone	**Prepared by:**	R. Erika Churchill
Analysis of:	Third Edition		Committee Counsel

SUMMARY: ***House Bill 490 changes elections for the Lee County Board of Education and Sanford City Council and mayoral races from nonpartisan to partisan.***

CURRENT LAW:

Lee County Board of Education. – Members are elected on a nonpartisan basis every four years, with members taking office in July.

City of Sanford. – The Mayor and City Council members are elected on a nonpartisan basis every two years.

BILL ANALYSIS: House Bill 490 changes elections for the Lee County Board of Education, Sanford City Council, and Mayor of Sanford races from nonpartisan to partisan and makes conforming changes. The bill also changes the beginning of the term of office for the Lee County Board of Education to the first regular meeting in December following election.

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

HOUSE BILL 544

Short Title:	Wilmington Charter/Civil Service Commission.	(Local)
Sponsors:	Representatives Hamilton and Davis (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11.1 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by S.L. 2010-73, reads as rewritten:

"**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.~~seat.

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

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

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

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

HOUSE BILL 544:
Wilmington Charter/Civil Service Commission

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Reps. Hamilton, Davis	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 544 would remove the restriction on the length of the term of the member previously named by the Wilmington Ministerial Association, and currently selected by majority vote of the sitting members of the Civil Service Commission.***

CURRENT LAW: Article XI of the Charter of the City of Wilmington governs the Civil Service Commission. The Commission consists of five members, each of whom must be a citizen and a resident of the City of Wilmington. Currently, the five members are appointed as follows:

- The employees of the Wilmington Fire Department, by majority vote, name one member.
- The employees of the City of Wilmington Police Department, by majority vote, name one member.
- The City Council of the City of Wilmington, by a majority vote, names one member.
- The New Hanover County Medical Society governing board, by a majority vote, names one member.
- The sitting members of the Civil Service Commission, by majority vote, name the fifth member of the Commission.

Applicants to the Civil Service Commission complete the City of Wilmington Boards and Commissions application process. 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 must complete the application process and would fill an at-large seat for a one-year term to run from August 1, 2010 through August 1, 2011.

BILL ANALYSIS: The bill would strike the one year term restriction for the member replacing the member previously named by the Wilmington Ministerial Association.

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

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

O. Walker Reagan
Director

H544-SMRN-87 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 427
Committee Substitute Favorable 4/22/13

Short Title: Middlesex/Extend Mayor's Term to Four Years. (Local)

Sponsors:

Referred to:

March 27, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 44 of the 1961 Session Laws is repealed.

SECTION 2. Section 3 of the Charter of the Town of Middlesex, being Chapter 21 of the 1908 Private Laws, as amended by Chapter 350 of the Private Laws of 1913, Chapter 159 of the Public-Local Laws of 1931, Chapter 498 of the 1945 Session Laws, Chapter 1178 of the 1953 Session Laws, and Chapter 899 of the 1963 Session Laws, reads as rewritten:

"Section 3. ~~That the officers of said town shall consist of a mayor and five aldermen, who shall be styled the Board of Aldermen of Middlesex, and the said mayor and the aldermen shall be elected by the qualified voters of said town on the first Monday in June, one thousand nine hundred and nine, and biennially thereafter, under the same rules and regulations as are prescribed by the law for the holding of municipal elections; a constable and secretary and treasurer, to be chosen by the board of aldermen immediately after its organization, to hold office one year, or until their successors are duly elected and qualified. And until the first Monday in June, one thousand nine hundred and nine, E.T. Lewis shall fill the office of mayor, and A. F. manning, J.R.J. Finch, S.G. High and H.J. Morris shall act as aldermen of said town.~~Regular municipal elections shall be held in the Town of Middlesex in Nash County every two years and shall be conducted in accordance with the uniform municipal elections laws of North Carolina. In 2013, and quadrennially thereafter, two commissioners shall be elected for a four-year term, and each shall serve until the successor is duly elected and qualified. In 2015, and quadrennially thereafter, three commissioners shall be elected for a four-year term, and each shall serve until the successor is duly elected and qualified. In 2013, and quadrennially thereafter, the mayor shall be elected for a four-year term and shall serve until the successor is duly elected and qualified."

SECTION 3. The Town Attorney of the Town of Middlesex shall submit this act to the Attorney General of the United States 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 this act is not so submitted, the Attorney General of North Carolina shall submit it under G.S. 120-30.9I.

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

HOUSE BILL 427:
Middlesex/Extend Mayor's Term to Four Years

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Rep. Collins	**Prepared by:**	Chris Saunders
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 427 extends the term of the Mayor of Middlesex from two years to four years.***

CURRENT LAW: Elections in the Town of Middlesex, which is located in Nash County, are held every two years in odd-numbered years. Town Commissioners serve four-year staggered terms, with two commissioners elected in 2013 and three commissioners elected in 2015. The mayor serves a two-year term.

BILL ANALYSIS: House Bill 427 extends the Mayor of Middlesex's term from two years to four years.

EFFECTIVE DATE: This act is effective when it becomes law. The Town Attorney must submit the act to the US Attorney General for Section 5 preclearance.

Kelly Quick, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H427-SMTQ-112 E2 -V1

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 18, 2013

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **110** **(CS#1)** Public Contracts/Project Labor.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **140** City of Lowell / Regulate Utility Vehicles.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **195** Cornelius/Extend Use of Design-Build.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **305** Chapel Hill/Economic Development Projects.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **326** Rutherford County Condemnation Consent.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **334** Buncombe Cty Sales Tax Use Expansion.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No



HB **354** 2 County Commissioners May Serve/AB Tech. Bd.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **404** Camden Local Stormwater Fees.
Draft Number: None
Sequential Referral: None
Recommended Referral: Finance
Long Title Amended: No

HB **408** Beaufort/Right-of-Way Safety.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **427** **(CS#1)** Middlesex/Extend Mayors Term to Four Years.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 10

Committee Clerk Comments:

First of multiple reports.

Senator Eugene McLaurin will handle HB 110
Senator Kathryn Harrington will handle HB 140
Senator Jeffery Tarte will handle HB 195
Senator Eleanor Kinnaird will handle HB 305
Senator Ralph Hise will handle HB 326
Senator Tom Apodaca will handle HB 334
Senator Tom Apodaca will handle HB 354
Senator Bill Cook will handle HB 404
Senator Bill Cook will handle HB 408
Senator E.S. Newton will handle HB 427



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 18, 2013

Senator J. 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

HB **290** **(CS#1)** Rutherford Airport Authority.

Draft Number:	H290-PCS70461-ST-75
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

HB **294** **(CS#1)** Authority to Remove Abandoned Vessels.

Draft Number:	H294-PCS80387-TQ-52
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **418** **(CS#2)** Buncombe Culture & Rec. Authority.

Draft Number:	H418-PCS80386-STx-74
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

Final of two

Senator Ralph Hise will handle HB 290
Senator Bill Cook will handle HB 294
Senator Tom Apodaca will handle HB 418



MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

~~Brad Krehely~~
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE PAGES ATTENDING J. Davis & Tucker

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-18 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Austin Bright	Mocksville	Nesbitt
2. Jackson Valentine	Nashville	Newton
3. Tarek Zikry	Chapel Hill	Kinnaird
4. Bradley Anderton	Wake Forest	Sanderson
5. Ty Van de Zande	Raleigh	Blue
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 SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 06/18/13 ROOM: 1124

1. BILLY FRITSCHER
2. ROBERT YOUNG
3. ASHLEY MICKENS
4. CHARLES HARPER

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Tamara Brogan	Lee Co Board of Education
Keith Richardson	City of Charlotte
Ralph Karpinos	Town of Chapel Hill
Sarah L. Miller	Self
Sarah Wolfe	MWC LLC
CHRIS DIXON	NCWRC
David Crawford	AIANC
Betsy Bailey	PES
Jack Cozort	Asheville
James Andrews	NC State AFL-CIO
[illegible]	SOS

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
STEVEN WEBB	NCHBA
Susanna Davis	Williams Mullen
Dave Simpson	CIAOC
Benton Albritton	ABC Carolinas
Sachi Pattnak	shadowing sen. Kinnaird
Chris Sigmans	Intern - Sen. Kinnaird
Rikel O'Brien	PFFPNC
Sujit Canagaretna	Southern Legislative Conference
[signature]	SEANC
TYLER NEWMAN	CITY OF WILMINGTON
[signature]	[signature]

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 18 Jun 2013

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	LPAs
Kirk D-Smith	Lee County Elections
[signature]	none
Bethany Hudson	Rep Steinburg's LA

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Mike Smallwood	SOG Daily Bulletin
[illegible]	NSS
Mike Olsen	NC State AFL-CIO
Rita Harris	DMVC

Senate Committee on State and Local Government
Tuesday, June 25, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 241	Blue Monday Shad Fry.	Representative Brisson Representative Waddell
HB 917	Adopt Dublin Peanut Festival.	Representative Brisson
HB 192	Allow ROW Usage in Central Business Districts.	Representative Shepard Representative Hamilton Representative Torbett Representative D. Ross
HB 318	Winston-Salem/Seismic Codes.	Representative Conrad Representative Lambeth Representative Hanes
HB 196	WS/FC School Board Vacancies.	Representative Lambeth Representative Conrad Representative Howard
HB 191	Grifton/Deannexation.	Representative B. Brown
HB 441	Robeson County Drainage District.	Representative C. Graham Representative Goodman
HB 544	Wilmington Charter/Civil Service Commission.	Representative Hamilton Representative Davis
HB 490	Lee County Elections.	Representative Stone

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, June 25, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 25, 2013 in Room 1124/1224 of the Legislative Building. Eleven members were present.

Senator Tommy Tucker presided.

Senator Tucker called the meeting to order, welcomed Committee members, Pages (Michael Walker, Huntersville, Sen. Hartsell; Grant Murphy-Herndon, Durham, Sen. Woodard; Ashley King, Sneads Ferry, Sen. Brown; Kena Nolan, Charlotte, Sen. Clodfelter; AJ Smith, Concord, Sen. Hartsell; Garrett Barlow, Boone, Sen. Soucek; Ava Gruchacz, Oxford, Sen. McKissick), visitors, and thanked the Sergeants-at-Arms.

House Bill 241 Blue Monday Shad Fry – Representative Brisson explained the bill. The bill would designate the East Arcadia Blue Monday Shad Fry as the official Blue Monday Shad Fry of the State.There being no discussion on the bill, Senator Jackson's motion to approve the bill was carried.

House Bill 917 Adopt Dublin Peanut Festival – Representative Brisson explained the bill. The bill would designate the Dublin Peanut Festival as the official Peanut Festival of the State. Senator J. Davis offered a technical amendment. Senator D. Davis' motion to accept the amendment and roll it into a Proposed Committee Substitute (PCS) was carried. There being no discussion on the bill, Senator Bingham's motion to approve the Senate PCS was carried.

House Bill 192 Allow ROW Usage in Central Business Districts – Senator J. Davis' motion to accept the Proposed Committee Substitute (PCS) was carried. Senator Hunt explained the bill. The bill is a statewide bill which would authorize the Department of Transportation (DOT) to allow sidewalk dining on State highway right-of-way through agreements with local governments if the local government has an ordinance permitting sidewalk dining and the ordinance meets minimum requirments. Senator Barringer offered a comment on the bill. There being no futher discussion on the bill, Senator Barringer's motion to approve the PCS was carried.

House Bill 318 Winston-Salem/Seismic Codes – Representative Conrad explained the bill. The bill applicable to Forsyth County, exempts a structure temporarily used for an emergency preparedness and communications and operations center from the seismic upgrade requirements of the State Building Code for a period of less than five years. Senator J. Davis offered a technical amendment. Sen. Jackson's motion to accept the amendment and roll it into a Proposed Committee Substitute (PCS) was carried. Senators Nesbitt and Pate offered questions on the bill; Brad Krehely (Research) spoke to the bill. There being no further discussion Senator Bingham's motion to approve the PCS was carried.

House Bill 196 WS/FC School Board Vacancies – Represenative Lambeth explained the bill. The bill would require vacancies on the Winston Salem Forsyth County Board of Education to be filled by appointment of the remaining members of the Board for the remainder of the term. Senators D.Davis, Barringer and Nesbitt; Erika Churchill (Research) and Gerry Cohen (Special Counsel) spoke to the bill. There being no further discussion on the bill, Senator Bingham's motion to approve the bill was carried.

House Bill 490 Lee County Elections – Representative Stone explained the bill. The bill changes elections for the Lee County Board of Education and Sanford City Council and mayoral races from nonpartisan to partisan. Senator Kinnaird offered three ammendments, all three ammendments failed. Senators D.Davis and Wade offered questions on the bill; Senator Kinnaird, Representative McManus, Tamara Brogan (Lee County School Board Member), Sam Gaskins (Mayor Pro-Tem, Sanford) and Jim Womack (Lee County Commissioner) spoke to the bill. There being no further discussion on the bill, Senator Wade's motion to approve the bill was carried.

House Bill 441 Robeson County Drainage District – Senator J.Davis' motion to accept a Proposed Committee Substitute Bill (PCS) was approved. Representative Graham explained the bill. The PCS would increase the number of commissioners on the Board of Drainage Commissioners of Robeson County Drainage District One (the Board) from three members to four members and would set out their terms and rhe watershed district each person would represent . There being no discussion on the bill, Senator D.Davis' motion to approve the PCS was carried.

House Bill 191 – Grifton/Deannexation. Representative Brown explained the bill. The bill would deannex 1.7743 acres from the Town of Grifton. There being no discussion on the bill, Senator D.Davis' motion to approve the bill was carried.

House Bill 544 Wilmington Charter/Civil Service Commission – Representative Hamilton explained the bill. The bill would remove the restriction on the length of the term of the member previously named by the Wilmington Ministerial Association, and currently selected by majority vote of the sitting members of the Civil Service Commission. There being no discussion on the bill, Senator Goolsby's motion to approve the bill was carried.

The meeting adjourned at 12:48 PM

Senator Tommy Tucker, Chair
Presiding

Kaye Culberson, Committee Clerk

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	June 25, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 241	Blue Monday Shad Fry.	Representative Brisson Representative Waddell
HB 917	Adopt Dublin Peanut Festival.	Representative Brisson
HB 192	Allow ROW Usage in Central Business Districts.	Representative Shepard Representative Hamilton Representative Torbett Representative D. Ross
HB 318	Winston-Salem/Seismic Codes.	Representative Conrad Representative Lambeth Representative Hanes
HB 196	WS/FC School Board Vacancies.	Representative Lambeth Representative Conrad Representative Howard
HB 191	Grifton/Deannexation.	Representative B. Brown
HB 441	Robeson County Drainage District.	Representative C. Graham Representative Goodman
HB 544	Wilmington Charter/Civil Service Commission.	Representative Hamilton Representative Davis
HB 490	Lee County Elections.	Representative Stone

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 241

Short Title:	Blue Monday Shad Fry.	(Public)
Sponsors:	Representatives Brisson and Waddell (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 7, 2013

A BILL TO BE ENTITLED

AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY.

Whereas, the community of East Arcadia has been holding an Annual Shad Fry on the Monday following Easter Sunday for more than 60 years; and

Whereas, this Annual Shad Fry was founded and financed by Bernard Carter, Chester Graham, and Archie Graham around 1950; and

Whereas, Jesse Blanks, Wendell Brown, and Jerry Graham have assumed this position since the 1988 death of Mr. Carter; and

Whereas, this event has been supported by local men such as Teddy Hall, John Leslie Carter, Harry Blanks, Curtis Bowen, Cleo Spaulding, Odell Graham, George Graham, Sr., and Thurman Blanks, who catch, clean, and donate the shad; and

Whereas, this event garners support from the Town of East Arcadia and surrounding communities and hosts visitors from across North Carolina and other states such as Maryland, New Jersey, Connecticut, Texas, and Washington; and

Whereas, this is a day of reunion, remembering, and fellowship for all comers with upward of 1,000 individuals attending during the day; and

Whereas, it is the desire of the community to continue this tradition; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. G.S. 145-33 is amended by adding a new subsection to read:

"**§ 145-33. State Shad ~~festival.~~Festival; Blue Monday Shad Fry.**

(a) The Grifton Shad Festival is adopted as the official Shad Festival of the State of North Carolina.

(b) The East Arcadia Blue Monday Shad Fry is adopted as the official Blue Monday Shad Fry of the State of North Carolina."

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

HOUSE BILL 241:
Blue Monday Shad Fry

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2013
Introduced by:	Reps. Brisson, Waddell	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 241 would designate the East Arcadia Blue Monday Shad Fry as the official Blue Monday Shad Fry of the State.***

CURRENT LAW: There currently is not an official State Blue Monday Shad Fry.

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

BACKGROUND: Blue Monday is the Monday after Easter. The Grifton Shad Festival would remain the official Shad Festival of the State.

HOUSE BILL 917

Short Title:	Adopt Dublin Peanut Festival.	(Public)
Sponsors:	Representative Brisson (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Rules, Calendar, and Operations of the House.	

April 15, 2013

A BILL TO BE ENTITLED

AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL.

Whereas, Dublin, North Carolina, is the official home of the Dublin Peanut Festival; and

Whereas, the community of Dublin has celebrated the Dublin Peanut Festival on the third Saturday in September for over 20 years; and

Whereas, the community festival began on September 18, 1993, as a way to help build a gymnasium/multipurpose building for the community and the Dublin Elementary School; and

Whereas, the goal of the festival is to make the community and local schools stronger; and

Whereas, the Dublin Peanut Festival provides family-oriented activities, such as a pageant, parade, games, entertainment, food vendors, craft shows, and firemen's competition; and

Whereas, it is estimated that the Dublin Peanut Festival brings in over 2,000 visitors annually; and

Whereas, staging of the festival could not be accomplished without the support of the Dublin Peanut Festival Committee, Committee Chair, volunteers, local businesses, Dublin's governmental officials, and the community; 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:

"**§ 145-41. State peanut festival.**

The Dublin Peanut Festival, held the third Saturday of September of every year, is adopted as the official peanut festival of the State of North Carolina."

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

HOUSE BILL 917:
Adopt Dublin Peanut Festival

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2013
Introduced by:	Rep. Brisson	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 917 would designate the Dublin Peanut Festival as the official Peanut Festival of the State.***

CURRENT LAW: There currently is not an official State Peanut Festival.

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

BACKGROUND: The Dublin Peanut Festival is held annually on the third Saturday of September in the Town of Dublin.

O. Walker Reagan
Director

H917-SMTQ-117 E1 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 192
Committee Substitute Favorable 3/20/13

Short Title: Allow ROW Usage in Central Business Districts. (Public)

Sponsors:

Referred to:

March 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S.136-18(9) reads as rewritten:

"(9) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies and individuals in the furtherance of those objectives. None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except ~~(i) for~~ for any of the following:

a. ~~materials~~ Materials displayed in welcome centers in accordance with ~~G.S. 136-89.56, and (ii) for~~ G.S. 136-89.56.

b. ~~vending~~ Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense.

c. Activities permitted by a local government pursuant to an ordinance meeting the requirements of G.S. 136-27.4."

SECTION 2. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-27.4. Use of certain right-of-way for sidewalk dining.**

(a) The Department may enter into an agreement with any local government permitting use of the State right-of-way associated with components of the State highway system and located within the zoning jurisdiction of the local government for sidewalk dining activities.

For purposes of this section "sidewalk dining activities" means serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The agreement between the Department and the local government shall provide that the local government is granted the administrative right to permit sidewalk dining activities that, at a minimum, comply with all of the following requirements and conditions:

(1) Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.

(2) Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

(3) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(4) The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.

(5) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the Department and the local government as additional insureds on any policies covering the business and the sidewalk activities.

(6) The restaurant operator shall provide an agreement to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining activities.

(7) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.

(8) The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the Department, the local government, its agents or employees, or by any other governmental entity or public utility.

(9) Any other requirements deemed necessary by the Department, either for a particular local government or a particular component of the State highway system.

A local government given the administrative right to permit sidewalk dining activities under this section may impose additional requirements on a case-by-case basis, and nothing in this section requires the local government to issue or maintain any permit for sidewalk dining activities if, in the opinion of the local government, such activities cannot be conducted in a safe manner. Nothing in this section requires the Department to give a local government the right to establish a permit program for sidewalk dining activities if in the opinion of the Department, such activities cannot be conducted in a safe manner.

(b) A municipality applying to the Department for administrative rights under this section shall:

(1) Enact an ordinance consistent with, but not necessarily limited to, the requirements of this section.

(2) For applications along a federal-aid route or where the laws of the United States otherwise require, obtain permission from the Federal Highway Administration to permit the right-of-way to be used for the sidewalk dining."

SECTION 3. This act shall not preempt or override local ordinances currently in place.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 192
Committee Substitute Favorable 3/20/13
PROPOSED COMMITTEE SUBSTITUTE H192-CSRN-44 [v.2]
6/24/2013 11:01:49 AM

Short Title: Allow ROW Usage in Central Business Districts. (Public)

Sponsors:

Referred to:

March 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(9) reads as rewritten:

"(9) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies and individuals in the furtherance of those objectives. None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except ~~(i) for~~ for any of the following:

a. ~~materials~~ Materials displayed in welcome centers in accordance with ~~G.S. 136-89.56, and (ii) for~~ G.S. 136-89.56.

b. ~~vending~~ Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. ~~Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense.~~

c. Activities permitted by a local government pursuant to an ordinance meeting the requirements of G.S. 136-27.4.

Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense."

SECTION 2. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-27.4. Use of certain right-of-way for sidewalk dining.

(a) The Department may enter into an agreement with any local government permitting use of the State right-of-way associated with components of the State highway system and located within the zoning jurisdiction of the local government for sidewalk dining activities. For purposes of this section "sidewalk dining activities" means serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The agreement between the Department and the local government shall provide that the local government is granted the administrative right to permit sidewalk dining activities that, at a minimum, comply with all of the following requirements and conditions:

(1) Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.

(2) Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

(3) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(4) The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.

(5) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the Department and the local government as additional insureds on any policies covering the business and the sidewalk activities.

(6) The restaurant operator shall provide an agreement to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining activities.

(7) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.

(8) The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the Department, the local government, its agents or employees, or by any other governmental entity or public utility.

(9) Any other requirements deemed necessary by the Department, either for a particular local government or a particular component of the State highway system.

A local government given the administrative right to permit sidewalk dining activities under this section may impose additional requirements on a case-by-case basis, and nothing in this section requires the local government to issue or maintain any permit for sidewalk dining activities if, in the opinion of the local government, such activities cannot be conducted in a

safe manner. Nothing in this section requires the Department to give a local government the right to establish a permit program for sidewalk dining activities if in the opinion of the Department, such activities cannot be conducted in a safe manner.

(b) A municipality applying to the Department for administrative rights under this section shall:

(1) Enact an ordinance consistent with, but not necessarily limited to, the requirements of this section.

(2) For applications along a federal-aid route or where the laws of the United States otherwise require, obtain permission from the Federal Highway Administration to permit the right-of-way to be used for the sidewalk dining."

SECTION 3. This act shall not preempt or override local ordinances currently in place.

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

HOUSE BILL 192:
Allow ROW Usage in Central Business Districts

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2013
Introduced by:	Reps. Shepard, Hamilton, Torbett, D. Ross	**Prepared by:**	Brad Krehely
Analysis of:	PCS to Second Edition H192-CSRN-44		Committee Counsel

SUMMARY: ***House Bill 192 is a Statewide bill which would authorize the Department of Transportation (DOT) to allow sidewalk dining on State highway right-of-way through agreements with local governments if the local government has an ordinance permitting sidewalk dining and the ordinance meets minimum requirements.*** ***The Proposed Committee Substitute makes one technical change only (moving the current prohibition on improper use of State highway right of ways, so that the prohibition appears after the exceptions). Otherwise, the bill is identical to Senate Bill 311, a local act which applies to Apex, Cary, and Raleigh, and has already passed the Senate.***

[As introduced, this bill was identical to S192, as introduced by Sens. Hunt, Daniel, Harrington, which is currently in Senate State and Local Government.]

CURRENT LAW:

G.S.136-18(9) allows commercial use of State-owned highway rights-of-way for:

1. Materials displayed in welcome centers.
2. Vending machines permitted by DOT and placed by the Division of Services for the Blind.

Any other commercial use of State highway right-of-way is a Class 1 misdemeanor.

BILL ANALYSIS: House Bill 192 would authorize DOT to enter into agreements with local governments to allow sidewalk dining activities on State right-of-way. "Sidewalk dining activities" is defined as serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The DOT or a local government is not required to issue or maintain any agreement for sidewalk dining if the dining activities cannot be conducted in a safe manner.

The agreement must meet the following minimum requirements:

- Furnishings must be placed a minimum of 6 feet from any travel lane.
- Furnishings must be placed to allow a minimum 5 feet of unobstructed paved sidewalk.
- Furnishings cannot obstruct any entrance or exit, fire hydrant, utility access, or ventilations areas.
- Speed limit of roads adjacent to the right-of-way cannot exceed 45 miles per hour.
- The restaurant operator must provide proof of liability insurance coverage that is satisfactory to the local government, but is no less than the amount specified as the limit of the local government's waiver of immunity or the amount of Tort Claim liability (whichever is greater).
- The restaurant operator must agree to indemnify DOT or local government from any claim resulting from the operation of sidewalk dining.

- The restaurant operator must provide copies of all permits and licenses.
- The restaurant operator must cease sidewalk dining to allow access to any street or sidewalk by DOT, local government, any other governmental entity, or public utility.
- DOT may require additional conditions for either a local government or a particular component of the State highway system.

The local government must enact an ordinance meeting the minimum requirements and may impose additional requirements on a case-by-case basis.

House Bill 192 expressly states that local ordinances currently in place are not preempted.

EFFECTIVE DATE: Effective when it becomes law.

Greg Roney, Jennifer Mundt, and Erika Churchill substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 318

Short Title:	Winston-Salem/Seismic Codes.	(Local)
Sponsors:	Representatives Conrad, Lambeth, and Hanes (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable, Regulatory Reform.	

March 18, 2013

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of the State Building Code or any public or local law to the contrary, including, but not limited to, Article 9 of Chapter 143 of the General Statutes, requirements for seismic upgrades to Occupancy Category IV shall not apply to structures occupied by an emergency preparedness communications and operations center for a period of less than five years while the structure ordinarily occupied by the center is undergoing seismic upgrades to Occupancy Category IV.

SECTION 2. This act applies to Forsyth County only.

SECTION 3. This act is effective when it becomes law and expires June 30, 2018.

HOUSE BILL 318:
Winston-Salem/Seismic Codes

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2013
Introduced by:	Reps. Conrad, Lambeth, Hanes	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 318, applicable to Forsyth County, exempts a structure temporarily used for an emergency preparedness and communications and operations center from the seismic upgrade requirements of the State Building Code for a period of less than five years.***

[As introduced, this bill was identical to S296, as introduced by Sens. Parmon, Brunstetter, which is currently in Senate State and Local Government.]

CURRENT LAW: Currently, the State Building Code requires Occupancy Category IV buildings (those housing essential facilities, such as emergency operations centers), to meet specified seismic standards, if the building is being upgraded.

BILL ANALYSIS: House Bill 318, applicable to Forsyth County only, exempts an Occupancy Category IV structure, temporarily used for an emergency preparedness and communications and operations center, from the seismic upgrade requirements of the State Building Code for a period of less than five years while the building that was housing the center is upgraded.

EFFECTIVE DATE: This act is effective when it becomes law and expires June 30, 2018.

BACKGROUND: The City of Winston-Salem is planning to upgrade the facility housing its emergency preparedness communications and operations center. The upgrade will require the center to temporarily relocate to another building. State Building Code §3404 and §3408 require both the permanent location of the center being renovated, and the temporary location of the center, to meet seismic upgrade standards applicable to Occupancy Category IV buildings (those housing essential facilities). The Building Code Council is considering a change to the State Building Code to exempt temporary relocations from the seismic upgrade requirement, while renovation on an existing building is underway, for up to five years. The State Building Code Council's amendment process will not be final until later this year.

Giles Perry and Karen Cochrane-Brown substantially contributed to this summary.

O. Walker Reagan
Director

H318-SMRN-93 E1 -V1

Research Division
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H

HOUSE BILL 196

Short Title:	WS/FC School Board Vacancies.	(Local)
Sponsors:	Representatives Lambeth, Conrad, and Howard (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Elections, if favorable, Government.	

March 5, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2(a)(5)(iv) of Chapter 112, Session Laws of 1961, reads as rewritten:

"(iv) ~~All~~Notwithstanding the provisions of G.S. 115C-37(f), all vacancies occurring during a term of office shall be filled by appointment by the ~~Board of Commissioners of Forsyth County~~remaining members of the Winston-Salem/Forsyth County Board of Education for the unexpired ~~portion of the term.~~term of the vacated seat."

SECTION 2. This act is effective when it becomes law and applies to vacancies on the Winston-Salem/Forsyth County Board of Education occurring on or after that date.

HOUSE BILL 196:
WS/FC School Board Vacancies

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 24, 2013
Introduced by:	Reps. Lambeth, Conrad, Howard	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 196 would require vacancies on the Winston-Salem Forsyth County Board of Education to be filled by appointment of the remaining members of the Board for the remainder of the term.***

CURRENT LAW: S.L. 1961-112, Sec. 2(a)(5)(iv) provides the process for filling vacancies on the current Winston-Salem/Forsyth Board of Education, a nine-member partisan board. Vacancies are filled by appointment of the Forsyth County Board of Commissioners for the unexpired portion of the term.

G.S. 115C-37(f) provides the general law for filling vacancies on nonpartisan boards, and requires the remaining members of the board to appoint a person to fill the vacancy until the next school board election, when an election is held to fill the remainder of the term of office.

BILL ANALYSIS: House Bill 196 would amend the local act governing the Winston-Salem/Forsyth Board of Education to require that vacancies on that board be filled by the remaining members of the board for the unexpired term of the vacated seat.

EFFECTIVE DATE: Effective when it becomes law, and apply to vacancies occurring on or after that date.

Kelly Quick substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 191

Short Title:	Grifton/Deannexation.	(Local)
Sponsors:	Representative B. Brown (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government, if favorable, Finance.	

March 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Grifton:

Lying and being in Grifton Township, Pitt County, North Carolina and BEING all of Lot 3, containing 1.7743 acres as said lot is depicted and shown upon that map entitled, "Mills Commercial Center," drawn by Billy Lee Merrill, R.L.S., dated January 27, 1989, recorded in Map Book 37, Page 104, Pitt County Registry, reference to which is hereby made for a more complete and accurate description of the aforesaid lot.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Grifton 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 Grifton.

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

HOUSE BILL 191:
Grifton/Deannexation

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 25, 2013
Introduced by:	Rep. B. Brown	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 191 would deannex 1.7743 acres from the Town of Grifton.***

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 governs municipal 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 191 would deannex 1.7743 acres from the Town of Grifton. The bill states that it does not affect the duty of property owners to pay taxes for any prior year and does not eliminate any liens for taxes for prior years.

BACKGROUND: During a regular meeting held September 11, 2012, the Board of Commissioners of the Town of Grifton voted unanimously to seek the General Assembly to deannex the property. The landowner told the Town's Board of Commissioners that the annexation was originally sought to allow a day care center on the property, but the day care center was never built.

EFFECTIVE DATE: House Bill 191 would be effective when it becomes law.

Greg Roney and Shelly DeAdder, Research Staff, substantially contributed to this summary.

O. Walker Reagan
Director

H191-SMTQ-116 E1 -V1

Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 441
Committee Substitute Favorable 4/22/13

Short Title: Robeson County Drainage District. (Local)

Sponsors:

Referred to:

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 156-79 and Chapter 332 of the 1967 Session Laws, the Board of Drainage Commissioners of Robeson County Drainage District Number One shall consist of four members. Notwithstanding the provisions of G.S. 156-81 and Chapter 332 of the 1967 Session Laws, the Board of Drainage Commissioners of Robeson County Drainage District Number One shall serve four-year terms.

SECTION 2.(a) The three current members of the Board of Drainage Commissioners of Robeson County Drainage District Number One shall serve the remainder of their terms. A fourth member shall be appointed to serve until September 30, 2016. Two members shall serve the Jacob Swamp Watershed and two shall serve the Back Swamp Watershed.

SECTION 2.(b) Successors shall be appointed by the Clerk of Superior Court of Robeson County in accordance with Article 6 of Chapter 156 of the General Statutes, except that the successor to each member shall serve the watershed designated under subsection (a) of this section.

SECTION 3. The Board of Drainage Commissioners of Robeson County Drainage District Number One may by resolution assign duties under Subchapter III of Chapter 156 of the General Statutes for a particular watershed to the two persons serving that watershed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 441

Committee Substitute Favorable 4/22/13

PROPOSED SENATE COMMITTEE SUBSTITUTE H441-CSRN-45 [v.1]

6/24/2013 4:40:11 PM

Short Title: Robeson County Drainage District. (Local)

Sponsors:

Referred to:

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 156-79 and Chapter 332 of the 1967 Session Laws, the Board of Drainage Commissioners of Robeson County Drainage District Number One shall consist of four members. Notwithstanding the provisions of G.S. 156-81 and Chapter 332 of the 1967 Session Laws, the Board of Drainage Commissioners of Robeson County Drainage District Number One shall serve four-year terms.

SECTION 2.(a) The three current members of the Board of Drainage Commissioners of Robeson County Drainage District Number One shall serve the remainder of their terms. A fourth member shall be appointed to serve until September 30, 2016. Two members shall serve the Jacob Swamp Watershed and two shall serve the Back Swamp Watershed.

SECTION 2.(b) Successors shall be appointed by the Clerk of Superior Court of Robeson County in accordance with Article 6 of Chapter 156 of the General Statutes, except that the successor to each member shall serve the watershed designated under subsection (a) of this section. If a vacancy shall occur in the office of any commissioner by death, resignation, or otherwise, the remaining members are to discharge the necessary duties of the board until the vacancy shall be filled; and if the vacancy shall be in the office of chairman or secretary, the remaining members may elect a secretary, and the clerk or clerks, as the case may be, shall appoint one of the remaining members to act as chairman to hold until the vacancy in the board shall be filled.

SECTION 3. The Board of Drainage Commissioners of Robeson County Drainage District Number One may by resolution assign duties under Subchapter III of Chapter 156 of the General Statutes for a particular watershed to the two persons serving that watershed.

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

HOUSE BILL 441:
Robeson County Drainage District

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 25, 2013
Introduced by:	Reps. C. Graham, Goodman	**Prepared by:**	Brad Krehely
Analysis of:	PCS to Second Edition H441-CSRN-45		Committee Counsel

SUMMARY: ***House Bill 441 would increase the number of commissioners on the Board of Drainage Commissioners of Robeson County Drainage District One (the Board) from three members to four members and would set out their terms and the watershed district each person would represent. The Proposed Committee Substitute makes a technical change in Section 2.(b) to clarify the remaining members act if there is a vacancy. The language on lines 20-25 is identical to what currently appears in the General Statutes except that it deletes the phrase "the remaining two members" and substitutes the phrase "the remaining members."***

CURRENT LAW: The clerk of superior court has authority to establish drainage districts located wholly or partly in a county. G.S. 156-54. After a drainage district has been established, the court appoints three commissioners who serve for staggered three-year terms. G.S. 156-79; G.S. 156-81(c).

The clerk of superior court of Robeson County established the drainage district in 1912. Chapter 332 of the 1967 Session Laws confirms the organization and creation of the Robeson County Drainage District Number One and makes it subject to Subchapter III of Chapter 156, as mentioned above.

BILL ANALYSIS: House Bill 441 increases the number of commissioners on the Board from three to four members to be appointed by the clerk of superior court of Robeson County. Two members will serve the Jacob Swamp Watershed, and two members will serve the Back Swamp Watershed.

Successors must be appointed by the clerk of superior court pursuant to Chapter 156, and each successor must serve the same watershed as his/her predecessor. If a vacancy occurs in the office of any commissioner, the remaining members act for the board until the vacancy is filled. If the vacancy is in the office of chairman or secretary, the remaining members may elect a secretary, and the clerk or clerks must appoint one of the remaining members to act as chairman until the vacancy is filled.

The Board may pass a resolution to assign duties to the commissioners based on the watershed he/she represents.

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

Shelly DeAdder, Counsel to House Government, contributed substantially to this summary.

O. Walker Reagan
Director

H441-SMRN-95 CSRN-45 -V2

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February 4, 2013

Senator Michael P. Walters
NC Senate
300 N. Salisbury Street, Room 517
Raleigh, NC 27603-5925

Representative Garland E. Pierce
NC House of Representatives
16 W. Jones Street, Room 1204
Raleigh, NC 27601-1096

Representative Ken Goodman
NC House of Representatives
300 N. Salisbury Street, Room 542
Raleigh, NC 27603-5925

Representative Ken Waddell
NC House of Representatives
16 W. Jones Street, Room 1311
Raleigh, NC 27601-1096

Representative Charles Graham
NC House of Representatives
16 W. Jones Street, Room 1309
Raleigh, NC 27601-1096

Re: Special Legislation for Robeson County Drainage District, No. 1 -
Local Modification

Dear Senator and Representatives:

Please introduce the enclosed bill for Robeson County Drainage District, No. 1. The Commissioners desire this legislation in order to better serve those subject to Robeson County Drainage District, No. 1 maintenance assessments. There are two large watersheds in the district. The Commissioners would be better able to monitor the watersheds and relate to property owners if they were able to split their work in half, which would be possible with four commissioners for the district (serving 4-year terms), instead of the usual three (serving 3-year terms).

I am enclosing a list of the Commissioners should you wish to discuss this with any of them.

Thank you.

With best regards,

Sincerely,

Robert Price

Robert E. Price

cc: Drainage District Commissioners

r6247.wpd-September 28, 2009-2/4/13-11:31 am

HOUSE BILL 544

Short Title:	Wilmington Charter/Civil Service Commission.	(Local)
Sponsors:	Representatives Hamilton and Davis (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11.1 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by S.L. 2010-73, reads as rewritten:

"**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.~~seat.

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

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

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

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

HOUSE BILL 544:
Wilmington Charter/Civil Service Commission

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 18, 2013
Introduced by:	Reps. Hamilton, Davis	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 544 would remove the restriction on the length of the term of the member previously named by the Wilmington Ministerial Association, and currently selected by majority vote of the sitting members of the Civil Service Commission.***

CURRENT LAW: Article XI of the Charter of the City of Wilmington governs the Civil Service Commission. The Commission consists of five members, each of whom must be a citizen and a resident of the City of Wilmington. Currently, the five members are appointed as follows:

- The employees of the Wilmington Fire Department, by majority vote, name one member.
- The employees of the City of Wilmington Police Department, by majority vote, name one member.
- The City Council of the City of Wilmington, by a majority vote, names one member.
- The New Hanover County Medical Society governing board, by a majority vote, names one member.
- The sitting members of the Civil Service Commission, by majority vote, name the fifth member of the Commission.

Applicants to the Civil Service Commission complete the City of Wilmington Boards and Commissions application process. 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 must complete the application process and would fill an at-large seat for a one-year term to run from August 1, 2010 through August 1, 2011.

BILL ANALYSIS: The bill would strike the one year term restriction for the member replacing the member previously named by the Wilmington Ministerial Association.

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

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

O. Walker Reagan
Director

H544-SMRN-87 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 490
Committee Substitute Favorable 4/3/13
Third Edition Engrossed 4/4/13

Short Title: Lee County Elections. (Local)

Sponsors:

Referred to:

April 2, 2013

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 852, Session Laws of 1973, as amended by Chapter 204 of the Session Laws of 1977 and Chapter 307 of the 1989 Session Laws, reads as rewritten:

"Section 1. The Lee County Board of Education shall consist of seven members, to be elected by the voters of the county on a ~~nonpartisan basis as herein provided,~~ partisan basis, who shall serve for a term of four years. The term of office of each member shall begin at the first regular meeting in ~~July~~ December in the year of his election, and each member shall serve until a successor has been elected and qualified.

...

"Section 3. ~~At the primary election for county officers held for Lee County in 1974, there shall be elected three members of the Lee County Board of Education. At the primary election for county officers held in Lee County in 1976, there shall be elected four members of the Sanford Lee County Board of Education.~~ At the time for election of county officers in Lee County in 2014, there shall be elected three members of the Lee County Board of Education. At the time for election of county officers in Lee County in 2016, there shall be elected four members of the Lee County Board of Education. Thereafter, biennially there shall be elected members of the Lee County Board of Education to succeed the members whose terms next expire."

SECTION 2. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Graham, Lee, New Hanover, Vance, and Washington."

SECTION 3.(a) The Charter of the City of Sanford, being Chapter 650 of the 1967 Session Laws, as amended by Chapter 541 of the Session Laws of 1971, Chapter 403 of the Session Laws of 1987, and S.L. 1997-245, is amended by adding a new section to read:

"Sec. 4.2. Manner of Election. The Mayor and City Council are elected on a partisan basis in accordance with Article 24 of Chapter 163 of the General Statutes."

SECTION 3.(b) If approval of this section is required under Section 5 of the Voting Rights Act of 1965, this section is effective January 1, 2014.

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

HOUSE BILL 490:
Lee County Elections

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2013
Introduced by:	Rep. Stone	**Prepared by:**	R. Erika Churchill
Analysis of:	Third Edition		Committee Counsel

SUMMARY: House Bill 490 changes elections for the Lee County Board of Education and Sanford City Council and mayoral races from nonpartisan to partisan.

CURRENT LAW:

Lee County Board of Education. – Members are elected on a nonpartisan basis every four years, with members taking office in July.

City of Sanford. – The Mayor and City Council members are elected on a nonpartisan basis every two years.

BILL ANALYSIS: House Bill 490 changes elections for the Lee County Board of Education, Sanford City Council, and Mayor of Sanford races from nonpartisan to partisan and makes conforming changes. The bill also changes the beginning of the term of office for the Lee County Board of Education to the first regular meeting in December following election.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 318

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H318-ARN-28 [v.2]

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

Date June 25 ,2013

Senator J. Davis

moves to amend the bill on page 1, line 13, by rewriting that line to read:

" **SECTION 2.** This act applies to the City of Winston-Salem and Forsyth County only.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 490

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

H490-AST-109 [v.2]

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

Date _____,2013

Senator Kinnaird

moves to amend the bill on page 1, line 32, by rewriting that line to read:

"**SECTION 4.** Sections 1 and 2 of this act become effective only if approved by a majority of the qualified voters of the County of Lee in a referendum and upon preclearance by the Attorney General of the United States if required under Section 5 of the Voting Rights Act of 1965. The election shall be conducted by the Lee County Board of Elections in the 2014 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Changing the Lee County Board of Education from the nonpartisan to partisan method of election."

SECTION 5. Section 3 of this act becomes effective only if approved by a majority of the qualified voters of the City of Sanford in a referendum and upon preclearance by the Attorney General of the United States if required under Section 5 of the Voting Rights Act of 1965. The election shall be conducted by the Lee County Board of Elections in the 2013 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Changing the mayor and council of the City of Sanford from the nonpartisan to partisan method of election."

SECTION 6. Except as otherwise provided in Sections 4 and 5 of this act, this act is effective when it becomes law and applies to elections occurring in 2015 and subsequent years.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 490

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

H490-AST-110 [v.1]

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

Date _____,2013

Senator Kinnaird

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"OF EDUCATION.";

and on page 1, lines 25-31, by deleting those lines and renumbering the remaining bill section accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 490

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

H490-AST-108 [v.1]

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

Date _____,2013

Senator Kinnaird

moves to amend the bill on page 1, lines 2-3 by striking the phrase "FOR THE LEE COUNTY BOARD OF EDUCATION AND";

and on page 1, lines 5-24 by deleting those lines and renumbering the remaining bill sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 917

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

H917-ATQ-25 [v.1]

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

Date _____,2013

Senator J. Davis

moves to amend the bill on page 1, line 24 by rewriting that line to read:

""**§ 145-47. State peanut festival.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

RESOLUTION OF THE SANFORD CITY COUNCIL OPPOSING HB 490 CHANGING THE METHOD OF ELECTION OF THE LEE COUNTY BOARD OF EDUCATION AND THE CITY OF SANFORD TO PARTISAN

WHEREAS, HB 490 has been introduced proposing to change the method of election of the Sanford City Council to partisan basis; and

WHEREAS, the charter of the City of Sanford has provided for a non-partisan plurality method of election for the Sanford City Council; and

WHEREAS, the Sanford City Council did not request this local bill and has not had an opportunity to be informed on it prior to introduction; and

WHEREAS, a change in the election process will add expenses to the City to provide for the cost of one or more primary elections.

NOW, THEREFORE, BE IT RESOLVED, that the Sanford City Council, meeting in open session on April 2, 2013, opposes HB 490, changing the method of election to partisan, for the reasons of the additional financial burdens placed on the City to hold additional elections and that it serves, in the opinion of Council, no benefit to the citizenry; and

BE IT FURTHER RESOLVED, that the Sanford City Council opposes the passage of this bill and in the alternative, requests amendment to delete Section 3 in its entirety from HB 490.

The Council urges all members of the legislature to vote against this bill.

Adopted this 2nd day of April, 2013.

CITY OF SANFORD

BY Cornelia P. Olive
Cornelia P. Olive, Mayor

ATTEST:

Bonnie D. White
Bonnie D. White, City Clerk

RESOLUTION OF LEE COUNTY BOARD OF EDUCATION

OPPOSING HOUSE BILL 490, HOUSE BILL 491, AND HOUSE BILL 512

PENDING IN NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, over forty-five years ago Chapter 779 of the Session Laws of the 1967 General Assembly, provided for the merger of all public schools in Lee County into one administrative unit; and further provided for the election of seven (7) board members on ballots "bearing no party designation and no party affiliation"; and

WHEREAS, on April 1, 2013, April Fools' Day, Representative Mike Stone introduced House Bill 490 and House Bill 491. House Bill 490 requires citizens seeking seats on the Lee County Board of Education to declare their political affiliation. House Bill 491 eliminates the Board's present security force and places the responsibility for security in the public schools upon the Lee County Sheriff; and

WHEREAS, the Board of Education never requested a change to the method of election from non-partisan to partisan, and as far as can be determined an over-whelming majority of the citizens of Lee County have approved and accepted the non-partisan concept of electing members of the Board of Education as the best way to keep politics out of the public education system; and

WHEREAS, the Board of Education has been unable to determine the motive and agenda of Representative Mike Stone in House Bill 491. He has given no basis or reasons to fire our SRO officers. The security and protection of our school children have never been questioned; and

WHEREAS, Representative Stone not only failed to notify the local press and radio media, he even refused to discuss the legislation with Representative McManus whose constituency includes a large part of Lee County which deliberate snub the Board regards as highly improper, discourteous and a violation of trust and his fiduciary responsibility to the citizens of Lee County; and

WHEREAS, all of the above legislation introduced by Representative Mike Stone is an insult to the citizens in Lee County who understand and take pride in the service of the members of the Lee County Board of Education who have been elected as "non-partisan" since the merger of all schools in Lee County; and

WHEREAS, the bills were heard by the Elections Committee of the House on Wednesday, April 3, 2013, passed out of the House on Thursday, April 4, 2013, a total of three days; and

WHEREAS, present members of the Board were never consulted or given notice of the legislation by Representative Stone prior to introduction on April 1,2013, and were surprised and astonished to learn that he, on his own and without any discussion, introduced these far-reaching bills; and

WHEREAS, by his refusal to consult Representative McManus and members of the Board of Education and give notice to the local press and media "he has

demonstrated a clear disregard for both this aspect of his constituency and his office". (Sanford Herald, April 5,2013); and

WHEREAS, on April 2, 2013, Representative Mike Stone, again without consulting anyone, introduced House Bill 512 which strips the Board of Education of its appointments to Central Carolina Community College Board of Trustees and transfers these appointments to the Lee County Board of Commissioners; and

WHEREAS, the Board of Education and the Community College have always worked closely and effectively in many local educational programs including the highly successful Lee Early College. Representative Stone alleges the four (4) trustees appointed by the Board of Education have "a conflict of interest" (Sanford Herald, April 5, 2013) which could be a crime. This allegation is simply without a factual basis, has no substance or truth, and is a feeble attempt to justify his ill-advised legislation; and

WHEREAS, the Board cannot help but believe the thinking citizens of Lee County who understand and take pride in the service of the members of the Lee County Board of Education who were elected on a non-partisan ballot will countenance or support this specious and poorly disguised attempt to dismantle public education in Lee County; and

WHEREAS, the Board regards this action by Representative Stone as highly improper, discourteous, and a violation of trust and his fiduciary responsibility to the citizens of Lee County.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

The Lee County Board of Education, for the reasons herein noted, and in the strongest terms possible, opposes House Bill 490, House Bill 491, and House Bill 512, and respectfully requests that the North Carolina General Assembly reject the passage into law of these bills during the 2013 session.

1. That a copy of this Resolution be delivered to Representative Stone, Representative McManus, and Senator Rabin, and the remaining members of the House and Senate.

2. That a copy of this Resolution be published in the official minutes of this meeting.

Adopted this 9th day of April, 2013

Lee County Board of Education

By _____

Chairman

RESOLUTION OF THE SANFORD CITY COUNCIL OPPOSING HB 490 CHANGING THE METHOD OF ELECTION OF THE LEE COUNTY BOARD OF EDUCATION AND THE CITY OF SANFORD TO PARTISAN

WHEREAS, HB 490 has been introduced proposing to change the method of election of the Sanford City Council to partisan basis; and

WHEREAS, the charter of the City of Sanford has provided for a non-partisan plurality method of election for the Sanford City Council; and

WHEREAS, the Sanford City Council did not request this local bill and has not had an opportunity to be informed on it prior to introduction; and

WHEREAS, a change in the election process will add expenses to the City to provide for the cost of one or more primary elections.

NOW, THEREFORE, BE IT RESOLVED, that the Sanford City Council, meeting in open session on April 2, 2013, opposes HB 490, changing the method of election to partisan, for the reasons of the additional financial burdens placed on the City to hold additional elections and that it serves, in the opinion of Council, no benefit to the citizenry; and

BE IT FURTHER RESOLVED, that the Sanford City Council opposes the passage of this bill and in the alternative, requests amendment to delete Section 3 in its entirety from HB 490.

The Council urges all members of the legislature to vote against this bill.

Adopted this 2nd day of April, 2013.

CITY OF SANFORD

BY Cornelia P. Olive
Cornelia P. Olive, Mayor

ATTEST:

Bonnie D. White
Bonnie D. White, City Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 25, 2013

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

FAVORABLE

HB **192** **(CS#1)** Allow ROW Usage in Central Business Districts.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **241** Blue Monday Shad Fry.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **490** **(CS#1)** Lee County Elections.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **544** Wilmington Charter/Civil Service Commission.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

First of multiple reports.



Senator Neal Hunt will handle HB 192
Senator Stan Bingham will handle HB 241
Senator Ronald Rabin will handle HB 490
Senator Thomas Goolsby will handle HB 544



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 25, 2013

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

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

HB **318** Winston-Salem/Seismic Codes.

Draft Number:	H318-PCS80399-RN-47
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

HB **441 (CS#1)** Robeson County Drainage District.

Draft Number:	H441-PCS80398-RN-45
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

Second of multiple reports

Senator W. Jackson will handle HB 318
Senator Michael Walters will handle HB 441



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 25, 2013

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

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

HB **917** Adopt Dublin Peanut Festival.

Draft Number:	H917-PCS80400-TQ-57
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Third of multiple reports

Senator Stan Bingham will handle HB 917



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, June 26, 2013

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

FAVORABLE

HB **196** WS/FC School Board Vacancies.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Four of five reports

Senator Peter Brunstetter will handle HB 196



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, June 26, 2013

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

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **192** **(CS#1)** Allow ROW Usage in Central Business Districts.

Draft Number:	H192-PCS70473-RN-44
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

This bill was reported out of committee INCORRECTLY on 6/25/13 and as a result was removed from the Senate Calendar 6/26/13 and referred back to committee to be reported out correctly.

Final report of 5

Senator Neal Hunt will handle HB 192



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 02, 2013

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

FAVORABLE

HB **191** Grifton/Deannexation.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Report delayed pending information re: who will handle bill on Senate floor.

Senator Louis Pate will handle HB 191



MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 06/25/13 ROOM: 1124

1. BILLY FRITSCHER
2. ROBERT YOUNG
3. ASHLEY MICKENS
4. HAL ROACH

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-25 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Michael Walker	Huntersville	Hartsell
2. Grant Murphy-Herndon	Durham	Woodard
3. Ashley King	Sneads Ferry	Brown
4. Kena Nolan	Charlotte	Clodfelter
5. AJ Smith	Concord	Hartsell
6. Garrett Barlow	Booye	Soucek
7. Ava Gruhacz	McKissick (switch) Oxford	
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/25/13

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Kay Emanuel	School of Government
Sarah Wolfe	MWC LLC
Commissioner Jim Womack	Lee County
Adam Pridmore	NCASA
Matt Viole	CW Consult
[illegible]	RCCA
Amanda Horaker	TSS
Jeff Barnhart	MWC
Chuck Stone	SEANC
Buddy Young	LJA
Marcy Oneal	Town of Waynesville
Gwen Bruce	Town of Waynesville

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 6/25 1:30
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Boris Arden	PFFPNC
Jean M Killian	Nelson Mullins
Pat O'Brien	PFFPNC

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 6/25/13

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Tamara Brogan	Lee Co BOE
Sam Gaskins	Mayor Pro Tem of Sanford, NC
Rep. Deb McManus	NC House
Sachi Pathak	shadowing Sen. Kinnaird
Chris Sigmann	Intern - Sen. Kinnaird
Julie White	NCMMC
Kathryn Troyden	NCMMC
Susan Phillips	LA - Rep Stone
Hannah Salem	Sen. Rabin LA
Keith Richards	City of Charlotte
JASON SOPER	NCDOT

Senate Committee on State and Local Government
Tuesday, July 2, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 417	Modify Internal Auditing Statutes.	Representative Hastings Representative Stone Representative S. Ross Representative R. Brown
HB 468	High Point Elections.	Representative Faircloth Representative Hardister Representative Adams Representative Brandon
SB 283	Tryon Charter Amendments.	Senator Hise
HB 1005	Stanly County Commissioners and Bd. of Ed.	Representative Burr
HB 546	Roanoke Rapids Graded School District.	Representative Wray
HB 538	Apex Land Use Changes.	Representative Dollar

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, July 2, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on ~~June 25~~ July 2, 2013 in Room 1124/1224 of the Legislative Building. Eleven members were present.

Senator Jim Davis presided.

Senator J. Davis called the meeting to order, welcomed Committee members, Pages (Michael Walker, Huntersville, Sen. Hartsell; Grant Murphy-Herndon, Durham, Sen. Woodard; Ashley King, Sneads Ferry, Sen. Brown; Kena Nolan, Charlotte, Sen. Clodfelter; AJ Smith, Concord, Sen. Hartsell; Garrett Barlow, Boone, Sen. Soucek; Ava Gruchacz, Oxford, Sen. McKissick), visitors, and thanked the Sergeants-at-Arms.

House Bill 417 Modify Internal Auditing Statutes – Representative Hastings explained the bill. The bill updates and modifies Article 79 of Chapter 143 which pertains to the Internal Auditing function for larger State agencies and the University System. Senator Tarte offered a question on the bill; Beth Wood, State Auditor spoke to the bill. There being no further discussion on the bill, Senator Bingham's motion to approve the bill with a serial referral to appropriations was carried.

House Bill 468 High Point Elections/Tryon Charter Amendments – Senator Tucker's motion to accept a Proposed Committee Substitute (PCS) was carried. Representative Faircloth explained the bill. The bill would change the method of election of the Mayor and City Council Members of the City of High Point to hold the elections in odd-numbered years and by a nonpartisan primary and election method as provided by General Law and to amend the Charter of the Town of Tryon. Senator McLaurin offered a question on the bill; Senator Kinnaird spoke to the bill. There being no further discussion on the bill, Senator Bingham's motion to approve the Senate PCS was carried.

Senate Bill 283 Tryon Charter Amendments was withdrawn from the agenda.

House Bill 1005 Stanly County Commissioners and Bd. Of Ed – Senator Jackson's motion to accept a Proposed Committee Substitute (PCS) was carried. Representative Burr explained the bill. The bill creates new districts for the Stanly County Board of Commissioners and the Stanly County Board of Education and modifies the election for both. Senators Tarte, Walters and Kinnaird offered questions on the bill; Senators McLaurin, Hartsell and Peter Asciutto (Stanly County Commissioner) spoke to the bill. There being no further discussion on the bill, Senator Tucker's motion to approve the PCS was carried.

House Bill 546 Roanoke Rapids Graded School District – Senator Bryant explained the bill. The bill clarifies that the term of the Chair of Roanoke Rapids Graded School District Board of Trustees is two years. There being no discussion on the bill Senator McLaurin's motion to approve the bill was carried.
House Bill 538 Apex Land Use Changes was withdrawn from the calendar.

House Bill 538 Apex Land Use Changes was withdrawn from the agenda.

The meeting adjourned at 12:26 PM

Senator Jim Davis, Chair Presiding

Kaye Culberson, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 417
Committee Substitute Favorable 4/22/13
Committee Substitute #2 Favorable 5/15/13

Short Title: Modify Internal Auditing Statutes. (Public)

Sponsors:

Referred to:

March 25, 2013

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. Article 79 of Chapter 143 of the General Statutes reads as rewritten:

"Article 79.

"Internal Auditing.

"**§ 143-745. Definitions; intent; applicability.**

(a) For the purposes of this section:

(1) "Agency head" means the Governor, a Council of State member, a cabinet secretary, the President of The University of North Carolina, the President of the Community College System, the State Controller, and other independent appointed officers with authority over a State agency.~~and the Superintendent of Public Instruction.~~

(2) "State agency" means each department created pursuant to Chapter 143A or 143B of the General Statutes, and includes all institutions, boards, commissions, authorities, by whatever name, that is a unit of the executive branch of State government, including The University of North Carolina, and the ~~Department of Public Instruction.~~Community Colleges System Office. The term does not include a unit of local government.

(b) This Article applies only to a State agency that:

(1) Has an annual operating budget that exceeds ten million dollars ($10,000,000);

(2) Has more than 100 full-time equivalent employees; or

(3) Receives and processes more than ten million dollars ($10,000,000) in cash in a fiscal year.

"**§ 143-746. Internal auditing required.**

(a) Requirements. – A State agency shall establish a program of internal auditing that:

(1) ~~Implements~~ Promotes an effective system of internal controls that safeguards public funds and assets and minimizes incidences of fraud, waste, and abuse.

(2) ~~Ensures~~ Determines if programs and business operations are administered in compliance with federal and state laws, regulations, and other requirements.

(3) Reviews the effectiveness and efficiency of agency and program operations and service delivery.

(4) Periodically audits the agency's major systems and controls, including:

a. Accounting systems and controls.
b. Administrative systems and controls.
c. ~~Electronic data processing~~Information technology systems and controls.

(b) Internal Audit Standards. – Internal audits shall comply with current Standards for the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors or, if appropriate, Government Auditing Standards issued by the Comptroller General of the United States.

(c) Appointment and Qualifications of Internal Auditors. – ~~Any internal auditor employed by a State agency shall at a minimum have a bachelor's degree from an accredited college or university and:~~Any State employee who performs the internal audit function shall meet the minimum qualifications for internal auditors established by the Office of State Personnel, in consultation with the Council of Internal Auditing.

~~(1) Certification or licensure as a certified public accountant, certified internal auditor, certified fraud examiner, certified information systems auditor, professional engineer, or attorney; or~~

~~(2) A minimum of five years' experience in internal or external auditing, management consulting, program evaluation, management analysis, economic analysis, industrial engineering, or operations research.~~

(d) Director of Internal Auditing. – The agency head shall appoint a Director of Internal Auditing who shall report to (i) the agency ~~head and shall not report to any employee subordinate to the agency head.~~head, (ii) the chief deputy or chief administrative assistant, or (iii) the agency governing board, or subcommittee thereof, if such a governing board exists. The Director of Internal Auditing shall be organizationally situated to avoid impairments to independence as defined in the auditing standards referenced in subsection (b) of this section.

(e) If a State agency has insufficient personnel to comply with this section, the Office of State Budget and Management shall provide technical assistance.

"**§ 143-747. Council of Internal Auditing.**

(a) The Council of Internal Auditing is created, consisting of the following members:
(1) The State Controller who shall serve as Chair.
(2) The State Budget Officer.
(3) The Secretary of Administration.
(4) The Attorney General.
(5) The Secretary of Revenue.
(5a) The President of The University of North Carolina.
(6) The State Auditor who shall serve as a nonvoting member. The State Auditor may appoint a designee.

(b) The Council shall be supported by the Office of State Budget and Management.

(c) The Council shall:
(1) Hold ~~its first meeting before November 1, 2007, and thereafter~~meetings at the call of the Chair or upon written request to the Chair by two members of the Council.
(2) Keep minutes of all proceedings.
(3) Promulgate guidelines for the uniformity and quality of State agency internal audit activities.
(4) Recommend the number of internal audit employees required by each State agency.
(5) Develop internal audit guides, technical manuals, and suggested best internal audit practices.
(6) Administer an independent peer review system for each State agency internal audit activity; specify the frequency of such reviews consistent with

applicable national standards; and assist agencies with selection of independent peer reviewers from other State agencies.

(7) Provide central training sessions, professional development opportunities, and recognition programs for internal auditors.

(8) Administer a program for sharing internal auditors among State agencies needing temporary assistance and assembly of interagency teams of internal auditors to conduct internal audits beyond the capacity of a single agency.

(9) Maintain a central database of all annual internal audit plans; topics for review proposed by internal audit plans; internal audit reports issued and individual findings and recommendations from those reports.

(10) Require reports in writing from any State agency relative to any internal audit matter.

(11) If determined necessary by a majority vote of the council:

a. Conduct hearings relative to any attempts to interfere with, compromise, or intimidate an internal auditor.

b. Inquire as to the effectiveness of any internal audit unit.

c. Authorize the Chair to issue subpoenas for the appearance of any person or internal audit working papers, report drafts, and any other pertinent document or record regardless of physical form needed for the hearing.

(12) Issue an annual report including, but not limited to, service efforts and accomplishments of State agency internal auditors and to propose legislation for consideration by the Governor and General Assembly.

"**§ 143-748. Confidentiality of internal audit work papers.**

Internal audit work papers are confidential except as otherwise provided in this section or upon subpoena issued by a duly authorized court. A published internal audit report is a public record as defined in G.S. 132-1 to the extent it does not include information which is confidential under State or federal law or would compromise the security of a State agency. An internal auditor shall maintain for 10 years a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews conducted under the internal auditor's authority. Audit work papers and other evidence and related supportive material directly pertaining to the work of the internal auditor's office shall be retained in accordance with Chapter 132 of the General Statutes. Unless otherwise prohibited by law and to promote intergovernmental cooperation and avoid unnecessary duplication of audit effort, audit work papers related to released audit reports shall be made available for inspection by duly authorized representatives of the State and federal government in connection with some matter officially before them.

"**§ 143-749. Obstruction of audit.**

It shall be a Class 2 misdemeanor for any officer, employee, or agent of a State agency subject to the provisions of this Article to willfully make or cause to be made to a State agency internal auditor or the internal auditor's designated representatives any false, misleading, or unfounded report for the purpose of interfering with the performance of any audit, special review, or investigation or to hinder or obstruct the State agency internal auditor or the internal auditor's designated representatives in the performance of their duties."

SECTION 2. This act is effective when it becomes law. G.S. 143-749, as enacted in Section 1 of this act, applies to offenses committed on or after December 1, 2013.

HOUSE BILL 417:
Modify Internal Auditing Statutes

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Appropriations/Base Budget	**Date:**	July 2, 2013
Introduced by:	Reps. Hastings, Stone, S. Ross, R. Brown	**Prepared by:**	Brad Krehely
Analysis of:	Third Edition		Committee Counsel

SUMMARY: House Bill 417 updates and modifies Article 79 of Chapter 143 which pertains to the Internal Auditing function for larger State agencies and the University System.

[As introduced, this bill was identical to S446, as introduced by Sen. Brock, which is currently in Senate Ref to Program Evaluation. If fav, re-ref to Judiciary II.]

CURRENT LAW: Article 79 of Chapter 143 requires certain State agencies to establish internal auditing programs. The Article applies to all State agencies (defined as departments created pursuant to G.S.143A or G.S. 143B, The University of North Carolina, and the Department of Public Instruction) that either:

- have annual operating budgets exceeding ten million dollars,
- have more than 100 full-time equivalent employees, or
- receive and process more than ten million in cash in a fiscal year.

State agencies are required to establish programs of internal auditing that include internal controls that safeguard public funds and assets and minimize fraud and waste, ensure that programs and operations are in compliance with State and federal law, review the effectiveness and efficiency of agency and program operations and service delivery, and audit periodically the agency's major systems and controls.

The Council of Internal Auditing, which oversees internal audit programs, is made up of the State Controller (who serves as Chair), the State Budget Officer, the Secretary of Administration, the Attorney General, the Secretary of Revenue, and the State Auditor (who serves as a nonvoting member and can appoint a designee).

The Council is supported by the Office of State Budget and Management (OSBM). Duties of the Council can be found in G.S. 143-747(c) and include promulgating guidelines for uniformity and quality of internal audits; developing internal audit guides, technical manuals, and suggested best practices; providing training; and maintaining a database of all internal audit plans and reports.

BILL ANALYSIS: House Bill 417 makes the following changes to Article 79 of Chapter 143:

- Amends the definition of "Agency head" to include the President of the Community College system, the State Controller, and other independent appointed officers with authority over a State agency. The bill also removes the Superintendent of Public Instruction from the definition of "Agency head."
- Amends the definition of "State agency" to include all institutions, boards, commissions, and authorities that are units of the executive branch of State government, and the Community

Colleges System Office. The bill clarifies that the term does not include a unit of local government and deletes the Department of Public Instruction from the definition.

- Amends G.S. 143-746(a) to make minor updates and technical changes to the internal auditing program requirements.
- Deletes the training and experience requirements for internal auditors specified in G.S. 143-746(c), and replaces it with language requiring a State employee who performs the internal audit function to meet the minimum qualifications for internal auditors established by the Office of State Personnel, in consultation with the Council on Internal Auditing.
- Expands the reporting requirements to allow the Director of Internal Auditing to report to the following:
  - (i) the agency head (*current law*)
  - (ii) the chief deputy or chief administrative assistant (*new language*), or
  - (iii) the agency governing board, or subcommittee thereof, if such a governing board exists (*new language*).
- Requires that the Director of Internal Auditing be organizationally situated in a manner that avoids impairments to independence.
- Directs OSBM to assist agencies that lack adequate staff to comply with the internal audit requirements.
- Adds the President of The University of North Carolina to the Council of Internal Auditing.
- Adds a new section (G.S. 143-748) on confidentiality, which states that:
  - Internal audit work papers are confidential.
  - Published internal audit reports are public records to the extent that they do not include confidential information or information that would compromise the security of a State agency.
  - Internal auditors are required to maintain a complete file of all audit reports for ten years.
  - Audit work papers related to released audit reports must be made available for inspection by authorized State and federal government representatives.
- Adds G.S. 143-749, which provides that it is a Class 2 misdemeanor for those who are subject to the provisions of this Article to willfully make a false, misleading, or unfounded report to any State agency internal auditor for the purpose of interfering with audits or investigations, or to hinder or obstruct State agency internal auditors in the performance of their duties.

EFFECTIVE DATE: This act is effective when it becomes law, and G.S. 143-749 applies to offenses committed on or after December 1, 2013.

Kelly Quick, staff to House Government, and Kory Goldsmith, Director of the Bill Drafting Division, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 468
Committee Substitute Favorable 4/15/13
Third Edition Engrossed 4/16/13

Short Title: High Point Elections. (Local)

Sponsors:

Referred to:

April 1, 2013

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.1 of the Charter of the City of High Point, being Chapter 501 of the 1979 Session Laws, as amended by Ordinance Number 86-7 under Part 4 of Article 5 of Chapter 160A of the General Statutes and Section 2(a) of S.L. 2006-171, reads as rewritten:

"Sec. 3.1. Method of election. ~~Regular~~Beginning with the 2017 election, regular municipal elections shall be held in the City biennially in ~~even-numbered~~ odd-numbered years, and shall be conducted in accordance with State law governing municipal elections. The mayor and members of the council shall be elected by the nonpartisan ~~plurality~~ primary and election method provided for in ~~G.S. 163-292.~~G.S. 163-294."

SECTION 2. If the referendum provided in Section 4 is approved, and notwithstanding any other provision of law, in the 2014 election, the terms of the mayor and council members elected shall be for three years.

SECTION 3. If, on the date this act becomes law, the changes affecting voting required by Section 1 of this act are subject to preclearance under section 5 of the Voting Rights Act of 1965, the municipal attorney for the City of High Point shall submit the conduct of the referendum under this act to the Attorney General of the United States 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 of North Carolina shall submit it under G.S. 120-30.9I.

SECTION 4. Sections 1 and 2 of this act become effective only if approved by a majority of the qualified voters of the City of High Point in a referendum and upon preclearance by the Attorney General of the United States if required under section 5 of the Voting Rights Act of 1965. The election shall be conducted by the appropriate county board(s) of elections in the November 2014 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Beginning in the 2017 election and every two years thereafter, electing the mayor and the city council members by using the nonpartisan primary and election method pursuant to State law, and the mayor and city council members elected at the 2014 election serving a three-year term to expire in 2017."

SECTION 5. Except as otherwise provided in this act, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 468
Committee Substitute Favorable 4/15/13
Third Edition Engrossed 4/16/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H468-CSTQ-58 [v.3]
6/28/2013 2:39:56 PM

Short Title: High Point Elections/Tryon Charter Amendments. (Local)

Sponsors:

Referred to:

April 1, 2013

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.1 of the Charter of the City of High Point, being Chapter 501 of the 1979 Session Laws, as amended by Ordinance Number 86-7 under Part 4 of Article 5 of Chapter 160A of the General Statutes and Section 2(a) of S.L. 2006-171, reads as rewritten:

"Sec. 3.1. Method of election. ~~Regular~~Beginning with the 2017 election, regular municipal elections shall be held in the City biennially in ~~even-numbered~~ odd-numbered years, and shall be conducted in accordance with State law governing municipal elections. The mayor and members of the council shall be elected by the nonpartisan ~~plurality~~ primary and election method provided for in ~~G.S. 163-292.~~G.S. 163-294."

SECTION 2. If the referendum provided in Section 4 is approved, and notwithstanding any other provision of law, in the 2014 election, the terms of the mayor and council members elected shall be for three years.

SECTION 3. Sections 1 and 2 of this act become effective only if approved by a majority of the qualified voters of the City of High Point in a referendum. The election shall be conducted by the appropriate county board(s) of elections in the November 2014 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Beginning in the 2017 election and every two years thereafter, electing the mayor and the city council members by using the nonpartisan primary and election method pursuant to State law, and the mayor and city council members elected at the 2014 election serving a three-year term to expire in 2017."

SECTION 4. The Charter of the Town of Tryon, being Section 1 of Chapter 441 of the 1971 Session Laws, reads as rewritten:

"THE CHARTER OF THE TOWN OF TRYON

...

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

...

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. Where there is an equal division on a question, the Mayor shall determine the matter by his or her vote, but he or she shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him or her by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he or she shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 3.3. Terms; Qualifications; Vacancies.

...

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners or to serve in such capacity, unless he or she is a resident and a qualified voter of the Town.

...

"ARTICLE IV. REGULAR ELECTION PROCEDURE

...

"Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself or herself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his or her candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he or she offers his or her candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), shall be signed in the presence of the Town Clerk or his or her designee, and be substantially in the following form: "I, _____, do hereby give notice that I am a candidate for election to the office of (Mayor) (Commissioner), to be voted on at the election to be held on , and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Tryon residing at ___.
Date: _____ _____ (Signature)."

...

"ARTICLE V. TOWN MANAGER

"Sec. 5.1. The Board of Commissioners shall appoint a Town Manager who shall be the administrative head of the Town government responsible for the supervision and administration of all departments and ~~employees~~ employees, except the Town ~~Attorney.~~ Attorney and Town Clerk. Notwithstanding G.S. 160A-148(1), the Board of Commissioners shall appoint the Town Clerk, but may grant to the Town Manager the authority to direct and supervise the Town Clerk to the extent and in the manner deemed appropriate by the Board of Commissioners. The Town Manager shall be appointed with regard to merit only, and he or she need not be a resident of the Town at the time of his or her appointment. He or she shall hold office during the pleasure of the Board of Commissioners and shall receive such compensation as it shall fix by ordinance.

The Town Manager so appointed shall (1) be the administrative head of the Town government; (2) see that within the Town the laws of the State and the ordinances, resolutions and regulations, of the Board of Commissioners are faithfully executed; (3) attend all meetings of the Board of Commissioners, and recommend for adoption such measures as he or she shall deem expedient; (4) make reports to the Board of Commissioners from time to time upon the affairs of the Town, and keep the Board fully advised of the Town's financial condition and its future financial needs; (5) appoint and remove all employees of the Town, except the Town Attorney and Town Clerk, and all appointments and removals of department heads made by the

Manager shall be reported to the Board of Commissioners at its next succeeding meeting; and, (6) perform all other duties as may be required by the Board of Commissioners.

"ARTICLE VI. TOWN ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his or her tenure. The Town Attorney shall serve at the pleasure of the Board and shall receive such compensation as the Board shall determine.

"Sec. 6.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, Town Manager, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; and to perform such other duties as may be required of him or her by virtue of his or her position of Town Attorney.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. Town Clerk. ~~The Town Manager~~Notwithstanding G.S. 160A-148(1), the Board of Commissioners may appoint a Town Clerk to keep a journal of the proceedings of the Board of Commissioners and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the ~~Town Manager~~Board may direct. The Board of Commissioners may grant to the Town Manager the authority to direct and supervise the Town Clerk to the extent and in the manner deemed appropriate by the Board of Commissioners.

"Sec. 7.2. Town Tax Collector. The Town Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he or she shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

...

"Sec. 7.4. Consolidation of Functions. The Town Manager may, with the approval of the Board of Commissioners, consolidate any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Town Manager may also, with the approval of the Board of Commissioners, himself or herself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

"ARTICLE VIII. FINANCE

...

"Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government as provided in G.S. 159-34 by a certified public accountant or a qualified public accountant ~~registered~~ certified under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

"ARTICLE IX. ZONING

"The Town of Tryon Planning and Adjustment Board shall be comprised of seven members and two alternates. The Board of Commissioners shall appoint four members and one alternate who shall be residents of the Town. The Board of Commissioners of Polk County shall appoint ~~five~~ three members and one alternate who shall be residents of the area outside of and within

one mile of the corporate limits of the Town of ~~Tryon, to serve as members of the Town Planning Board, and five residents of such area to serve as members of the Town Zoning Board of Adjustment.~~Tryon. ~~Such~~ The members appointed by the Board of Commissioners of Polk County shall have equal rights and privileges with the other members of ~~such Boards~~the Board in all matters pertaining to the planning and zoning of the territory outside of and within one mile of the corporate limits of the Town. The concurring vote of ~~eight members~~ eighty percent (80%) of the ~~Zoning Board of Adjustment~~Planning and Adjustment Board shall be necessary in order to reverse any order, requirement, decision, or determination of any administrative official with respect to the territory outside of and within one mile of the corporate limits of the Town.

The Board of Commissioners may require that, prior to the beginning of any construction, reconstruction or alteration of any building or structure located within the extraterritorial zoning jurisdiction, a permit be obtained from the Town. The permit shall be issued if the proposed construction, reconstruction or alteration complies with the provisions of the zoning ordinance and map.

...

"ARTICLE XII. WATER AND SEWER

"Sec. 12.1. Alternative Methods of Assessment. In addition to, and as alternatives, to the method provided in G.S. 160-241 for assessing the costs of water and sewer lines and laterals, the Board of Commissioners, if in its opinion it would be more equitable to do so, is hereby authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body may annually, between the first days of January and July of each year, determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It may also include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Section is to distribute more equitably the cost of the installation of water and sewer lines throughout the Town; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his or her property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights-of-way may also be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

...

"ARTICLE XIII. REFUSE, WEEDS, AND TRASH

"Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the Town to keep his or her property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

...

"ARTICLE XV. CLAIMS AGAINST THE TOWN

"Sec. 15.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the Town of Tryon arising in tort or in contract shall be presented to the Board of Commissioners

in writing, signed by the claimant, his or her attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the Town on account of damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejectment of the Town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his or her executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Commissioners of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him or her to give notice, his or her action shall not be barred if notice of claim is given by him or her or on his or her behalf within six months after the termination of his or her incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his or her action shall not be barred if notice of claim is given on his or her behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him or her to give notice, his or her action shall not be barred if notice of claim is given on his or her behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The Town may at any time request the appointment of a next friend to represent any person having a potential claim against the Town and known to be suffering from physical or mental incapacity."

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 468:
High Point Elections/Tryon Charter Amendments

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 28, 2013
Introduced by:	Reps. Faircloth, Hardister, Adams, Brandon	**Prepared by:**	R. Erika Churchill and Brad Krehely, Committee Counsels
Analysis of:	PCS to Third Edition H468-CSTQ-58		

SUMMARY: The proposed committee substitute for House Bill 468 would:

- *Change the method of election of the mayor and city council members of the City of High Point to hold elections in odd-numbered years and by a nonpartisan primary and election method, effective upon referendum of the city's voters.*
- *Amend the charter of the Town of Tryon to (1) require the Board of Commissioners to appoint the Town Clerk, but also provide that the Board of Commissioners may give the Town Manager the authority to direct and supervise the Town Clerk in the manner deemed appropriate by the Board of Commissioners, (2) require an independent audit of all books and accounts of the Town's government, and (3) create the Town of Tryon Planning and Adjustment Board.*

<u>City of High Point.</u> **CURRENT LAW & BILL ANALYSIS:** Currently, members of the High Point City Council and the mayor are elected biennially in even-numbered years. The mayor and eight council members are elected by the nonpartisan plurality election method set forth in G.S. 163-292. G.S. 163-292 provides that if more than one person is seeking election to a single office, the candidate who receives the highest number of votes is elected. When more people are seeking election to two or more offices (constituting a group) than there are offices to be filled, the candidates receiving the highest number of votes, equal in number to the number of offices to be filled, are elected.

Upon approval of the qualified voters of the City of High Point, the PCS changes the election of city council members and the mayor from even-numbered years to odd-numbered years, beginning in the 2017 election. The bill also changes the elections from the nonpartisan plurality method to the nonpartisan primary and election method set forth in G.S. 163-294, also beginning in the 2017 election. The referendum to make these changes would be held in the 2014 general election. If the referendum in Section 4 is approved by the voters, the mayor and council members would be elected for a three-year term in the 2014 election. They normally serve two-year terms.

<u>Town of Tryon.</u> **CURRENT LAW & BILL ANALYSIS:** Currently, the Board of Commissioners of the Town of Tryon appoints a Town Manager who is responsible for supervising all departments and employees except the Town Attorney. The Town Manager may appoint a Town Clerk who keeps a journal of the proceedings of the Board of Commissioners, maintains records of the Town, and performs other duties as directed by the Town Manager.

The Board of Commissioners of Polk County must appoint five residents of the area outside of and within one mile of the corporate limits of the Town of Tryon, to serve as members of the Town Planning

Board, and five residents of such area to serve as members of the Town Zoning Board of Adjustment. Such members shall have equal rights with the other members of such Boards in all matters pertaining to the planning and zoning of the territory outside of and within one mile of the corporate limits of the Town. The vote of eight members of the Zoning Board of Adjustment is needed to reverse any order or decision regarding the area outside of and within one mile of the corporate limits of the Town.

The PCS amends the Town of Tryon's charter in the following ways:

- Requires the Board of Commissioners to appoint the Town Clerk, but also provides that the Board of Commissioners may give the Town Manager the authority to direct and supervise the Town Clerk in the manner deemed appropriate by the Board of Commissioners.
- Provides that the Town Manager may not appoint or remove the Town Clerk.
- Requires an independent audit of all books and accounts of the town's government as provided in G.S. 159-34. The audit is to be done by a certified public accountant or qualified public accountant certified (was registered) under Chapter 93.
- Creates the Town of Tryon Planning and Adjustment Board which consists of seven members and two alternates. The appointments to the Board are as follows:

  (1) The Town of Tryon's Board of Commissioners appoints four members and one alternate who must be residents of the Town.

  (2) The Polk County Board of Commissioners must appoint three members and one alternate who must be residents of the area outside of and within one mile of the Town. These members have equal rights as other members of the Board in all matters pertaining to the planning and zoning of the territory outside of and within one mile of the corporate limits of the Town.
- Provides that a vote of 80% of the Planning and Adjustment Board is required to reverse any decision or order regarding the territory outside of and within one mile of the corporate limits of the Town.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 1005
Committee Substitute Favorable 6/6/13

Short Title: Stanly County Commissioners and Bd. of Ed. (Local)

Sponsors:

Referred to:

April 30, 2013

A BILL TO BE ENTITLED

AN ACT TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding any other provision of law, the Board of County Commissioners of Stanly County shall consist of seven members to be elected as follows:

(1) Four members shall be elected from single-member districts, with the qualified voters of each district electing the member from that district, who shall serve two-year terms.

(2) Three members shall be elected at large, who shall serve four-year terms.

SECTION 1.(b) Each candidate for a district seat must reside in the district for which the election is sought.

SECTION 2.(a) In 2014 and biennially thereafter. under the districts set out in or as modified in accordance with this act, there shall be elected to serve on the Board of County Commissioners of Stanly County one member each from District 1, District 2, District 3, and District 4. In 2014 and quadrennially thereafter, one member shall be elected at large to serve a four-year term. In 2016 and quadrennially thereafter, two members shall be elected at large to serve a four-year term. All of the elections shall be held at the time of the general election.

SECTION 2.(b) Nothing in this section shall alter or change the term of office of any member of the Stanly County Board of Commissioners that expires in 2016.

SECTION 2.(c) This section becomes effective July 1, 2014.

SECTION 3.(a) Notwithstanding the Plan for the Merger of the Stanly County and Albemarle City Schools or any other provision of law, the Board of Education of Stanly County shall consist of seven members to be elected as follows:

(1) Four members shall be elected from single-member districts, with the qualified voters of each district electing the member from that district, who shall serve two-year terms.

(2) Three members shall be elected at large who shall serve four-year terms.

SECTION 3.(b) Each candidate for a district seat must reside in the district for which the election is sought.

SECTION 3.(c) In 2014, of the four seats with expiring terms of office, only two shall be elected to serve a four-year term of office in at-large seats. Nothing in this section shall alter or change the term of office of any member of the Stanly County Board of Education that expires in 2016.

SECTION 3.(d) In 2016 and biennially thereafter, under the districts set out in or as modified in accordance with this act, there shall be elected to serve on the Board of

Education of Stanly County one member each from District 1, District 2, District 3, and District 4. In 2016 and quadrennially thereafter, one member shall be elected at large to serve a four-year term. In 2018 and quadrennially thereafter, two members shall be elected at large to serve a four-year term. All of the elections shall be held at the time of the general election.

SECTION 3.(e) This section becomes effective July 1, 2014.

SECTION 4. Until modified in accordance with this act, the elections for the Stanly County Board of Commissioners and Stanly County Board of Education shall be conducted in the following districts:

District 1: Stanly County: VTD: 0022, VTD: 0023, VTD: 0024, VTD: 0025.

District 2: Stanly County: VTD: 0008, VTD: 0010: Block(s) 1679310001000, 1679310001001, 1679310001002, 1679310001003, 1679310001004, 1679310001005, 1679310001006, 1679310001007, 1679310001008, 1679310001012, 1679310004000, 1679310004001, 1679310004002, 1679310004003, 1679310004004, 1679310004005, 1679310004006, 1679310004007, 1679310004008, 1679312011041, 1679312011044, 1679312011045, 1679312011046, 1679312011047, 1679312015010, 1679312015020, 1679312015021, 1679312015022, 1679312015023, 1679312015029, 1679312021017, 1679312021018, 1679312021020, 1679312021021, 1679312021022, 1679312021023, 1679312021049, 1679312021050, 1679312021051, 1679312023000, 1679312023001, 1679312023031, 1679312023032, 1679312023033, 1679312023034, 1679312023036, 1679312023038, 1679312023040; VTD: 0013: 1679310001009, 1679310001010, 1679310001011, 1679310001013, 1679310001014, 1679310001015, 1679310001016, 1679310001017, 1679310001018, 1679310001019, 1679310001020, 1679310001021, 1679310001022, 1679310004009, 1679310004010, 1679310004011, 1679310004012, 1679310004013, 1679310004014, 1679310004015, 1679310004016, 1679310004017, 1679310004018, 1679310004019, 1679310004020, 1679310004021, 1679310004022, 1679310004023, 1679310004024, 1679310004025, 1679310004026, 1679310004027, 1679310004028, 1679310004029, 1679310004030, 1679310004031, 1679310004032, 1679310005000, 1679310005003, 1679310005005, 1679310005006, 1679310005007, 1679310005009, 1679310005022, 1679310005023, 1679310005024, 1679310005029, 1679310005030, 1679310005034, 1679310005038, 1679311001015, 1679312021016, 1679312021019, 1679312021024, 1679312021025, 1679312021030, 1679312021031, 1679312021032, 1679312021033, 1679312021034, 1679312021035, 1679312021036, 1679312021041, 1679312021042, 1679312021043, 1679312023039, 1679312023041, 1679312023042; VTD: 0014, VTD: 0026, VTD: 0027, VTD: 0028.

District 3: Stanly County: VTD: 0002, VTD: 0010: Block(s) 1679312021003, 1679312021045, 1679312021052, 1679312022000, 1679312022001, 1679312022002, 1679312022003, 1679312022004, 1679312022005, 1679312022006, 1679312022007, 1679312022008, 1679312022009, 1679312022010, 1679312022011, 1679312022012, 1679312022013, 1679312022014, 1679312022015, 1679312022016, 1679312022017, 1679312022018, 1679312022019, 1679312022020, 1679312022021, 1679312022022, 1679312022023, 1679312022024, 1679312022025, 1679312022026, 1679312022027, 1679312022028, 1679312022029, 1679312022030, 1679312022032, 1679312022034, 1679312022035, 1679312022036, 1679312022037, 1679312022038, 1679312022039, 1679312022040, 1679312022041, 1679312022042, 1679312022043, 1679312022044, 1679312022046, 1679312022047, 1679312022048, 1679312023002, 1679312023003, 1679312023004, 1679312023005, 1679312023006, 1679312023007, 1679312023008, 1679312023009, 1679312023010, 1679312023011, 1679312023012, 1679312023013, 1679312023014, 1679312023015, 1679312023016, 1679312023017, 1679312023018, 1679312023019, 1679312023020, 1679312023021, 1679312023022, 1679312023023, 1679312023024, 1679312023025, 1679312023026, 1679312023027, 1679312023028, 1679312023029, 1679312023030, 1679312023035, 1679312023037; VTD: 0011, VTD:

0012, VTD: 0013: Block(s) 1679312021000, 1679312021001, 1679312021002, 1679312021004, 1679312021005, 1679312021006, 1679312021007, 1679312021008, 1679312021009, 1679312021010, 1679312021011, 1679312021012, 1679312021013, 1679312021014, 1679312021015, 1679312021044, 1679312021046, 1679312021047, 1679312021048, 1679312022031, 1679312022033, 1679312022045; VTD: 0019, VTD: 0020, VTD: 0021.

District 4: Stanly County: VTD: 0003, VTD: 0007, VTD: 0015, VTD: 0016, VTD: 0017, VTD: 0018.

SECTION 5. Following the return of the 2020 Census and each Census thereafter, the Stanly County Board of Commissioners may revise the election districts for the Board of Commissioners and the Board of Education. District boundary lines for the two boards shall remain identical. G.S. 153A-22 applies to the Stanly County Board of Commissioners.

SECTION 6. This act applies to Stanly County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 1005

Committee Substitute Favorable 6/6/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H1005-CSST-80 [v.3]
7/1/2013 6:27:41 PM

Short Title: Stanly County Commissioners and Bd. of Ed. (Local)

Sponsors:

Referred to:

April 30, 2013

A BILL TO BE ENTITLED

AN ACT TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding any other provision of law, the Board of County Commissioners of Stanly County shall consist of seven members to be elected as follows:

(1) Five members shall be elected from single-member districts, with the qualified voters of the county electing the member from that district, who shall serve four-year terms.

(2) Two members shall be elected at large, who shall serve four-year terms.

SECTION 1.(b) Each candidate for a district seat must reside in the district for which the election is sought.

SECTION 2.(a) In 2014 and quadrennially thereafter, under the districts set out in or as modified in accordance with this act, there shall be elected to serve on the Board of County Commissioners of Stanly County one member each from District 1, District 2, District 3, District 4, and one member at large to serve a four-year term. In 2016 and quadrennially thereafter, there shall be elected one member each from District 5 and one member at large to serve a four-year term. All of the elections shall be held at the time of the general election.

SECTION 2.(b) Nothing in this section shall alter or change the term of office of any member of the Stanly County Board of Commissioners that expires in 2016.

SECTION 2.(c) This section becomes effective July 1, 2014.

SECTION 3.(a) Notwithstanding the Plan for the Merger of the Stanly County and Albemarle City Schools or any other provision of law, the Board of Education of Stanly County shall consist of seven members to be elected as follows:

(1) Five members shall be elected from single-member districts, with the qualified voters of the county electing the member from that district, who shall serve four-year terms.

(2) Two members shall be elected at large who shall serve four-year terms.

SECTION 3.(b) Each candidate for a district seat must reside in the district for which the election is sought.

SECTION 3.(c) In 2014 and quadrennially thereafter, under the districts set out in or as modified in accordance with this act, there shall be elected to serve on the Board of Education of Stanly County one member each from District 1 and one member at large to serve a four-year term. In 2016 and quadrennially thereafter, there shall be elected one member each

from District 2, District 3, District 4, District 5, and one member at large to serve a four-year term. All of the elections shall be held at the time of the general election.

SECTION 3.(d) This section becomes effective July 1, 2014.

SECTION 4. Until modified in accordance with this act, the elections for the Stanly County Board of Commissioners and Stanly County Board of Education shall be conducted in the following districts:

District 1: Stanly County: VTD: 0022, VTD: 0023, VTD: 0024, VTD: 0025.

District 2: Stanly County: VTD: 0013: Block(s) 1679310001009, 1679310001010, 1679310001011, 1679310001013, 1679310001014, 1679310001015, 1679310001016, 1679310001017, 1679310001018, 1679310001019, 1679310001020, 1679310001021, 1679310001022, 1679310004009, 1679310004010, 1679310004011, 1679310004012, 1679310004013, 1679310004014, 1679310004015, 1679310004016, 1679310004017, 1679310004018, 1679310004019, 1679310004020, 1679310004021, 1679310004022, 1679310004023, 1679310004024, 1679310004025, 1679310004026, 1679310004027, 1679310004028, 1679310004029, 1679310004030, 1679310004031, 1679310004032, 1679310005000, 1679310005003, 1679310005005, 1679310005006, 1679310005007, 1679310005009, 1679310005022, 1679310005023, 1679310005024, 1679310005029, 1679310005030, 1679310005034, 1679310005038, 1679311001015, 1679312021016, 1679312021019, 1679312021024, 1679312021025, 1679312021030, 1679312021031, 1679312021032, 1679312021033, 1679312021034, 1679312021035, 1679312021036, 1679312021041, 1679312021042, 1679312021043, 1679312023039, 1679312023041, 1679312023042; VTD: 0014, VTD: 0026, VTD: 0027, VTD: 0028.

District 3: Stanly County: VTD: 0012, VTD: 0013: Block(s) 1679312021000, 1679312021001, 1679312021002, 1679312021004, 1679312021005, 1679312021006, 1679312021007, 1679312021008, 1679312021009, 1679312021010, 1679312021011, 1679312021012, 1679312021013, 1679312021014, 1679312021015, 1679312021044, 1679312021046, 1679312021047, 1679312021048, 1679312022031, 1679312022033, 1679312022045; VTD: 0019, VTD: 0020, VTD: 0021.

District 4: Stanly County: VTD: 0015, VTD: 0016, VTD: 0017, VTD: 0018.

District 5: Stanly County: VTD: 0002, VTD: 0003, VTD: 0007, VTD: 0008, VTD: 0010, VTD: 0011.

SECTION 5. Following the return of the 2020 Census and each Census thereafter, the Stanly County Board of Commissioners may revise the election districts for the Board of Commissioners and the Board of Education. District boundary lines for the two boards shall remain identical. G.S. 153A-22 applies to the Stanly County Board of Commissioners.

SECTION 6. This act applies to Stanly County only.

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

HOUSE BILL 1005:
Stanly County Commissioners and Bd. of Ed

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Education/Higher Education	**Date:**	July 1, 2013
Introduced by:	Rep. Burr	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Second Edition H1005-CSST-80 v.2		

SUMMARY: ***House Bill 1005 creates new districts for the Stanly County Board of Commissioners and the Stanly County Board of Education and modifies the elections for both.***

CURRENT LAW:

Stanly County Board of Commissioners: Currently, the Board of Commissioners is composed of five members elected at large for four-year staggered terms.

Stanly County Board of Education: Currently, the Board of Education consists of nine members elected for four-year staggered terms in at-large, nonpartisan elections. Seven members are elected from residency districts. Candidates must reside in the district in which the election is held, but all seven seats are voted on by all of the eligible voters of the county. The other two members may reside anywhere in the county.

BILL ANALYSIS:

Stanly County Board of Commissioners: House Bill 1005 would expand the number of Board members to seven. Five members would be elected from single-member residency districts, voted county wide, two members would be elected at large. All members would serve four-year terms.

In 2014, one member at large and 4 residency district members would be elected, and in 2016, one member at large and one residency district member would be elected to create staggered, four-year terms for the expanded board. The bill does not alter or change the term of office for Board members whose terms expire in 2016.

Stanly County Board of Education: House Bill 1005 would reduce the number of Board members to seven. Four members would be elected from single-member residency districts, voted county wide, and three members would be elected at large. All members would serve four-year terms.

In 2014, one member at large and one residency district member would be elected, and in 2016, one member at large and 4 residency district members would be elected to create staggered, four-year terms for the expanded board. The bill does not alter or change the term of office for Board members whose terms expire in 2016.

EFFECTIVE DATE: The sections that modify elections for the Stanly County Board of Commissioners and the Board of Education are effective July 1, 2014. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 546

Short Title:	Roanoke Rapids Graded School District.	(Local)
Sponsors:	Representative Wray (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE TERM OF THE CHAIRPERSON FOR THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2006-87 reads as rewritten:

"**SECTION 7.** The trustees at their first meeting in December of 2007 shall elect from among their number a ~~chairman~~chairperson who shall serve for the two following years, and that thereafter at the first meeting in December after each election they shall elect a ~~chairman~~chairperson to serve for the two following years~~ unless the present chairman's term has not expired.~~ until the chairperson's successor is elected."

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

HOUSE BILL 546:
Roanoke Rapids Graded School District

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 2, 2013
Introduced by:	Rep. Wray	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 546 clarifies that the term of the Chair of the Roanoke Rapids Graded School District Board of Trustees is two years.***

CURRENT LAW: There are nine members of the Board of Trustees of the Roanoke Rapids Graded School District. Board members are elected at-large for 6-year staggered terms in nonpartisan elections held in odd-numbered years. Terms begin with the first regularly scheduled Board meeting in December after the elections. Vacancies are filled by appointment by the remaining Board members. The Chair of the Board is elected by the Board members and serves a two-year term.

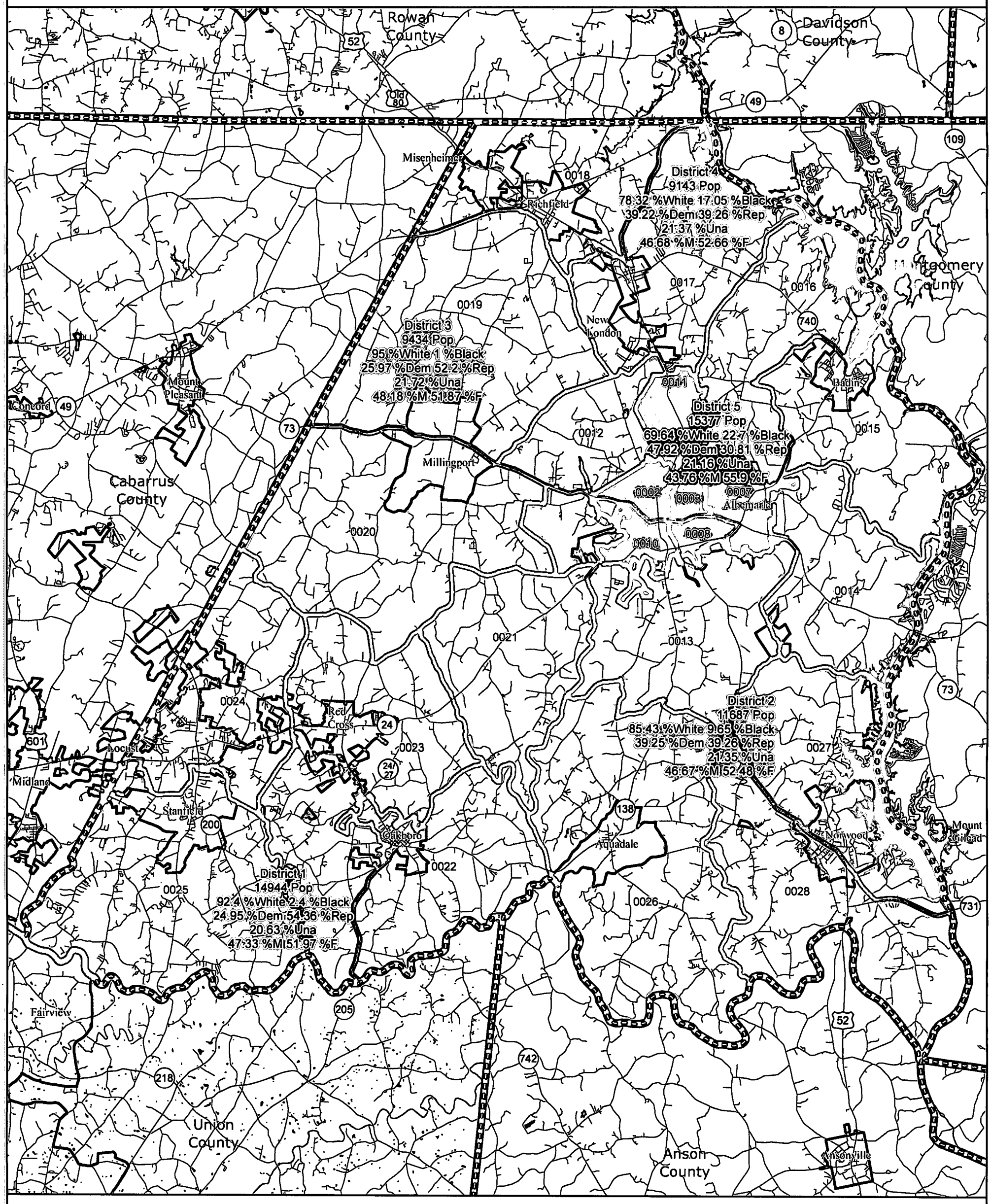
BILL ANALYSIS: House Bill 546 clarifies the language in Session Law 2006-87 that provides for a two-year term for the Chair of the Board of Trustees of the Roanoke Rapids Graded School District.

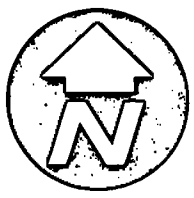
BACKGROUND: The Board of Trustees of the Roanoke Rapids Graded School District requested the bill.

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

Kelly Quick, staff to House Government, substantially contributed to this summary.

House Bill 1005 H1005-CSST-80







0 1 2 4
Miles

Highways w/Limited Access
US Highways
NC Highways
Roads
Municipalities
County
Voting Tabulation Districts

District
1
2
3
4
5

Stanly County:

60,585 Total Population
83.56 % White Population
10.94 % Black Population
35.69 % Democratic Registered Voters
43.02 % Republican Registered Voters
21.18 % Unaffiliated Registered Voters
46.35 % Male Registered Voters
53.13 % Female Registered Voters

District Labels

Total Population
% Total White Population % Total Black Population
% Democratic Registered Voters % Republican Registered Voters
% Unaffiliated Registered Voters
% Male Registered Voters % Female Registered Voters

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 02, 2013

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **417** **(CS#2)** Modify Internal Auditing Statutes.

Draft Number:	None
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

HB **546** Roanoke Rapids Graded School District.

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

TOTAL REPORTED: 2

Committee Clerk Comments:

First of multiple reports

Senator Andrew Brock will handle HB 417
Senator Angela Bryant will handle HB 546



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 02, 2013

Senator J. 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

HB **1005 (CS#1)** Stanly County Commissioners and Bd. of Ed.

Draft Number:	H1005-PCS30593-ST-80
Sequential Referral:	Education/Higher Education
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Second of multiple reports

Senator Tom Apodaca will handle HB 1005



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 02, 2013

Senator J. 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

HB **468** **(CS#1)** High Point Elections.

Draft Number:	H468-PCS90116-TQ-58
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Last of multiple reports.

Senator Trudy Wade will handle HB 468



7/2/13

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Stan Bingham
Room 2117, LB 733-5665
Judy Chriscoe

Senator Don Davis
Room 518, LOB 733-8363
Blinda Edwards

Senator Fletcher Hartsell
Room 300, LOB 733-7223
Gerry Johnson

Senator Ellie Kinnaird
Room 628, LOB 733-5804
Kathie Young

Senator Martin Nesbitt
Room 1129, LB 715-3001
Jan Lee

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Tamara Barringer
Room 411, LOB 733-5653
Gloria Whitehead

Senator Bill Cook
Room 525, LOB 715-8293
Amanda Shreve

Senator Thom Goolsby
Room 406, LOB 715-2525
Joseph Kyzer

Senator Brent Jackson
Room 523, LOB
Phillip Christofferson

Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Erika Churchill
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: ~~06/27/13~~ 7/2/13 ROOM: 1124

1. BILLY FRITSCHER
2. ROBERT YOUNG
3. STEVE WILSON
4. CLARK RIEMER

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 7-2 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Melissa Fu	Waxhaw	Tommy Tucker
2. ~~Isabel Ferguson~~	~~Fairmont~~	~~Berger~~
3. Rodney Harrison	Huntersville	Hartsell
4. Bryanna Thompson	Knightdale	McKissick
5. Xavier Roscoe	Gatesville	Cook
6. Bailey Sherrill	Hiddenite	Berger
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

(Committee Name)

07/02/2013

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
LISA MARTIN	NCABA
STEVEN WEBB	NCABA
PETER ASCIUTTO	STANLY COUNTY COMMISSIONER
Bill Holmes	Office of State Auditor
Luis Toledo	Office of State Auditor
Laura Spratley	Staff
Deborah Hughes	KCG
Kathryn Trogden	NCMMC
CASANDRA SKINNER	NCACC
Fred Baggett	NCACP
PAUL MEYER	NCLM
Greg Cohen	NCGA Staff
Stephen White	DP NC

09-22-2012

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT

(Committee Name)

07/02/2013

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Beth A. Wood	OSA -
DAVID T. McCOY	OSC
Barbara Baldwin	OSBM
Ben McLawhorn	OSC
Kathy Hawkins	Pulse
Kay Emanuel	School of Government
Sarah L. Miller	self
Leanne Winner	NC SBE
Chris Agnew	DOJ
Chris Signum	Intern - Sen. Hunt'd
Joel Maynard	GMA : Assoc
Rachel Bunn	PPI

09-22-2012

Senate Committee on State and Local Government
Tuesday, July 9, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 538	Apex Land Use Changes.	Representative Dollar
HB 422	Marshville Charter Amendment/Utility Billing.	Representative Brody

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, July 9, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on July 9, 2013 in Room 1124/1224 of the Legislative Building. Ten members were present.

Senator Tommy Tucker presided.

Senator Tucker called the meeting to order, welcomed Committee members, Pages (Kayla Sloan, Raleigh, Sen. Stein; Maria Kunath, Apex, Sen. Barringer; Ian Pearthree, Cary, Sen. Stein; Rob Jarrell, High Point, Sen. Woodard; Sie-Chieh Redd, Garner, Sen. Apodaca; Milledge Armes, Raleigh, Sen. Berger; David Pierce, Raleigh, Sen. Berger), visitors, and thanked the Sergeants-at-Arms.

House Bill 538 Apex Land Use Changes – Senator Barringer's motion to accept a Proposed Committee Substitute (PCS) was carried. Representative Dollar explained the bill. The bill allows the Town of Apex to continue communications with residents and others, pending a decision of a quasi-judicial decision of the Town. Senators D. Davis, Pate and Tucker offered questions on the bill; Senator Wade and Keith Weatherly, Mayor of Apex, spoke to the bill. There being no further discussion on the bill, Senator Wade's motion to approve the Proposed Committee Substitute was carried.

House Bill 422 Marshville Charter Amendment/Utility Billing – Representative Brody explained the bill. The bill would revise the Charter for the Town of Marshville by deleting the provision regarding utility billing and termination of utility services. There being no discussion on the bill, Senator McLaurin's motion to approve the bill was carried.

The meeting adjourned at 12:12 PM

Senator Tommy Tucker, Chair Presiding

Kaye Culberson, Committee Clerk

Principal Clerk
Reading Clerk

Corrected #1: Add HB 422

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	July 9, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 538	Apex Land Use Changes.	Representative Dollar
HB 422	Marshville Charter Amendment/Utility Billing.	Representative Brody

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 538
Committee Substitute Favorable 4/22/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H538-CSST-83 [v.2]
7/8/2013 4:00:38 PM

Short Title: Apex Land Use Changes. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-388(e)(2), as enacted by Section 2 of S.L. 2013-126, reads as rewritten:

"(2) A member of any board exercising ~~quasi-judicial functions pursuant to this Article~~ the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection."

SECTION 2. G.S. 160A-393 is repealed.

SECTION 3. G.S. 160A-377 is repealed.

SECTION 4. This act applies to the Town of Apex only.

SECTION 5. This act is effective October 1, 2013, and applies to quasi-judicial decisions of the Town on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

HOUSE BILL 538
Committee Substitute Favorable 4/22/13

Short Title: Apex Land Use Changes. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-388(e1) reads as rewritten:

"(e1) A member of the board or any other body exercising ~~quasi-judicial functions pursuant to this Article~~ the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection."

SECTION 2. G.S. 160A-393 is repealed.

SECTION 3. G.S. 160A-377 is repealed.

SECTION 4. This act applies to the Town of Apex only.

SECTION 5. This act is effective when it becomes law and applies to quasi-judicial decisions of the Town on or after that date.

HOUSE BILL 538:
Apex Land Use Changes

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 8, 2013
Introduced by:	Rep. Dollar	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Second Edition H538-CSST-83		

SUMMARY: ***House Bill 538 allows the Town of Apex to continue communications with residents and others, pending a decision of a quasi-judicial decision of the Town.***

CURRENT LAW:

David Owens, with UNC School of Government, has identified four kinds of decisions made concerning local land-use and zoning laws:

1. Legislative Decisions. – These are decisions setting the policies and standards in the zoning ordinance and include adopting, repealing, or amending the zoning ordinance. The zoning map is a part of the ordinance, so amending the map to rezone one parcel of land is a legislative decision. Public notice and public hearings are required for such legislative decisions. Wide discretion is given to the legislative body making a legislative decisions, such as the city council and board of county commissioners, as legislative decisions are the province of the governing board.
2. Quasi-Judicial Decisions. – These are decisions applying the zoning ordinance to individual situations and include the granting of variances, special and conditional use permits, and interpretations. Quasi-judicial decisions involve two key elements: (i) the finding of facts regarding the specific proposal, and (ii) the exercise of judgment and discretion in applying predetermined policies to a particular case. Public notice and public hearings are usually not required for these decisions, but due process is more strictly required to protect the rights of the parties. Quasi-judicial decisions are usually assigned to boards of adjustment, appointed by the governing boards, which may be a separate body, the planning board, or the governing board itself.
3. Advisory Decisions. These are recommendations by bodies that have no final decision-making authority. Typical advisory decisions are the recommendations of planning boards to the city council or county commissioners about rezoning petitions. Rezoning itself would be an amendment to the zoning ordinance and therefore a legislative decision.
4. Administrative Decisions. These are "ministerial" decisions involving nondiscretionary matters and include issuing or denying basic permits, and applying objective standards such as property line setbacks. These decisions are usually made by the professional staff.

Quasi-judicial decisions may be appealed within 30 days to Superior Court by "proceedings in the nature of certiorari." *G.S. 153A-340 and -345 and 160A-381 and -388.*

Effective January 1, 2010, appeal from a board exercising quasi-judicial functions must comply with the process and procedures set forth in G.S. 160A-393 and G.S. 160A-377. A "quasi-judicial decision" is defined as a decision involving the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance. Examples of quasi-judicial

decisions would be decisions involving variances as well as special and conditional use permits. Decisions on the approval of site plans could be quasi-judicial if the ordinance authorized the board to deny the application based in part on whether the application complied with generally stated standards requiring the application of discretion on the findings of fact to be made by the board.

One of the items that the Superior Court could review, and allow additional testimony on, is whether as a result of an impermissible conflict, the board was not sufficiently impartial to comply with due process principals. *G.S. 160A-393*. Examples of an impermissible conflict are a member having a fixed opinion prior to hearing the matter that is not susceptible to change or undisclosed ex parte communications.

BILL ANALYSIS: House Bill 538 would specifically state that, for the Town of Apex, the quasi-judicial components are repealed.

EFFECTIVE DATE: Effective October 1, 2013, and applies to quasi-judicial decisions of the Town made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 422

Short Title:	Marshville Charter Amendment/Utility Billing.	(Local)
Sponsors:	Representative Brody (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

March 27, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF MARSHVILLE TO DELETE THE PROVISIONS FOR UTILITY BILLING AND TERMINATION OF UTILITY SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.1 of the Charter of the Town of Marshville, being S.L. 2011-70, is repealed.

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

HOUSE BILL 422:
Marshville Charter Amendment/Utility Billing

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 9, 2013
Introduced by:	Rep. Brody	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 422 would revise the Charter for the Town of Marshville by deleting the provision regarding utility billing and termination of utility services.***

CURRENT LAW: G.S. 160A-314 authorizes cities to establish and revise schedules of rents, rates, fees, charges, and penalties for the use of services (electricity, water, wastewater, gas, solid waste collection, transportation, cable television, parking, airports, stormwater management).

G.S. 160A-314(b) authorizes a city to include fees or charges for any public enterprise services it provides on a single bill and collect delinquent accounts by any remedy provided by law for collecting and enforcing private debts. The city may specify by ordinance the order in which partial payments are to be applied. A city may discontinue service to any customer whose account remains delinquent for more than 10 days.

The Marshville Charter was revised and consolidated in 2011 (S.L. 2011-70). Section 6.1 of the session law states that any fees imposed for the following services may be billed together in one itemized statement:

- Water supply and distribution systems. G.S. 160A-311(2)
- Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems. G.S. 160A-311(3)
- Solid waste collection and disposal systems and facilities. G.S. 160A-311(6)

Under Section 6.1, the Town Council is permitted to provide by ordinance the order in which partial payments are to be applied among services. The Town may terminate any or all services if full payment is not made within 30 days.

BILL ANALYSIS: The bill would revise the Marshville Charter by deleting Section 6.1 pertaining to utility billing and termination of utility services, and thereby placing Marshville under the general applicable law for collection of fees.

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

Shelly DeAdder, Counsel to House Government, contributed substantially to this summary.

O. Walker Reagan
Director

H422-SMRN-102 E1 -V2

Research Division
(919) 733-2578

TOWN OF MARSHVILLE
RESOLUTION REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY RATIFY AMENDMENT TO THE TOWN OF MARSHVILLE CHARTER

WHEREAS, the General Assembly of North Carolina through Session Law 2011-70, Senate Bill 295 ratified an act to Revise and Consolidate the Charter of the Town of Marshville.

WHEREAS, the revised Charter of the Town of Marshville under Article VI. Miscellaneous, includes the following section:

> **"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."

WHEREAS, the Town of Marshville Town Council wishes to revise local policies and ordinances regarding Utility Billing and Termination in compliance with North Carolina General Statutes and utility law.

WHEREAS, the Town of Marshville Town Council requests removal of Section 6.1. Utility Billing and Termination from the Charter of the Town of Marshville in order to complete such revision.

NOW THEREFORE, BE IT RESOLVED that the Town of Marshville Town Council requests that the North Carolina General Assembly amend the Charter of the Town of Marshville removing Section 6.1 Utility Billing and Termination which is addressed through the Town of Marshville Utility Policies and Ordinances, in compliance with North Carolina General Statutes.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 18th day of March, 2013.

Franklin Deese, Mayor

ATTEST:

Tonya Johnson, Town Clerk

SEAL
TOWN OF MARSHVILLE
CORPORATE
SEAL
UNION COUNTY, NC

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 09, 2013

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

FAVORABLE

HB **422** Marshville Charter Amendment/Utility Billing.

Draft Number:	None
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

HB **538** **(CS#1)** Apex Land Use Changes.

Draft Number:	H538-PCS70484-ST-83
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

One of one report

Senator Tommy Tucker will handle HB 422
Senator Tamara Barringer will handle HB 538



MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

Senator Jim Davis, Co-Chair
Room 2111, LB 733-5875
Kaye Culberson

Senator Tommy Tucker, Co-Chair
Room 311, LOB 733-7659
Joseph Stansbury

Senator Trudy Wade, Vice Chair
Room 2106, LB 733-5856
Kathy Hartsell

Senator Tamara Barringer
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Senator Gene McLaurin
Room 1118, LB
Katie Stanley

Senator Martin Nesbitt
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Jan Lee

Senator Louis Pate
Room 1028, LB 733-5621
Edna Pearce

Senator Jeff Tarte
Room 2115, LB 715-3050
Jan Copeland

Senator Michael Walters
Room 517, LOB 733-5651
Vickie Spears

Erika Churchill
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Brad Krehely
Research Staff
Room 545, LOB 733-2578

Harrison Moore
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
Room 545, LOB 733-2578

SENATE PAGES ATTENDING

COMMITTEE: State & local Gov't ROOM: 1124 LB

DATE: 7-9 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Kayla Sloan	Raleigh	Stein
2. Maria Kunath	Apex	Barringer
3. Ian Pear ~~Three~~	Cary	Stein
4. Rob Jarrell	High Point	Woodard
5. Sie-chieh Redd	Garner	Apodaca
6. Milledge ~~Armes~~	Raleigh	Berger
7. David Pierce	Raleigh	Berger
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 SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 07/09/13 ROOM: 1124

1. BILLY FRITSCHER
2. ANDERSON MEADOWS
3. ED KESSLER
4. CLARK RIEMER
5. GRAHAM WHITAKER

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT

(Committee Name)

7-9-13

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
DYLAN WATTS	SMITH
Kay Emanuel	School of Government
Philip Isley	DMC
Chuck Stone	SFMC

09-22-2012

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT

(Committee Name)

7-9-13

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Kathryn Trogden	NCMHC
Sarah L. Miller	self
Paul Meyer	NCLM

09-22-2012

Senate Committee on State and Local Government
Tuesday, July 16, 2013, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 701	IT Purchasing/Convenience Contracts.	Representative Saine Representative Tolson
HB 636	Creek Name Change.	Representative Alexander Representative Horn
HB 537	Edenton-Chowan Sch. Bd. Terms.	Representative Steinburg
HB 552	Remove Area from County Service District.	Representative McElraft
HB 625	Zoning/Health Care Structure.	Representative Moffitt Representative Howard Representative Setzer Representative Ramsey
HB 646	Airports Exempt From Local Tree Ordinances.	Representative Catlin Representative S. Ross
HB 523	Pitt Co. Bd. of Education.	Representative B. Brown Representative S. Martin
HB 531	ETJ/Zoning-Weaverville & Buncombe/Correction.	Representative Ramsey Representative Moffitt
HB 186	Towns Enforce Noise Ordinances/Lake Norman.	Representative Jeter
HB 530	Buncombe MPO Membership.	Representative Ramsey Representative Moffitt

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, July 16, 2013 at 12:00 PM
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on July 16, 2013 in Room 1124/1224 of the Legislative Building. Thirteen members were present.

Senator Jim Davis presided.

Senator J. Davis called the meeting to order, welcomed Committee members, Pages (Julia Perry, Zebulon, Sen. D. Davis; Kayla Williams, Raleigh, Sen. Parmon; Jazsmin McNeil, Raleigh, Sen. Blue; Shantel Bennett, Sanford, Sen. Rabin; Veronica Nawojczyk, Fuquay-Varina, Sen. Rucho; Gannon Nawojczk, Sen. Rucho; Nicholas Kroll, Holly Springs, Sen. Brunstetter; Hannah Hudson, Cary, Sen. Barringer), visitors, and thanked the Sergeants-at-Arms.

House Bill 646 Airports Exempt From Local Tree Ordinances – Representative Catlin explained the bill. The bill would prohibit a county or city from enforcing any ordinance that regulates the trimming or removal of trees on property owned or operated by a public airport authority. There being no discussion on the bill, Senator Pate's motion to approve bill was carried.

House Bill 701 IT Purchasing/Convenience Contracts – Senator Tarte explained the bill. The bill would permit State agencies to enter into "cooperative purchasing agreements" for the procurement of information technology goods and services upon approval by the Chief Information Officer (CIO) of the Office of Information Technology Services (ITS). There being no discussion on the bill, Senator Tucker's motion to approve the bill was carried.

House Bill 636 Creek Name Change – Senator J. Davis explained the bill. The bill would direct the North Carolina Geographical Information Coordinating Council (GICC) to recommend to the United States Board of Geographical Names (USBGN) that it change the name of the Negro Head Creek in Union County to Salem Creek. Senator Tucker and Stan Duncan, Chair of the North Carolina Geographical Coordinating Council, spoke to the bill. There being no further discussion Senator Walters' motion to approve the bill was carried.

House Bill 537 Edenton-Chowan Sch. Bd. Terms – Representative Steinburg explained the bill. The bill would reduce the terms of office for members of the Edenton-Chowan Board of Education from the 6 years to 4 years. Senators D. Davis and Walters offered questions; Senators McLaurin and Bingham spoke to the bill. There being no further discussion Senator Wade's motion to approve the bill was carried.

House Bill 552 Remove Area from County Service District – Senator Sanderson explained the bill. The bill would authorize boards of County Commissioners to remove territory from a county water or sewer district. There being no discussion on the bill Senator Jackson's motion to approve the bill with referral to Finance was carried.

House Bill 625 Zoning/Health Care Structure – Erika Churchill, Research Staff, explained the bill. The bill would exempt temporary family health care structures from zoning requirements applicable to single family residential zoning by counties and cities and would require issuance of a permit for installation. Senators Barringer and Walters offered questions on the bill; Senator Kinnaird spoke to the bill. There being no further discussion, Senator Walter's motion to approve the bill with referral to Finance was carried.

House Bill 531 ETJ/Zoning-Weaverville & Buncombe/Correction – Senator Tarte explained the bill. The bill would eliminate the Town of Weaverville's authority to exercise extraterritorial jurisdiction and allow the

County of Buncombe to zone certain donut holes. The bill clarifies that Weaverville would retain authority for planning and development within its corporate limits. It makes a similar clarifying change to a session law enacted earlier this session that applied to Asheville. Senator Kinnaird offered a question on the bill. Senator Tarte sent forth a Technical amendment. There being no further discussion Senator Jackson's motion to approve the bill, with Senator Tarte's amendment rolled into a new Proposed Committee Substitute, was carried.

House Bill 186 Towns Enforce Noise Ordinances/Lake Norman – Senator Bingham's motion to accept a Proposed Committee Substitute (PCS) was accepted. Senator Tarte explained the bill. The bill would authorize the Towns of Cornelius, Davidson, Huntersville, Mooresville and Troutman to enforce Town noise ordinancces and state statutes pertaining to theft and vandalism on Lake Norman. The Proposed Committee Substitute (1) provides that the Towns' ability to enforce noise ordinances on Lake Norman does not include boat engine noise and (2) provides that a municipality may enforce noise ordinances on Lake Norman does not include boat engine noise and (2) provides that a municipality may enforce State law concerning theft or vandalism of vessels in or above the waters of Lake Norman. Senators Barringer and Tucker offered questions on the bill. There being no further discussion Senator Bingham's motion to approve the Proposed Committee Substitute was carried.

House Bill 530 Buncombe MPO Membership – Senator Wade's motion to accept the Proposed Committee Substitute (PCS) was accepted. Representative Ramsey explained the bill. The PCS would prohibit the Buncombe County Commissioners from appointing more than one elected official from each commissioner district to any metropolitan planning organization. Senator Nesbitt offered a question on the bill; Senator Tarte spoke to the bill. Senator Nesbitt sent forth an amendment, it was approved. There being no further discussion Senator Bingham's motion to approve the Proposed Committee Substitute was carried.

House Bill 524 Greensboro Charter Amendments – Senator Robinson explained the bill. The bill would amend the Charter of the City of Greensboro to authorize the city to establish a Small Business Enterprise Program and to change certain references from Building Inspector to Compliance Officer. Senator D. Davis, Kinnaird and Nesbitt offered questions on the bill; Senator Wade spoke to the bill. Senator made a motion for an unfavorable report, which failed. Senator Nesbitt made a counter-motion to pull the bill from the Agenda, which carried.

House Bill 523 Pitt Co. Bd. Of Education – Representative Brown explained the bill. The bill would reduce the size of the Pitt County Board of Education from twelve members to nine. To add three members elected from combined districts, to provide for four-year terms rather than six-year terms, and to shorten the time between the election of members of the Pitt County Board of Education and when those members take office. Senators D. Davis, Pate, Nesbitt and Mary Williams, Pitt County School Board member, spoke to the bill. There being no further discussion Senator D. Davis' motion to approve the bill was carried.

The meeting adjourned at 12:58 PM

Senator Jim Davis, Chair Presiding

Janet Black, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #6: REMOVE H300, ADD H530

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	July 16, 2013	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	
HB 701	IT Purchasing/Convenience Contracts.	Representative Saine Representative Tolson
HB 636	Creek Name Change.	Representative Alexander Representative Horn
HB 537	Edenton-Chowan Sch. Bd. Terms.	Representative Steinburg
HB 552	Remove Area from County Service District.	Representative McElraft
HB 625	Zoning/Health Care Structure.	Representative Moffitt Representative Howard Representative Setzer Representative Ramsey
HB 646	Airports Exempt From Local Tree Ordinances.	Representative Catlin Representative S. Ross
HB 523	Pitt Co. Bd. of Education.	Representative B. Brown Representative S. Martin
HB 531	ETJ/Zoning-Weaverville & Buncombe/Correction.	Representative Ramsey Representative Moffitt
HB 186	Towns Enforce Noise Ordinances/Lake Norman.	Representative Jeter
HB 530	Buncombe MPO Membership.	Representative Ramsey Representative Moffitt

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 701
Committee Substitute Favorable 4/22/13
Third Edition Engrossed 4/23/13

Short Title: IT Purchasing/Convenience Contracts. (Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF INFORMATION OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Subdivision (1) of G.S. 147-33.81 is recodified as subdivision (1a) of that section.

SECTION 1.(b) G.S. 147-33.81 is amended by adding a new subdivision to read:

"(1) "Cooperative purchasing agreement" means an agreement between a vendor and one or more states or state agencies providing that the parties may collaboratively or collectively purchase information technology goods and services in order to increase economics of scale and reduce costs."

SECTION 2. G.S. 147-33.95 reads as rewritten:

"**§ 147-33.95. Procurement of information technology.**

(a) Notwithstanding any other provision of law, the Office of Information Technology Services shall procure all information technology for State agencies. The Office shall integrate technological review, cost analysis, and procurement for all information technology needs of those State agencies in order to make procurement and implementation of technology more responsive, efficient, and cost-effective. All contract information shall be made a matter of public record after the award of contract. Trade secrets, test data, similar proprietary information, and security information protected under G.S. 132-6.1(c) may remain confidential.

(b) The Office shall have the authority and responsibility, subject to the provisions of this Part, to:

(1) Purchase or contract for all information technology in the State government, or any of its departments, institutions, or agencies covered by this Part. The Office may authorize any State agency covered by this Part to purchase or contract for information technology. The Office or a State agency may use any authorized means, including negotiations, reverse auctions, and the solicitation, offer, and acceptance of electronic bids. G.S. 143-135.9 shall apply to these procedures.

(2) Establish processes, specifications, and standards that shall apply to all information technology to be purchased, licensed, or leased in the State government or any of its departments, institutions, or agencies covered by this Part.

(2a) Establish procedures to permit State agencies and local government agencies to use the General Services Administration (GSA) Cooperative Purchasing Program to purchase information technology (i) awarded under General Services Administration Supply Schedule 70 Information Technology and (ii) from contracts under the GSA's Consolidated Schedule containing information technology special item numbers.

(3) Comply with the State government-wide technical architecture, as required by the State CIO.

(4) If a State agency wishes to enter into a cooperative purchasing agreement, the agency must first obtain approval by the State CIO. Upon receiving a request to use a cooperative purchasing agreement, the State CIO must evaluate the need for goods or services available through the agreement, review the specifications, terms, and conditions of the agreement, and obtain legal advice on the use of the agreement. Prior to granting approval, the State CIO must find that the agreement was awarded pursuant to a competitive bidding process and that the agreement will obtain the best value pursuant to G.S. 143-135.9 by using the agreement. Upon approval by the State CIO, a State agency may use the agreement without further approval. Agencies must report periodically to the CIO regarding the use of these agreements.

(5) The State CIO shall establish procedures for the utilization of cooperative purchasing agreements.

(c) For purposes of this section, "reverse auction" means a real-time purchasing process in which vendors compete to provide goods or services at the lowest selling price in an open and interactive electronic environment. The vendor's price may be revealed during the reverse auction. The Office may contract with a third-party vendor to conduct the reverse auction.

(d) For purposes of this section, "electronic bidding" means the electronic solicitation and receipt of offers to contract. Offers may be accepted and contracts may be entered by use of electronic bidding.

(e) The Office may use the electronic procurement system established by G.S. 143-48.3 to conduct reverse auctions and electronic bidding. All requirements relating to formal and competitive bids, including advertisement, seal, and signature, are satisfied when a procurement is conducted or a contract is entered in compliance with the reverse auction or electronic bidding requirements established by the Office.

(f) The Office shall adopt rules consistent with this section."

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

HOUSE BILL 701:
IT Purchasing/Convenience Contracts

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 16, 2013
Introduced by:	Reps. Saine, Tolson	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	Third Edition		

SUMMARY: House Bill 701 would permit State agencies to enter into "cooperative purchasing agreements" for the procurement of information technology goods and services upon approval by the Chief Information Officer (CIO) of the Office of Information Technology Services (ITS).

CURRENT LAW: The specific authority of ITS and the CIO is set out in Chapter 147.

ITS procures information technology goods and services for all State agencies; however, ITS may authorize State agencies to purchase or contract for information technology in accord with the processes, specifications, and standards established by ITS. ITS and other State agencies must engage in the competitive bidding process and must procure goods and services at the "best value" as set forth in G.S. 143-135.9.

BILL ANALYSIS: House Bill 701 would allow State agencies to enter into cooperative purchasing agreements after approval from the CIO. A cooperative purchasing agreement is an agreement between a vendor and one or more states or state agencies in which they agree to enter into product purchase orders together to reduce costs.

Before approving the agreement, the CIO must evaluate the need for the agreement, examine its terms, consult with an attorney, and find that the agreement was obtained through competitive bidding and is the best value. Once the CIO approves the agreement, the agency may continue to use it without further approval, but the agency must periodically report to the CIO regarding the use of the agreement.

House Bill 701 would also require the CIO to establish procedures for the utilization of these agreements.

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

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H701-SMTQ-125 E3 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 636

Short Title:	Creek Name Change.	(Public)
Sponsors:	Representatives Alexander and Horn (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

April 10, 2013

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO RECOMMEND THAT NEGRO HEAD CREEK IN UNION COUNTY BE RENAMED SALEM CREEK.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Geographic Information Coordinating Council shall recommend to the United States Board on Geographic Names that it change the name of Negro Head Creek in Union County to Salem Creek.

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

HOUSE BILL 636:
Creek Name Change

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 16, 2013
Introduced by:	Reps. Alexander, Horn	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 636 would direct the North Carolina Geographical Information Coordinating Council (GICC) to recommend to the United States Board of Geographical Names (USBGN) that it change the name of the Negro Head Creek in Union County to Salem Creek.***

CURRENT LAW: The GICC was statutorily created by the General Assembly in 2001 "to develop policies regarding the utilization of geographic information, GIS systems, and other related technologies." G.S. 143-725(a). The USBGN is a Federal body created in 1890 and established in its present form by Public Law in 1947 to maintain uniform geographic name usage throughout the Federal Government.[1]

The GICC may submit a request to the USBGN for a geographic name-change. The USBGN must give its approval before the change will be finalized and recorded in the Geographic Names Information System.

BILL ANALYSIS: House Bill 636 would direct the GICC to recommend to the USBGN that it change the name of the Negro Head Creek in Union County to Salem Creek.

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

BACKGROUND: In 1985, Union County Board of Commissioners asked the USBGN to change the name of the Negro Head Creek to Salem Creek and the USBGN purportedly agreed. Since that time, the creek has been commonly known as Salem Creek and the name has been changed on local maps and surveys. However, the name has not been changed on various federal mapping systems and publications.[2]

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

[1] http://geonames.usgs.gov/

[2] http://www.wbtv.com/story/19689053/maps-still-show-negro-head-creek-27-years-after-name-change

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 537

Short Title:	Edenton-Chowan Sch. Bd. Terms.	(Local)
Sponsors:	Representative Steinburg (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Education.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE EDENTON-CHOWAN BOARD OF EDUCATION AND CHANGE THE ELECTION SCHEDULE FOR ONE DISTRICT SEAT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 974, Session Laws of 1973, as amended by Chapter 103 of the 1989 Session Laws, reads as rewritten:

"Section 1. The Edenton-Chowan Board of Education shall consist of seven members who shall serve for terms of ~~six~~four years each. In the general election to be held for county officers in ~~1990,~~2014 and biennially thereafter, there shall be elected members of the Edenton-Chowan Board of Education to take the place of the members whose terms next expire. They shall be elected in accordance with this act and Chapter 30, Session Laws of 1967, to the extent that that act does not conflict with this act, and said election shall be non-partisan."

SECTION 2. Section 1.5 of Chapter 974, Session Laws of 1973, as amended by Chapter 103 of the 1989 Session Laws, reads as rewritten:

"Sec. 1.5. In ~~1990~~2014 and each ~~six~~four years thereafter, one member shall be elected ~~from seat 1 of District 2 and one member~~ from seat 1 of District ~~3,~~3 for ~~six-year terms.~~a four-year term. In ~~1992~~2016 and each ~~six~~four years thereafter, one member shall be elected from seat 1 of District ~~1~~1, one member from seat 1 of District 2, and one member from seat 2 of District 3, for ~~six-year~~four-year terms. In ~~1994~~2018 and each ~~six~~four years thereafter, one member shall be elected from seat 2 of District 1, one member from seat 2 of District 2, and one member at-large, for ~~six-year~~four-year terms."

SECTION 3. Notwithstanding any other provision of law, in the 2014 election, one member shall be elected to fill seat 1 of District 2 on the Edenton-Chowan Board of Education to serve a term of two years. In 2016 and each four years thereafter, one member shall be elected to fill seat 1 of District 2 for a four-year term in accordance with Section 1.5 of Chapter 974, Session Laws of 1973, as amended by Chapter 103 of the 1989 Session Laws and as amended by this act.

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

HOUSE BILL 537:
Edenton-Chowan Sch. Bd. Terms

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 12, 2013
Introduced by:	Rep. Steinburg	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***HB 537 would reduce the terms of office for members of the Edenton-Chowan Board of Education from 6 years to 4 years.***

CURRENT LAW: Chapter 30 of the 1967 Session Laws consolidated the Edenton City Board of Education and the Chowan County Board of Education, providing for 7 members serving 6 year staggered terms. S.L. 1973-974, as amended by S.L. 1989-103, provides the process for elections of members of the Edenton-Chowan Board of Education. The board is elected on a non-partisan basis at the general election in even-numbered years. One member is elected from the county at-large. The remaining members are elected by district, with two members each elected from three districts. Members from the following seats are elected at the same time:

- Seat 1 of District 2 and Seat 1 of District 3 (terms expire 2014)
- Seat 1 of District 1 and Seat 2 of District 3 (terms expire 2016)
- Seat 2 of District 1, Seat 2 of District 2, and the at-large seat (terms expire 2018)

BILL ANALYSIS: HB 537 would decrease the terms of office for members of the Edenton-Chowan Board of Education from 6 years to 4 years as terms expire for current board members as follows:

- 2014 election
  - Seat 1 of District 2 – 2 year term
  - Seat 1 of District 3 - 4 year term
- 2016 election and thereafter
  - Seat 1 of District 2 – 4 year term
  - Seat 1 of District 1 – 4 year term
  - Seat 2 of District 3 – 4 year term
- 2018 election and thereafter
  - Seat 1 of District 3 – 4 year term
  - Seat 2 of District 1 – 4 year term
  - Seat 2 of District 2 – 4 year term
  - At-large seat - 4 year term

EFFECTIVE DATE: HB 537 would become effective when it becomes law.

**Kara McCraw and Denise Adams substantially contributed to this summary.*

O. Walker Reagan
Director

H537-SMST-103 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 552

Short Title:	Remove Area from County Service District.	(Public)
Sponsors:	Representative McElraft (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 16 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-303.1. Removal of territory from service districts.**

(a) Standards. – A board of commissioners may by resolution remove territory from a service district upon finding that:

(1) One hundred percent (100%) of the owners of real property in the territory to be removed have petitioned for removal.

(2) The territory to be removed no longer requires the services, facilities, or functions financed, provided, or maintained for the district.

(3) The service district was created only to provide the services listed in G.S. 153A-301(a)(4) or G.S. 153A-301(a)(6) or both.

(b) Report. – Before the public hearing required by subsection (c) of this section, the board shall cause to be prepared a report containing:

(1) A map of the district highlighting the territory proposed to be removed, showing the present and proposed boundaries of the district; and

(2) A statement showing that the territory to be removed meets the standards and requirements of subsection (a) of this section.

The report shall be available for public inspection in the office of the clerk to the board for at least 10 days before the date of the public hearing.

(c) Hearing and Notice. – The board shall hold a public hearing before adopting any resolution reducing the boundaries of a district. Notice of the hearing shall state the date, hour, and place of the hearing and its subject and shall include a statement that the report required by subsection (b) of this section is available for inspection in the office of the clerk to the board. The notice shall be published at least once not less than seven days before the hearing. In addition, the notice shall be mailed at least two weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the territory to be removed. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed, and the certificate shall be conclusive in the absence of fraud.

(d) Effective Date. – The resolution reducing the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board."

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

HOUSE BILL 552:
Remove Area from County Service District

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	July 16, 2013
Introduced by:	Rep. McElraft	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 552 would authorize boards of county commissioners to remove territory from a county water or sewer district.***

CURRENT LAW: Under current law, G.S. 153A-301 and G.S. 160A-536, county boards of commissioners and city councils are authorized to create service districts, in order to finance and provide services in the district to a greater extent than those furnished for the entire county or city.

Cities have authority to remove territory from their service districts under G.S.160A-538.1.

Boards of county commissioners can remove territory from: a County Research and Production Service District (G.S. 153A-314.1) and an Urban Research Service District (G.S. 153A-316.4).

BILL ANALYSIS: House Bill 552 would authorize counties to remove territory from county service districts created to provide water or sewer (or both) if all of the following requirements are met:

- 100% of the property owners petition for removal.
- Territory no longer requires the service.
- Public report prepared showing the current and proposed boundaries on a map.
- Notice of the public hearing published and mailed.
- Public hearing conducted.

EFFECTIVE DATE: House Bill 552 would be effective when it becomes law.

Giles Perry, Counsel to House Government, and Greg Roney, Counsel to House Finance, substantially contributed to this summary.

O. Walker Reagan
Director

H552-SMRN-105 E1 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

HOUSE BILL 625

Short Title:	Zoning/Health Care Structure.	(Public)
Sponsors:	Representatives Moffitt, Howard, Setzer, and Ramsey (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

April 10, 2013

A BILL TO BE ENTITLED

AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-341.3. Zoning of temporary health care structures.**

A county exercising powers under this Article shall comply with G.S. 160A-383.5."

SECTION 2. Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-383.5. Zoning of temporary health care structures.**

(a) The following definitions apply in this section:

(1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

(2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.

(3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

(4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

(5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by

the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

(c) A city shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(d) Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections (b) and (c) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Any person proposing to install a temporary family health care structure shall first obtain a permit from the city. The city may charge a fee of up to one hundred dollars ($100.00) for the initial permit and an annual renewal fee of up to fifty dollars ($50.00). The city may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The city may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the city of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

(f) Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.

(g) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(h) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(i) The city may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The city may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

(j) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation."

SECTION 3. G.S. 130A-250 is amended by adding a new subdivision to read:

"(14) Temporary family health care structures under G.S. 153A-341.1 or G.S. 160A-383.5."

SECTION 4. G.S. 131D-2.1(10) reads as rewritten:

"(10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or

hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

a. Emergency response system;
b. Charges for services offered;
c. Limitations of tenancy;
d. Limitations of services;
e. Resident responsibilities;
f. Financial/legal relationship between housing management and home care or hospice agencies;
g. A listing of all home care or hospice agencies and other community services in the area;
h. An appeals process; and
i. Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, and temporary family health care structures, as defined in G.S. 160A-383.5, are exempt from the regulatory requirements for multiunit assisted housing with services programs."

SECTION 5. G.S. 160A-442(2) reads as rewritten:

"(2) "Dwelling" means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S. 160A-383.5, shall be considered dwellings for purposes of this Part, provided that any ordinance provision requiring minimum square footage shall not apply to such structures."

SECTION 6. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 7. This act becomes effective July 1, 2013, and applies to temporary family health care structures existing on or after that date. No county or city may impose a fee

as authorized by Section 1 of this act on any temporary family health care structure existing on that date.

HOUSE BILL 625:
Zoning/Health Care Structure

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	July 12, 2013
Introduced by:	Reps. Moffitt, Howard, Setzer, Ramsey	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 625 would exempt temporary family health care structures from zoning requirements applicable to single family residential zoning by counties and cities and would require issuance of a permit for installation.***

CURRENT LAW: Counties and cities have the authority to zone as part of the jurisdiction's land use planning authority. Zoning ordinances often limit a property certain uses, and places constraints on those uses. Application can be made for an exemption to the zoning ordinance for a specific use.

BILL ANALYSIS: House Bill 887 would exempt from the zoning authority of cities and counties "temporary family health care structures," when those structures are within an area zoned single-family residential. A temporary family health care structure is a transportable residential structure, providing an environment facilitating a caregiver's provision of care that meets all of the following requirements:

1. Is primarily assembled at a location other than the site of installation.
2. Is limited to 1 occupant who is mentally or physically impaired (an individual who requires assistance with 2 of more personal functions essential for health and well-being).
3. Has no more than 300 gross square feet.
4. Complies with the State Building Code.

Limitations. – Only one temporary family health care structure could be placed on a property and no signage advertising or otherwise promoting the existence of the structure permitted.

Requirements. –

- A person must obtain a permit in order to install a structure on the person's property. A city or county could charge up to $100 for the initial permit, and up to $50 for an annual renewal.
- A county or city may require that the structure be connected to water, sewer or electric utilities serving the property.
- The structure must comply with building inspections and State Building Code.
- The structure must be removed within 60 days of it no longer being needed. It could be returned to the property for re-installation within 60 days of removal if it becomes needed for a subsequent mentally or physically impaired person.

Exemptions. – The structures are exempt from:

- The regulation of food and lodging provisions in Part 6 of Article 8 of Chapter 130A.
- Licensure of adult care homes.
- The minimum square footage requirements of the minimum housing standards.

EFFECTIVE DATE: The bill would become effective July 1, 2013, and applies to temporary family health care structures on after that date. The permit fee may not be charged for existing structures.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 646
Committee Substitute Favorable 4/22/13

Short Title: Airports Exempt From Local Tree Ordinances. (Public)

Sponsors:

Referred to:

April 10, 2013

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A COUNTY OR CITY FROM ENFORCING ANY ORDINANCE THAT REGULATES THE TRIMMING OR REMOVAL OF TREES ON PROPERTY OWNED OR OPERATED BY A PUBLIC AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-123 is amended by adding a new subsection to read:

"(h) Notwithstanding any authority under this Article or any local act of the General Assembly, no ordinance regulating trees may be enforced on land owned or operated by a public airport authority."

SECTION 2. G.S. 160A-175 is amended by adding a new subsection to read:

"(h) Notwithstanding any authority under this Article or any local act of the General Assembly, no ordinance regulating trees may be enforced on land owned or operated by a public airport authority."

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

HOUSE BILL 646:
Airports Exempt From Local Tree Ordinances

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 16, 2013
Introduced by:	Reps. Catlin, S. Ross	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 646 would prohibit a county or city from enforcing any ordinance that regulates the trimming or removal of trees on property owned or operated by a public airport authority.***

CURRENT LAW: Currently, there is no statewide provision prohibiting counties and cities from enforcing ordinances related to tree trimming and removal. G.S. 153A-123 and G.S. 160A-175 provide the general authority for counties and cities, respectively, to enforce ordinances.

BILL ANALYSIS: House Bill 646 would prohibit counties and cities from enforcing ordinances regulating trees on property owned or operated by a public airport authority.

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

BACKGROUND: The General Assembly has enacted local laws authorizing municipalities to adopt ordinances to regulate tree removal and preservation, including:

Holly Springs (S.L. 2003-73)

Kinston (S.L. 2000-108)

Apex (S.L. 2000-108)

Cary (S.L. 2000-108)

Garner (S.L. 2000-108)

Morrisville (S.L. 2000-108)

Matthews (S.L. 2006-264)

Kelly Quick, staff to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H646-SMTQ-127 E2 -V2

Research Division
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HOUSE BILL 523:
Pitt Co. Bd. of Education

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 16, 2013
Introduced by:	Reps. B. Brown, S. Martin	**Prepared by:**	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 523 would establish referendums to reduce the Pitt County Board of Education from 12 to nine members, shorten the term of office from 6 to 4 years, and move the time for elections from the primary to general election.***

CURRENT LAW: S.L. 1987-193 established the Pitt County Board of Education as a nonpartisan 12 member board. Members are elected by district from six districts, two from each district in a staggered election cycle at the May primary election in even-numbered years. Members take office at the December board meeting.

S.L. 2011-174 reduced the number of members of the Pitt County Board of Education from 12 to 7. The law also reduced the term of office for board members from 6 to 4 years. Because Pitt was a covered jurisdiction under Section 5 of the Voting Rights Act, the session law was required to be submitted for preclearance. The United States Department of Justice (DOJ) pre-cleared the section of the law which reduced the terms of office from six to four years, and objected to the reduction in membership of the board from 12 to 7.

BILL ANALYSIS: The bill would repeal S.L. 2011-174 and create a referendum on the following changes, to be voted on by the voters of Pitt County in the 2013 general election:

Referendum 1:

- **Reduction in Membership:** The board would be reduced from 12 members to 9 members. Six of the 9 members would be elected from the current numbered electoral districts. The remaining 3 members would be elected from lettered districts that combine 2 of the current districts as follows:
  - District A would combine Districts 1 and 2.
  - District B would combine Districts 3 and 6.
  - District C would combine Districts 4 and 5.
- **Time of Elections:** The board would be elected at the general elections for county-wide office in November of even-numbered years.

Referendum 2:

- **Length of Term:** The board members would serve four year terms, rather than six year terms.
- **Time of Elections:** The board would be elected at the general election for county-wide office in November of even-numbered years.

EFFECTIVE DATE: Effective when it becomes law and apply to elections for the local board of education beginning in 2014, if approved by the voters in the 2013 referendum.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 523
Committee Substitute Favorable 5/1/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H523-CSST-82 [v.1]

7/2/2013 2:34:48 PM

Short Title: Pitt Co. Bd. of Education. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO REENACT AND RESTATE S.L. 2011-174.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2011-174 is reenacted.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 523
Committee Substitute Favorable 5/1/13

Short Title: Pitt Co. Bd. of Education. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO ADD THREE MEMBERS ELECTED FROM COMBINED DISTRICTS, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2011-174 is repealed.

SECTION 2. Chapter 193 of the 1987 Session Laws reads as rewritten:

"**Section 1.** Beginning ~~December 7, 1987,~~in December 2014, the Pitt County Board of Education shall consist of ~~12 members, with two each elected from six districts in nonpartisan plurality elections.~~nine members. Six members shall be elected from numbered single-member districts, and three members shall be elected from lettered single-member districts, each of which consists of a pair of numbered districts, as described in Section 5 of this act. The qualified voters of each district shall elect a person who resides in that district for the seat apportioned to that district. Only the qualified voters of the district may vote in that election.~~Only voters residing in a district may for the members from that district.~~

"~~Sec. 2. The initial election for all 12 members shall be on November 3, 1987, and shall be conducted according to the same schedule as municipal nonpartisan plurality elections held at that time. Members elected in November 1987 shall take office on December 7, 1987, and shall serve for the terms specified in Section 3.~~

"~~Sec. 3. At the initial election in November 1987, two members of the Board shall be elected from each of the six districts described in Section 5. One seat on the Board from each district shall be designated as seat A and the other as seat B. Each candidate shall file and run for a particular seat, and each seat shall be voted upon separately. The person elected initially to seat A in each district shall serve for a term to expire in 1992. The person elected initially to seat B in each district shall serve for a term to expire in 1990. The terms of the members elected in 1987 shall expire in 1990 and 1992 at the times set by general State law for commencement of the terms of county board of education members elected in those years. Successors to the members elected in 1987 shall be elected as provided in section 4.~~

"**Sec. 4.** ~~After the initial election, elections shall be held in 1990 and subsequent~~ Initially, three members from lettered single-member districts shall be elected in 2014. Six members from numbered single-member districts shall be elected in 2016. Elections shall be held in even-numbered years ~~thereafter~~ as terms expire, at the time of the regular election of county officers. ~~set by general State law for the election of county boards of education.~~ Members

~~elected in 1990 and subsequent years~~ shall take office at the time set by general State law and shall serve for terms of six years.

"**Sec. 5.** The ~~six districts are~~ General Assembly establishes the single-member districts for election under this act as follows:

(a) Numbered districts:

District One. The portion of the City of Greenville included within the following boundaries, running clockwise from the northwest corner of the district: 5th Street from the intersection with Memorial Drive east to Contentnea Avenue, Contentnea north to the Tar River, the Tar River east to Summit Street, Summit south to 1st Street, 1st west to Reade Street, Reade south to 4th Street, 4th east to Summit, Summit south to 5th Street, 5th east to the eastern edge of the East Carolina University campus (between Meade and Maple streets), south along the eastern edge of the campus to 14th Street, 14th west to the western edge of the campus (between College Hill Drive and East Rock Spring Road), north along that western edge of the campus to 10th Street, 10th west to Evans Street, Evans south to Green Mill Run, Green Mill Run southwest to the Seaboard Coastline Railroad tracks, the tracks south to Highway 264 Bypass, 264 Bypass west to Hooker Road, Hooker north to Green Mill Run, Green Mill Run west to Memorial Drive, Memorial Drive north to 5th Street.

District Two. All of Belvoir, Bethel and Carolina townships; the portion of Greenville Township outside the City of Greenville, north and east of the Tar River and west of Pactolus Township (census enumeration districts 263A, 264 and 265); all of the City of Greenville north of the Tar River; and that part of the City of Greenville bordered on the north by the Tar River, on the south by 5th Street, on the east by Contentnea Avenue, and on the west by the city limits (blocks 201-247 of Block Group 2 in census district 9902 and blocks 201-212 in Block Group 2 in census district 9905).

District Three. All of Grimesland and Pactolus townships; the portion of Greenville Township east of the City of Greenville and south of Pactolus Township (census enumeration district 262); and the part of the City of Greenville south of the Tar River and north of the following boundary, running from west to east: Summit Street from the Tar River south to 1st Street, 1st west to Reade Street, Reade south to 4th Street, 4th east to Summit, Summit south to 5th Street, 5th east to the eastern edge of the East Carolina University campus (between Meade and Maple streets), south along the eastern edge of the campus to 14th Street, 14th east to Ragsdale Road, Ragsdale north to Wright Road, Wright north to 10th Street, 10th east to River Bluff Road.

District Four. All of Falkland, Fountain, Farmville and Arthur townships; the portion of Greenville Township south of the Tar River and west of the City of Greenville (census enumeration district 266A); and the part of the City of Greenville west of Memorial Drive and south of 5th Street.

District Five. All of Winterville Township except the portion in District Six, and the parts of the City of Greenville not in any other district.

District Six. All of Ayden, Grifton, Swift Creek and Chicod townships and the portion of Winterville Township north of Highway 43 (census enumeration districts 277T and 277U).

(b) Lettered districts:

District A consists of all the territory of Districts 1 and 2 combined.

District B consists of all the territory of Districts 3 and 6 combined.

District C consists of all the territory of Districts 4 and 5 combined.

...."

SECTION 3. In the 2014 election, the person elected to fill the vacant seat for District 1 for the remainder of the term shall serve a term of two years in accordance with Section 6 of Chapter 193 of the 1987 Session Laws. This act does not affect the terms of office of members elected for six-year terms in 2008.

SECTION 4. Section 4 of Chapter 193 of the 1987 Session Laws reads as rewritten:

"Sec. 4. ~~After the initial election, elections shall be held in 1990 and subsequent~~Elections shall be held in even-numbered years ~~thereafter~~ as terms expire, at the time of the regular election of county officers. ~~set by general State law for the election of county boards of education.~~ Members ~~elected in 1990 and subsequent years~~ shall take office at the time set by general State law and shall serve for terms of ~~six~~ four years."

SECTION 5. If, on the date this act becomes law, the changes affecting voting required by Section 2 of this act are subject to preclearance under section 5 of the Voting Rights Act of 1965, the attorney for the Pitt County Board of Education shall submit the date of the election under this act to the Attorney General of the United States within 30 days of this act becoming law, as provided by G.S. 120-30.9G. If it is not so submitted, the Attorney General of North Carolina shall submit it under G.S. 120-30.9I.

SECTION 6. Section 2 of this act becomes effective only if approved by a majority of the qualified voters of the County of Pitt in a referendum and upon preclearance by the Attorney General of the United States if required under section 5 of the Voting Rights Act of 1965. The election shall be conducted by the Pitt County Board of Elections in the 2013 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Reducing the size of the Pitt County Board of Education from 12 to nine members and to add the election of three members from combined districts and to shorten the time between the election of a member and the time the member takes office on the Pitt County Board of Education."

SECTION 7. Section 4 of this act becomes effective only if approved by a majority of the qualified voters of the County of Pitt in a referendum. The election shall be conducted by the Pitt County Board of Elections in the 2013 general election. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Reducing the term length of members of the Pitt County Board of Education from six years to four years, and to shorten the time between the election of a member and the time the member takes office on the Pitt County Board of Education."

SECTION 8. Except as otherwise provided in Sections 6 and 7 of this act, this act is effective when it becomes law and applies to elections occurring in 2014 and subsequent years.

HOUSE BILL 523:
Pitt Co. Bd. of Education

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 14, 2013
Introduced by:	Reps. B. Brown, S. Martin	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Second Edition H523-CSST-82		

SUMMARY: ***The proposed committee substitute would re-enact S.L. 2011-174.***

CURRENT LAW: Currently, the Pitt County Board of Education 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.

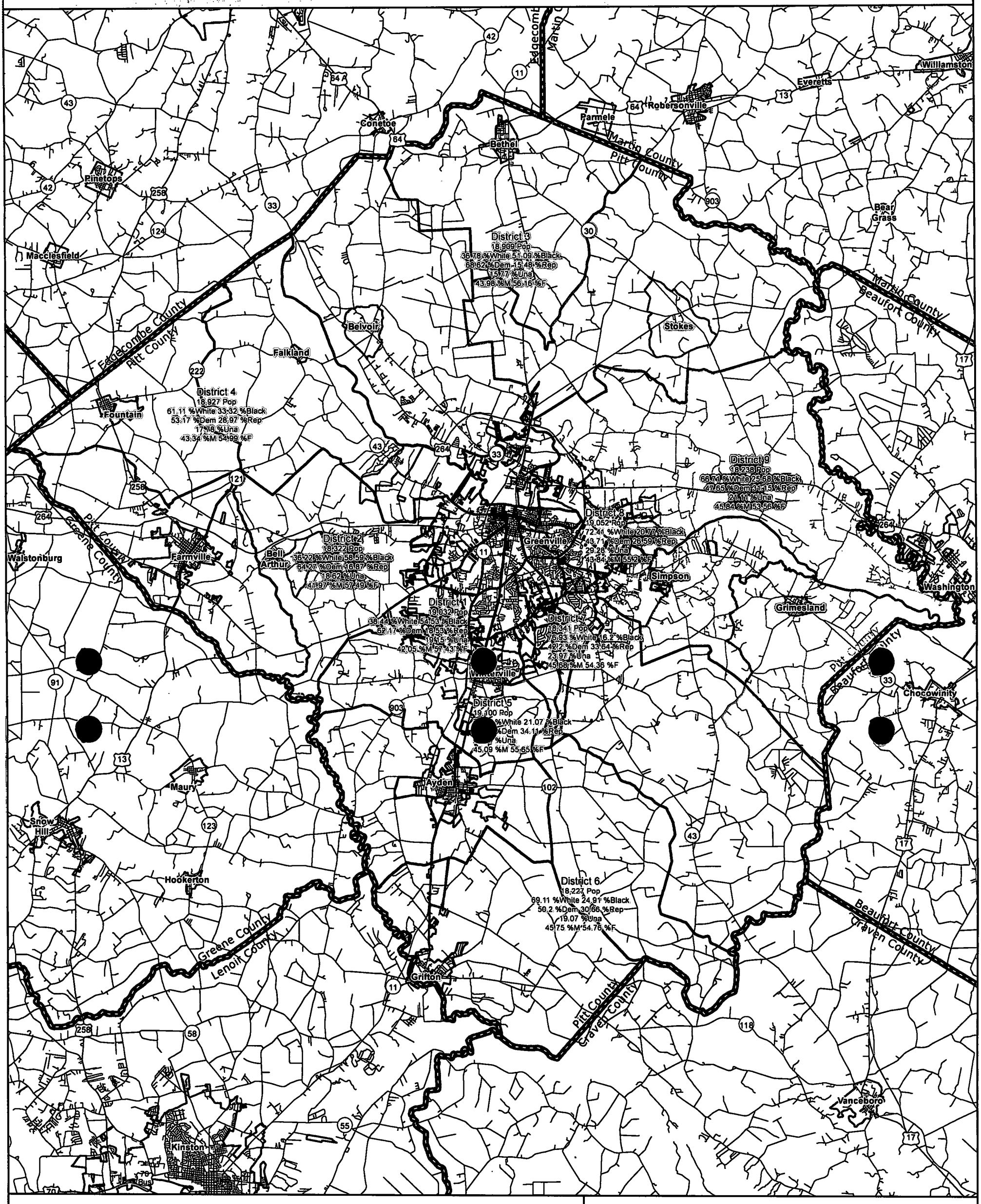
S.L. 2011-174 reduced the number of members of the Pitt County Board of Education from 12 to seven and changed the term of office from six years to four years.. That act provided that beginning December 1, 2014, one member instead of two would be elected from each of the six districts, with only voters residing in a district voting for that member. The seventh member would be elected at-large. To implement the changes, that act provided that one member would be elected at large in 2014 for a two-year term and no election would be held for full terms in 2014 to allow the Board to be reduced from 12 members to 7. Beginning with the 2016 election, all members would serve four-year terms. Pitt County was one of the 40 counties in North Carolina subject to preclearance under Section 5 of the Voting Rights Act. Upon submission, the United States Department of Justice entered an objection to the implementation of the portion of S.L. 2011-174 decreasing the size of the board.

On June 25, 2013, in *Shelby County v. Holder*, 570 U.S. ___ (2013), the United States Supreme Court held unconstitutional the coverage formula of Section 4(b) of the Voting Rights Act, but declined to issue a holding on Section 5. As a result of this decision, previously covered jurisdictions, including the 40 North Carolina counties, are not required to submit laws for preclearance under Section 5 of the Voting Rights Act at this time.

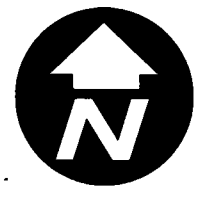
BILL ANALYSIS: The proposed committee substitute would re-enact the 2011 Session Law denied preclearance on April 30, 2012.

EFFECTIVE DATE: Effective when it becomes law.

Pitt County Board of Education, H523-AST-122







0 1 2 4 6 8

Miles

Highways w/Limited Access
US Highways
NC Highways
Roads
Municipalities
County
Voting Tabulation Districts

District

1
2
3
4
5
6
7
8
9

District Labels

Total Population
% Total White Population % Total Black Population
% Democratic Registered Voters % Republican Registered Voters
% Unaffiliated Registered Voters
% Male Registered Voters % Female Registered Voters

Printed by the North Carolina General Assembly, July 15, 2013

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 531

Committee Substitute Favorable 4/15/13
Committee Substitute #2 Favorable 4/25/13
Fourth Edition Engrossed 4/30/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H531-CSRN-48 [v.3]
7/15/2013 6:46:21 PM

Short Title: ETJ/Zoning-Weaverville & Buncombe/Correction. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF WEAVERVILLE, TO MAKE A SIMILAR TECHNICAL CORRECTION AS TO THE CITY OF ASHEVILLE, AND TO ALLOW THE COUNTY OF BUNCOMBE TO ZONE CERTAIN DONUT HOLES.

The General Assembly of North Carolina enacts:

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

"(n) The Town of Weaverville shall have no authority to exercise any power under this section outside its corporate limits."

SECTION 1.(b) Upon relinquishment of the jurisdiction over an area that the Town of Weaverville is regulating under Article 19 of Chapter 160A of the General Statutes, the city regulations and powers of enforcement shall remain in effect until (i) Buncombe County has adopted the regulation or (ii) a period of 120 days has elapsed following the effective date of this act, whichever is sooner. During this period, Buncombe County may hold hearings and take other measures that may be required in order to adopt county regulations for the area.

SECTION 1.(c) This section applies to the Town of Weaverville only.

SECTION 2. G.S. 160A-360(m), as it applies to the City of Asheville under S.L. 2013-30, reads as rewritten:

"(m) The City of Asheville shall have no authority to exercise any power under this ~~section.~~section outside its corporate limits."

SECTION 3.(a) G.S. 153A-342(d) reads as rewritten:

"(d) A county may determine that the public interest does not require that the entire territorial jurisdiction of the county be zoned and may designate one or more portions of that jurisdiction as a zoning area or areas. ~~A zoning area must originally contain at least 640 acres and at least 10 separate tracts of land in separate ownership and may thereafter be expanded by the addition of any amount of territory.~~ A zoning area may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated."

SECTION 3.(b) This section applies to the County of Buncombe only.

SECTION 4. Section 1 of this act becomes effective November 1, 2013. Section 2 of this act is effective on and after April 17, 2013. Section 3 of this act is effective when it becomes law. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 4

HOUSE BILL 531
Committee Substitute Favorable 4/15/13
Committee Substitute #2 Favorable 4/25/13
Fourth Edition Engrossed 4/30/13

Short Title: ETJ/Zoning-Weaverville & Buncombe/Correction. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF WEAVERVILLE, TO MAKE A SIMILAR TECHNICAL CORRECTION AS TO THE CITY OF ASHEVILLE, AND TO ALLOW THE COUNTY OF BUNCOMBE TO ZONE CERTAIN DONUT HOLES.

The General Assembly of North Carolina enacts:

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

"(n) The Town of Weaverville shall have no authority to exercise any power under this section outside its corporate limits."

SECTION 1.(b) Upon relinquishment of the jurisdiction over an area that the Town of Weaverville is regulating under Article 19 of Chapter 160A of the General Statutes, the city regulations and powers of enforcement shall remain in effect until (i) Buncombe County has adopted the regulation or (ii) a period of 120 days has elapsed following the effective date of this act, whichever is sooner. During this period, Buncombe County may hold hearings and take other measures that may be required in order to adopt county regulations for the area.

SECTION 1.(c) This section applies to the Town of Weaverville only.

SECTION 2. G.S. 160A-360(m), as it applies to the City of Asheville under S.L. 2013-30, reads as rewritten:

"(m) The City of Asheville shall have no authority to exercise any power under this ~~section.~~section outside its corporate limits."

SECTION 3.(a) G.S. 153A-342(d) reads as rewritten:

"(d) A county may determine that the public interest does not require that the entire territorial jurisdiction of the county be zoned and may designate one or more portions of that jurisdiction as a zoning area or areas. ~~A zoning area must originally contain at least 640 acres and at least 10 separate tracts of land in separate ownership and may thereafter be expanded by the addition of any amount of territory.~~ A zoning area may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated."

SECTION 3.(b) This section applies to the County of Buncombe only.

SECTION 4. This act becomes effective July 1, 2013.

HOUSE BILL 531: ETJ/Zoning-Weaverville & Buncombe/Correction

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	July 16, 2013
Introduced by:	Reps. Ramsey, Moffitt	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	PCS to Fourth Edition H531-CSRN-48		

SUMMARY: ***House Bill 531 would eliminate the Town of Weaverville's authority to exercise extraterritorial jurisdiction and allow the County of Buncombe to zone certain donut holes. The bill clarifies that Weaverville would retain authority for planning and development within its corporate limits. It makes a similar clarifying change to a session law enacted earlier this session that applied to Asheville. The Proposed Committee Substitute changes the effective date.***

CURRENT LAW & BILL ANALYSIS: Sections 1 & 2. Extraterritorial Jurisdiction.

Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and open spaces and community appearance regulations. With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

Once a city exercises its ETJ authority, the county in which the area lies has the duty to appoint an individual residing in that area to serve on the city's planning board and board of adjustment.

The bill would eliminate the Town of Weaverville's authority to exercise ETJ. The area currently within the ETJ would return to the County of Buncombe for enforcement of land use planning regulations.

The bill clarifies also that Weaverville retains authority for planning/development within its corporate limits. It makes a similar clarifying change to a session law enacted earlier this session that applies to Asheville.

Section 3. County Zoning.

G.S. 153A-320 grants counties the authority to exercise land use planning regulations throughout the territorial jurisdiction of the county. The territorial jurisdiction of the county does not include incorporated municipal areas and any area in a municipality's ETJ when that municipality is exercising its ETJ authority.

For zoning regulations, a county may determine that the public interest does not require zoning the entire territorial jurisdiction of the county, and may designate one or more portions of the county's territorial jurisdiction to be zoned. If a county does this, the area being zoned must originally contain at least 640 acres and at least 10 separate tracts of land in separate ownership. G.S. 153A-342(d).

The bill would remove the size requirements for less than whole-county zoning for Buncombe County only.

EFFECTIVE DATE: Section 1 becomes effective November 1, 2013. Section 2 is effective retroactively to April 17, 2013 (the effective date of that portion of S.L. 2013-30). The remainder of the act is effective when it becomes law.

Erika Churchill and Trina Griffin substantially contributed to this summary.

O. Walker Reagan
Director

H531-SMRN-107 CSRN-48 -V3

Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 186*

Committee Substitute Favorable 3/18/13
Committee Substitute #2 Favorable 5/2/13
Fourth Edition Engrossed 5/6/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H186-CSRW-55 [v.4]
7/15/2013 3:18:29 PM

Short Title: Towns Enforce Noise Ordinances/Lake Norman. (Local)

Sponsors:

Referred to:

March 4, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES AND STATE STATUTES PERTAINING TO THEFT AND VANDALISM ON THE WATERS OF LAKE NORMAN.

The General Assembly of North Carolina enacts:

SECTION 1. If a municipality has adopted a noise ordinance pursuant to Chapter 160A of the General Statutes, it may enforce the noise ordinance, except boat engine noise, on the waters of Lake Norman. A municipality shall not enforce any municipal noise ordinance pursuant to this act if the noise ordinance conflicts with the provisions of Chapter 75A or Chapter 113 of the General Statutes, or with regard to engine noise emanating from the routine underway operation of any motor vessel engaged in recreational activities on the waters of Lake Norman, except where such noise violates State law pertaining to noise from motor vessels.

SECTION 2. A municipality may enforce State law concerning theft or vandalism of or from vessels located in, or docked in or above, the waters of Lake Norman.

SECTION 3. This act applies to the Towns of Cornelius, Davidson, Huntersville, Mooresville, and Troutman.

SECTION 4. This act becomes effective August 19, 2013, and applies to offenses occurring on after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 4

HOUSE BILL 186*
Committee Substitute Favorable 3/18/13
Committee Substitute #2 Favorable 5/2/13
Fourth Edition Engrossed 5/6/13

Short Title: Towns Enforce Noise Ordinances/Lake Norman. (Local)

Sponsors:

Referred to:

March 4, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES ADOPTED BY THE TOWNS ON THE WATERS OF LAKE NORMAN.

The General Assembly of North Carolina enacts:

SECTION 1. If a municipality has adopted a noise ordinance pursuant to Chapter 160A of the General Statutes, it may enforce the noise ordinance, except boat engine noise, on the waters of Lake Norman extending 2,500 feet from the 760-foot elevation line on the shore within, and adjacent to, the municipal corporate limits. A municipality shall not enforce any municipal noise ordinance pursuant to this act if the noise ordinance conflicts with the provisions of Chapter 75A or Chapter 113 of the General Statutes.

SECTION 2. This act applies to the Towns of Cornelius, Davidson, Huntersville, Mooresville, and Troutman.

SECTION 3. This act becomes effective July 1, 2013.

HOUSE BILL 186:
Towns Enforce Noise Ordinances/Lake Norman

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 16, 2013
Introduced by:	Rep. Jeter	**Prepared by:**	Brad Krehely Committee Counsel
Analysis of:	PCS to Fourth Edition H186-CSRW-55		

SUMMARY: ***House Bill 186 would authorize the Towns of Cornelius, Davidson, Huntersville, Mooresville, and Troutman to enforce Town noise ordinances and state statutes pertaining to theft and vandalism on Lake Norman.*** ***The Proposed Committee Substitute (1) provides that the Towns' ability to enforce noise ordinances on Lake Norman does not include boat engine noise and (2) provides that a municipality may enforce State law concerning theft or vandalism of vessels in or above the waters or Lake Norman.***

[As introduced, this bill was identical to S142, as introduced by Sen. Tarte, which is currently in Senate State and Local Government.]

BACKGROUND: Lake Norman, which is the largest manmade body of fresh water in North Carolina, is located in the northern part of Mecklenburg County, about 18 miles northwest of Charlotte. Lake Norman has 520 miles of shoreline and a surface area of more than 50 square miles, and full pond elevation at is 760 feet. The Lake Norman area consists of several towns and communities surrounding the lake, including Cornelius, Davidson, Huntersville, Mooresville, and Troutman.

CURRENT LAW: Cities have general ordinance-making authority under G.S. 160A-174 to regulate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; however, city ordinances must be consistent with the Constitution and laws of the State and the U.S. City ordinances are enforceable within the corporate limits of the municipality and on property and rights-of-way belonging to the city and located outside its corporate limits.

BILL ANALYSIS: The PCS for House Bill 186 would authorize the Towns of Cornelius, Davidson, Huntersville, Mooresville, and Troutman to enforce noise ordinances, except boat engine noise, on the waters of Lake Norman as long as those ordinances do not conflict with (1) State laws in Chapters 113 and 75A of the General Statutes that are applicable to hunting, fishing, and boating or (2) engine noise from the routine operation of any motor vessel engaged in recreational activities unless the noise would violate State law. The PCS would also permit the Towns to enforce State law concerning theft or vandalism of vessels located in or above the waters of Lake Norman.

EFFECTIVE DATE: The bill would become effective August 19, 2013, and would apply to offenses occurring on or after that date.

Brenda Carter and Giles Perry contributed substantially to the drafting of this summary.

O. Walker Reagan
Director

H186-SMRN-106 CSRW-55 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 530
PROPOSED SENATE COMMITTEE SUBSTITUTE H530-CSTQ-60 [v.1]

7/15/2013 6:14:03 PM

Short Title: Buncombe MPO Membership. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. In making appointments to any metropolitan planning organization established under Article 16 of Chapter 136 of the General Statutes, the Buncombe County Commissioners may not appoint more than one elected official from each commissioner district in Buncombe County.

SECTION 2. This act becomes effective October 1, 2013, and applies to any appointments made on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 530

Short Title:	Buncombe MPO Membership.	(Local)
Sponsors:	Representatives Ramsey and Moffitt (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Government.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. In making appointments to any metropolitan planning organization established under Article 16 of Chapter 136 of the General Statutes, the Buncombe County Commissioners may not appoint more than one elected official from each commissioner district in Buncombe County.

SECTION 2. This act becomes effective July 1, 2013, and applies to any appointments made on or after that date.

HOUSE BILL 530:
Buncombe MPO Membership

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	July 16, 2013
Introduced by:	Reps. Ramsey, Moffitt	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	PCS to First Edition H530-CSTQ-60 [v.1]		

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 530 would prohibit the Buncombe County Commissioners from appointing more than one elected official from each commissioner district to any metropolitan planning organization.***

The PCS changes the effective date from July 1, 2013, to October 1, 2013.

CURRENT LAW & BILL ANALYSIS:

Metropolitan Planning Organizations (MPO) are established under Article 16 of Chapter 136, and work with the Department of Transportation in developing transportation plans.

Membership is determined by memorandum of understanding between the MPO and the Secretary of Transportation and generally includes local elected officials, Board of Transportation area representatives, Department of Transportation, Federal Highway Administration, tribal governments, transit providers, and other agencies. Typically, an MPO is broken down into two subsets – a transportation advisory committee (TAC) and a technical coordinating committee (TCC). Generally, elected officials serve on the TAC; local government employees and staff serve on the TCC.

Buncombe County participates in the French Broad River MPO. Other participating local governments include Haywood and Henderson Counties; the Cities of Asheville and Hendersonville; and the Towns of Biltmore Forest, Black Mountain, Canton, Clyde, Flat Rock, Fletcher, Laurel Park, Maggie Valley, Mills River, Montreat, Waynesville, Weaverville, and Woodfin.

The Buncombe County Commissioners consists of six members plus the chairman. The six members are elected from three districts, two from each district.

House Bill 530 would prohibit the Buncombe County Commissioners from appointing more than one elected official to the MPO from each commissioner district.

EFFECTIVE DATE: This act becomes effective October 1, 2013, and applies to any appointments made on or after that date.

Giles Perry and Erika Churchill substantially contributed to this summary.

O. Walker Reagan
Director

H530-SMTQ-129 CSTQ-60 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 524
Second Edition Engrossed 4/25/13

Short Title:	Greensboro Charter Amendments.	(Local)
Sponsors:	Representatives Harrison, Hardister, Adams, and Brandon (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government, if favorable, Finance.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM AND TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Subchapter D of Chapter III of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Chapter 132 of the 1981 Session Laws, Chapter 51 of the 1987 Session Laws, and Chapter 67 of the 1991 Session Laws, is amended by adding a new section to read as follows:

"Sec. 3.66. Small Business Enterprise Program. (a) The City may establish a race and gender neutral small business enterprise program to promote the development of small businesses in the Greensboro market area and to enhance opportunities for small businesses to participate in City contracts. The City may define the term "small business enterprise" as appropriate and consistent with the City's contracting practices. The City may establish bid and proposal specifications that include subcontracting goals and good faith efforts requirements to enhance participation by small business enterprises in City contracts. Notwithstanding the provisions of G.S. 143-129 and G.S. 143-131, the City may consider a bidder's efforts to comply with small business enterprise program requirements in its award of City contracts, and, if a bidder is determined to have failed to comply with the requirements, the City may, within its discretion, refuse to award a contract to the bidder.

(b) The small business enterprise program authorized by this section is intended to supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-135.5. A small business enterprise program established pursuant to this section shall be deemed consistent with the public policy of the State of North Carolina to promote and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and 143-135.5."

SECTION 1.(b) If any provision of this section or its application is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.

SECTION 2. Section 5.65 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Chapter 29 of the 1971 Session Laws and Chapter 807 of the 1985 Session Laws, reads as rewritten:

"Section 5.65. Creation and Duties of Board of Adjustment.

(a) The City Council may provide for the creation and organization of a Board of Adjustment to which appeals may be taken from the decision of the ~~building inspector~~compliance officer concerning provisions of the zoning, subdivision, mobile home, and sign ordinances of the City of Greensboro and any other provisions of the Greensboro Code of Ordinances in which appeals to the Board of Adjustment may be provided.

(b) The Board shall consist of seven (7) members to serve for three year overlapping terms. The City Council may fix the duties, procedure for appeals to the Board and the vote required to reverse the ~~building inspector.~~compliance officer. The Board of Adjustment shall have the power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent with the duties conferred by the City Council and which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

(c) Every decision of the Board shall be subject to review by the Superior Court of Guilford County by proceedings in the nature of certiorari instituted within thirty days of the decision of the Board, but not otherwise."

SECTION 3. Section 5.74 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Chapter 686 of the 1961 Session Laws, Chapter 55 of the 1963 Session Laws, and Chapter 74 of the 1967 Session Laws, reads as rewritten:

"Sec. 5.74. Housing Commission. (a) The city council may provide for the creation and organization of a housing commission to which appeals may be taken from the decision of the ~~building inspector~~compliance officer upon any provision of the housing code of the city.

(b) The commission shall consist of seven members to serve for three-year overlapping terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

(c) An appeal from any decision or order of the ~~building inspector~~compliance officer may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the ~~building inspector~~compliance officer to the commission shall be taken within such reasonable time as shall be prescribed by the commission by general rule and shall be taken by filing with the ~~building inspector~~compliance officer and with the secretary of the commission a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the ~~building inspector~~compliance officer shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the ~~building inspector~~compliance officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the ~~building inspector~~compliance officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the ~~building inspector~~compliance officer until the hearing by the commission, unless the ~~building inspector~~compliance officer certifies to the commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted, for due cause shown and upon not less than one day's written notice to the ~~building inspector,~~compliance officer, by the commission or by the Superior Court of Guilford County.

(d) The commission shall fix a reasonable time for the hearing of all appeals and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The commission may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the ~~building inspector;~~compliance officer;

but the concurring vote of four members of the commission shall be necessary to reverse or modify any decision of the ~~building inspector.~~compliance officer. The commission shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

(e) Every decision of the commission shall be subject to review by the Superior Court of Guilford County by proceedings in the nature of certiorari instituted within fifteen days of the decision of the commission, but not otherwise.

(f) If a person fails to comply with an order of the ~~Building Inspector~~compliance officer or, upon appeal, an order of the Housing Commission to repair, alter, improve, vacate, close or demolish a building or dwelling, the ~~Building Inspector~~compliance officer may cause such building or dwelling to be repaired, altered, improved, vacated, closed or demolished; provided that the duties of the ~~Building Inspector~~compliance officer as set forth herein shall not be exercised until the Housing Commission shall have, by resolution or other written decree, ordered the ~~Inspector~~ compliance officer to proceed to effectuate the above purposes with respect to the particular property or properties involved."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 531

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

H531-ARN-33 [v.1]

Comm. Sub. [YES]
Amends Title [NO]
H531-CSRN-48

Date _____,2013

Senator _____

moves to amend the bill on page 1, line 14, by deleting the word "act" and substituting the word "section".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 531

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H531-ARN-33 [v.1]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
H531-CSRN-48

Date 7/16 ,2013

Senator Tarte

moves to amend the bill on page 1, line 14, by deleting the word "act" and substituting the word "section".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 530 DATE _____

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

COMMITTEE SUBSTITUTE X

Rep.)
) NESBITT
Sen.)

1 moves to amend the bill on page 1, line 9

2 ( ) WHICH CHANGES THE TITLE

3 by ADDING THE FOLLOWING AT THE END OF THE LINE:

4

5 " BEING ELECTED SEPARATELY UNDER SECTION 1 OF S.L. 2011-81, AS AMENDED

6 BY SECTION 4 OF S.L. 2011-407, THE CHAIRMAN OF THE BUNCOMBE

7 COUNTY COMMISSIONERS SHALL NOT BE TREATED AS FROM ANY COMMISSIONER

8 DISTRICT."

9

10

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18

19

SIGNED Martha Nesbitt

ADOPTED X FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 16, 2013

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **537** Edenton-Chowan Sch. Bd. Terms.

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

HB **552** Remove Area from County Service District.

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

HB **701** **(CS#1)** IT Purchasing/Convenience Contracts.

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

TOTAL REPORTED: 3

Committee Clerk Comments:

First of multiple reports.

Senator Bill Cook will handle HB 537
Senator Norman Sanderson will handle HB 552
Senator Jeffery Tarte will handle HB 701



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 16, 2013

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **636** Creek Name Change.

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

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

HB **530** Buncombe MPO Membership.

Draft Number:	H530-PCS80416-TQ-60
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **186** **(CS#2)** Towns Enforce Noise Ordinances/Lake Norman.

Draft Number:	H186-PCS80417-RW-55
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

Second of multiple reports.



Senator Joel Ford will handle HB 636
Senator Jeffery Tarte will handle HB 530
Senator Jeffery Tarte will handle HB 186



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, July 16, 2013

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **625** Zoning/Health Care Structure.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **646** **(CS#1)** Airports Exempt From Local Tree Ordinances.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **531** **(CS#2)** ETJ/Zoning-Weaverville & Buncombe/Correction.
Draft Number: H531-PCS80418-RN-48
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

Third of multiple reports.

Senator James Davis will handle HB 625
Senator James Davis will handle HB 646
Senator Jeffery Tarte will handle HB 531



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, July 17, 2013

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **523** **(CS#1)** Pitt Co. Bd. of Education.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Last of multiple reports.
Senator Louis Pate will handle HB 523

NORTH CAROLINA GENERAL ASSEMBLY
CMR907-V-1

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014 Biennium

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Brad Krehely
Research Staff
Room 545, LOB 733-2578

Chris Saunders
Research Staff
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SENATE PAGES ATTENDING

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

DATE: 2-16 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Julia Perry	Zebulon	D. Davis
2. Kayla Williams	Raleigh	Parmon
3. Jazsmin Mcneil	Raleigh	Blue
4. Shantel Bennett	Sanford	Rabin
5. Veronica Nawojczyk	Fuquay-Varina	Rucho
6. Gannon Nawojczyk	Fuquay-Varina	Rucho
7. Nicholas Kroll	Holly Springs	Brunstetter
8. Hannah Hudson	Cary	Barringer
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 + Local Gov.
(Committee Name)

7/16/13
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Stan Duncan, Ch.	NC Geographic Coordinating Council
Corye Dunn	JRNC
Adam Linker	NC Justice Center
Leanne Winner	NCSBA
Ed Turlington	Brooks Pierce
Trey Rabon	
RW Kaylor	Kaylor Law Firm
Chris McClure	Brooks Pierce
Kay Emanuel	School of Government
Rick Zechini	LWV
Daniel Baum	Troutman Sanders
Rob Lummus	PLA
Tere Luzzo	Xerox
Jack Cozort	NSS
Paul Meyer	NCLM
Alissa Willett	NACo
Ian Shiner	NACo

09-22-2012

VISITOR REGISTRATION SHEET

State + Local Gov.

(Committee Name)

7/16/13

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
Townes Maxwell	PSG
Doug Miskew	PSG
Stephen Kouba	Compass
Chris Agnew	DOJ
CHRIS DILLON	NCNRP
DAVID RICE	MFS
Leah Bourns	Gov's office
[signature]	NCRMA
Brad Lovin	NCMHA
Frank Gray	NCMNA
Kathryn Troyden	NCMMC
Jon Carr	Jordan Price law firm
Adam Prudence	NCAHSA
Bruce Thompson	Parker Poe
Betty Dostal	UNC Chapel Hill
Steven Webb	NCAHCA
Sarah L. Miller	self

09-22-2012

SENATE SERGEANT-AT-ARMS

COMMITTEE: **SENATE STATE AND LOCAL GOVERNMENT**

DATE: 07/16/13 ROOM: 1124

1. BILLY FRITSCHER
2. ED KESSLER
3. DONNA BLAKE
4. GRAHAM WHITAKER
5. CLARK REIMER

MEMBERSHIP

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
2013-2014

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Kaye Culberson

Senator Tommy Tucker, Co-Chair
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Senator Gene McLaurin
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Harrison Moore, Research Staff
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[return to Bill Inquiry]

FULL VERSION

NCGA Bill Inquiry Results

2013-2014 Session

Search Criteria: Committee = "Ever in SEN State and Local Government (72)"
Sorted By: Bill Number
Total Bills Returned: 178

Bill	Short Title	Action	Date	Action Text
H37 (= S52)	Cleveland Co. Property Transfer.	R	03/07/2013	Ch. SL 2013-7
H68	Establish Ombudsman/Foster Care/Gaston County.	R	06/13/2013	Ch. SL 2013-111
H108	Rowan Vehicle Personal Use Exemption.	S	05/01/2013	Ref To Com On State and Local Government
H110 (= S811)	Public Contracts/Project Labor.	R	07/17/2013	Ch. SL 2013-267
H116 (= S128)	Carrboro Office of Alderman.	S	05/14/2013	Ref To Com On State and Local Government
H133 (= S111)	Charlotte Airport Commission Clarifications.	R	06/18/2014	Ch. SL 2014-10
H140	City of Lowell /-Regulate Utility Vehicles.	R	06/20/2013	Ch. SL 2013-172
H143	Eden Payment in Lieu of Taxes.	R	06/27/2013	Ch. SL 2013-216
H186 (= S142)	Towns Enforce Noise Ordinances/Lake Norman.	R	07/23/2013	Ch. SL 2013-317
H191	Grifton/Deannexation.	R	07/22/2013	Ch. SL 2013-315
H192 (= S192)	Allow ROW Usage in Central Business Districts.	R	07/17/2013	Ch. SL 2013-266
H193	Expand Uses for Meck Ct/Charlotte Local Taxes.	R	04/15/2013	Ch. SL 2013-26
H195	Cornelius/Extend Use of Design-Build.	R	07/25/2013	Ch. SL 2013-352
H196	WS/FC School Board Vacancies.	R	07/09/2013	Ch. SL 2013-249
H222	Buncombe County/Use Design-Build Methods.	R	04/23/2013	Ch. SL 2013-31
H224	Asheville ETJ and Annexation.	R	04/17/2013	Ch. SL 2013-30
H229	Holden Beach/Canal Dredging District Fee.	R	06/24/2013	Ch. SL 2013-179
H234	Clarify Pender County ABC Laws.	R	06/24/2013	Ch. SL 2013-180
H241	Blue Monday Shad Fry.	R	07/18/2013	Ch. SL 2013-282
H261	Kannapolis/Deannexation.	R	06/27/2013	Ch. SL 2013-212
H270 (= S247)	Ronda Recall.	R	04/04/2013	Ch. SL 2013-21
H289	State Computer Equipment/Buy Refurbished.	R	06/19/2013	Ch. SL 2013-128
H290	Rutherford Airport Authority.	R	06/26/2013	Ch. SL 2013-181
H292 (= S244)	Moratorium/Lawsuits for Sch. Funds.	R	06/12/2014	Ch. SL 2014-8
H294	Authority to Remove Abandoned Vessels.	R	06/26/2013	Ch. SL 2013-182
H300	Cities/Public Trust Rights.	S	05/16/2013	Ref to State and Local Government. If fav, re-ref to Judiciary II
H302	Repeal Kannapolis Annexation.	R	06/27/2013	Ch. SL 2013-217
H305 (= S265)	Chapel Hill/Economic Development Projects.	R	06/20/2013	Ch. SL 2013-173
H314 (= S272)	Ayden Charter/Terms of Office Extended.	R	05/09/2013	Ch. SL 2013-48
H318 (= S298)	Winston-Salem/Seismic Codes.	R	07/09/2013	Ch. SL 2013-250
H326	Rutherford County Condemnation Consent.	R	06/20/2013	Ch. SL 2013-174
H334	Buncombe Cty Lottery Fund Use Expansion.	R	07/09/2013	Ch. SL 2013-251
H346	Governing Bodies/Collect Unpaid Judgments.	R	06/30/2014	Ch. SL 2014-40
H354	2 County Commissioners May Serve/AB Tech. Bd.	R	06/20/2013	Ch. SL 2013-175
H404	Camden Local Stormwater Fees.	R	07/09/2013	Ch. SL 2013-253
H408	Beaufort/Right-of-Way Safety.	R	06/20/2013	Ch. SL 2013-176
H409	Shelby Deannexation.	R	06/27/2013	Ch. SL 2013-218
H412	Eden/Duke Energy/Annexation Agreement.	R	06/27/2013	Ch. SL 2013-219
H417 (= S448)	Modify Internal Auditing Statutes.	R	08/23/2013	Ch. SL 2013-406
H418	Buncombe Culture & Rec. Authority.	R	07/16/2013	Ch. SL 2013-262
H421	Marshville Deannexation.	R	06/27/2013	Ch. SL 2013-213
H422	Marshville Charter Amendment/Utility Billing.	R	07/11/2013	Ch. SL 2013-260
H427	Middlesex/Extend Mayor's Term to Four Years.	R	06/20/2013	Ch. SL 2013-177
H441	Robeson County Drainage District.	R	07/09/2013	Ch. SL 2013-254
H458 (= S372)	Public Hospital Conveyances.	S	06/26/2014	Re-ref Com On Judiciary II
H468	High Point Elections/Tryon Charter Amendments.	R	07/11/2013	Ch. SL 2013-261
H490	Lee County Elections.	R	06/27/2013	Ch. SL 2013-220
H501	Buncombe Cty/Community College Projects.	R	06/13/2013	Ch. SL 2013-112
H506	Weddington/Fire Dept Agreements.	R	05/02/2013	Ch. SL 2013-39
H523	Pitt Co. Bd. of Education.	R	07/23/2013	Ch. SL 2013-318
H524	Greensboro Charter Amendments.	S	04/29/2013	Ref to State and Local Government. If fav, re-ref to Finance
H526	Chadbourn Voluntary Annexation.	R	06/27/2013	Ch. SL 2013-214
H530	Buncombe MPO Membership.	R	07/23/2013	Ch. SL 2013-319

H531	Weaverville, Buncombe & Henderson.	R	06/24/2014	Ch. SL 2014-26
H537	Edenton-Chowan Sch. Bd. Terms.	R	07/18/2013	Ch. SL 2013-271
H538	Apex Land Use Changes.	R	07/17/2013	Ch. SL 2013-264
H544	Wilmington Charter/Civil Service Commission.	R	06/27/2013	Ch. SL 2013-221
H546	Roanoke Rapids Graded School District.	R	07/10/2013	Ch. SL 2013-257
H552	Remove Area from County Service District.	R	08/23/2013	Ch. SL 2013-402
H555	Design-Build/Buncombe.	R	05/02/2013	Ch. SL 2013-40
H562	Cramerton Charter Revisal.	R	06/20/2013	Ch. SL 2013-178
H567	Lumberton Deannexation.	R	06/27/2013	Ch. SL 2013-215
H569	Foxfire/Satellite Annexations.	R	06/25/2014	Ch. SL 2014-30
H625	Zoning/Health Care Structure.	H	07/28/2014	Pres. To Gov. 7/28/2014
H636	Creek Name Change.	R	07/23/2013	Ch. SL 2013-328
H646	Airports Exempt From Local Tree Ordinances.	R	07/23/2013	Ch. SL 2013-331
H677	Consolidation of Certain Fire Districts.	S	06/24/2014	Re-ref Com On Finance
H701	IT Purchasing/Convenience Contracts.	R	07/23/2013	Ch. SL 2013-333
H769	Zoning/Limit Manufactured Home Restrictions.	S	06/17/2014	Re-ref Com On Commerce
H857	Public Contracts/Construction Methods/DB/P3.	R	08/23/2013	Ch. SL 2013-401
H917	Adopt Dublin Peanut Festival.	R	07/18/2013	Ch. SL 2013-313
H1001	Repeal Statesville Civil Service Board.	S	05/14/2013	Ref To Com On State and Local Government
H1005	Stanly County Commissioners and Bd. of Ed.	S	07/02/2013	Re-ref Com On Education/Higher Education
H1044	Averasboro Township TDA Changes.	R	07/25/2014	Ch. SL 2014-83
H1045	Town of Elkin/Reg. Municipal Elections Sched.	R	06/26/2014	Ch. SL 2014-35
H1056	Lake Lure Official Map.	R	07/23/2014	Ch. SL 2014-81
H1059	New Hanover Occup. Tax Use.	R	07/28/2014	Ch. SL 2014-87
H1067 (= S736)	Murphy Deannexation.	R	06/30/2014	Ch. SL 2014-46
H1070 (= S788)	Town of Duck/Eminent Domain.	S	06/23/2014	Ref To Com On State and Local Government
H1080 (= S733)	Watha Deannexation.	H	06/26/2014	Ref To Com On Finance
H1096	Union County/Contracted Ambulance Service.	R	07/17/2014	Ch. SL 2014-72
H1108	Duplin BCC Elections/Harnett Vacancies.	R	06/12/2014	Ch. SL 2014-6
H1113	Bent Creek Property Sullivan Act Exemption.	R	07/02/2014	Ch. SL 2014-51
H1114	Elk Park/Deed Transferring Property.	R	07/16/2014	Ch. SL 2014-69
H1120 (= S785)	2 Co. Comm./Durham Tech. Bd.	R	07/17/2014	Ch. SL 2014-73
H1131	Clay County Opossum Exclusion/Wildlife Laws.	R	06/12/2014	Ch. SL 2014-7
H1134	Cleveland County/Road Assessment Criteria.	R	06/26/2014	Ch. SL 2014-36
H1154	Moore Co. Schools Transfer of Property.	R	07/16/2014	Ch. SL 2014-70
H1155	Pinehurst Annexation.	R	07/25/2014	Ch. SL 2014-85
H1158 (= S801)	Morganton Charter Amendment.	R	06/19/2014	Ch. SL 2014-12
H1159 (= S641)	City of Greenville/Private Sale.	R	06/26/2014	Ch. SL 2014-37
H1168	Yancey Right-of-Way Safety.	S	06/23/2014	Re-ref Com On Rules and Operations of the Senate
H1207	High Point Charter/Council Hire City Attorney.	R	06/26/2014	Ch. SL 2014-38
H1211	Mount Gilead Charter Revision & Consolidation.	S	06/23/2014	Ref To Com On State and Local Government
H1212 (= S861)	Burlington Charter/Revision and Consolidation.	R	07/17/2014	Ch. SL 2014-74
H1218 (= S844)	City of Monroe/Supervision of Attorney.	H	07/31/2014	Ordered Enrolled
H1245	Pleasant Garden Annex/Watha Deannex.	R	07/22/2014	Ch. SL 2014-80
H1247	Asheville Regional Airport.	R	07/02/2014	Ch. SL 2014-52
H1248	Authority to Remove Abandoned Vessels.	S	06/24/2014	Ref To Com On State and Local Government
S11	Establish Organ Donation Month.	R	04/09/2013	Ch. SL 2013-22
S42	Confidentiality of UC Information.	S	07/09/2014	Re-ref Com On Rules and Operations of the Senate
S52 (= H37)	Cleveland Co. Property Transfer.	S	02/06/2013	Ref To Com On State and Local Government
S56	Wallace/Satellite Annexations.	R	04/24/2013	Ch. SL 2013-32
S67	Surry Comm. College/Yadkin Cty. Land Transfer.	R	06/10/2013	Ch. SL 2013-67
S75	Onslow Public-Private Partnership.	R	05/01/2013	Ch. SL 2013-37
S95 (= H106)	Tabor City Election.	R	03/12/2013	Ch. SL 2013-8
S96	32nd Senatorial District Local Act-1.	S	02/19/2013	Ref To Com On State and Local Government
S111 (= H133)	Clinton/Use Design-Build Method.	R	06/19/2013	Ch. SL 2013-115
S128 (= H116)	Carrboro Office of Alderman.	R	06/18/2013	Ch. SL 2013-113
S134 (= H554)	Winston-Salem Franchises.	S	02/27/2013	Ref To Com On State and Local Government
S136	Graham Occupancy Tax Changes.	S	05/07/2013	Re-ref Com On Finance
S142 (= H186)	Towns Enforce Ordinances on Lake Norman.	S	02/28/2013	Ref To Com On State and Local Government
S177	Hookerton/Maysville Satellite Annexations.	R	07/09/2013	Ch. SL 2013-248
S192 (= H192)	Allow ROW Usage in Central Business Districts.	S	03/06/2013	Ref To Com On State and Local Government
S201	Stanly Comm. Coll. Capital Project.	R	07/25/2014	Ch. SL 2014-82

S209	Cities/Overgrown Vegetation Notice.	H	06/06/2013	Re-ref Com On Regulatory Reform Subcommittee on Local Government
S211	Cities/Public Nuisance Notice.	R	06/19/2013	Ch. SL 2013-151
S212	Winston-Salem Election Cycle.	S	03/07/2013	Ref To Com On State and Local Government
S226	Repeal 1935 Durham Co. Firearm Act.	R	06/19/2014	Ch. SL 2014-11
S229	Ocean Isle Beach/Sea Turtle Sanctuary.	R	07/18/2013	Ch. SL 2013-269
S237	Cabarrus/Stanly County Boundary.	S	03/11/2013	Ref To Com On State and Local Government
S247 (= H270)	Ronda Recall.	S	03/12/2013	Ref To Com On State and Local Government
S257	Alamance/Guilford County Boundary.	R	06/10/2013	Ch. SL 2013-68
S258	Asheboro/Charter Amendments.	R	06/05/2013	Ch. SL 2013-64
S265 (= H305)	Chapel Hill/Economic Development Projects.	S	03/13/2013	Ref To Com On State and Local Government
S268	Sunset Beach/Canal Dredging/Maintenance Fee.	R	06/10/2013	Ch. SL 2013-69
S269 (= H280)	Salisbury/Deannex Rowan Cty Airport Property.	R	06/04/2013	Ch. SL 2013-60
S272 (= H314)	Ayden Charter/Terms of Office Extended.	S	03/13/2013	Ref To Com On State and Local Government
S276	Charlotte Charter/Investments.	S	03/13/2013	Ref To Com On State and Local Government
S283	Tryon Charter Amendments.	S	03/14/2013	Ref To Com On State and Local Government
S287	Notice Publication - Guilford Co Local Govs.	H	05/14/2014	Re-ref Com On Rules, Calendar, and Operations of the House
S288	Wake Comm Vacancy & Aberdeen Zoning.	R	07/18/2013	Ch. SL 2013-270
S290 (= H306)	Waynesville Annexation.	H	06/03/2013	Serial Referral To Rules, Calendar, and Operations of the House Added
S296 (= H318)	Winston-Salem/Seismic Codes.	S	03/14/2013	Ref To Com On State and Local Government
S299	Charlotte Charter/Civil Service Board.	S	03/14/2013	Ref To Com On State and Local Government
S302	DV Fatality Review Team/Mecklenburg Co.	S	03/14/2013	Ref To Com On State and Local Government
S309	Haywood Town Square Conveyance.	S	03/14/2013	Ref To Com On State and Local Government
S311 (= H316)	Apex/Cary/Raleigh ROW Usage in CBD.	H	04/24/2013	Ref to the Com on Transportation, if favorable, Government
S314	Durham County Water/Wastewater Plant Projects.	H	05/13/2013	Ref To Com On Rules, Calendar, and Operations of the House
S315	Municipal Services.	R	08/23/2013	Ch. SL 2013-386
S372 (= H458)	Omnibus County Legislation.	R	07/23/2013	Ch. SL 2013-340
S483	DOJ Leases/Setoff Debt.	S	05/14/2014	Ref To Com On Rules and Operations of the Senate
S505	Clarify Agricultural Zoning.	R	07/23/2013	Ch. SL 2013-347
S701 (= H804)	State IT/IP Assets.	S	04/03/2013	Ref To Com On State and Local Government
S703	Limit Local Regulation Of Outdoor Smoking.	S	05/14/2013	Re-ref Com On State and Local Government
S731	Southport Occupancy Tax Modification.	H	06/25/2014	Ref To Com On Finance
S732	Add Bladen Cty-Tax Cert Before Recordation.	S	05/15/2014	Ref To Com On State and Local Government
S733 (= H1080)	Watha Deannexation.	S	05/15/2014	Ref To Com On State and Local Government
S734 (= H1136)	Regulatory Reform Act of 2014.	H	07/31/2014	Conf Com Appointed
S736 (= H1087)	Murphy Deannexation.	S	05/15/2014	Ref To Com On State and Local Government
S741	Bladen, Columbus, Franklin, Hoke/Tax Cert.	R	06/25/2014	Ch. SL 2014-29
S755 (= H1039)	No Revolving Door Employment (PED).	S	05/15/2014	Ref To Com On State and Local Government
S766 (= H1033)	Authorize Fee for Repairs of Dam-Richmond.	S	05/19/2014	Ref to State and Local Government. If fav, re-ref to Finance
S767	Rockingham Deannexation.	R	07/01/2014	Ch. SL 2014-48
S788 (= H1070)	Town of Duck/Eminent Domain.	R	07/28/2014	Ch. SL 2014-86
S795	Local Option Sales Tax.	S	05/20/2014	Ref to State and Local Government. If fav, re-ref to Finance
S799 (= H1082)	Carrboro Building Codes.	S	05/20/2014	Ref To Com On State and Local Government
S801 (= H1158)	Morganton Charter Amendment.	S	05/20/2014	Ref To Com On State and Local Government
S810 (= H1151)	Fayetteville Red Light Changes.	S	06/10/2014	Re-ref Com On Finance
S839 (= H1197)	Winston-Salem/Parking Meters.	H	06/30/2014	Ref To Com On Rules, Calendar, and Operations of the House
S840 (= H1198)	W-S/Meetings By Simultaneous Communication.	S	05/28/2014	Ref To Com On State and Local Government
S841 (= H1159)	City of Greenville/Private Sale.	S	05/28/2014	Ref To Com On State and Local Government
S844 (= H1218)	City of Monroe/Supervision of Attorney.	S	05/28/2014	Ref To Com On State and Local Government
S845 (= H1236)	Bald Head Island/Contract Post Office.	R	06/24/2014	Ch. SL 2014-23
S846	Shallotte Deannexations/Southport Occ Tax.	R	07/10/2014	Ch. SL 2014-68
S848	Infrastructure Reimbursement Agmts.	R	06/26/2014	Ch. SL 2014-31
S851	Allow Absentee Voting/1st Craven Sanitary Dis.	R	07/03/2014	Ch. SL 2014-54
S859	Cities/Regulation of Vacation Rentals.	R	07/31/2014	Ch. SL 2014-91
S861 (= H1212)	Burlington Charter/Revision and Consolidation.	S	05/28/2014	Ref To Com On State and Local Government
S864	Yanceyville ATV Use.	R	06/26/2014	Ch. SL 2014-32
S865	Town of Boone/Extraterritorial Jurisdiction.	R	06/26/2014	Ch. SL 2014-33
S866	Sampson County Local Option Sales Tax.	S	05/29/2014	Ref to State and Local Government. If fav, re-ref to Finance
S867	Town of McDonald/Terms of Office.	R	06/24/2014	Ch. SL 2014-24
S868	Town of Proctorville/Terms of Office.	R	06/24/2014	Ch. SL 2014-25
S869 (= H1244)	Wilson County Occupancy Tax Increase.	S	05/29/2014	Ref to State and Local Government. If fav, re-ref to Finance
S870 (= H1214)	Durham/Payments for On-Street Parking.	R	06/26/2014	Ch. SL 2014-34
S875	Bakersville/Stagger Terms of Town Council.	R	07/03/2014	Ch. SL 2014-56

S877 (= H1253) Exempt Time Shares/Rule Against Perpetuities. S 07/28/2014 Pres. To Gov. 07/28/2014

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Senate Committee on State and Local Government
Tuesday, June 10, 2014, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 346	Governing Bodies/Collect Unpaid Judgments.	Representative Faircloth Representative Stam Representative Hardister Representative Glazier
SB 767	Rockingham Deannexation.	Senator McLaurin
HB 569	Foxfire/Satellite Annexations.	Representative Boles
SB 741	Add Franklin Cty-Tax Cert Before Recordation.	Senator Barefoot
SB 845	Bald Head Island/Contract Post Office.	Senator Rabon
SB 848	Infrastructure Reimbursement Agmts.	Senator Hartsell Senator Tarte
HB 1108	Duplin BCC Elections/Harnett Vacancies.	Representative Dixon
HB 292	Study Music Therapy Practice Act.	Representative Brody Representative Fisher Representative Insko Representative Warren
SB 867	Town of McDonald/Terms of Office.	Senator Walters
SB 868	Town of Proctorville/Terms of Office.	Senator Walters
SB 810	Fayetteville Red Light Changes.	Senator Meredith Senator Clark
SB 865	Town of Boone/Extraterritorial Jurisdiction.	Senator Soucek
HB 1131	Clay County Opossum Exclusion/Wildlife Laws.	Representative West

Presentations

SB 865 Town of Boone/Extraterritorial Jurisdiction may be for discussion only.

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, June 10 at Noon
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at noon on June 10, 2014 in Room 1124/1224. Fifteen members were present.

Senator Davis called the meeting to order and introduced the Pages (Natalie Aynes, Winterville, Senator Pate; Coley Mizell, Wendell, Senator Jackson; Laura Payne, Lexington, Senator Bingham; Alton Gayton, Raleigh, Senator Blue; Ariana Nicholson, Durham, Senator McKissick; Cadcala Troublefield, Troy, Senator Bingham) and thanked the Sergeants-at-Arms (Ed Kesler, Canton Lewis, Charles Marsalis).

SB 810 Fayetteville Red Light Changes – Senator Meredith explained the bill and responded to questions from Senator Goolsby. Senator Bingham's motion for a favorable report was seconded and approved with a sequential referral to Finance.

SB 865 Town of Boone/Extraterritorial Jurisdiction – Senator Soucek explained the bill and responded to questions from Senators D. Davis and McLauren. Senator Goolsby's motion for a favorable report was seconded and approved.

HB 569 Foxfire/Satellite Annexations – A Senate Committee Substitute was offered. Senator Wade's motion to accept was approved. The substitute bill was explained by Senator Tillman. There being no questions, Senator Bingham's motion for unfavorable as to original bill and favorable as to committee substitute was seconded and approved with a recommended referral to Finance.

SB 741 Add Franklin Cty-Tax Cert Before Recordation – Senator Barefoot explained the bill. There being no questions, Senator Tarte's motion for a favorable report was seconded and approved with a sequential referral to Finance.

SB 867 Town of McDonald/Terms of Office – The Committee approved a Senate Committee Substitute, Senator Walters explained the bill and responded to questions from Senator Tucker. Senator Bingham's motion for unfavorable as to original bill and favorable as to committee substitute was seconded and approved.

SB 868 Town of Proctorville/Terms of Office – A Senate Committee Substitute was approved. Senator Walters explained the bill. There being no questions, Senator Wade motioned for unfavorable as to original bill and favorable as to committee substitute. The motion was seconded and approved.

HB 1108 (CS #1) Duplin BCC Elections/Harnett Vacancies – Representatives Lewis and Dixon explained the bill and responded to questions from Senators D. Davis, Barringer, Wade, and Pate. Senator Jackson's motion for a favorable report was seconded and approved.

SB 845 Bald Head Island/Contract Post Office – Senator Rabon explained the bill and responded to questions from Senators Pate, Jackson and D. Davis. Senator Bingham's motion for a favorable report was seconded and approved.

HB 346 (CS #1) Governing Bodies/Collect Unpaid Judgments – A Senate Committee Substitute was approved. Senator Wade explained the bill. There being no questions, Senator Hartsell's motion for unfavorable as to original bill and favorable as committee substitute was seconded and approved with a sequential referral to Finance.

SB 767 Rockingham Deannexation – Senator McLauren explained the bill. There being no questions, Senator Hartsell's motion for a favorable report was seconded and approved with a sequential referral to Finance.

SB 848 Infrastructure Reimbursement Agmts. – A Senate Committee Substitute was approved. Senator Hartsell explained the bill. There being no questions, Senator Jackson's motion for unfavorable as to original bill and favorable as to committee substitute was seconded and approved.

HB 292 (CS #2) Study Music Therapy Practice Act – A Senate Committee Substitute was approved. Representative Brody explained the bill and responded to questions from Senators Pate, Tucker and Hartsell. Senator Bingham's motion for unfavorable as to original bill and favorable as to committee substitute was seconded and approved.

HB 1131 Clay County Opossum Exclusion/Wildlife Laws – Representative West explained the bill. Senator Bingham's motion for a favorable report was seconded and approved.

Senator Jim Davis presided.

13 Items Heard

The meeting adjourned at 1:00 PM.

Senator Jim Davis
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #5: Add H1131

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 10, 2014	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 346	Governing Bodies/Collect Unpaid Judgments.	Representative Faircloth Representative Stam Representative Hardister Representative Glazier
SB 767	Rockingham Deannexation.	Senator McLaurin
HB 569	Foxfire/Satellite Annexations.	Representative Boles
SB 741	Add Franklin Cty-Tax Cert Before Recordation.	Senator Barefoot
SB 845	Bald Head Island/Contract Post Office.	Senator Rabon
SB 848	Infrastructure Reimbursement Agmts.	Senator Hartsell Senator Tarte
HB 1108	Duplin BCC Elections/Harnett Vacancies.	Representative Dixon
HB 292	Study Music Therapy Practice Act.	Representative Brody Representative Fisher Representative Insko Representative Warren
SB 867	Town of McDonald/Terms of Office.	Senator Walters
SB 868	Town of Proctorville/Terms of Office.	Senator Walters
SB 810	Fayetteville Red Light Changes.	Senator Meredith Senator Clark
SB 865	Town of Boone/Extraterritorial Jurisdiction.	Senator Soucek
HB 1131	Clay County Opossum Exclusion/Wildlife Laws.	Representative West

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

HOUSE BILL 346:
Governing Bodies/Collect Unpaid Judgments

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 8, 2014
Introduced by:	Reps. Faircloth, Stam, Hardister, Glazier	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Third Edition H346-CSST-106		

SUMMARY: ***House Bill 346 authorizes additional methods of collecting final judgments awarding monetary damages against members of county commissions and city councils.***

The proposed committee substitute changes the effective date to October 1, 2014.

CURRENT LAW: Pursuant to **G.S. 105-366(b),** when taxes are delinquent but have not yet gone into foreclosure, the tax collector may levy upon and sell or attach the following property for failure to pay taxes:

- Any personal property owned by the taxpayer.
- Any personal property transferred by the taxpayer to a relative.
- Personal property in the hands of a receiver for the taxpayer.
- Personal property of a deceased taxpayer if the levy or attachment is made before final settlement of the estate.
- The stock of goods or fixtures of a wholesale merchant or retailer, under certain conditions.
- Personal property of the taxpayer that has been repossessed by one having a security interest therein so long as the property remains in the hands of the person who has repossessed it or the person to whom it has been transferred other than by bona fide sale for value.
- Personal property due the taxpayer or to become due to him within the calendar year.
- Personal property of a partner in satisfaction of taxes on partnership property, but only under specified conditions.
- Personal property transferred by the taxpayer by any type of transfer other than by bona fide sale for value if the levy or attachment is made within six months of the transfer.

Pursuant to **G.S. 105-368,** the tax collector may, by notice to the taxpayer and garnishee, attach wages and other compensation, rents, bank deposits, the proceeds of property subject to levy, or any other intangible personal property, including property held in the Escheat Fund, to collect taxes owed to the county or city. Immediately upon receiving the notice of attachment, the garnishee is liable to the tax collector for all taxes, interest, fees, and penalties identified in the notice of attachment up to the amount of funds the garnishee owes the taxpayer.

In the case when wages or other compensation for personal services are attached, no more than ten percent (10%) of such compensation for any one pay period may be garnished. If the taxpayer is an official or employee of a county or city, the notice of attachment shall be served upon the taxpayer and upon the payroll officer of the county of city.

BILL ANALYSIS: The pcs would authorize the finance officer of any county or city with a final judgment awarding monetary damages against an elected official of that county or city to use the collection remedies against personal property authorized for tax collectors to fulfill that final judgment, including garnishment of wages.

EFFECTIVE DATE: October 1, 2014, and applies to final judgments awarding monetary damages that are unsatisfied or entered on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 346
Committee Substitute Favorable 4/4/13
Third Edition Engrossed 4/11/13

Short Title: Governing Bodies/Collect Unpaid Judgments. (Public)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING COUNTIES AND CITIES TO ATTACH AND GARNISH A MEMBER OF THE GOVERNING BODY IF THE COUNTY OR CITY HAS BEEN GRANTED A MONEY JUDGMENT AGAINST THAT MEMBER AND THE MONEY JUDGMENT HAS NOT BEEN SATISFIED.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 5 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"**§ 160A-64.1. Withholding compensation; money judgment against council member.**

In addition to any other enforcement available, the finance officer of a city that obtains a final judgment awarding monetary damages against an elected or appointed member of the city council, either individually or jointly, may enforce that final judgment using any of the remedies set forth in G.S. 105-366(b) or the procedure for attachment and garnishment set forth in G.S. 105-368 as if final judgment awarding monetary damages were delinquent taxes and that finance officer were the tax collector. The provision of G.S. 105-368(a) that limits the amount of compensation that may be garnished to not more than ten percent (10%) for any one pay period shall not apply to this section."

SECTION 2. Part 1 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"**§ 153A-30. Withholding compensation; money judgment against board member.**

In addition to any other enforcement available , the finance officer of a county that obtains a final judgment awarding monetary damages against an elected or appointed member of the board of commissioners, either individually or jointly, may enforce that final judgment using any of the remedies set forth in G.S. 105-366(b) or the procedure for attachment and garnishment set forth in G.S. 105-368 as if final judgment awarding monetary damages were delinquent taxes and that finance officer were the tax collector. The provision of G.S. 105-368(a) that limits the amount of compensation that may be garnished to not more than ten percent (10%) for any one pay period shall not apply to this section."

SECTION 3. This act becomes effective October 1, 2013, and applies to final judgments awarding monetary damages that are unsatisfied or entered on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 346

Committee Substitute Favorable 4/4/13
Third Edition Engrossed 4/11/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H346-CSST-106 [v.1]
6/8/2014 4:05:08 PM

Short Title: Governing Bodies/Collect Unpaid Judgments. (Public)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT AUTHORIZING COUNTIES AND CITIES TO ATTACH AND GARNISH A MEMBER OF THE GOVERNING BODY IF THE COUNTY OR CITY HAS BEEN GRANTED A MONEY JUDGMENT AGAINST THAT MEMBER AND THE MONEY JUDGMENT HAS NOT BEEN SATISFIED.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 5 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"**§ 160A-64.1. Withholding compensation; money judgment against council member.**

In addition to any other enforcement available, the finance officer of a city that obtains a final judgment awarding monetary damages against an elected or appointed member of the city council, either individually or jointly, may enforce that final judgment using any of the remedies set forth in G.S. 105-366(b) or the procedure for attachment and garnishment set forth in G.S. 105-368 as if final judgment awarding monetary damages were delinquent taxes and that finance officer were the tax collector. The provision of G.S. 105-368(a) that limits the amount of compensation that may be garnished to not more than ten percent (10%) for any one pay period shall not apply to this section."

SECTION 2. Part 1 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"**§ 153A-30. Withholding compensation; money judgment against board member.**

In addition to any other enforcement available , the finance officer of a county that obtains a final judgment awarding monetary damages against an elected or appointed member of the board of commissioners, either individually or jointly, may enforce that final judgment using any of the remedies set forth in G.S. 105-366(b) or the procedure for attachment and garnishment set forth in G.S. 105-368 as if final judgment awarding monetary damages were delinquent taxes and that finance officer were the tax collector. The provision of G.S. 105-368(a) that limits the amount of compensation that may be garnished to not more than ten percent (10%) for any one pay period shall not apply to this section."

SECTION 3. This act becomes effective October 1, 2014, and applies to final judgments awarding monetary damages that are unsatisfied or entered on or after that date.

SENATE BILL 767:
Rockingham Deannexation

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 10, 2014
Introduced by:	Sen. McLaurin	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 767 would deannex a described area from the City of Rockingham.

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 767 would deannex a described area totaling approximately 24.61 acres from the City of Rockingham.

EFFECTIVE DATE: This act becomes effective June 30, 2014.

O. Walker Reagan
Director

S767-SMTQ-142 E1 -V3

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 767

Short Title:	Rockingham Deannexation.	(Local)
Sponsors:	Senator McLaurin (Primary Sponsor).	
Referred to:	State and Local Government.	

May 19, 2014

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROCKINGHAM.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Rockingham:

All and Singular, that certain tract of land located in the Rockingham Township, Richmond County, North Carolina containing 24.61 acres and identified by Richmond County parcel identification number 7474-02-89-5229. Said tract is the eastern portion of the following tract: Beginning at an iron stake in the center of State Road #1434, said point also being the southern line of the original tract of which this is a part, and also being the northwestern corner of the Richmond County Board of Education tract, and the Northeastern corner of the James Wise tract, and the southwestern corner of the Robert S. Reynolds tract previously conveyed by this Executor [Charles B. Deane, Jr., executor of the estate of Hector A. Little]; and runs thence with State Road #1434 the following courses and distances: North 38-38 East, 100 feet; North 45-00 East, 100 feet; North 51-02 East, 100 feet; North 54-54 East, 100 feet; North 56-31 East, 621 feet to an iron stake in the center of rural paved road #1434, the same being the Southeastern corner of the Robert S. Reynolds tract; thence South 19-38 East 5.6 feet, an original corner in the rural paved road, and also an original corner of the Cecil Terry land; thence with rural paved road #1434 the following courses and distances: North 56-27 East, 300 feet; North 64-57 East, 213.8 feet; South 78-03 East, 326.7 feet to an iron stake in the center of rural paved road #1434; thence with the Betty Knight Branch the following courses and distances: South 14-20 East, 180 feet; South 4-50 East, 215 feet; South 30-50 East, 188 feet; South 36-20 West, 95 feet; South 19-50 West, 210 feet; thence in the direction due South approximately 160 feet to an iron stake in the edge of said branch; thence South 41-47 West, 653.6 feet to an iron stake; thence with the Northern boundary of Richmond County Board of Education tract North 61-00 West, 1,306.8 feet to the beginning in the center of State Road #1434, and containing 32.8 acres, more or less.

The western portion of the above described tract, which is described as follows, was specifically excluded from the Town's annexation of the above described tract, and therefore is not affected in any way by the provisions of this act: Beginning at an iron stake in the center of State Road Number 1434, said point also being the northwestern corner of the Richmond County Board of Education tract, the northeastern corner of the James Wise tract, and the southwestern corner of the Robert S. Reynolds tract, and runs thence with the center of State Road Number 1434 as follows: North 36-59 East 75 feet; North 42-39 East 75 feet; North 47-21 East 75 feet; North 51-45 East 75 feet; North 54-53 East 75 feet; North 56-21 East 75

feet; and North 56-45 East 298.3 feet to a corner in the center of said road; thence runs a new line South 23-19 East 560.48 feet to an iron stake near a pond; thence crosses said pond South 15-33 West 352.54 feet to an iron stake in the southern line of the tract which this a part, and in the northern line of the Richmond County Board of Education tract; thence runs with said line North 61-00 West 812.3 feet to the beginning, containing 8.19 acres, more or less.

SECTION 2. This act has no effect upon the validity of any liens of the City of Rockingham 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 City of Rockingham.

SECTION 3. This act becomes effective June 30, 2014.

HOUSE BILL 569:
Foxfire/Satellite Annexations

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 10, 2014
Introduced by:	Rep. Boles	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	PCS to First Edition H569-CSTQ-74 [v.1]		

SUMMARY: ***The PCS to House Bill 569 would permit the Village of Foxfire to voluntarily annex a portion of a subdivision. The PCS changes the effective date from June 30, 2013 to June 30, 2014.***

CURRENT LAW: GS 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 GS 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.

The term "subdivision" is defined by GS 160A-376 to mean "all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets." The term does not include: "The division of land into parcels greater than 10 acres where no street right of way dedication is involved."

BILL ANALYSIS: The PCS would exempt the Village of Foxfire from the requirement of GS 160A-58.1 that subdivisions must be taken in their entirety, thereby permitting the Village to voluntarily annex a portion of a subdivision.

BACKGROUND: The PCS would allow the Village of Foxfire to annex lots in a subdivision without annexing the entire subdivision as is required for voluntary satellite annexation under current law. The Village of Foxfire wants to allow lot owners in a gated, equestrian subdivision to voluntarily join Foxfire lot-by-lot. The subdivision is over 750 acres and most lots are over 10 acres. The definition of "subdivision" would normally exclude the subdivision – but the subdivision has some lots less than 10 acres.

EFFECTIVE DATE: This act becomes effective June 30, 2014.

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

O. Walker Reagan
Director

H569-SMTQ-141 CSTQ-74 -V2

Research Division
(919) 733-2578

H 1

HOUSE BILL 569

Short Title:	Foxfire/Satellite Annexations.	(Local)
Sponsors:	Representative Boles (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government, if favorable, Finance.	

April 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(4) is repealed.

SECTION 2. This act applies to the Village of Foxfire only.

SECTION 3. This act becomes effective June 30, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 569
PROPOSED SENATE COMMITTEE SUBSTITUTE H569-CSTQ-74 [v.1]

6/9/2014 8:53:36 AM

Short Title: Foxfire/Satellite Annexations. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(4) is repealed.

SECTION 2. This act applies to the Village of Foxfire only.

SECTION 3. This act becomes effective June 30, 2014.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 569

Senate State and Local Government Committee Substitute Adopted 6/11/14

Short Title: Foxfire/Satellite Annexations. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE AND TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF HARRISBURG.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-58.1(b)(4) is repealed.

SECTION 1.(b) This section applies to the Village of Foxfire only.

SECTION 2.(a) G.S. 160A-58.1(b)(5) reads as rewritten:

"(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, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, 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.(b) This section applies to the Town of Harrisburg only.

SECTION 3. This act becomes effective June 30, 2014.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 569

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

H569-ATQ-51 [v.1]

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

Date _____,2014

Senator Hartsell

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"THE VILLAGE OF FOXFIRE, AND TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF HARRISBURG.";

and on page 1, lines 5 through 6, by rewriting those lines to read:

"**SECTION 1.(a)** G.S. 160A-58.1(b)(4) is repealed.
SECTION 1.(b) This section applies to the Village of Foxfire only.
SECTION 2.(a) G.S. 160A-58.1(b)(5) reads as rewritten:
"(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, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, 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.(b) This section applies to the Town of Harrisburg only.".

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

H569-ATQ-51 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 569
PROPOSED SENATE COMMITTEE SUBSTITUTE H569-CSTQ-74 [v.1]

6/9/2014 8:53:36 AM

Short Title: Foxfire/Satellite Annexations. (Local)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN RESTRICTION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(4) is repealed.

SECTION 2. This act applies to the Village of Foxfire only.

SECTION 3. This act becomes effective June 30, 2014.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 569

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

H569-ATQ-51 [v.1]

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

Date _____,2014

Senator Hartsell

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"THE VILLAGE OF FOXFIRE, AND TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF HARRISBURG.";

and on page 1, lines 5 through 6, by rewriting those lines to read:

"**SECTION 1.(a)** G.S. 160A-58.1(b)(4) is repealed.

SECTION 1.(b) This section applies to the Village of Foxfire only.

SECTION 2.(a) G.S. 160A-58.1(b)(5) reads as rewritten:

"(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, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, 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.(b) This section applies to the Town of Harrisburg only.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 569

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

H569-ATQ-51 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 741:
Add Franklin Cty-Tax Cert Before Recordation

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 8, 2014
Introduced by:	Sen. Barefoot	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 741 authorizes Franklin County to require payment of delinquent property taxes prior to recording deeds conveying property.***

CURRENT LAW: *G.S. 161-31(a)* allows 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. It requires 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 75 counties to which this provision currently applies.[1]

BILL ANALYSIS: The bill amends G.S. 161-31(b) to add Franklin 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.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: The following 4 counties have a similar requirement but under different authorizing legislation:

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

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.

Trina Griffin substantially contributed to this summary.

[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 Committee heard House Bill 1114 on May 29, 2014, with a favorable report, to add Elk Park to the Avery County local act.

SENATE BILL 741

Short Title:	Add Franklin Cty-Tax Cert Before Recordation.	(Local)
Sponsors:	Senator Barefoot (Primary Sponsor).	
Referred to:	State and Local Government.	

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO ALLOW FRANKLIN COUNTY TO NOT ACCEPT THE REGISTRATION OF A DEED TRANSFERRING REAL PROPERTY WHEN TAXES ARE DELINQUENT.

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, Franklin, 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, Stokes, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey Counties."

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

SENATE BILL 845:
Bald Head Island/Contract Post Office

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 8, 2014
Introduced by:	Sen. Rabon	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 845 permits the Village of Bald Head Island to operate a contract post office with a governmental or commercial entity.***

[As introduced, this bill was identical to H1236, as introduced by Rep. Iler, which is currently in House Government.]

CURRENT LAW: In 1991, the Village of Bald Head Island was granted local act authority to operate a post office on contract with the U.S. government.

BILL ANALYSIS: The bill would expand the current authority to operate a contract post office to include a contract with a commercial entity, and explicitly authorize the following activities by that post office:

- Mail and package delivery and necessary related services such as packing and shipping supplie.
- Courier package and envelope services
- Online computer access
- Copying, fax, and printing services
- Postage
- Shipping and delivery charges
- Parcel storage
- Mailboxes

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 845

Short Title:	Bald Head Island/Contract Post Office.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE VILLAGE OF BALD HEAD ISLAND TO OPERATE A CONTRACT POST OFFICE WITH A GOVERNMENTAL OR COMMERCIAL ENTITY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 350 of the 1991 Session Laws is repealed.

SECTION 2. Section 2 of Chapter 16 of the 1991 Session Laws, as amended by Chapter 350 of the 1991 Session Laws and Chapter 631 of the 1993 Session Laws, reads as rewritten:

"Sec. 2. This act applies to the Towns of Stallings and White Lake ~~and the Village of Bald Head Island~~only."

SECTION 3.(a) G.S. 160A-311 reads as rewritten:

"**§ 160A-311. Public enterprise defined.**

As used in this Article, the term "public enterprise" includes:

...

(11) Post office facility and service under contract with a governmental or commercial entity, including mail and package delivery and necessary related services such as packing and shipping supplies; courier package and envelope services; online computer access; copying, fax, and printing services; postage; shipping and delivery charges; parcel storage; and mailboxes."

SECTION 3.(b) This section applies to the Village of Bald Head Island only.

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

SENATE BILL 848:
Infrastructure Reimbursement Agmts

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 10, 2014
Introduced by:	Sens. Hartsell, Tarte	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 848 would authorize the Town of Mint Hill and the Cities of Concord and Kannapolis to enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure included in the municipality's Capital Improvement Plan or similar infrastructure development plan.***

CURRENT LAW: Local governments in North Carolina must comply with the statutory requirements for purchasing and contracting when acquiring infrastructure through the expenditure of public monies. Article 8 of Chapter 143 contains the statutory requirements for purchasing and contracting. If a construction project is estimated to cost $300,000 or more, the local government is required to formally bid the project. If the project is less, the bidding is informal. G.S. 143-128.2 contains the minority bidding requirements applicable to any State building project. G.S. 143-129 contains the public advertising and bid opening requirements applicable to any State building project.

BILL ANALYSIS: Senate Bill 848 would allow the Town of Mint Hill and the Cities of Concord and Kannapolis to enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure.

The municipalities must enact ordinances setting out the procedures and terms under which such agreements can be approved. Payment for the reimbursements may come from any lawful source.

All of the following would apply to any such agreement:

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

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

O. Walker Reagan
Director

S848-SMTQ-145 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 848

Short Title:	Infrastructure Reimbursement Agmts.	(Local)
Sponsors:	Senators Hartsell and Tarte (Primary Sponsors).	
Referred to:	State and Local Government.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF MINT HILL, BY THE CITY OF CONCORD, AND BY THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

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

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

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

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

SECTION 5. This act applies only to the Town of Mint Hill and the Cities of Concord and Kannapolis.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 848

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

S848-AST-172 [v.2]

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

Date _____,2014

Senator Hartsell

moves to amend the bill on page 1, line 27, by rewriting that line to read:

"**SECTION 7.** This act is effective when it becomes law, and expires on June 30, 2021.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1108:
Duplin BCC Elections/Harnett Vacancies

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 9, 2014
Introduced by:	Rep. Dixon	**Prepared by:**	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 1108 would make technical and clarifying changes related to the transition to new districts for the Duplin County Board of Education and Duplin County Board of Commissioners, would provide that vacancies in the office of county commissioner and board of education in Harnett County would be required to be filled by the person recommended by the executive committee of the political party of the vacating member, and would provide that in the seven months prior to the board members taking office on those boards in Harnett County, a unanimous vote of the board is required to appoint a superintendent or county manager.

CURRENT LAW & BILL ANALYSIS:

Sections 1-4 (Duplin): S.L. 2013-320 revised the Duplin County Board of Commissioners and Board of Education to reduce both boards from 6 to 5 members through a staggered implementation schedule and by redrawing the districts for both boards.

Section 2 of the bill establishes the transition and representation of districts for the Duplin County Commissioners as the Board moves from 6 to 5 members as follows:

- The 4 year terms of office of commissioners in District II and III expire December 2014. S.L. 2013-320 requires an election be held for District II in 2014.
- HB 1108 would designate, beginning in December 2014 through the expiration of their terms in December 2016, the incumbent commissioner representing District IV as the commissioner representing District III, the incumbent commissioner representing District V as the commissioner representing District IV, and the incumbent commissioner representing District VI as the commissioner representing District V. In 2016, S.L. 2013-320 requires an election be held for District I, III, IV, and V.

Section 3 establishes the transition and representation of districts for the Duplin County Commissioners as the Board moves from 6 to 5 members as follows:

- The 4 year terms of office of commissioners in District II, III and IV expire December 2014. S.L. 2013-320 requires an election be held for District II and III in 2014.
- HB 1108 would designate, beginning in December 2014 through the expiration of their terms in December 2016, the incumbent commissioner representing District V as the commissioner representing District IV, and the incumbent commissioner representing District VI as the commissioner representing District V. In 2016, S.L. 2013-320 requires an election be held for District I, IV, and V.

Section 1 repeals sections of prior session law related to the 1987 board transition. Section 4 makes a technical change to insert a missing reference to the Duplin Board of Education.

Section 5 (Harnett County): County commissioners in all 100 counties are elected in partisan elections. Currently, the Harnett County Board of Education is also elected in partisan elections. The statutes provide alternative methods of filling vacancies in office. One alternative is for the appointing authority to have discretion to make the appointment without being bound by the recommendation of the executive committee of party of the vacating official. The other alternative is for the appointing authority to be bound by the party recommendation, if the individual vacating the seat was a party nominee and the recommendation is made within 30 days of the occurrence of the vacancy.

In the case of a commissioner vacancy, the appointing authority is the remaining commissioners. In the case of the board of education, the appointing authority is the remaining members of the board of education.

For both county commissioner and board of education vacancies, Harnett County is governed by the statute that says the appointing authority is not bound by the party.

The bill would require that the appointing authority be bound by the party recommendation, if it is made within 30 days of the vacancy, the person nominated is affiliated with the same party as the party nominee vacating the seat, and is a resident of the same district as the party nominee being replaced, if electoral districts apply.

Section 6 (Harnett County): County commissioners utilizing the county-manager form of government are to appoint a county manager. Local boards of education are to appoint a superintendent.

The bill would require a unanimous vote of the appointing board for appointment of a county manager or superintendent, if the appointment occurred within 7 months of the time the board members take the oath of office following election.

EFFECTIVE DATE: Effective when it becomes law.

HOUSE BILL 1108
Committee Substitute Favorable 5/28/14

Short Title: Duplin BCC Elections/Harnett Vacancies. (Local)

Sponsors:

Referred to:

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY, TO PROVIDE THAT VACANCIES ON THE HARNETT COUNTY BOARD OF COMMISSIONERS AND SCHOOL BOARD ARE FILLED IN ACCORDANCE WITH G.S. 153A-27.1 AND G.S. 115C-37.1, AND TO PROVIDE THAT ANY EMPLOYMENT CONTRACT FOR CERTAIN LOCAL OFFICIALS IN HARNETT COUNTY MUST BE DONE BY UNANIMOUS VOTE IN CERTAIN INSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2 and 7 of Chapter 966 of the 1987 Session Laws are repealed.

SECTION 2. Section 3 of Chapter 966 of the 1987 Session Laws reads as rewritten:

"Sec. 3. ~~Following the 1988 election incumbent commissioners Vance Alphin and Willis Sholar, each of whose term does not expire until 1990, shall be designated as the members representing the districts in which they reside, which are Districts II and III, respectively. If either of those members leaves office before the expiration of his term, the person appointed to replace him must reside in the same district.~~Effective the first Monday in December of 2014, the terms of office of the commissioners elected in 2010 to represent District II or III respectively, or any person appointed to replace those commissioners, shall expire. Effective the first Monday in December of 2014 until the expiration of the commissioner's term of office in 2016, the incumbent commissioner previously representing District IV shall be designated as the commissioner representing District III, the incumbent commissioner previously representing District V shall be designated as the commissioner representing District IV, and the incumbent commissioner previously representing District VI shall be designated as the commissioner representing District V. If any commissioner leaves office prior to the end of commissioner's term, the person appointed or elected to replace that commissioner must reside in the same district that commissioner was designated to represent."

SECTION 3. Section 4 of Chapter 966 of the 1987 Session Laws reads as rewritten:

"Sec. 4. ~~Following the 1988 election, incumbent commissioner Dovie L. Penney, whose term does not expire until 1990, shall be designated as an at-large member, giving the Board of Commissioners a temporary, seventh member. When Ms. Penney leaves office, through the expiration of her term, resignation or otherwise, no replacement will be selected and the board will then consist of six members only.~~Effective the first Monday in December of 2014, the

terms of office of the Board of Education members elected in 2010 to represent District II, III, or IV respectively, or any person appointed to replace those members, shall expire. Effective the first Monday in December of 2014 until the expiration of the Board of Education member's term of office in 2016, the incumbent Board of Education member previously representing District V shall be designated as the member representing District IV, and the incumbent Board of Education member previously representing District VI shall be designated as the member representing District V. If any Board of Education member leaves office prior to the end of member's term, the person appointed or elected to replace that member must reside in the same district that Board of Education member was designated to represent."

SECTION 4. Section 6 of Chapter 966 of the 1987 Session Laws, as amended by S.L. 2013-320, reads as rewritten:

"Sec. 6. In 2014, and every four years thereafter, one member of the Board of Education each shall be elected from Districts II and III. In 2016, and every four years thereafter, one member of the Board of Education each shall be elected from Districts I, IV, and V."

SECTION 5.(a) 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, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey."

SECTION 5.(b) G.S. 115C-37.1(d) reads as rewritten:

"(d) **(Effective until December 5, 2016)** This section shall apply only in the following counties: Alleghany, Brunswick, Graham, Harnett, Lee, New Hanover, Vance, and Washington.

(d) **(Effective December 5, 2016)** This section shall apply only in the following counties: Alleghany, Brunswick, Graham, Guilford, Harnett, Lee, New Hanover, Vance, and Washington."

SECTION 5.(c) This section applies only to the County of Harnett.

SECTION 6.(a) G.S. 115C-47(13) reads as rewritten:

"(13) To Elect a Superintendent. – The local boards of education shall elect superintendents subject to the requirements and limitations set forth in G.S. 115C-271. If the election of the superintendent by the local board occurs within seven months before the meeting in which newly elected members of the local board qualify under G.S. 115C-37(d), the election and terms thereof shall be by unanimous vote of the local board."

SECTION 6.(b) G.S. 153A-81 reads as rewritten:

"Part 2. Administration in Counties Having Managers.

"**§ 153A-81. Adoption of county-manager plan; appointment or designation of manager.**

(a) The board of commissioners may by resolution adopt or discontinue the county-manager plan. If it adopts the county-manager plan, the board may, in the alternative:

(1) Appoint a county manager to serve at its pleasure. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the county or the State at the time of his appointment.

(2) Confer upon the chairman or some other member of the board of commissioners the duties of county manager. If this is done, the chairman or member shall become a full-time county official, and the board may increase his salary pursuant to G.S. 153A-28.

(3) Confer upon any other officer, employee, or agent of the county the duties of county manager.

As used in this Part, the word "manager" includes the chairman or any member of the board of commissioners exercising the duties of manager or any officer, employee, or agent of a county exercising the duties of manager.

(b) If the appointment of the manager under subsection (a) of this section by the board of commissioners occurs within seven months before the meeting in which newly elected members of the board take the oath of office under G.S. 153A-26, the appointment and terms thereof shall be by unanimous vote of the board of commissioners."

SECTION 6.(c) This section applies only to the County of Harnett.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 4

HOUSE BILL 292

Committee Substitute Favorable 4/24/13
Committee Substitute #2 Favorable 6/27/13
Senate State and Local Government Committee Substitute Adopted 6/10/14

Short Title: Moratorium/Lawsuits for Sch. Funds. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY THE UNION COUNTY BOARD OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE UNION COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115C-426, 115C-431, and 115C-432, a local board of education shall not file any legal action challenging the sufficiency of the funds appropriated by the board of county commissioners to the local current expense fund, the capital outlay fund, or both.

SECTION 2. G.S. 115C-429(b) reads as rewritten:

"(b) The board of county commissioners shall complete its action on the school budget on or before July 1, or such later date as may be agreeable to the board of education. The commissioners shall ~~determine the amount of county revenues to be appropriated in the county budget ordinance to the local school administrative unit for the budget year. The board of county commissioners may, in its discretion, allocate part or all of its appropriation by purpose, function, or project as defined in the uniform budget format.~~appropriate moneys as follows for each indicated fiscal year:

(1) For the 2014-2015 fiscal year, at least eighty-seven million ninety-seven thousand eight hundred eighty-four dollars ($87,097,884) for the local current expense fund and at least nineteen million five hundred thirty-one thousand five hundred eighty-two dollars ($19,531,582) for capital outlay.

(2) For the 2015-2016 fiscal year, at least an amount equal to the local current expense fund appropriation for the 2014-2015 budget year plus (i) an inflationary increase based on the most recent annual consumer price index for all urban workers (CPI-U) and (ii) any increase in the average daily membership in the local school administrative unit in the first 20 days of the school year from the prior school year, and at least nineteen million seven hundred eighty-six thousand twenty-four dollars ($19,786,024) for capital outlay."

SECTION 3. On or before August 1, 2014, the Union County Board of Commissioners and the Union County Schools shall jointly establish a working group to develop a multiyear plan to address existing and ongoing capital needs of the Union County Schools. The working group shall consist of up to 14 people, half appointed by each board. The

working group shall complete its work and report to the Union County Board of Commissioners and the Union County Schools on or before June 30, 2015.

SECTION 4. This act shall apply only in Union County.

SECTION 5. Section 1 of this act is effective when it becomes law and expires upon adoption of the budget ordinance by the Union County Board of Commissioners for the 2016-2017 fiscal year. The remainder of this act is effective when it becomes law and shall not affect any action filed prior to the effective date of this act.

HOUSE BILL 292:
Moratorium/Lawsuits for Sch. Funds

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 9, 2014
Introduced by:	Reps. Brody, Fisher, Insko, Warren	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to Third Edition H292-CSST-104		Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 292 would prohibit the Union County Board of Education from initiating any legal action challenging the sufficiency of current expense and capital funds appropriated by the Union County Board of Commissioners, and set a minimum amount to be appropriated by the Union County Board of Commissioners to the Union County Schools, for fiscal years 2014-2015 and 2015-2016.***

[As introduced, this bill was identical to S244, as introduced by Sen. Tucker, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: Each local board of education is required to operate under an annual balanced budget resolution. A budget resolution is balanced when the sum of estimated net revenues and appropriated fund balances is equal to appropriations. G.S. 115C-425. Generally, local boards of education do not have taxing authority. Instead, local appropriations for current expense and capital are made by the board of county commissioners. The local board of education is required to submit its requested budget to the county commissioners no later than May 15th of each year. The county commissioners are to adopt a budget ordinance, setting the tax rate for the county, on or before July 1st of each year. The budget ordinance adopted by the county commissioners is to include an appropriation for the local board of education.

If there is a dispute over the amount appropriated, G.S. 115C-431 governs the procedure for resolution of that dispute. If the dispute is unresolved after a joint board meeting, the parties must start mediation. If the mediation is unsuccessful, an action may be filed in superior court and will be given precedence over other business of the court. The court must find the facts as to the amount of money necessary to maintain a system of free public schools and the amount of money needed from the county to make up the total. The issues of fact may be tried by a jury and the issue submitted to the jury would be "what amount of money is needed from sources under the control of the board of county commissioners to maintain a system of free public schools." When the facts have been found, the court must enter judgment ordering the board of county commissioners to appropriate a sum to the local school administrative unit and to levy property taxes that may be necessary to make up the sum when added to other available revenues.

BILL ANALYSIS: The pcs would do all of the following:

- Prohibit the Union County Board of Education from initiating litigation over the sufficiency of the local appropriation for the 2014-15 and 2015-16 fiscal years.
- Set the amount the Union County Board of Commissioners must appropriate for current expense and capital outlay for the 2014-15 and 2015-16 years:
    - **Current expenses:**
        - 2014-15: at least $87,097,884
        - 2015-16: at least $87,097,884 plus inflation equal to most recent CPI-U index and any increase in ADM
    - **Capital outlay:**
        - 2014-15: at least $19,531,582
        - 2015-16: at least $19,786,024
- Require the Union County Board of Commissioners and the Union County Board of Education to engage in joint, multi-year planning for capital expenses of the Union County Schools.

EFFECTIVE DATE: Effective when it becomes law, and does not affect any pending litigation. The prohibition on initiating litigation over insufficiency of appropriated funds ends upon the adoption of the 2016-17 budget by the Union County Board of Commissioners.

BACKGROUND: In 2013, the Board of Education for Union County Schools and the Union County Board of Commissioners were unable to resolve a dispute concerning the amount of money appropriated by the Board of Commissioners to the local current expense fund and capital outlay fund for the Union County Schools for the 2013-2014 budget year. The boards followed the dispute resolution procedure set forth in G.S. 115C-431 and in October, 2013, the school board was awarded $4,973,134 in additional current expense funds and an additional $86,184,005 more than the Commissioners had provided to meet capital outlay needs. The Board of County Commissioners appealed the verdict and award and the appeal is now pending at the North Carolina Court of Appeals.

HOUSE BILL 292
Committee Substitute Favorable 4/24/13
Committee Substitute #2 Favorable 6/27/13

Short Title: Study Music Therapy Practice Act. (Public)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE STUDY COMMITTEE ON MUSIC THERAPY LICENSURE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Creation. – There is created the Study Committee on Music Therapy Licensure. The Committee shall consist of eight members to be appointed as follows:

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

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

SECTION 1.(b) Cochairs. – The Speaker of the House of Representatives shall designate one representative to serve as cochair, and the President Pro Tempore of the Senate shall designate one senator to serve as cochair. Vacancies on the Committee shall be filled by the same appointing authority making the initial appointment.

SECTION 1.(c) Powers. – The Committee, 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 Committee may meet at any time upon the joint call of the cochairs. The Committee may meet in the Legislative Building or the Legislative Office Building.

SECTION 1.(d) Staffing. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. The Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. Members of the Committee 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.(e) Duties. – The Committee shall study the regulation of persons offering music therapy services to the public and make recommendations to the General Assembly on licensure of music therapists. In developing its recommendations, the Committee shall examine at least all of the following:

(1) Consistent standards and requirements for licensing individuals who seek to practice as music therapists.

(2) Academic programs in the State that currently offer degrees in music therapy.

(3) Employment of music therapy professionals in the State.

(4) Reports of unprofessional, invasive, and poor quality treatment from some individuals offering music therapy services.

(5) Protection for employers and consumers against unqualified individuals who offer music therapy services and against the risk of application of contraindicated procedures that could harm consumers.

(6) Establishment of a code of ethics and a State regulatory agency to which consumers can report grievances.

SECTION 1.(f) Report. – The Committee shall submit a final report, including any proposed legislation, to the 2013 General Assembly when it reconvenes in 2014. The Committee shall terminate upon filing its final report or upon the adjournment sine die of the 2013 General Assembly, whichever is earlier.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 292

Committee Substitute Favorable 4/24/13
Committee Substitute #2 Favorable 6/27/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H292-CSST-104 [v.7]
6/9/2014 2:33:35 PM

Short Title: Moratorium/Lawsuits for Sch. Funds. (Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY THE UNION COUNTY BOARD OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE UNION COUNTY BOARD COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115C-426, 115C-431, and 115C-432, a local board of education shall not file any legal action challenging the sufficiency of the funds appropriated by the board of county commissioners to the local current expense fund, the capital outlay fund, or both.

SECTION 2. G.S. 115C-429(b) reads as rewritten:

"(b) The board of county commissioners shall complete its action on the school budget on or before July 1, or such later date as may be agreeable to the board of education. The commissioners shall ~~determine the amount of county revenues to be appropriated in the county budget ordinance to the local school administrative unit for the budget year. The board of county commissioners may, in its discretion, allocate part or all of its appropriation by purpose, function, or project as defined in the uniform budget format.~~appropriate monies as follows for each indicated fiscal year:

(1) For the 2014-2015 fiscal year, at least $87,097,884 (eighty seven million, ninety seven thousand, eight hundred and eighty four dollars) for the local current expense fund and at least $19,531,582 (nineteen million, five hundred thirty one thousand, five hundred and eight two dollars) for capital outlay.

(2) For the 2015-2016 fiscal year, at least an amount equal to the local current expense fund appropriation for the 2014-2015 budget year plus (i) an inflationary increase based on the most recent annual consumer price index for all urban workers (CPI-U) and (ii) any increase in the average daily membership in the local school administrative unit in the first 20 days of the school year from the prior school year, and at least $19,786,024 (nineteen million, seven hundred eighty six thousand and twenty four dollars) for capital outlay.

SECTION 3. On or before August 1, 2014, the Union County Board of Commissioners and the Union County Schools shall jointly establish a working group to develop a multi-year plan to address existing and on-going capital needs of the Union County

Schools. The working group shall consist of up to 14 people, half appointed by each board. The working group shall complete its work and report to the Union County Board of Commissioners and the Union County Schools on or before June 30, 2015.

SECTION 4. This act shall apply only in Union County.

SECTION 5. Section 1 of this act is effective when it becomes law, and expires upon adoption of the budget ordinance by the Union County Board of Commissioners for the 2016-2017 fiscal year. The remainder of this act is effective when it becomes law and shall not affect any action filed prior to the effective date of this act.

UCPS
UNION COUNTY PUBLIC SCHOOLS
Superintendent's Office

400 North Church Street
Monroe, NC 28112
Phone 704.296.0810 Fax 704.282-2171
www.ucps.k12.nc.us

Dr. Mary Ellis – Superintendent

Board of Education
Richard Yercheck - Chairman
Marce Savage - Vice Chairman
Rev. Jimmy H. Bention, Sr.
John Collins
Michael Guzman
Christina B. Helms
Sherry Hodges
Rick Pigg
Kevin Stewart

June 10, 2014

Re: House Bill 292

Dear Members of the Senate Committee on State and Local Government:

It has come to the attention of the Union County Board of Education that your Committee has added to its agenda for today consideration of H.B. 292, a bill entitled "Study Music Therapy Practice Act." We have also been advised that there will be a PCS presented today that will completely replace the existing music therapy bill with one that would apply only to the Union County Board of Education and would make our Board the only one in the State that could not utilize the process in the School Budget and Fiscal Control Act to resolve disputed budget amounts with our Board of County Commissioners.

This appears to be an unnecessary response to our very unique situation last year when years of funding shortfalls for the school system presented a desperate situation that forced us to go to mediation and, ultimately (when the Commissioners would not negotiate or make any offer whatsoever), to the Courts.

There is far too much background information to share with you in this email /letter but, suffice it to say, this legislation (which we have not seen) is bad public policy, is unnecessary and will not be helpful. For your information, I believe we have worked out acceptable numbers with our Commissioners for the upcoming fiscal year's budget.

I urge you, on behalf of the Union County Board of Education, not to proceed with the PCS that apparently is planned to be unveiled at your meeting today.

Respectfully,

Richard A Yercheck

Richard Yercheck, Chairman
Union County Board of Education

In compliance with federal law, UCPS administers all educational programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability.

SENATE BILL 867:
Town of McDonald/Terms of Office

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 9, 2014
Introduced by:	Sen. Walters	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 867 would establish four year, staggered terms for the mayor and aldermen of the Town of McDonald.***

CURRENT LAW: The Town of McDonald, a town of 112 population located in Robeson County, has an elected mayor and three aldermen, who serve two year terms.

BILL ANALYSIS: The bill establishes the following staggered terms for the Town:

2015: Mayor elected to serve 4 year term; 1 alderman to serve 4 year term; 2 aldermen to serve a 2 term

2017: 2 aldermen to serve 4 year terms

2019: Mayor and 1 alderman to serve 4 year terms

2021: 2 aldermen to serve 4 year terms

EFFECTIVE DATE: Effective when it becomes law.

O. Walker Reagan
Director

S867-SMST-131 E1 -V1

Research Division
(919) 733-2578

SENATE BILL 867

Short Title:	Town of McDonald/Terms of Office.	(Local)
Sponsors:	Senator Walters (Primary Sponsor).	
Referred to:	State and Local Government.	

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TERMS OF OFFICE FROM TWO TO FOUR YEARS FOR THE MAYOR AND THE MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF MCDONALD AND TO ESTABLISH STAGGERED TERMS FOR THE BOARD OF ALDERMEN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of McDonald, being Chapter 443 of the Private Laws of 1911, reads as rewritten:

"Sec. 3. The officers of ~~said~~ the town shall consist of a mayor and three aldermen, who shall be styled the Board of Aldermen of ~~McDonald's~~McDonald, and the ~~said~~ mayor and the aldermen shall be elected by the qualified voters of ~~said town on the first Monday in May, one thousand nine hundred and eleven, and annually thereafter, under the same rules and regulations as are prescribed by the laws for holding such elections under chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, a constable and secretary and treasurer, to be chosen by the board of aldermen immediately after its organization, to hold office one year or until their successors are duly elected and qualified; and until the first Monday in May, one thousand nine hundred and eleven, Spurgeon McLean shall fill the office of mayor; F. M. Davis, A. L. Hall and F. M. Townsend shall act as aldermen; Foster Williams shall act as constable; and T. S. Gryard shall act as secretary and treasurer.~~the town. In 2015, and quadrennially thereafter, a mayor shall be elected to serve for a term of four years. In 2015, three aldermen shall be elected, and the candidate receiving the highest number of votes shall be elected to a four-year term, and the two candidates receiving the next highest number of votes shall each be elected to a two-year term. In 2017, and quadrennially thereafter, two members shall each be elected to four-year terms. In 2019, and quadrennially thereafter, one member shall be elected to a four-year term."

SECTION 2. Section 15 of the Charter of the Town of McDonald, being Chapter 443 of the Private Laws of 1911, is repealed.

SECTION 3. This act does not affect the terms of office of persons elected in 2013.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 867

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

S867-AST-170 [v.1]

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

Date _____,2014

Senator Walters

moves to amend the bill on page 1, lines 4-5 by rewriting those lines to read:

"TOWN OF MCDONALD.";

and on page 1, lines 21-25 by rewriting those lines to read:

"years. In 2015, three aldermen shall be elected to serve for a term of four years. In 2019, and quadrennially thereafter, the mayor and three aldermen shall be elected to a four year term.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 868:
Town of Proctorville/Terms of Office

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 9, 2014
Introduced by:	Sen. Walters	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 868 would establish four year, staggered terms for the mayor and aldermen of the Town of Proctorville.

CURRENT LAW: The Town of Proctorville, a town of 117 population located in Robeson County, has an elected mayor and three aldermen, who serve two year terms.

BILL ANALYSIS: The bill establishes the following staggered terms for the Town:

2015: Mayor elected to serve 4 year term; 1 alderman to serve 4 year term; 2 aldermen to serve a 2 term

2017: 2 aldermen to serve 4 year terms

2019: Mayor and 1 alderman to serve 4 year terms

2021: 2 aldermen to serve 4 year terms

EFFECTIVE DATE: Effective when it becomes law.

CURRENT LAW:

BILL ANALYSIS:

EFFECTIVE DATE:

BACKGROUND:

O. Walker Reagan
Director

S868-SMST-132 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 868

Short Title:	Town of Proctorville/Terms of Office.	(Local)
Sponsors:	Senator Walters (Primary Sponsor).	
Referred to:	State and Local Government.	

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TERMS OF OFFICE FROM TWO TO FOUR YEARS FOR THE MAYOR AND THE MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF PROCTORVILLE AND TO ESTABLISH STAGGERED TERMS FOR THE BOARD OF ALDERMEN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of Proctorville, being Chapter 369 of the Private Laws of 1913, as amended by Chapter 306 of the 1963 Session Laws, reads as rewritten:

"Sec. 3. There shall be a board of aldermen, consisting of a mayor and three ~~aldermen. Beginning with the regular municipal election to be held on the first Monday of May, 1963, and biennially thereafter, a mayor and three~~ aldermen who shall be elected by the qualified voters of ~~Proctorville to serve for a term of two (2) years and until their successors are elected and qualified. The municipal election shall be held and conducted in accordance with the provisions of Article 3, Chapter 160 of the General Statutes of North Carolina, insofar as the same are not inconsistent with the provisions of this Charter.~~the Town of Proctorville. In 2015, and quadrennially thereafter, a mayor shall be elected to serve for a term of four years. In 2015, three aldermen shall be elected, and the candidate receiving the highest number of votes shall be elected to a four-year term, and the two candidates receiving the next highest number of votes shall each be elected to a two-year term. In 2017, and quadrennially thereafter, two members shall each be elected to four-year terms. In 2019, and quadrennially thereafter, one member shall be elected to a four-year term.

~~"The board of aldermen shall, upon taking office, appoint a constable and a secretary and treasurer of the town who shall hold office for two (2) years and until their successors are duly elected and qualified.~~"

SECTION 2. Section 15 of the Charter of the Town of Proctorville, being Chapter 369 of the Private Laws of 1913, as amended by Chapter 306 of the 1963 Session Laws, is repealed.

SECTION 3. This act does not affect the terms of office of persons elected in 2013.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 868

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

S868-AST-171 [v.1]

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

Date _____,2014

Senator Walters

moves to amend the bill on page 1, lines 4-5 by rewriting those lines to read:

"TOWN OF PROCTORVILLE.";

and on page 1, lines 18-22, by rewriting those lines to read:

"and quadrennially thereafter, three aldermen shall be elected to serve for a term of four years.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 810:
Fayetteville Red Light Changes

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 10, 2014
Introduced by:	Sens. Meredith, Clark	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 810 is a local act that would make changes to the law governing red light cameras in Fayetteville.

[As introduced, this bill was identical to H1151, as introduced by Reps. Floyd, Szoka, Lucas, Glazier, which is currently in House Government, if favorable, Finance.]

CURRENT LAW: G.S. 160A-300.1, as amended by S.L. 2007-341, authorizes certain municipalities to use traffic control photographic systems to enforce the State law prohibiting a driver from entering an intersection when a traffic light is emitting a steady red signal. G.S. 20-158.

The owner is notified of the violation and must pay the civil penalty of $75.00 in the time specified in the citation. If the owner fails to pay the civil penalty or respond to the citation within 30 days after the citation is served or mailed, it is increased to $100.00 and the right to contest the citation is forfeited. (The municipality is required to establish a nonjudicial administrative hearing process to allow the citation and penalty to be contested.)

BILL ANALYSIS: Senate Bill 810 makes the following changes:

- Provides that a municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease purchase, or purchase of the system. The municipality may enter into only one contract, and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the municipality, or the system shall be removed and returned to the contractor.
- Currently, the clear proceeds from the citation must be paid to the local school board. The act provides that "the clear proceeds from the citations" means the funds remaining after paying for the lease, lease purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the operation of the system.
- Raises the penalty for a violation from $75.00 to $100.00 (effective July 1, 2015)

EFFECTIVE DATE: These provisions become effective July 1, 2014, except for the increase in the penalty which becomes effective July 1, 2015.

SENATE BILL 810*

Short Title:	Fayetteville Red Light Changes.	(Local)
Sponsors:	Senators Meredith and Clark (Primary Sponsors).	
Referred to:	State and Local Government.	

May 21, 2014

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN FAYETTEVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1(c), as amended by S.L. 2007-341, reads as rewritten:

"(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 30 days after the date of personal service or mailing of notification of the violation, furnishes the officials or agents of the municipality which issued the citation either of the following:
   a. An affidavit stating the name and address of the person or company who had the care, custody, and control of the vehicle.
   b. An affidavit stating that the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(1a) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.

(2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of seventy-five dollars ($75.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.

(3) The owner of the vehicle shall be issued a citation which shall clearly state when the penalty is due and the manner in which the violation may be challenged. The owner shall comply with the directions on the citation. The

citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within 30 days after the date the citation is served or mailed, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars ($100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

(4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.

(4a) A municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease-purchase, or purchase of the system. The municipality may enter into only one contract for the lease, lease-purchase, or purchase of the system, and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the municipality, or the system shall be removed and returned to the contractor.

(5) The clear proceeds from the citations issued pursuant to an ordinance authorized by this section shall be paid to the local school board. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the operation of the system. ~~For the purposes of determining the clear proceeds derived from the citations, the~~The following additional expenses, not to exceed ten percent (10%) of the civil penalty assessed pursuant to subdivision (2) of this subsection, are authorized to be deducted from each civil penalty assessed pursuant to the provisions of subdivision (2) of this subsection:

a. The cost of materials and postage directly related to the printing and mailing of the first and second notices sent to the owner and, if necessary, the driver of the vehicle.

b. The cost of computer services directly related to the production and mailing of the notices described in sub-subdivision a. of this subdivision.

(6) The municipality may assess a collection assistance fee against the owner and, if necessary, driver of the vehicle under the conditions in this subdivision. Amounts collected must be credited first to the payment of the civil penalty and then to collection assistance fee. The conditions are as follows:

a. The civil penalty has not been paid within 30 days after the personal service or first-class mailing of a second notice that the penalty is due. The second notice must be served or mailed no sooner than 30 days after the day the first notice was served or mailed and must contain a notice stating that a collection assistance fee will be assessed if the penalty is not paid within 30 days after the service or mailing of the second notice, the date when the collection assistance fee will be assessed, and the amount of the collection assistance fee. The collection assistance fee shall not exceed twenty percent (20%)

of the civil penalty assessed pursuant to subdivision (2) of this subsection.

b. Collection assistance fees shall be placed in a separate fund that may be used only for the purpose of paying for the costs of collection expended to collect civil penalties that remain unpaid 30 days after the service or mailing of the second notice required pursuant to sub-subdivision a. of this subdivision."

SECTION 2. G.S. 160A-300.1(c)(2), as amended by S.L. 2007-341, and by Section 1 of this act, reads as rewritten:

"(2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of ~~seventy-five dollars ($75.00)~~one hundred dollars ($100.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65."

SECTION 3. This act applies to the City of Fayetteville only.

SECTION 4. Sections 1, 3, and 4 of this act become effective July 1, 2014. Section 2 of this act becomes effective July 1, 2015.

SENATE BILL 865:
Town of Boone/Extraterritorial Jurisdiction

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 9, 2014
Introduced by:	Sen. Soucek	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 865 would eliminate the Town of Boone's authority to exercise extraterritorial jurisdiction.

CURRENT LAW:

Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and open spaces and community appearance regulations. With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

Once a city exercises its ETJ authority, the county in which the area lies has the duty to appoint an individual residing in that area to serve on the city's planning board and board of adjustment.

BILL ANALYSIS: The bill eliminates the Town of Boone's authority to exercise ETJ. The area currently within the ETJ would return to the County of Watauga for enforcement of land use planning regulations.

EFFECTIVE DATE: January 1, 2015.

O. Walker Reagan
Director

S865-SMST-133 E1 -V2

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 865

Short Title:	Town of Boone/Extraterritorial Jurisdiction.	(Local)
Sponsors:	Senator Soucek (Primary Sponsor).	
Referred to:	State and Local Government.	

May 29, 2014

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 January 1, 2015.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

CORRECTED REPORT

Tuesday, June 10, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **1108 (CS#1)** Duplin BCC Elections/Harnett Vacancies.
- Draft Number: None
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: No

SB **741** Add Franklin Cty-Tax Cert Before Recordation.
- Draft Number: None
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **767** Rockingham Deannexation.
- Draft Number: None
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **810** Fayetteville Red Light Changes.
- Draft Number: None
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **845** Bald Head Island/Contract Post Office.
- Draft Number: None
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: No

SB **865** Town of Boone/Extraterritorial Jurisdiction.
- Draft Number: None
- Sequential Referral: None



Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 6

Senator John Barefoot will handle SB 741
Senator Eugene McLaurin will handle SB 767
Senator Wesley Meredith will handle SB 810
Senator William Rabon will handle SB 845
Senator Daniel Soucek will handle SB 865

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 10, 2014

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

FAVORABLE

HB **1131 (CS#1)** Clay County Opossum Exclusion/Wildlife Laws.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

2 of multiple reports

Senator James Davis will handle HB 1131



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 10, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

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

SB **848** Infrastructure Reimbursement Agmts.
Draft Number: S848-PCS15438-TQ-75
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **867** Town of McDonald/Terms of Office.
Draft Number: S867-PCS15440-ST-109
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

SB **868** Town of Proctorville/Terms of Office.
Draft Number: S868-PCS15441-ST-110
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **292** **(CS#2)** Study Music Therapy Practice Act.
Draft Number: H292-PCS40238-ST-104
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

3 of multiple reports



Senator Fletcher Hartsell will handle SB 848
Senator Michael Walters will handle SB 867
Senator Michael Walters will handle SB 868

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 10, 2014

Senator J. 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

HB **346** **(CS#1)** Governing Bodies/Collect Unpaid Judgments.

Draft Number:	H346-PCS10580-ST-106
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

4 of multiple (5) reports

Senator Trudy Wade will handle HB 346



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, June 11, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

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

HB **569** Foxfire/Satellite Annexations.

Draft Number:	H569-PCS10579-TQ-74
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

5 of 5 reports

Senator Jerry Tillman will handle HB 569



ATTENDANCE

Committee:

SENATE State and Local Government

DATE: 6/10/14 MEMBERS:																
Sen. J. Davis, Co-Chair	✓															
Sen. Tucker, Co-Chair	✓															
Sen. Wade, Co-Chair	✓															
Sen. Barringer	✓															
Sen. Bingham	✓															
Sen. D. Davis	✓															
Sen. Foushee	✓															
Sen. Goolsby	✓															
Sen. Hartsell	✓															
Sen. B. Jackson	✓															
Sen. McLaurin	✓															
Sen. Pate	✓															
Sen. Tarte	✓															
Sen. Van Duyn	✓															
Sen. Walters	✓															

SENATE SERGEANT-AT-ARMS

COMMITTEE: Senate Committee on State and Local Government

DATE: 06-10-2014 **ROOM:** 1124

1. ED KESLER
2. CANTON LEWIS
3. CHARLES MARSALIS
4. _____
5. _____
6. _____

Chrm: J. Davis & Tucker

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 1124

DATE: 6-10 TIME: Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. Natalie Aynes	Winterville	Pate
2. Coley Mizell	Wendell	J. Jackson
3. Laura Payne	Lexington	Bingham
4. Alton Gayton	Raleigh	Blue
5. Ariana Nicholson	Durham	McKissic
6. Cadeala Troublefield	Troy	Bingham
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.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/10/14
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Johanna Reese	NCACC
John Cooper	Capital City Strategies
Benjamin James	Harnett CTY
Adam Kinton	Harnett CTY
Sharlene J Jone	Angier Harnett CTY
Ben Slaughter	Harnett City
Lauren Johnson	Harnett County
Leanne Winn	NCSBA
Paula Hopper	Childress Klein

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/10/14

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Erin Wynia	NCLM
CADY Thomas	NCAR
Susanna Davis	WM
[illegible]	Brubaker and Associates
Rhiannon Bell	NCMMC
Gordon Myers	NCWRC
Adam Pridemore	NCASA

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/10/14

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Kelly Gregory	Harnett County School Board Lillington, NC
Andy Chase	KMA
Whitney Christensen	NCLM
Sandra Skinner	NCACC
Lisa Martin	NCHBA
Stephen Webb	NCHBA
Mike Smallwood	SOL
Fred Baggett	
Joe Langley	NC SENATE CANDIDATE. 2980 KIRK Adams Road, Angier NC
Chris McCline	Brooks Pierce
Calvin Peck	Village of Bald Head Island

Senate Committee on State and Local Government
Tuesday, June 17, 2014, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 731	Southport Occupancy Tax Modification.	Senator Rabon
SB 733	Watha Deannexation.	Senator Rabon
SB 846	Shallotte Deannexations.	Senator Rabon
SB 864	Yanceyville ATV Use.	Senator Woodard
SB 870	Durham/Payments for On-Street Parking.	Senator Woodard
		Senator McKissick
HB 1158	Morganton Charter Amendment.	Representative Blackwell
HB 769	Zoning/Limit Manufactured Home Restrictions.	Representative Ramsey
		Representative Burr
		Representative Wray
		Representative Dobson

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Tuesday, June 17, 2014 at Noon
Room 1124/1224

MINUTES

The Senate Committee on State and Local Government met at noon on June 17, 2014 in Room 1124/1224. Fourteen members were present.

Senator Tommy Tucker presided.

Senator Tucker called the meeting to order, introduced the Pages (Alex Luke, Wilmington, Sen. Rabon; Winston Massey, Raleigh, Sen. Jackson; Grayson Flake, Wake Forest, Sen. Berger; Tyler Dobbs, Eden, Sen. Berger; Connor Badgett, Statesville, Sen. Brock; Will Dabbs, Eden, Sen. Berger; McKay Dula, Weddington, Sen. Tucker; Justin Perkins, Apex, Sen. Berringer) and thanked the Sargeants-at-Arms (Steve McKaig, Matt Urben, Anderson Meadows).

Senate Bill 731 Southport Occupancy Tax Modification – The committee approved a Senate Committee Substitute Bill. Senator Rabon explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to the substitute bill with a sequential referral to Finance.

Senate Bill 733 Watha Deannexation – displaced to hear companion House Bill 1080

House Bill 1080 – Representative Millis explained the bill and responded to questions. The committee voted favorable as to the bill with a sequential referral to Finance.

Senate Bill 846 Shallotte Deannexations – Senator Rabon explained the bill and responded to questions. The committee voted favorable as to the bill with a sequential referral to Finance.

Senate Bill 864 Yanceyville ATV Use – Senator Woodard explained the bill and responded to questions. The committee voted favorable as to the bill.

Senate Bill 870 Durham/Payments for On-Street Parking – Senator Woodard explained the bill and responded to questions. The committee voted favorable as to the bill.

House Bill 1158 (CS #1) Morganton Charter Amendment – Representative Blackwell explained the bill and responded to questions. The committee voted favorable as to bill.

House Bill 769 (CS #1) Zoning/Limit Manufactured Home Restrictions – The committee approved a Senate Committee Substitute Bill. Representative Ramsey explained the substitute bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to substitute bill with a sequential referral to Commerce.

7 Items Heard
The meeting adjourned at 12:30 PM

Senator Tommy Tucker
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk
Reading Clerk

Corrected #4: Remove S 799

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 17, 2014	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 731	Southport Occupancy Tax Modification.	Senator Rabon
SB 733	Watha Deannexation.	Senator Rabon
SB 846	Shallotte Deannexations.	Senator Rabon
SB 864	Yanceyville ATV Use.	Senator Woodard
SB 870	Durham/Payments for On-Street Parking.	Senator Woodard Senator McKissick
HB 1158	Morganton Charter Amendment.	Representative Blackwell
HB 769	Zoning/Limit Manufactured Home Restrictions.	Representative Ramsey Representative Burr Representative Wray Representative Dobson

AGENDA TO BE DETERMINED

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

SENATE BILL 733:
Watha Deannexation

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2014
Introduced by:	Sen. Rabon	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 733 would deannex a parcel of land from the corporate limits of the Town of Watha.***

[As introduced, this bill was identical to H1080, as introduced by Rep. Millis, which is currently in Senate Ref to State and Local Government. If fav, re-ref to Finance.]

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 governs municipal annexations. The General Assembly has not enacted any method for municipalities to *deannex* property — that power remains with the General Assembly.

BILL ANALYSIS: Senate Bill 733 would deannex a parcel of land consisting of approximately 39.669 acres from the corporate limits of the Town of Watha. The act also provides that it does not affect the validity of any liens of the Town of Watha for outstanding ad valorem taxes or special assessments.

EFFECTIVE DATE: The act would become effective June 30, 2014.

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 733*

Short Title:	Watha Deannexation.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

May 15, 2014

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WATHA.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Watha:

Located in Union Township, Pender County, North Carolina adjacent to and West of the paved centerline of U.S. Highway No. 117, adjacent to and East of the Eastern right-of-way line of Interstate Highway No. 40 and being more fully described as follows, to wit:

BEGINNING at a point in the paved centerline of U.S. Highway No. 117, said point being located along said line at a point that is North 32 degrees 40 minutes 32 seconds West 710.405 feet (said point having N.C. Grid Coordinates: N=334,595.63' & E=2,319,710.56' NAD 83/NSRS 2007) from N.C. Grid Monument "CHERRY" which as N.C. Grid Coordinates of N=333,997.65' & E=2,320,094.10 and CF=0.99992975.3 (NAD 83/NSRS 2007); and running thence from the Beginning so located, along an old marked line South 44 degrees 56 minutes 03 seconds West 2,260.33 feet (passing over an existing iron stake in line at 75.92 feet) to an existing iron pipe in the Eastern right-of-way line of Interstate Highway No. 40; thence with said right-of-way line North 09 degrees 01 minutes 04 seconds West 43.49 feet to an existing concrete right-of-way monument in line; thence continuing with said road right-of-way line North 09 degrees 26 minutes 49 seconds West 402.66 feet to an existing iron stake in said line; thence continuing with said road right-of-way line North 09 degrees 26 minutes 25 seconds West 557.706 feet to an existing iron pipe that marks the Southwestern corner of the Town of Watha land shown on a map recorded in Map Book 48, at Page 83 of the Pender County Registry; thence along the Southeastern line of said lands North 43 degrees 28 minutes 17 seconds East 512.95 feet to an existing iron pipe that marks the Southeastern corner of said Town of Watha lands; thence with the Betty Crumpler line North 44 degrees 15 minutes 04 seconds East 986.79 feet to an existing 1 inch square iron stake; thence continuing with the Betty Crumpler line North 42 degrees 17 minutes 02 seconds East 632.61 feet to an existing nail and cap in the paved centerline of U.S. Highway No. 117; thence with said paved centerline of U.S. Highway No. 117 South 12 degrees 49 minutes 19 seconds East 389.98 feet to the point of beginning of a curve to the left in said roadway; thence continuing with the curved paved centerline of said road as it curves to the left the following chord courses and distances: South 13 degrees 40 minutes 40 seconds East 122.78 feet, South 16 degrees 15 minutes 03 seconds East 101.20 feet, South 19 degrees 19 minutes 52 seconds East 100.65 feet and South 23 degrees 36 minutes 10 seconds East 129.57 feet to an existing "PK" Nail in said

road centerline that is directly above the center of a large box concrete culvert that accommodates the waters of Powell's Pond Branch beneath the roadway; thence continuing with said road centerline South 26 degrees 55 minutes 51 seconds East 142.35 feet to the Beginning, containing 39.669 acres, more or less after the exclusion of the portion of U.S. Highway No. 117 (150 foot wide right-of-way) contained within the above-described boundaries and is as surveyed by Daniel H. Thompson, NCPLS No. L-2174 of Burgaw, North Carolina during April 2013. As a reference to the described tracts, see Deed Book 1379, at Page 68, Deed Book 632, at Page 64 – Tracts 1 and 2, Deed Book 2161, at Page 310 and Deed Book 3209, at Page 003 of the Pender County Registry. Also, see Map Book 40, at Page 34, Map Book 52, at Page 43 and Map Book 48, at Page 83 each recorded in the Office of the Pender County Register of Deeds. That the above-described tract of real property is shown on survey map entitled "Annexation Map To The Town of Watha, North Carolina" as prepared by Daniel H. Thompson, NCPLS on April 25, 2013 and recorded in Map Book 55, at Page 68 in the Office of the Pender County Register of Deeds, State of North Carolina.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Watha 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 Watha.

SECTION 3. This act becomes effective June 30, 2014.

HOUSE BILL 1080*

Short Title:	Watha Deannexation.	(Local)
Sponsors:	Representative Millis (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government, if favorable, Finance.	

May 19, 2014

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WATHA.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Watha:

Located in Union Township, Pender County, North Carolina adjacent to and West of the paved centerline of U.S. Highway No. 117, adjacent to and East of the Eastern right-of-way line of Interstate Highway No. 40 and being more fully described as follows, to wit:

BEGINNING at a point in the paved centerline of U.S. Highway No. 117, said point being located along said line at a point that is North 32 degrees 40 minutes 32 seconds West 710.405 feet (said point having N.C. Grid Coordinates: N=334,595.63' & E=2,319,710.56' NAD 83/NSRS 2007) from N.C. Grid Monument "CHERRY" which as N.C. Grid Coordinates of N=333,997.65' & E=2,320,094.10 and CF=0.99992975.3 (NAD 83/NSRS 2007); and running thence from the Beginning so located, along an old marked line South 44 degrees 56 minutes 03 seconds West 2,260.33 feet (passing over an existing iron stake in line at 75.92 feet) to an existing iron pipe in the Eastern right-of-way line of Interstate Highway No. 40; thence with said right-of-way line North 09 degrees 01 minutes 04 seconds West 43.49 feet to an existing concrete right-of-way monument in line; thence continuing with said road right-of-way line North 09 degrees 26 minutes 49 seconds West 402.66 feet to an existing iron stake in said line; thence continuing with said road right-of-way line North 09 degrees 26 minutes 25 seconds West 557.706 feet to an existing iron pipe that marks the Southwestern corner of the Town of Watha land shown on a map recorded in Map Book 48, at Page 83 of the Pender County Registry; thence along the Southeastern line of said lands North 43 degrees 28 minutes 17 seconds East 512.95 feet to an existing iron pipe that marks the Southeastern corner of said Town of Watha lands; thence with the Betty Crumpler line North 44 degrees 15 minutes 04 seconds East 986.79 feet to an existing 1 inch square iron stake; thence continuing with the Betty Crumpler line North 42 degrees 17 minutes 02 seconds East 632.61 feet to an existing nail and cap in the paved centerline of U.S. Highway No. 117; thence with said paved centerline of U.S. Highway No. 117 South 12 degrees 49 minutes 19 seconds East 389.98 feet to the point of beginning of a curve to the left in said roadway; thence continuing with the curved paved centerline of said road as it curves to the left the following chord courses and distances: South 13 degrees 40 minutes 40 seconds East 122.78 feet, South 16 degrees 15 minutes 03 seconds East 101.20 feet, South 19 degrees 19 minutes 52 seconds East 100.65 feet

and South 23 degrees 36 minutes 10 seconds East 129.57 feet to an existing "PK" Nail in said road centerline that is directly above the center of a large box concrete culvert that accommodates the waters of Powell's Pond Branch beneath the roadway; thence continuing with said road centerline South 26 degrees 55 minutes 51 seconds East 142.35 feet to the Beginning, containing 39.669 acres, more or less after the exclusion of the portion of U.S. Highway No. 117 (150 foot wide right-of-way) contained within the above-described boundaries and is as surveyed by Daniel H. Thompson, NCPLS No. L-2174 of Burgaw, North Carolina during April 2013. As a reference to the described tracts, see Deed Book 1379, at Page 68, Deed Book 632, at Page 64 – Tracts 1 and 2, Deed Book 2161, at Page 310 and Deed Book 3209, at Page 003 of the Pender County Registry. Also, see Map Book 40, at Page 34, Map Book 52, at Page 43 and Map Book 48, at Page 83 each recorded in the Office of the Pender County Register of Deeds. That the above-described tract of real property is shown on survey map entitled "Annexation Map To The Town of Watha, North Carolina" as prepared by Daniel H. Thompson, NCPLS on April 25, 2013 and recorded in Map Book 55, at Page 68 in the Office of the Pender County Register of Deeds, State of North Carolina.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Watha 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 Watha.

SECTION 3. This act becomes effective June 30, 2014.

SENATE BILL 846:
Shallotte Deannexations

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 17, 2014
Introduced by:	Sen. Rabon	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 846 would deannex five described tracts from the Town of Shallotte.***

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 846 would deannex five described areas from the Town of Shallotte. The property owners requested the deannexation and the town agreed.

EFFECTIVE DATE: This act becomes effective from and after January 1, 2014.

O. Walker Reagan
Director

S846-SMTQ-144 E1 -V3

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 846

Short Title:	Shallotte Deannexations.	(Local)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	State and Local Government.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Shallotte:

FIRST TRACT:

BEING all of that certain tract or parcel containing 15.60 acres more or less as more fully described in a survey plat dated 4 January 2005, revised 21 February 2005 entitled "Survey for Charles Andrew Russ of 15.60 acres" prepared by James R. Tompkins, PLS, and recorded in Map Cabinet 32, Page 163 in the Office of the Register of Deeds for Brunswick County, North Carolina which plat reference is made and which is incorporated herein for greater certainty of description of said property.

SECOND TRACT:

BEING all right, title and interest of Grantor in and to that certain road right-of-way and easement as more fully described in an instrument dated 29 November 2000 from Slickrock Development, LLC to Register Estate Corporation recorded in Deed Book 1419, Page 51 in the Office of the Register of Deeds for Brunswick County, North Carolina which right-of-way and easement connects the northern line of the property herein conveyed with State Road 1147 (Todd Road) as more fully shown and described in said easement and in the plate hereinabove referenced. Reserving and preserving nevertheless a non-exclusive right-of-way and easement for ingress, egress and regress between State Road 1147 (Todd Road) and the Register Cemetery in favor of the Representatives and/or Trustees of the Register Cemetery and family members thereof as more fully described in an instrument recorded in Deed Book 1419, Page 46, Brunswick County Registry.

THIRD TRACT:

That certain Tract of land being in Lockwood Folly Township, Brunswick County, North Carolina, said Tract being the Tracts described in deed book 2086 page 215 and deed book 2415 page 511 of the Brunswick County Register of Deeds and being more fully described as follows: Commencing at NCGS monument Sauce Reset, said monument having Nad 83 grid coordinates of North 70,535.97 and East 2,178,838.44; thence South 73°54'24" East a distance of 7629.15 feet to NCGS monument B 161 Reset, said monument having Nad 83 grid coordinates of North 68,420.48 and East 2,186,168.62; thence South 44°28'15"West, a distance of 2089.53 feet an iron rod found, the true Point of Beginning. Thence from the Point of Beginning, South 08°55'07" West, a distance of 204.17 feet to a point; thence South

07°07'05" East, a distance of 95.22 feet to a point; thence South 11°57'21" East, a distance of 283.58 feet to a point; thence North 05°39'18" East, a distance of 104.98 feet to an iron rod found; thence North 89°36'15" East, a distance of 223.85 feet to an iron rod found; thence South 07°57'04" East, a distance of 68.60 feet to a point; thence South 07°57'04" East, a distance of 104.44 feet to a point; thence South 51°07'43" East, a distance of 264.88 feet to a point; thence South 42°58'09" East, a distance of 408.71 feet to a point on the western right of way of Bay Road (60' ROW); thence with said right of way, South 19°16'42" West, a distance of 72.77 feet to a point; thence leaving said right of way, North 54°11'34" West, a distance of 103.79 feet to a point; thence North 47°01'40" East, a distance of 124.55 feet to a point; thence North 42°58'20" West, a distance of 319.33 feet to a point; thence South 41°15'52" West, a distance of 151.16 feet to a point; thence North 51°07'02" West, a distance of 121.56 feet to a point; thence South 37°25'11" West, a distance of 134.79 feet to a point; thence South 37°25'11" West, a distance of 123.96 feet to a point; thence South 40°42'01" West, a distance of 58.59 feet to a point; thence South 46°34'05" West, a distance of 46.09 feet to a point; thence South 50°42'25" West, a distance of 28.18 feet to a point; thence South 48°33'52" East, a distance of 112.43 feet to a point; thence South 41°15'52" West, a distance of 119.66 feet to a point; thence South 14°48'49" East, a distance of 50.33 feet to a point; thence South 76°16'18" West, a distance of 448.29 feet to a point; thence South 76°29'21" West, a distance of 251.75 feet to a point; thence North 18°38'59" West, a distance of 288.42 feet to a point; thence South 73°47'59" West, a distance of 57.92 feet to a point; thence South 71°59'06" West, a distance of 162.40 feet to a point; thence South 76°50'13" West, a distance of 168.30 feet to a point; thence South 87°14'55" West, a distance of 51.88 feet to a point; thence North 66°29'30" West, a distance of 100.71 feet to a point; thence North 68°42'36" West, a distance of 108.06 feet to a point; thence North 06°12'56" East, a distance of 352.96 feet to a point; thence North 06°01'47" East, a distance of 448.48 feet to a point; thence South 76°32'40" West, a distance of 77.30 feet to a point; thence South 65°55'40" West, a distance of 271.81 feet to a point; thence South 74°57'40" West, a distance of 323.67 feet to a point; thence North 02°42'40" East, a distance of 49.10 feet to a point; thence North 83°51'24" West, a distance of 234.44 feet to a point; thence North 02° 20'49" East, a distance of 1237.35 feet to a point; thence South 68°27'50" East, a distance of 587.44 feet to a point; thence South 70°59'01" East, a distance of 40.77 feet to a point; thence South 68°09'35" East, a distance of 46.56 feet to a point; thence South 72°19'06" East, a distance of 65.62 feet to a point; thence South 73°33'49" East, a distance of 60.29 feet to a point; thence South 67°11'59" East, a distance of 485.15 feet to a point; thence North 15°05'18" East, for a distance of 190.95 feet; thence North 88°02'30" East, for a distance of 152.36 feet; thence North 87°02'30" East, for a distance of 133.34 feet; thence South 02°07'24" West, for a distance of 301.81 feet; thence South 02°07'24" West, for a distance of 50.22 feet; thence South 82°29'10" East, a distance 471.74 feet to the Point of Beginning, containing 69.14 acres, more or less as shown on a plat prepared by McKim & Creed, entitled Annexation Plat of Four existing Tracts of Land Equaling 69.14 Acres and dated February 22, 2007.

FOURTH TRACT:

A certain tract or parcel of land lying and being in Lockwood Folly Township, Brunswick County, North Carolina and being that certain tract as described in Deed Book 1258, Page 691, Records of Brunswick County and being more particularly described as follows: Beginning at an iron stake set on the southern right-of-way of U.S. 17 (R/W varies), said iron being located by the following tie traverse: Commencing on an existing tack at the intersection of centerlines of the southbound lane of said U.S. 17 and S.R. 1131 and runs thence North 70 degrees 27 minutes 18 seconds 2703.03 feet to an existing N.C.D.O.T. Right-of-way Monument (Sta. No. 1096+00) located on the aforesaid southern right-of-way of U.S. 17; thence with said right-of-way North 67 degrees 22 minutes 39 seconds East 92.28 feet to the Point and Place of Beginning and proceeds from said beginning and with said right-of-way North 67 degrees 22 minutes 39 seconds East 279.92 feet to an iron stake set, said iron being

located South 67 degrees 22 minutes 39 seconds West 142.37 feet from an existing N.C.D.O.T. Right-of-Way Monument (Sta. No. 1101+14.52); thence leaving said right of way South 07 degrees 19 minutes 26 seconds East 804.50 feet to an existing iron; thence North 73 degrees 42 minutes 42 seconds West 347.57 feet to an existing iron pipe; thence North 02 degrees 38 minutes 20 seconds West 593.41 feet to the beginning and contains 4.73 acres and being according to a survey by Jimmy D. Etheridge, P.L.S. dated January 13, 1999.

FIFTH TRACT:

Beginning at a point being a concrete monument in the south R/W of SR 1147, Todd Road SW, and located North 77 degrees 10 minutes 41 Seconds West a distance of 1,962.18 feet from a nail in the intersection of SR 1147 and SR 1151; Thence from said beginning point leaving said R/W and with property line of Denney B. Stevens South 08 degrees 04 minutes 57 seconds West a distance of 1237.00 feet to an existing iron rod, thence continuing with Stevens South 08 degrees 10 minutes 53 seconds West a distance of 309.67 feet to an existing iron rod, a corner to Stevens and Weldon Todd, thence with Todd North 61 degrees 24 minutes 28 seconds West a distance of 392.55 feet to an existing iron rod, a corner to Todd and J.P. Russ, thence with Russ North 61 degrees 39 minutes 15 seconds West a distance of 573.26 feet to an existing iron rod, a corner to J.P. Russ and Charles A. Russ, thence with Russ North 61 degrees 39 minutes 15 seconds West a distance of 570.78 feet to a right-of-way disc, thence South 19 degrees 38 minutes 53 seconds West a distance of 206.14 feet to a point, thence South 17 degrees 53 minutes 40 seconds West a distance of 240.01 feet to an existing iron rod (bent) a corner to Russ and Albert Joyner heirs, thence with Joyner North 80 degrees 06 minutes 43 seconds West a distance of 923.21 feet to an existing iron rod, a corner to Clifton Black, thence with Black North 09 degrees 50 minutes 38 seconds East a distance of 342.72 feet to an existing iron rod, a corner to James Johnson Heirs, thence with Johnson North 88 degrees 25 minutes 20 seconds East a distance of 537.45 feet, to an existing iron rod on line at the edge of a pond, continuing 226.50 feet, a total of 763.95 feet to a point in said pond, thence North 28 degrees 01 minutes 46 seconds West a distance of 49.19 feet, thence North 63 degrees 13 minutes 04 seconds West a distance of 87.66 feet, thence North 15 degrees 21 minutes 19 seconds West a distance of 558.73 feet to an existing iron rod, thence North 01 degrees 17 minutes 20 seconds East a distance of 150.64 feet to a new iron rod set, thence North 07 degrees 56 minutes 05 seconds West a distance of 210.49 feet to a new iron rod set, thence north 12 degrees 46 minutes 53 seconds West a distance of 155.08 feet to a new iron rod set, thence North 04 degrees 16 minutes 12 seconds East a distance of 135.74 feet to an existing iron rod, thence North 04 degrees 10 minutes 30 seconds East a distance of 300.82 feet to an existing iron rod (bent) located in the south R/W of Todd Road, thence with said R/W South 87 degrees 50 minutes 36 seconds East a distance of 70.63 feet to a new iron rod set, thence South 84 degrees 19 minutes 43 seconds East a distance of 55.97 feet to a new iron rod set, thence South 81 degrees 12 minutes 50 seconds East a distance of 56.59 feet to a new iron rod set, thence south 78 degrees 11 minutes 43 seconds East a distance of 55.49 feet to a new iron rod set, thence South 75 degrees 34 minutes 28 seconds East a distance 58.13 feet to a new iron rod set, thence south 74 degrees 03 minutes 29 seconds East a distance of 59.35 feet to a new iron rod set, thence South 73 degrees 29 minutes 54 seconds East a distance of 76.51 feet to a new iron rod set, thence South 73 degrees 10 minutes 12 seconds East a distance of 102.57 feet to a new iron rod set, thence South 73 degrees 13 minutes 13 seconds East a distance of 82.02 feet to a new iron rod set, thence 71 degrees 32 minutes 02 seconds East a distance of 118.04 feet to a new iron rod set, thence South 67 degrees 15 minutes 09 seconds East a distance of 106.89 feet to a new iron rod set, thence South 63 degrees 53 minutes 32 seconds East a distance of 120.40 feet to a new iron rod set, thence South 62 degrees 07 minutes 15 seconds East a distance of 127.54 feet to a concrete monument, thence south 62 degrees 50 minutes 29 seconds East a distance of 1,775.38 feet to the place and point of beginning. Excepted from this boundary is an interior parcel known as the Register Cemetery with

description as follows: Beginning at an existing iron rod in the west side of a 20 foot easement recorded in the Brunswick county registry at Deed Book 644, page 493 said iron rod located South 12 degrees 52 minutes 09 seconds West a distance of 552.31 feet from the R/W of Todd Road, thence along west side of said easement South 12 degrees 28 minutes 32 seconds West a distance of 211.08 feet too an existing iron rod, thence North 83 degrees 32 minutes 05 seconds West a distance of 131.97 feet to an existing iron, thence leaving said easement North 61 degrees 47 minutes 06 seconds West a distance of 12.04 feet to an existing iron rod, thence North 10 degrees 27 minutes 26 seconds East a distance of 180.92 feet to an existing iron rod, thence North 87 degrees 10 minutes 30 seconds East a distance of 154.69 feet to the place and point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 79.48 acres, more or less. Also this property is subject to easements as recorded in the Brunswick county registry at Deed Book 1419, page 52 and Deed book 644, page 493 and a lease with easement as recorded at Deed book 1957, page 769. For a more accurate description reference is hereby made to a plat of survey for William L. Smith dated August 14, 2006.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Shallotte 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 Shallotte.

SECTION 3. This act is effective from and after January 1, 2014.

SENATE BILL 864:
Yanceyville ATV Use

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2014
Introduced by:	Sen. Woodard	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 864 permits employees of the Town of Yanceyville to operate motorized all-terrain vehicles (ATVs) on certain highways.

CURRENT LAW: North Carolina law requires vehicles intended to be operated on the highways of the State to be registered (G.S. 20-50, -52) and provides that operation of a vehicle on the highways of the State without proper registration constitutes a Class 2 misdemeanor (G.S. 20-111). Generally, all-terrain vehicles may not be registered and operated on the highways.

There is an exception in the law, G.S. 20-171.24, that allows employees of specifically listed municipalities and counties to operate ATVs on public highways in the following circumstances:

- The ATV may only be operated on highways with speed limits of 35 mph or less, and on nonfully controlled access highways with higher speeds for the purpose of traveling from one speed zone to another where the speed limit is 35 mph or less.
- All other laws governing operation of ATVs apply. This includes requirements of Part 10C of Article 3 of Chapter 20, Operation of All-Terrain Vehicles (age, passenger, brakes, mufflers, spark arrester, eye protection, helmet, DWI, reckless operation, use of headlights).
- The ATV must be equipped with operable front and rear lights and a horn.
- The operator must observe speed limits and not exceed the manufacturer's recommended speed for the vehicle.
- The operator must carry an official identification badge.

G.S. 20-171.23 applies Statewide and authorizes all law enforcement officers and all fire, rescue, and emergency medical personnel acting in the scope of their duties to operate unregistered ATVs owned or leased by the agency or under the direct control of the incident commander under the same conditions provided in G.S. 20-171.24.

BILL ANALYSIS: Senate Bill 864 permits employees of the Town of Yanceyville to operate motorized all-terrain vehicles (ATVs) on certain highways as provided in G.S. 20-171.24.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 864

Short Title:	Yanceyville ATV Use.	(Local)
Sponsors:	Senator Woodard (Primary Sponsor).	
Referred to:	State and Local Government.	

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO PERMIT EMPLOYEES OF THE TOWN OF YANCEYVILLE TO OPERATE MOTORIZED ALL-TERRAIN VEHICLES ON CERTAIN HIGHWAYS PURSUANT TO G.S. 20-171.24.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-171.24(f) reads as rewritten:

"(f) This section applies to the Towns of Ansonville, Atlantic Beach, Burgaw, Carolina Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Franklin, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Lowell, Manteo, Murphy, Nags Head, North Topsail Beach, Oakboro, Ocean Isle Beach, Pine Knoll Shores, Stanley, Surf City, Sylva, Topsail Beach, Williamston, ~~and~~ Wrightsville Beach, and Yanceyville, the Cities of Albemarle, Belmont, Cherryville, Gastonia, Hamlet, Kings Mountain, Mount Holly, and Rockingham and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only."

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

SENATE BILL 870:
Durham/Payments for On-Street Parking

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 17, 2014
Introduced by:	Sens. Woodard, McKissick	**Prepared by:**	Chris Saunders
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 870 would authorize the City of Durham to allow various means of payment for on-street parking and use the proceeds collected from on-street parking to operate the city's parking program or provide parking facilities.***

[As introduced, this bill was identical to H1214, as introduced by Rep. Michaux, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW: G.S. 160A-301(a) authorizes a city to regulate parking on public streets, alleys and bridges by the use of parking meters, permits activation of parking meters by coins or tokens only, and permits the use of parking meter proceeds to defray the cost of "enforcing and administering traffic and parking ordinances and regulations."

BILL ANALYSIS: Senate Bill 870 would authorize the City of Durham to require payment for vehicle parking by a means specified by the city, including credit cards and electronic means. The bill would eliminate the authority under current law to use parking meter proceeds to defray the cost of enforcing and administering traffic and parking ordinances and regulations, and would permit the use of such funds to defray the cost of operating the parking program or providing parking facilities.

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

O. Walker Reagan
Director

S870-SMTQ-149 E1 -V1

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S 1

SENATE BILL 870*

Short Title:	Durham/Payments for On-Street Parking.	(Local)
Sponsors:	Senators Woodard and McKissick (Primary Sponsors).	
Referred to:	State and Local Government.	

May 29, 2014

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO ALLOW PAYMENT FOR ON-STREET PARKING BY VARIOUS MEANS AND TO USE PROCEEDS FROM ON-STREET PARKING FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.

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~~ pay a fee 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.~~ The city may require that payment for vehicle parking be made by a means of payment specified by the city, including coins, currency, tokens, credit cards, or electronic means. Proceeds from the use of ~~parking~~ meters or devices for parking on public streets must be used to defray the cost of ~~enforcing and administering traffic and parking ordinances and regulations~~ operating the city's parking program or providing parking facilities.

...."

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

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

HOUSE BILL 1158:
Morganton Charter Amendment

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 16, 2014
Introduced by:	Rep. Blackwell	**Prepared by:**	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 1158 would provide that the non-partisan plurality method be used to conduct elections in the City of Morganton, and update the current process for recalling the mayor or member of the city council of Morganton.***

[As introduced, this bill was identical to S801, as introduced by Sen. Daniel, which is currently in Senate State and Local Government.]

CURRENT LAW & BILL ANALYSIS:

Section 1. Elections for the mayor and city council of Morganton are nonpartisan, and conducted using the election and runoff method.

The bill would change the method of conducting the election to the plurality method.

Section 2. Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, just a few municipalities and two school boards have a procedure for a recall election. Morganton is one of the municipalities with a recall procedure. Currently, no official is subject to recall during the first year or last six months of office, 25% of the registered voters must sign the petition for recall

The bill would amend the charter of the City of Morganton to update the process under which the mayor or a member of city council may be removed from office via a recall election, to be more parallel to the recall process for the Burke County Board of Education, and to remove references to the City of Morganton's Board of Elections, which has been abolished.

As amended by the pcs, the process for recall would be as follows: The petition would have to be signed by 25% of the registered voters of the city. The signed petitions would have to be verified by the Burke County Board of Elections. Upon a determination that a sufficient recall petition has been submitted, the city council must order a recall election and fix a date for such election. The date of the election cannot be less than 45 days, or more than 90 days, after the petition is determined sufficient. If there is another other general or special election during that time period, the recall election is to be held in conjunction with that election. If there is no other election, the city is to call a special election to be held within that time period.

If a member is removed by a majority vote of the people, the vacancy is to be filled by appointment by the remaining town council members in accordance with the city charter. Likewise, a vacancy in the office of mayor is filled by appointment by the town council in accordance with the city charter.

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

- No petition could be filed within 12 months of the date the elected person began office.
- No petition could be filed within the 12 months prior to the end of the elected person's term of office.
- No more than one recall election for the elected person could be called during that elected person's term.

EFFECTIVE DATE: July 1, 2014, and applies to affidavits and petitions filed on or after that date.

BACKGROUND: Other jurisdictions with recall procedures include: Aberdeen (S.L. 1995-220), Asheville (S.L. 1969-313), Cajah Mountain (S.L. 2006-99), Carrboro (S.L. 1993-358), Chapel Hill (S.L. 1993-358), Clemmons (S.L. 1981-57), Durham (S.L. 1987-280), Foxfire Village (S.L. 1977-237), Greensboro (S.L. 2008-48), Hickory (S.L. 1961-323), Lewisville (S.L. 1991-116), Lumberton (S.L. 1971-166), Pinebluff (S.L. 1981-1193), Pleasant Garden (S.L. 2008-3), Raleigh (S.L. 1973-319), Randleman (S.L. 2000-94), River Bend (S.L. 1995-636), Ronda (S.L. 2013-21), Statesville (S.L. 1985-570), Topsail Beach (S.L. 2011-76), Troutman (S.L. 1981-144), and the Burke County Board of Education (S.L. 2011-157) and Chapel Hill-Carrboro Schools (S.L. 1993-660).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 1158*
Committee Substitute Favorable 5/28/14

Short Title: Morganton Charter Amendment. (Local)

Sponsors:

Referred to:

May 21, 2014

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF MORGANTON CONCERNING THE PROCEDURE FOR REMOVING THE MAYOR AND MEMBERS OF THE CITY COUNCIL FROM OFFICE AND MAKING CHANGES RELATED TO THE METHOD AND TIME OF MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article III of the Charter of the City of Morganton, being Chapter 180 of the 1975 Session Laws, as amended, reads as rewritten:

"ARTICLE III.

"ELECTIONS.

...

"Sec. 3.13. Method of election. – The Mayor and members of the Council shall be elected by the nonpartisan ~~election and runoff election~~ plurality method as provided in ~~G.S. 163-290(a)(4).~~G.S. 163-292.

"Sec. 3.14. Time of election. – Elections shall be held biennially on the ~~fourth Tuesday before the Tuesday after the first Monday in November beginning in 1975 and runoff elections, if required, shall be held on~~ Tuesday after the first Monday in ~~November.~~November of odd-numbered years.

...

"Sec. 3.21. Officials subject to recall. – The Mayor ~~or a member~~ and members of the Council shall be subject to removal pursuant to this Chapter. An official may be 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. No official may be subject to recall during the first ~~year or the last six months of his term of office.~~12 months after the beginning of that official's term of office or within the 12 months before the expiration of that official's term of office. Additionally, no official may be subject of a recall election more than once per term of office.

"Sec. 3.22. Petition; procedure. – ~~A recall petition shall be filed with the City of Morganton Board of Elections. A petition to recall the Mayor or a council member shall bear the signatures of qualified voters of the City equal in number to at least twenty five percent (25%) of the registered voters of the City qualified to vote in the last preceding general municipal election.~~(a) Any registered voter of the City may make and file with the Board of Elections of Burke County, through delivery to the supervisor of elections, an affidavit containing the name of the official whose removal is sought and a statement of the grounds alleged for the official's removal. The cause for removal must relate to the misfeasance, malfeasance, or nonfeasance of the official or for personal misconduct that brings the office into disrepute.

(b) The supervisor of elections shall thereupon deliver to the registered voter making the affidavit copies of petition blanks for demanding the removal printed forms of which the supervisor of elections shall keep on hand. The blanks shall be issued by the supervisor of elections with his or her signature thereto attached, shall be dated and addressed to the Board of Elections of Burke County, shall indicate the registered voter to whom issued, and shall state the name of the official whose removal is sought.

(c) A copy of the petition shall be promptly delivered to the City Manager, who shall enter the copy of the petition in a record book kept for that purpose in the office of the City Manager. A recall petition to be effective must be returned and filed with the supervisor of elections within 30 days after the filing of the registered voter's affidavit and to be sufficient must bear the signature of registered voters of the City equal in number to twenty-five percent (25%) of the registered voters of the City as shown by the registration records of the last preceding general municipal election.

(d) The signatures to the petition need not be on one petition paper, but each signer shall add to the signature that signer's residence address. One or more of the signers of the petition shall make oath before an officer competent to administer oaths that the statements therein made are true, as that signer believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(e) ~~The City of Morganton~~ Within 20 days after the filing of the petition, the Board of Elections shall verify the petition signatures. If a sufficient recall petition is submitted, the ~~City of Morganton~~ Board of Elections shall certify its sufficiency to the ~~Council, and~~ Council, and shall notify the official whose removal is sought of the action. If the official whose removal is sought does not resign within five days after receiving notice from the Board of Elections, the Council shall adopt a resolution calling for a recall election to be held not less than forty-five (45) days nor more than ninety (90) days after the date the petition has been certified to the Council. ~~The election may be held alone or at the same time as any other general or special election within the period. The City of Morganton Board of Elections shall conduct the recall election.~~

(f) The recall election may be held at the same time as any other general or special election within the time period provided for in subsection (e) of this section. If no other general or special election is to be held within the time period provided for in subsection (e) of this section, the Council shall call for the special recall election to be held within that time period.

(g) The proposition submitted to the voters shall be substantially in the following form:

"[ ] FOR [ ] AGAINST

The recall of [name of official]."

(h) All registered voters of the City of Morganton are eligible to vote in an election to recall the official subject to the recall petition.

"Sec. 3.23. Effect of recall election. – If less than a majority of the votes cast on the question are ~~against~~ for the official's recall, ~~he~~ the official shall continue in office. If a majority of the votes cast on the question are for the recall of the official, ~~he~~ the official is removed from office on the date the ~~City of Morganton~~ Burke County Board of Elections certifies the results of the recall election. A vacancy created by the removal of the Mayor or a member of the Council ~~or the Mayor~~ shall be filled as provided in Section 2.5 or Section 2.14 of this Charter. An official who was removed by the voters as the result of a recall election, or who resigned after a sufficient petition for the official's recall has been submitted to the Board of Elections, shall not be eligible for appointment to fill the vacancy caused by the official's removal or resignation.

"Sec. 3.24. through 3.30. Reserved."

SECTION 2. This act is effective July 1, 2014, and applies to affidavits and petitions filed on or after that date.

HOUSE BILL 769:
Zoning/Limit Manufactured Home Restrictions

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Commerce	**Date:**	June 17, 2014
Introduced by:	Reps. Ramsey, Burr, Wray, Dobson	**Prepared by:**	Brad Krehely
Analysis of:	PCS to Second Edition H769-CSRN-52		Committee Counsel

SUMMARY: ***The proposed committee substitute (pcs) for House Bill 769 would amend the authority of counties to zone manufactured homes.*** ***The pcs (1) allows counties to adopt or enforce zoning regulations which have the effect of excluding individual manufactured homes located on individual lots from any area zoned for single-family residential use in areas heavily dependent on tourism not to exceed 10% of the county land area, (2) limits the reasonable appearance criteria for manufactured homes to the criteria mentioned in the bill, (3) clarifies that the reasonable appearance criteria for manufactured homes shall not prohibit the placement of manufactured homes on individual lots, and (4) makes the act effective when it becomes law.***

CURRENT LAW: Municipalities (Chapter 160A) and counties (Chapter 153A) may adopt zoning ordinances and subdivision regulation ordinances. Subdivision regulation ordinances may be as part of a unified development ordinance or as a separate subdivision ordinance to regulate the subdivision of land within the territorial jurisdiction of the county or city. A zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. For both cities and counties, manufactured homes may be zoned as follows:

- A county or city may not adopt or enforce zoning regulations or other provisions which have the effect of excluding manufactured homes from the entire zoning jurisdiction.
- A county or city may adopt and enforce appearance and dimensional criteria for manufactured homes. Those criteria must be adopted by ordinance, and designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents.
- A county or city may designate a manufactured home overlay district within a residential district. Such overlay district is to consist of a defined area within which additional requirements or standards are placed upon manufactured homes, and may not consist of an individual lot or scattered lots.
- Valid restrictive covenants running with the land are not preempted or superseded.

For purposes of zoning the "manufactured home" is the same as defined in G.S. 143-145(7)[1], the definition used for Uniform Standards Code for Manufactured Homes.

BILL ANALYSIS: The pcs would make the following changes to the zoning authority of counties to regulate manufactured homes:

- Change the definition of 'manufactured home' to one that meets both of following criteria:
  1. The home meets the Manufactured Home Safety and Construction standards set by U.S. Department of Housing and Urban Development as of the date the application is made for a zoning permit to locate the manufactured home on an individual lot.
  2. Structural additions to the home (such as porches and decks) must comply with the standards of the North Carolina State Building Code.
- Change the restriction on not having the authority to exclude manufactured homes from the entire zoning jurisdiction, to not having the authority to exclude individual manufactured homes located on individual lots from any area zoned for single-family residential use other than in an historic district or in areas heavily dependent on tourism.
- Permit the adoption and enforcement of 'reasonable appearance criteria' for manufactured homes, rather than 'appearance and dimensional criteria' for manufactured homes. The 'reasonable appearance criteria' must not have the effect of prohibiting the placement of manufactured homes on individual lots.
- Eliminate the authority for the county to designate a manufactured home overlay district within a residential district.

EFFECTIVE DATE: When it becomes law, and applies to zoning decisions made on or after that date, and to zoning permits issued on or after that date.

R. Erika Churchill contributed substantially to the drafting of this summary.

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[1] Manufactured home. – A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. G.S. 143-145(7).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 769
Committee Substitute Favorable 4/25/13

Short Title: Zoning/Limit Manufactured Home Restrictions. (Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE ZONING LAWS TO LIMIT WHEN COUNTIES MAY RESTRICT THE PLACEMENT OF MANUFACTURED HOMES IN AREAS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-341.1 reads as rewritten:

"**§ 153A-341.1. Zoning regulations for manufactured homes.**

~~The provisions of G.S. 160A-383.1 shall apply to counties.~~

(a) The General Assembly finds and declares that manufactured housing offers affordable housing opportunities for low and moderate income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations which severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that counties shall not unduly restrict the placement of manufactured homes in areas zoned for single-family residences, with the exception that the homes may be reasonably restricted in areas where uniform aesthetic and design standards are imposed.

(b) For purposes of this section, the term "manufactured home" is defined as a home meeting all of the following criteria:

(1) The home meets the Manufactured Home Safety and Construction standards set by the U.S. Department of Housing and Urban Development as of the date the application is made for a zoning permit to locate the manufactured home on an individual lot.

(2) Structural additions to the home, such as porches and decks, must comply with the standards of the North Carolina State Building Code.

(c) A county may not adopt or enforce zoning regulations or other provisions which have the effect of excluding individual manufactured homes located on individual lots from any area zoned for single-family residential use other than in a historic district.

(d) A county may adopt and enforce reasonable appearance criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of individual neighborhoods within the county, and to promote the health, safety, and welfare of county residents. The criteria shall be adopted by ordinance.

(e) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land."

SECTION 2. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect

without the invalid provision or application, and to this end the provisions of this section are severable.

SECTION 3. This act becomes effective October 1, 2013, and applies to zoning decisions made on or after that date and to zoning permits issued on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 769
Committee Substitute Favorable 4/25/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H769-CSRN-52 [v.3]
6/16/2014 8:23:15 PM

Short Title: Zoning/Limit Manufactured Home Restrictions. (Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT AMENDING THE ZONING LAWS TO LIMIT WHEN COUNTIES MAY RESTRICT THE PLACEMENT OF MANUFACTURED HOMES IN AREAS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-341.1 reads as rewritten:

"**§ 153A-341.1. Zoning regulations for manufactured homes.**

~~The provisions of G.S. 160A-383.1 shall apply to counties.~~

(a) The General Assembly finds and declares that manufactured housing offers affordable housing opportunities for low and moderate income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations which severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that counties shall not unduly restrict the placement of manufactured homes in areas zoned for single-family residences, with the exception that the homes may be reasonably restricted in areas where uniform aesthetic and design standards are imposed.

(b) For purposes of this section, the term "manufactured home" is defined as a home meeting all of the following criteria:

(1) The home meets the Manufactured Home Safety and Construction standards set by the U.S. Department of Housing and Urban Development as of the date the application is made for a zoning permit to locate the manufactured home on an individual lot.

(2) Structural additions to the home, such as porches and decks, must comply with the standards of the North Carolina State Building Code.

(c) A county may not adopt or enforce zoning regulations or other provisions which have the effect of excluding individual manufactured homes located on individual lots from any area zoned for single-family residential use other than in either of the following:

(1) In a historic district.

(2) In areas heavily dependent on tourism, not to exceed ten percent (10%) of the county land area.

(d) A county may adopt and enforce reasonable appearance criteria for manufactured homes. The reasonable appearance criteria shall be limited to criteria that are designed to protect property values, to preserve the character and integrity of individual neighborhoods within the county, and to promote the health, safety, and welfare of county residents. The

criteria shall be adopted by ordinance and shall not prohibit or have the effect of prohibiting the placement of manufactured homes on individual lots.

(e) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land."

SECTION 2. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SECTION 3. This act is effective when it becomes law and applies to zoning decisions made on or after that date and to zoning permits issued on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 17, 2014

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

FAVORABLE

HB **1080** Watha Deannexation.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **1158 (CS#1)** Morganton Charter Amendment.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **846** Shallotte Deannexations.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

SB **870** Durham/Payments for On-Street Parking.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

1 of multiple reports



Senator William Rabon will handle HB 1080
Senator Warren Daniel will handle HB 1158
Senator William Rabon will handle SB 846
Senator J. Woodard will handle SB 870



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 17, 2014

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

FAVORABLE

SB **864** Yanceyville ATV Use.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

2 of multiple reports

Senator J. Woodard will handle SB 864



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 17, 2014

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

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **769** **(CS#1)** Zoning/Limit Manufactured Home Restrictions.

Draft Number:	H769-PCS40244-RN-52
Sequential Referral:	Commerce
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

3rd report of multiple reports



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Wednesday, June 18, 2014

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

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

SB **731** Southport Occupancy Tax Modification.

Draft Number:	S731-PCS15452-ST-107
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

4 of 4 reports

Senator William Rabon will handle SB 731



ATTENDANCE

Committee:

SENATE State and Local Government

DATE: 6/17/14 MEMBERS:																
Sen. J. Davis, Co-Chair	✓															
Sen. Tucker, Co-Chair	✓															
Sen. Wade, Co-Chair	✓															
Sen. Barringer	✓															
Sen. Bingham																
Sen. D. Davis	✓															
Sen. Foushee	✓															
Sen. Goolsby	✓															
Sen. Hartsell	✓															
Sen. B. Jackson	✓															
Sen. McLaurin	✓															
Sen. Pate	✓															
Sen. Tarte	✓															
Sen. Van Duyn	✓															
Sen. Walters	✓															

SENATE SERGEANT-AT-ARMS

COMMITTEE: Senate Committee on State and Local Government

DATE: 06-17-2014 ROOM: 1124

1. STEVE McKAIG
2. MATT URBEN
3. ANDERSON MEADOWS
4. _____
5. _____
6. _____

PAGES ATTENDING

Date: 6-17 Noon

Committee: State & Local Govt **Room:** 1124

PLEASE PRINT LEGIBILY!!!!!

	Page Name	Hometown	Sponsoring Senator
1	Alex Lukie	Wilmington	Rabon
2	Winston Massey	Raleigh	Jackson, Jeff
3	Grayson Flake	Wake Forest	Berger
4	Tyler Dabbs	Eden	Berger
5	Connor Badgett	Statesville	Brock
6	Will Dabbs	Eden	Berger
7	McKay Dula	Wedington	Tucker
8	Justin Perkins	Apex	Barringer
9			

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the meeting or a Sgt. at Arms.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/12/14

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT.

NAME	FIRM OR AGENCY AND ADDRESS
	NCTIA
Johanna Reese	NCACC
William Stirling	Brubaker and Associates
Karmisha Wallace	City of Durham 101 City Hall Plaza
	MFS
	NCCBSA
Carley Ruff	NCHC
Tom West	Poyner Spruill LLP
	Jordan Price
J. Gray	NCMIUA
Brad Lovin	NCMHA

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/12/14

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
FRED LAMAR	DURHAM CITY ATTORNEY'S OFFICE
Mark Ahrendsen	City of Durham, Transportation Dept
Felicia Myde	NCLM
Erin Wynia	NCLM
Susanna Davis	WM
Isabel Villarreal Garcia	NCSBA
TJ Bugbee	NP
Melissa Mitchell	UNC Law
Sarah Walker	UNC Law
Allison Melvin	UNC Law

Senate Committee on State and Local Government
Tuesday, June 24, 2014, 12:00 PM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks
Introduction of Pages
Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1067	Murphy Deannexation.	Representative West
HB 1044	Averasboro Township TDA Changes.	Representative Lewis
HB 1045	Town of Elkin/Reg. Municipal Elections Sched.	Representative Stevens
HB 1114	Elk Park/Deed Transferring Property.	Representative Dobson
HB 1134	Cleveland County/Road Assessment Criteria.	Representative T. Moore Representative Hastings
HB 1159	City of Greenville/Private Sale.	Representative B. Brown Representative S. Martin
HB 1207	High Point Charter/Council Hire City Attorney.	Representative Faircloth Representative Brandon Representative Blust Representative Hurley
HB 1218	City of Monroe/Supervision of Attorney.	Representative Horn Representative Arp Representative Brody
HB 1247	Asheville Regional Airport.	Representative McGrady Representative Fisher Representative Moffitt Representative Ramsey
SB 839	Winston-Salem/Parking Meters.	Senator Parmon Senator Krawiec
SB 851	Allow Absentee Voting/1st Craven Sanitary Dis.	Senator Sanderson
SB 875	Bakersville/Stagger Terms of Town Council.	Senator Hise
HB 458	Omnibus County Legislation.	Representative McElraft
HB 677	Consolidation of Certain Fire Districts.	Representative W. Brawley Representative Moffitt Representative Stone
HB 1113	Bent Creek Property Sullivan Act Exemption.	Representative McGrady Representative Fisher Representative Moffitt Representative Ramsey

Presentations
Other Business
Adjournment

Senate Committee on State and Local Government
Tuesday, June 24, 2014 at 12:00 PM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 24, 2014 in Room 1124/1224 of the Legislative Building. Twelve members were present.

Senator Jim Davis, Chair, presided.

Senator Davis called the meeting to order, introduced the Pages (Zach Maher, Waxhaw, Sen. Tucker; Michael Sonnenberg, Littleton, Sen. Bryant; Joseph Womble, Cary, Sen. J. Jackson; Martha McSwain, Norwood, Sen. Walters; Ben Britt, Winston-Salem, Sen. Krawiec; Megan Matula, Rolesville, Sen. J. Davis; Anna Martina, Harrisburg, Sen. Hartsell) and thanked the Sargeants-at-Arms (Steve Wilson, Charles Harper, Isaac Walker, Ken Kirby, Hal Roach).

HB 1067 Murphy Deannexation. (Representative West) – Representative West explained the bill and responded to questions. The committee voted favorable as to bill with a sequential referral to Finance.

HB 1044 Averasboro Township TDA Changes. (Representative Lewis) – The committee voted to consider a Senate Committee Substitute Bill. Senator Rabin explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to committee substitute bill with a sequential referral to Finance.

HB 1045 Town of Elkin/Reg. Municipal Elections Sched. (Representative Stevens) – Representative Stevens explained the bill and responded to questions. The committee voted favorable as to bill.

HB 1114 Elk Park/Deed Transferring Property. (Representative Dobson) – Representative Dobson explained the bill and responded to questions. The committee voted favorable as to bill with a referral to Finance.

HB 1134 Cleveland County/Road Assessment Criteria. (Representatives T. Moore, Hastings) – Representative Hastings explained the bill and responded to questions. The committee voted favorable as to bill.

HB 1159 City of Greenville/Private Sale. (Representatives B. Brown, S. Martin) – Representative Brown explained the bill and responded to questions. The committee voted favorable as to bill.

HB 1207 High Point Charter/Council Hire City Attorney. (Representatives Faircloth, Brandon, Blust, Hurley) – Representative Blust explained the bill and responded to questions. The committee voted favorable as to bill.

HB 1218 City of Monroe/Supervision of Attorney. (Representatives Horn, Arp, Brody) – Representative Horn explained the bill and responded to questions. The committee voted favorable as to bill.

HB 1247 Asheville Regional Airport. (Representatives McGrady, Fisher, Moffitt, Ramsey) – The committee voted to consider a Senate Committee Substitute Bill. Representative McGrady explained the bill and responded to questions. The committee voted unfavorable as to original bill and favorable as to committee substitute bill.

SB 839 Winston-Salem/Parking Meters. (Senators Parmon, Krawiec) – The committee voted to consider a Committee Substitute Bill. Senator Krawiec explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to committee substitute bill.

SB 851 Allow Absentee Voting/1st Craven Sanitary Dis. (Senator Sanderson) – Senator Sanderson explained the bill and responded to questions. The committee voted favorable as to the bill.

SB 875 Bakersville/Stagger Terms of Town Council. (Senator Hise) – The committee voted to consider a Committee Substitute Bill. Senator Hise explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to committee substitute bill.

HB 458 Public Hospital Conveyances. (Representative McElraft) - Displaced

HB 677 Consolidation of Certain Fire Districts. (Representatives W. Brawley, Moffitt, Stone) – The committee voted to consider a Senate Committee Substitute Bill. Representative Ramsey explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to substitute bill with a recommended referral to Finance.

HB 1113 Bent Creek Property Sullivan Act Exemption. (Representatives McGrady, Fisher, Moffitt, Ramsey) – The committee voted to consider a Senate Committee Substitute Bill. Representative McGrady explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to substitute bill.

The meeting adjourned at 12:55 PM.

Senator Jim Davis, Chair
Presiding

Kaye Culberson, Committee Clerk

Principal Clerk ____
Reading Clerk ____

Corrected #4: Add HB 1113

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 24, 2014	12:00 PM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1067	Murphy Deannexation.	Representative West
HB 1044	Averasboro Township TDA Changes.	Representative Lewis
HB 1045	Town of Elkin/Reg. Municipal Elections Sched.	Representative Stevens
HB 1114	Elk Park/Deed Transferring Property.	Representative Dobson
HB 1134	Cleveland County/Road Assessment Criteria.	Representative T. Moore Representative Hastings
HB 1159	City of Greenville/Private Sale.	Representative B. Brown Representative S. Martin
HB 1207	High Point Charter/Council Hire City Attorney.	Representative Faircloth Representative Brandon Representative Blust Representative Hurley
HB 1218	City of Monroe/Supervision of Attorney.	Representative Horn Representative Arp Representative Brody
HB 1247	Asheville Regional Airport.	Representative McGrady Representative Fisher Representative Moffitt Representative Ramsey
SB 839	Winston-Salem/Parking Meters.	Senator Parmon Senator Krawiec
SB 851	Allow Absentee Voting/1st Craven Sanitary Dis.	Senator Sanderson
SB 875	Bakersville/Stagger Terms of Town Council.	Senator Hise
HB 458	Omnibus County Legislation.	Representative McElraft

HB 677	Consolidation of Certain Fire Districts.	Representative W. Brawley Representative Moffitt Representative Stone
HB 1113	Bent Creek Property Sullivan Act Exemption.	Representative McGrady Representative Fisher Representative Moffitt Representative Ramsey

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

HOUSE BILL 1067:
Murphy Deannexation

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 24, 2014
Introduced by:	Rep. West	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 1067 deannexes two tracts of land from the corporate limits of the Town of Murphy.***

[As introduced, this bill was identical to S736, as introduced by Sen. J. Davis, which is currently in Senate State and Local Government.]

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 governs municipal annexations. The General Assembly has not enacted any method for municipalities to *deannex* property — that power remains with the General Assembly.

BILL ANALYSIS: The bill deannexes two tracts of land from the corporate limits of the Town of Murphy. The first tract consists of approximately 6 ½ acres. The second tract is a strip of land approximately 16 feet wide, located on what is known as the G.W. Hampton farm. The bill also provides that it does not affect the validity of any liens of the Town of Murphy for outstanding ad valorem taxes or special assessments.

EFFECTIVE DATE: The act becomes effective June 30, 2014.

Shelly DeAdder, counsel to House Government, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 1067*
Committee Substitute Favorable 5/29/14

Short Title: Murphy Deannexation. (Local)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO DEANNEX TWO DESCRIBED TRACTS FROM THE CORPORATE LIMITS OF THE TOWN OF MURPHY.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Murphy are reduced by removing the following described tracts:

FIRST TRACT:

In District #3 of Cherokee County and in Murphy Township, and bounded and more particularly described as follows:

It being a part of Tract #117, in said District.

BEGINNING on a Holly on the line of #116 and #117 standing on the North bank of a small branch that empties into Axley Mill Creek, runs up said branch with its meanders S 84 and 20 poles to a stake on said branch near two Maples; then N 39-1/2 E 27 1/2 poles to a Pine on the top of a ridge; thence N 58 1/2 W 26 poles to a small Sourwood just North of the top of the ridge; then N 78 W 14 1/2 poles to a small Black Oak on the South side of the old road on the top of the ridge and on the line of #116 and #117; then with said line S 3 1/2 W 35 poles to the BEGINNING, containing 6 1/2 acres, more or less.

SECOND TRACT:

This being a strip of land 16 feet wide and being the old Unica roadway and public road leading from where J.W. Dyer's land lies in an Eastern direction with the meanders of the said old roadway to the point where the same intersects the Hayesville and Murphy public road in the West side of Hiwassee River at the old Blackwell Mill place, the said land being located and situated in Murphy Township and being a part of the G.W. Hampton farm.

SECTION 2. This act has no effect upon the validity of any liens of the Town of Murphy 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 Murphy.

SECTION 3. This act becomes effective June 30, 2014.

HOUSE BILL 1044:
Averasboro Township TDA Changes

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 24, 2014
Introduced by:	Rep. Lewis	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition H1044-CSRN-54		Committee Counsel

SUMMARY: ***House Bill 1044 makes changes to the composition, meeting requirements, and authority of the Averasboro Township Tourism Development Authority (the Authority).*** ***The Proposed Committee Substitute makes a grammatical correction (clarifies that for the three members appointed by the Authority, each of these members must be a hotel, motel, or bed and breakfast operator from Averasboro Township).***

CURRENT LAW: The Authority was created in 1987 by S.L. 1987-142 and is charged with developing, promoting, and advertising travel and tourism in Averasboro Township; sponsoring tourist-oriented events and activities; operating and maintaining museums and historic sites; and purchasing, operating, and maintaining a convention facility.

The Authority meets at the call of the chair and is currently composed of seven members as follows:

- 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.
- The Harnett County Manager, ex officio.
- The Harnett County Commissioner representing Averasboro Township, ex officio.
- The President of the Dunn Area Chamber of Commerce, ex officio.
- The Vice President of Economic and Industrial Development of the Dunn Area Chamber of Commerce, ex officio.
- The City Manager of the Town of Dunn, ex officio.

The Finance Officer for the Harnett County serves as the ex officio finance officer of the authority. The township is required to remit the net proceeds of occupancy tax collected to the Authority on a quarterly basis.

BILL ANALYSIS: The bill increases the membership of the Authority from seven to nine members and alters the qualifications for membership. The membership of the Authority would change to:

- Three members, appointed by the Authority from applications submitted to the Authority, each of whom is a hotel, motel, or bed and breakfast operator from Averasboro Township.
- 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.

- 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.
- The Harnett County Manager, ex officio.
- A Harnett County Commissioner representing Averasboro Township, ex officio.
- The City Manager of the Town of Dunn, ex officio.
- A city council member of Dunn, appointed by the Dunn City Council, ex officio.

Under the bill, the Finance Officer for the City of Dunn replaces the Finance Officer of Harnett County as the ex officio finance officer of the Authority.

Additionally, the bill creates the position of vice-chair, designated by the Authority; requires the Authority to meet monthly, or at the call of the chair; directs the township to remit the net proceeds of the occupancy tax to the Authority on a monthly basis (as opposed to quarterly); and gives the Authority the ability to finance tourist-related capital projects in Averasboro Township.

EFFECTIVE DATE: The 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, 2014, or the date specified in a resolution adopted in accordance with this act.

Shelly DeAdder, Counsel to House Government, and Trina Griffin, Counsel to House Finance, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 1044
PROPOSED SENATE COMMITTEE SUBSTITUTE H1044-CSRN-54 [v.1]

6/23/2014 10:22:29 AM

Short Title: Averasboro Township TDA Changes. (Local)

Sponsors:

Referred to:

May 15, 2014

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, each of whom is 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, 2014, or the date specified in a resolution adopted in accordance with this act.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 1044

Senate State and Local Government Committee Substitute Adopted 6/24/14

Short Title: Averasboro Township TDA Changes. (Local)

Sponsors:

Referred to:

May 15, 2014

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, each of whom is 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 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, 2014, or the date specified in a resolution adopted in accordance with this act.

HOUSE BILL 1045:
Town of Elkin/Reg. Municipal Elections Sched

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 21, 2014
Introduced by:	Rep. Stevens	**Prepared by:**	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***Bill 1045 changes the regular municipal election cycle from odd-numbered years to even-numbered years for the Town of Elkin and lengthens the terms of current town commissioners to the new election schedule.***

CURRENT LAW: Currently, regular municipal elections in the Town of Elkin are held in odd-numbered years. Elections are conducted on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163-292. Nonpartisan elections that are determined by a simple plurality are held on the Tuesday after the first Monday in November. There are five town commissioners, who serve four-year staggered terms. Two commissioners and the mayor were elected in 2011, and three commissioners were elected in 2013.

BILL ANALYSIS: House Bill 1045 changes the regular municipal election cycle from odd-numbered years to even-numbered years for the Town of Elkin.

To implement the schedule, regular elections will not be conducted in 2015. The terms of the mayor and the two commission members who were elected in 2011 are extended until the organizational meeting after the 2016 municipal election. The terms of the three commission members who were elected in 2013 are extended until the organizational meeting after the 2018 regular municipal election.

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

BACKGROUND: Regular municipal elections in most municipalities are held in odd-numbered years. The following municipalities hold regular municipal elections in even-numbered years:

- Archdale (S.L. 2007-41)
- Dobson (S.L. 2012-47)
- Pilot Mountain (S.L. 2012-47)
- High Point (S.L. 2006-171) – However, S.L. 2013-261 changes the method of election for municipal elections back to odd-numbered years, beginning with the 2017 election.

Kelly Quick substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 1045
Second Edition Engrossed 6/3/14

Short Title:	Town of Elkin/Reg. Municipal Elections Sched.	(Local)
Sponsors:	Representative Stevens (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

May 15, 2014

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF ELKIN BE CONDUCTED IN EVEN-NUMBERED YEARS AND LENGTHENING THE TERMS OF CURRENT TOWN COMMISSIONERS TO THE NEW ELECTION SCHEDULE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.1 of the Charter of the Town of Elkin, being Chapter 740 of the 1987 Session Laws, reads as rewritten:

"Section 3.1. Regular Municipal Elections. Regular municipal elections ~~are~~ shall be held in each ~~odd-numbered~~ even-numbered year in accordance with the uniform municipal elections laws of North Carolina. Elections are conducted on a nonpartisan basis and the results determined using the plurality method as provided in G.S. 163-292."

SECTION 2. No regular election shall be conducted in the Town of Elkin in 2015, and the terms of the mayor and the two commission members elected in 2011 are extended until the organizational meeting after the 2016 regular municipal election held in accordance with Section 1 of this act, and the terms of the three commission members elected in 2013 are extended until the organizational meeting after the 2018 regular municipal election held in accordance with Section 1 of this act.

SECTION 3. This act becomes effective January 1, 2015.

HOUSE BILL 1114:
Elk Park/Deed Transferring Property

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 24, 2014
Introduced by:	Rep. Dobson	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 1114 would prohibit the Avery County Register of Deeds from recording deeds transferring property in the Town of Elk Park unless the deed has a certificate from the Town's tax collector stating that no taxes are delinquent.

CURRENT LAW: The Avery County Register of Deeds is prohibited from recording any deed unless it is accompanied by a certificate from the Avery County Tax Collector indicating that all County taxes and municipal taxes collected by the County have been paid.[1] For property in Newland[2], Banner Elk[3], and Sugar Mountain[4], the Avery County Register of Deeds is also prohibited from recording any deed unless it is accompanied by a certificate from the municipalities' tax collector.

BILL ANALYSIS: House Bill 1114 would add the Town of Elk Park to the list of municipalities in Avery County that require deeds be accompanied by a certificate indicating all delinquent Town taxes have been paid.

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

BACKGROUND: G.S. 161-31(a) provides that the board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property unless the county tax collector has certified that there are no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes. In the resolution, the county commissioners may describe the form the certification must take.[5]

G.S. 161-31(a1) requires that the register of deeds must accept, without certification, a deed that contains 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."

Municipal property taxes are covered by G.S. 161-31 only if the county collects the tax for the municipality. If a city collects its own taxes, G.S. 161-31 will not prevent a deed from being recorded due to delinquent taxes owed to that city. Currently only Duplin County[6] is subject to a local bill that

[1] Chapter 305 of the 1963 Session Laws.
[2] S.L. 1997-410.
[3] S.L. 1998-73.
[4] S.L. 2010-51.
[5] G.S. 161-31 applies to the following 75 counties: 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, Stokes, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey.
[6] S.L. 2010-24.

O. Walker Reagan
Director



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extends G.S. 161-31's requirements to cover all municipal property taxes regardless of who collects those taxes.

Kelly Quick with the Research Division substantially contributed to this summary.

HOUSE BILL 1114

Short Title:	Elk Park/Deed Transferring Property.	(Local)
Sponsors:	Representative Dobson (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government, if favorable, Finance.	

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE REGISTER OF DEEDS OF AVERY COUNTY TO REFUSE RECORDATION OF A DEED FOR PROPERTY SUBJECT TO DELINQUENT MUNICIPAL PROPERTY TAXES FOR THE TOWN OF ELK PARK.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 305 of the 1963 Session Laws, as amended by S.L. 1997-410, S.L. 1998-73, and S.L. 2010-51, reads as rewritten:

"Section 1. The Register of Deeds of Avery County shall not receive for recordation any deed unless the following conditions are met:

(1) The deed is accompanied by a certificate from the Avery County Tax Collector to the effect that all delinquent county taxes and all delinquent taxes for municipalities for which the county collects taxes have been paid with respect to the property described in the deed.

(2) If the property described in the deed is located in whole or in part in the Town of Newland, the deed is accompanied by a certificate from the tax collector for the town to the effect that all delinquent municipal taxes have been paid with respect to the property.

(3) If the property described in the deed is located in whole or in part in the Town of Banner Elk, the deed is accompanied by a certificate from the tax collector for the town to the effect that all delinquent municipal taxes have been paid with respect to the property.

(4) If the property described in the deed is located in whole or in part in the Village of Sugar Mountain, the deed is accompanied by a certificate from the tax collector for the village to the effect that all delinquent municipal taxes have been paid with respect to the property.

(5) If the property described in the deed is located in whole or in part in the Town of Elk Park, the deed is accompanied by a certificate from the tax collector for the town to the effect that all delinquent municipal taxes have been paid with respect to the property."

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

HOUSE BILL 1134:
Cleveland County/Road Assessment Criteria

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 24, 2014
Introduced by:	Reps. T. Moore, Hastings	**Prepared by:**	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 1134 reduces from 75% to 70% the lineal feet of road frontage that must be represented by signatures on a petition for assessments for subdivision and residential State road improvements financed by Cleveland County.

CURRENT LAW: Under current G.S. 153A-205, a county can levy assessments and finance the local share of improvements by DOT to subdivision and residential streets that are a part of the State maintained system, and located in the county and outside of a city. In order the do this, the county must receive a petition signed by at least 75% of the owners of property to be assessed, who must represent at least 75% of all the lineal feet of road frontage.

BILL ANALYSIS: House Bill 1134, applicable to Cleveland County only, reduces from 75% to 70% the lineal feet of road frontage that must be represented by signatures on a petition for assessments for subdivision and residential State road improvements financed by Cleveland County under G.S. 153A-205.

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

Giles S. Perry, Counsel to House Government, contributed substantially to this summary.

O. Walker Reagan
Director

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HOUSE BILL 1134

Short Title:	Cleveland County/Road Assessment Criteria.	(Local)
Sponsors:	Representatives T. Moore and Hastings (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

May 21, 2014

A BILL TO BE ENTITLED

AN ACT TO REVISE THE REQUIREMENTS FOR A PETITION SUBMITTED TO CLEVELAND COUNTY BY PROPERTY OWNERS SEEKING COUNTY FINANCING OF ROAD IMPROVEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-205(c) reads as rewritten:

"**§ 153A-205. Improvements to subdivision and residential streets.**

...

(c) Before a county may finance all or a portion of the cost of improvements to a subdivision or residential street, it must receive a petition for the improvements signed by at least seventy-five percent (75%) of the owners of property to be assessed, who must represent at least ~~seventy-five percent (75%)~~ seventy percent (70%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state that portion of the cost of the improvement to be assessed, which shall be the local share required by policies of the Secondary Roads Council. A county may treat as a unit and consider as one street two or more connecting State-maintained subdivision or residential streets in a petition filed under this subsection calling for the improvement of subdivision or residential streets subject to property owner sharing in the cost of improvement under policies of the Department of Transportation.

Property owned by the United States shall not be included in determining the lineal feet of frontage on the improvement, nor shall the United States be included in determining the number of owners of property abutting the improvement. Property owned by the State of North Carolina shall be included in determining frontage and the number of owners only if the State has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or controlled by railroad companies shall be included in determining frontage and the number of owners to the extent the property is subject to assessment under G.S. 160A-222. Property owned, leased, or controlled by railroad companies that is not subject to assessment shall not be included in determining frontage or the number of owners.

No right of action or defense asserting the invalidity of street assessments on grounds that the county did not comply with this subsection in securing a valid petition may be asserted except in an action or proceeding begun within 90 days after the day of publication of the notice of adoption of the preliminary assessment resolution.

...."

SECTION 2. This act applies to Cleveland County only.

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

HOUSE BILL 1159:
City of Greenville/Private Sale

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 24, 2014
Introduced by:	Reps. B. Brown, S. Martin	**Prepared by:**	Chris Saunders
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 1159 would authorize the City of Greenville to sell certain land by private sale.***

[As introduced, this bill was identical to S841, as introduced by Sens. D. Davis, Pate, which is currently in Senate State and Local Government.]

CURRENT LAW: The North Carolina Constitution provides that the taxing power is to be used for public purposes only (Section 2 of Article V), and that no person is entitled to exclusive emoluments or privileges from the community but in consideration of public services (Section 32 of Article I).

Counties and cities may purchase real and personal property to carry out their public purpose. Disposition of those properties is controlled by the General Statutes, in Article 12 of Chapter 160A. Under that Article, a county or city may dispose of real property by any of the following methods:

(1) Private negotiation and sale, where all of the following requirements are met:
   a. The real property is significant for its architectural, archaeological, artistic, cultural or historical associations, or related to property with significance.
   b. The real property is to be sold to a nonprofit corporation or trust whose purposes include preservation or conservation.
   c. A preservation agreement or conservation agreement is placed in the deed conveying the real property from the city to the nonprofit corporation or trust.

(2) Advertisement for sealed bids.
(3) Negotiated offer, advertisement, and upset bid.
(4) Public auction.
(5) Exchange.

Additionally, a county or city may, under terms and conditions as it deems wise, sell real property to any other unit of government, with or without consideration.

BILL ANALYSIS: House Bill 1159 would authorize the City of Greenville to sell certain real property by private negotiation and sale under the following conditions:

- The real property must be located in an area with a single-family residential zoning district if the real property is vacant.
- The parcel, or parcels in the aggregate, must not meet the minimum lot size requirement for a lot as required by the zoning ordinance.
- The sale may only be to a person who owns the adjacent property.
- The City may attach covenants or conditions to the sale.
- The City must adopt a resolution, on 10 days' public notice, to approve the sale.

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

O. Walker Reagan
Director

H1159-SMTQ-155 E2 -V1

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Erika Churchill, Staff Attorney, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 1159
Committee Substitute Favorable 6/18/14

Short Title: City of Greenville/Private Sale. (Local)

Sponsors:

Referred to:

May 21, 2014

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GREENVILLE TO CONVEY BY PRIVATE NEGOTIATION AND SALE CERTAIN REAL PROPERTY OWNED BY THE CITY THAT DOES NOT MEET THE MINIMUM LOT SIZE REQUIREMENTS PRESCRIBED BY THE CITY'S ZONING ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the City of Greenville may convey by private negotiation and sale, with monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in real property owned by the City and located within an area with a single-family residential zoning district classification if the real property consists of a vacant parcel or parcels which, in the aggregate, do not meet the minimum lot size requirement for a lot as required by the City's zoning ordinance. The sale may only be to a person who owns property adjacent to the real property being sold by the City. The City may attach to the conveyance of title such covenants or conditions necessary to assure that the property is used and maintained in a manner deemed appropriate by the City.

SECTION 1.(b) Any sale pursuant to the authority granted in this act must be approved by the City Council, by resolution, upon 10 days' public notice. Notice shall be given by describing the property to be sold, stating the proposed monetary consideration, and stating the City Council's intent to approve the sale and subsequent conveyance.

SECTION 1.(c) For purposes of this act, a single-family residential zoning district means a zoning district established by the City's zoning ordinance which allows a single-family dwelling as a permitted use.

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

HOUSE BILL 1207:
High Point Charter/Council Hire City Attorney

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 21, 2014
Introduced by:	Reps. Faircloth, Brandon, Blust, Hurley	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1207 amends the charter of the City of High Point (the City) to:***

- ***Provide that the city council is responsible for appointing the city attorney.***
- ***Make technical corrections to delete duplicate charter section numbers.***

CURRENT LAW: G.S. 160A-173 requires the city council to appoint a city attorney to serve at the council's pleasure and to be its legal advisor.

The charter of High Point does not specifically address the appointment of a city attorney, but does specifically provide that the city manager shall "have the sole power to appoint and remove all heads of departments and all subordinate officers and employees of the city, unless otherwise provided in this charter."

When there is a conflict between the general law and a city charter regarding the powers and duties of city officials, "the two procedures may be used as alternatives, and a city may elect to follow either one." G.S. 160A-3(a). Currently, the city manager appoints the city attorney.

BILL ANALYSIS: The bill amends the charter of High Point to provide that the city council is responsible for appointing the city attorney. The city attorney would serve at the pleasure of the council. The bill makes other technical corrections to replace duplicate section numbers.

EFFECTIVE DATE: Effective when it becomes law.

HOUSE BILL 1207

Short Title:	High Point Charter/Council Hire City Attorney.	(Local)
Sponsors:	Representatives Faircloth, Brandon, Blust, and Hurley (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO HIRE THE CITY ATTORNEY AND TO MAKE CERTAIN TECHNICAL CORRECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 2 of Article IV of the Charter of the City of High Point, being Chapter 501 of the 1979 Session Laws, as amended, reads as rewritten:

"CHAPTER 2.

"CITY CLERK.

"~~Sec. 4.1.~~Sec. 4.6. Appointment; term; compensation.

"~~Sec. 4.2.~~Sec. 4.7. Duties.

"~~Sec. 4.1.~~ Sec. 4.6. Appointment; term; compensation. The council shall appoint a city clerk, who shall serve at the pleasure of the council. The compensation of the city clerk shall be as fixed by the council.

"~~Sec. 4.2.~~Sec. 4.7. Duties. The city clerk shall keep a journal of the proceedings of the council, maintain in a safe place all records and documents pertaining to the affairs of the city and perform such other duties as may be required by law or as the council or city manager may direct."

SECTION 2. Article IV of the Charter of the City of High Point, being Chapter 501 of the 1979 Session Laws, as amended, is amended by adding a new Chapter to read as follows:

"CHAPTER 3.

"CITY ATTORNEY.

"Sec. 4.10. Appointment; term; compensation.

"Sec. 4.11. Duties.

"Sec. 4.10. Appointment; term; compensation. The council shall appoint a city attorney who shall serve at the pleasure of the council. The compensation of the city attorney shall be as fixed by the council.

"Sec. 4.11. Duties. The city attorney shall act as the council's legal advisor and shall provide such other legal services to the City as prescribed by the council."

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

HOUSE BILL 1218:
City of Monroe/Supervision of Attorney

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 23, 2014
Introduced by:	Reps. Horn, Arp, Brody	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1218 amends the charter of the City of Monroe to remove the provision authorizing the City Manager to have direct supervisory authority over the City Attorney.***

[As introduced, this bill was identical to S844, as introduced by Sen. Tucker, which is currently in Senate State and Local Government.]

CURRENT LAW: G.S. 160A-173 requires the city council to appoint a city attorney to serve at the council's pleasure and to be its legal advisor.

The Charter of the City of Monroe provides that the City Manager has direct supervisory authority over the City Attorney, City Clerk, Chief of Police, and Tax Collector in the performance of their respective duties and responsibilities.

BILL ANALYSIS: House Bill 1218 removes the authority of the City Manager to directly supervise the City Attorney in the City of Monroe.

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

Kelly Quick substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 1

HOUSE BILL 1218*

Short Title:	City of Monroe/Supervision of Attorney.	(Local)
Sponsors:	Representatives Horn, Arp, and Brody (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government, if favorable, Judiciary Subcommittee A.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO REMOVE THE PROVISION AUTHORIZING THE CITY MANAGER TO HAVE DIRECT SUPERVISORY AUTHORITY OVER THE CITY ATTORNEY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.8 of the Charter of the City of Monroe, being S.L. 2000-35, reads as rewritten:

"Section 4.8. **Council-Manager Relationship.** The Council shall hold the City Manager responsible for the proper management of the affairs of the City and he or she shall keep the Council informed of the conditions and needs of the City and shall make such reports and recommendations as may be requested by the Council or as he or she may deem necessary. The City Manager shall have the authority to appoint and remove all officers, department heads, and employees in the administrative service of the City, except those provided in this Charter to be appointed and removed by the Council. The City Manager shall have direct supervisory authority over the ~~City Attorney,~~ City Clerk, Chief of Police, and Tax Collector in the performance of their respective duties and responsibilities. Neither the Mayor, the City Council, nor any member thereof shall direct the conduct or activities of any City employee, directly or indirectly, except through the City Manager."

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

HOUSE BILL 1247:
Asheville Regional Airport

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 24, 2014
Introduced by:	Reps. McGrady, Fisher, Moffitt, Ramsey	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition H1247-CSRN-56		Committee Counsel

SUMMARY: ***House Bill 1247 amends the Greater Asheville Regional Airport Authority Act of 2012 to authorize the Asheville City Council and the Boards of County Commissioners of Buncombe and Henderson Counties to each appoint one elected official to the Greater Asheville Regional Airport Authority.*** ***The Proposed Committee Substitute (PCS) clarifies that each of these appointing authorities may appoint one of its own members to serve as the person holding any elected public office. Otherwise, a person holding such an office may not be a member of the Authority. Sections 2 and 3 of the PCS make technical changes only.***

CURRENT LAW: The Greater Asheville Regional Airport Authority Act of 2012 (S.L. 2012-121, as amended by S.L. 2012-194) provides that no person holding public elected office may be a member of the seven member Authority.

BILL ANALYSIS: The PCS for House Bill 1247 amends the Greater Asheville Regional Airport Authority Act of 2012 to provide that one elected public official may serve as an appointee of each of the following: the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County. It also clarifies that each appointing authority may appoint one of its own members to serve as the person holding any elected public office. Otherwise, a person holding such an office may not be a member of the Authority.

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

Giles S. Perry, Counsel to House Government, contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 1247
PROPOSED SENATE COMMITTEE SUBSTITUTE H1247-CSRN-56 [v.2]

6/23/2014 5:52:54 PM

Short Title: Asheville Regional Airport. (Local)

Sponsors:

Referred to:

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO ALLOW LIMITED APPOINTMENT OF ELECTED PUBLIC OFFICIALS TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.4.(a1) of S.L. 2012-121, as rewritten by Section 69.1 of S.L. 2012-194, reads as rewritten:

"**SECTION 1.4.(a1)** Notwithstanding subsection (c) of this section, no person holding any elected public office may be a member of the ~~Authority.~~Authority, unless both of the following conditions are met:

(1) Each appointing authority listed in subdivision (2) of this section may appoint one of its own members to serve as the person holding any elected public office. Otherwise, a person holding any elected public office may not be a member of the Authority.

(2) At any given time, not more than one person holding any elected public office may serve as an appointee of each of the following: the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County."

SECTION 2. Section 1.4.(c) of S.L. 2012-121 reads as rewritten:

"**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,~~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 3. Section 1.4.(d) of S.L. 2012-121 reads as rewritten:

"**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~~by the appointing authority of a member to serve for the remainder of the unexpired term."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1247

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

H1247-ARN-40 [v.4]

Comm. Sub. [YES]
Amends Title [YES]
H1247-CSRN-56

Date _____,2014

Senator Van Duyn

moves to amend the bill on page 1, line 3, by rewriting that line to read:
"THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND TO PROVIDE THAT EMINENT DOMAIN MUST BE AUTHORIZED BY THE AFFECTED APPOINTING AUTHORITY.";

and on page 2, line 5, by rewriting that line to read:

"**SECTION 4.** Section 1.7.(c) of S.L. 2012-121 reads as rewritten:

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.~~by the appointing authority affected by such proceeding. 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 5. Section 4 of this act is effective when it becomes law and applies to takings occurring on or after that date. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1247

Short Title:	Asheville Regional Airport.	(Local)
Sponsors:	Representatives McGrady, Fisher, Moffitt, and Ramsey (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO ALLOW LIMITED APPOINTMENT OF ELECTED PUBLIC OFFICIALS TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.4(a1) of S.L. 2012-121, as rewritten by Section 69.1 of S.L. 2012-194, reads as rewritten:

"**SECTION 1.4.(a1)** Notwithstanding subsection (c) of this section, no person holding any elected public office may be a member of the ~~Authority.~~Authority, except that at any given time not more than one elected public official may serve as an appointee of each of the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County."

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

SENATE BILL 839:
Winston-Salem/Parking Meters

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 24, 2014
Introduced by:	Sens. Parmon, Krawiec	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	PCS to First Edition S839-CSTQ-82 [v.2]		

SUMMARY: ***The Proposed Committee Substitute (PCS) for Senate Bill 453 would authorize the City of Winston-Salem to utilize parking meters capable of being activated by credit cards or electronic means. The PCS makes a technical change.***

[As introduced, this bill was identical to H1197, as introduced by Reps. Conrad, Lambeth, Terry, Hanes, which is currently in House Government.]

CURRENT LAW: G.S. 160A-301(a) authorizes a city to regulate parking on public streets, alleys and bridges by the use of parking meters, but permits activation of parking meters by coins or tokens only.

BILL ANALYSIS: Senate Bill 839 would authorize the City of Winston-Salem to operate parking meters that can be activated by coins, tokens, cash, credit cards, debit cards, or electronic means.

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

O. Walker Reagan
Director

S839-SMTQ-158 CSTQ-82 -V2

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 839*
PROPOSED COMMITTEE SUBSTITUTE S839-CSTQ-82 [v.2]

6/23/2014 7:48:34 PM

Short Title: Winston-Salem/Parking Meters. (Local)

Sponsors:

Referred to:

May 28, 2014

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT PARKING METERS IN THE CITY OF WINSTON-SALEM MAY BE ACTIVATED BY COINS, TOKENS, CASH, CREDIT CARDS, DEBIT CARDS, OR ELECTRONIC MEANS.

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, cash, credit cards, debit cards, or electronic means. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

...."

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 2013

S 1

SENATE BILL 839*

Short Title:	Winston-Salem/Parking Meters.	(Local)
Sponsors:	Senators Parmon and Krawiec (Primary Sponsors).	
Referred to:	State and Local Government.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT PARKING METERS IN THE CITY OF WINSTON-SALEM MAY BE ACTIVATED BY COINS, TOKENS, CASH, OR ANY OTHER COMMERCIALLY AVAILABLE MEANS OF PREPAYMENT CREDIT OR DEBIT.

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, cash, or any other commercially available means of providing prepayment credit or debit. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

...."

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

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

SENATE BILL 851:
Allow Absentee Voting/1st Craven Sanitary Dis

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 21, 2014
Introduced by:	Sen. Sanderson	**Prepared by:**	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 851 would authorize the First Craven Sanitary District to utilize one-stop absentee balloting in the election for its governing board.

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 at the same time, and conducted under the same rules, as municipal elections. G.S. 163-295 provides that the to the extent that the general laws, rules and procedures applicable to the conduct of are not inconsistent with the provisions of the laws governing municipal and special district elections, those general laws, rules and procedures apply to municipal and special district elections. The general law specifies that one-stop absentee voting is used for the conduct of the elections. However the laws governing municipal and special district elections require that a municipality must opt to allow one-stop absentee voting. G.S. 163-302. That statute does not currently permit special district to opt to allow one-stop absentee voting.

In order to opt to allow one-stop absentee voting, a municipality must adopt a resolution no later than 60 days prior to the election, but that resolution remains effective for all future elections unless repealed no later than 60 days before an election. A copy of the resolution authorizing one-stop absentee balloting, and any resolution repealing that authorization, must be filed with the State Board of Elections and the county board of election within 10 days of passage in order to be effective.

BILL ANALYSIS: The bill would authorize the First Craven Sanitary District to opt to allow one-stop absentee voting in its elections.

EFFECTIVE DATE: Effective when it becomes law.

SENATE BILL 851

Short Title:	Allow Absentee Voting/1st Craven Sanitary Dis.	(Local)
Sponsors:	Senator Sanderson (Primary Sponsor).	
Referred to:	State and Local Government.	

May 28, 2014

A BILL TO BE ENTITLED

AN ACT TO ALLOW FIRST CRAVEN SANITARY DISTRICT TO PROVIDE FOR ABSENTEE VOTING IN THE SAME MANNER AS A MUNICIPALITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-302(a) reads as rewritten:

"(a) In any municipal ~~election,~~ election or sanitary district election, including a primary or general election or referendum, conducted by the county board of elections, absentee voting may, upon resolution of the ~~municipal~~ governing body, be permitted. Such resolution must be adopted no later than 60 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 60 days before an election. A copy of all resolutions adopted under this section shall be filed with the State Board of Elections and the county board of elections conducting the election within 10 days of passage in order to be effective. Absentee voting shall not be permitted in any municipal election unless such election is conducted by the county board of elections. In addition, absentee voting shall be allowed in any referendum on incorporation of a municipality."

SECTION 2. This act applies to First Craven Sanitary District only.

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

SENATE BILL 875:
Bakersville/Stagger Terms of Town Council

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 24, 2014
Introduced by:	Sen. Hise	**Prepared by:**	Brad Krehely
Analysis of:	PCS to First Edition S875-CSLU-11		Committee Counsel

SUMMARY: ***Senate Bill 875 would stagger the terms of the members of the Bakersville Town Council.*** ***<u>The Proposed Committee Substitute makes technical changes to correct the staggering.</u>***

CURRENT LAW AND BILL ANALYSIS: The Baskerville Town Council consists of three members. One member of the council was elected to a four-year term in 2013, and this act does not affect this term of office.

The PCS for Senate Bill 875 is designed to stagger the terms of Council members. It provides that in 2015, two members shall be elected. The candidate with the highest number of votes receives a four-year term, and the candidate with the next highest number of votes receives a two-year term. In 2017 and biennually thereafter, two members will be elected. The candidate who receives the highest number of votes will serve a four-year term, and the candidate who receives the next highest number of votes will serve a two year term.

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

BACKGROUND: On November 14, 2013, the Town of Baskerville passed a resolution requesting that the terms of the council be changed by providing that every two years, one council member is elected to a four-year term (the candidate who receives the highest votes) and one council member is elected to a two-year term (the candidate who receives the next highest number of votes).

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 875
PROPOSED COMMITTEE SUBSTITUTE S875-CSLU-11 [v.1]

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Short Title: Bakersville/Stagger Terms of Town Council. (Local)

Sponsors:

Referred to:

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF BAKERSVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2005-43 reads as rewritten:

"**SECTION 3.** In ~~2005, the three~~2015, two members of the Town Council of the Town of Bakersville shall be ~~elected. The~~elected, and the candidate receiving the highest number of votes shall be elected to a four-year term, and the ~~two candidates~~candidate receiving the next highest ~~numbers~~ number of votes shall ~~each~~ be elected to a two-year term. In ~~2007~~ 2017, and biennially thereafter, two members shall be ~~elected to two-year terms. In 2009 and quadrennially thereafter, one member shall be elected to a four-year term.~~elected, and the candidate receiving the highest number of votes shall be elected to a four-year term, and the candidate receiving the next highest number of votes shall be elected to a two-year term."

SECTION 2. This act does not affect the term of office of the person elected in 2013 for a four-year term.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 875

Short Title:	Bakersville/Stagger Terms of Town Council.	(Local)
Sponsors:	Senator Hise (Primary Sponsor).	
Referred to:	State and Local Government.	

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF BAKERSVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2005-43 reads as rewritten:

"**SECTION 3.** In ~~2005,~~2015, two members of the Town Council of the Town of Bakersville shall be elected, and the candidate receiving the highest number of votes shall be elected to a four-year term and the candidate receiving the next highest number of votes shall each be elected to a two-year term. In ~~2007~~ 2017, and biennually thereafter, two members shall be ~~elected to two-year terms. In 2009 and quadrennially thereafter, one member shall be elected to a four-year term.~~elected, and the candidate receiving the highest number of votes shall be elected to a four-year term, and the candidate receiving the next highest number of votes shall be elected to a two-year term."

SECTION 2. This act does not affect the term of office of the person elected in 2013 for a four-year term.

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

HOUSE BILL 677:
Local Government Regulatory Reform

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 23, 2014
Introduced by:	Reps. W. Brawley, Moffitt, Stone	**Prepared by:**	R. Erika Churchill, and Cindy Avrette Committee Counsel
Analysis of:	PCS to First Edition H677-CSSTxf-117		

SUMMARY: ***The Senate PCS for House Bill 677 removes the original contents of the bill and replaces it with the following:***

- ***Establishes a statewide process for a county to consolidate fire protection districts created under Chapter 69 and county service districts for fire protection created under Chapter 153A.***
- ***Makes various amendments to the statutes governing the North Carolina Medical Board, as requested by the Medical Board.***

CURRENT LAW & BILL ANALYSIS:

Section 1. Establishes a process by which a board of county commissioners could consolidate fire protection districts created under Chapter 69 and county service districts for fire protection created under Chapter 153A if all of the following occur:

1. The fire protection districts created under Article 3A of Chapter 69 have been in place for at least 30 years.
2. The board of county commissioners adopts an ordinance, after conducting a public hearing, with at least 10 days' notice.

Section 2. Makes various changes to the statutes governing the North Carolina Medical Board. The changes include a fee increase, effective October 1, 2014; changes to Board membership, and amendments to the Physician's Health Program. The fee increases are contained in Section 2.4 and 2.5 of the bill. Section 2.4 increases the application fee to practice medicine from $$350 to $450; and it increases the annual renewal fee generally applicable to licensees from $175 to $250. The fees were last increased nine years ago.

Section 2.1 provides that a person may not serve more than two terms on the Board, and section 2.2 provides that a person may not serve on the Review Panel that reviews applications for positions on the Board, if the person has served more than 72 months on the Board. Section 2.2 includes other provisions to ensure transparency in the Board member selection process, such as a requirement to publish the names of applicants and nominees on its website. Section 2.3 permits the Board to share information with its licensees via e-mail. Sections 2.6 through 2.8 clarify the rules and procedures that must be adhered to during a disciplinary proceeding. Section 2.9 eliminates the requirement that hospitals report suspensions for delinquent medical records because the reports do not provide meaningful information. Section 2.10 modernizes the enabling statute for the Health Program for Medical Professionals and adds language requiring the Program to provide a participant with a summary of the Program's assessment

and basis for any recommendations it proposes to the participant. The information provided by the Program to the participant is inadmissible in evidence and not subject to discovery in a civil proceeding.

EFFECTIVE DATE: Effective when the bill becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 677
PROPOSED SENATE COMMITTEE SUBSTITUTE H677-PCS20189-STxf-117

Short Title: Consolidation of Certain Fire Districts. (Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO PERMIT COUNTIES TO CONSOLIDATE RURAL FIRE PROTECTION DISTRICTS ESTABLISHED UNDER ARTICLE 3A OF CHAPTER 69 OF THE GENERAL STATUTES AND FIRE PROTECTION SERVICE DISTRICTS ESTABLISHED UNDER ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES AND TO AMEND THE STATUTES GOVERNING THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-303 is amended by adding a new subsection to read:

"(b1) Annexation of Certain Areas to a Fire Service District. – The board of commissioners may by ordinance extend the boundaries of any service district that provides fire protection under this Part to include any territory located within that county that has been located in a fire protection district established under Article 3A of Chapter 69 of the General Statutes ("Chapter 69 District") for at least 30 years as of the date of the adoption of the resolution. Upon the effective date of the ordinance, that area is removed from the Chapter 69 District. If any such area is within both the boundaries of a Chapter 69 District for at least 30 years as of the date of the adoption of the ordinance and the service district established under this Part, the ordinance may remove the territory from the Chapter 69 District. Prior to adopting any ordinance under this subsection, the board of commissioners shall hold a public hearing after at least 10 days' notice in a newspaper of general circulation in the area. The effective date of the ordinance shall be either (i) June 30 after the date of the passage of the ordinance if the ordinance is adopted more than 90 days before June 30 or (ii) June 30 of the following year after the date of passage of the ordinance. Removal of territory from a Chapter 69 District under this subsection does not affect the rights or liabilities of the county, a taxpayer, or other person concerning taxes previously levied."

SECTION 1.(b) G.S. 69-25.11 is amended by adding a new subdivision to read:

"(6) The area of any fire protection district may be decreased as provided by G.S. 153A-303(b1)."

SECTION 2.1. G.S. 90-2(b) reads as rewritten:

"(b) No member shall serve more than two complete ~~consecutive~~ three-year terms, except that each member shall serve until a successor is chosen and qualifies."

SECTION 2.2. G.S. 90-3 reads as rewritten:

"**§ 90-3. Review Panel recommends certain Board members; criteria for recommendations.**

(a) There is created a Review Panel to review all applicants for the physician positions and the physician assistant or nurse practitioner position on the Board except as provided in

G.S. 90-2(a)(2)a. The Review Panel shall consist of nine members, including four from the Medical Society, one from the Old North State Medical Society, one from the North Carolina Osteopathic Medical Association, one from the North Carolina Academy of Physician Assistants, one from the North Carolina Nurses Association Council of Nurse Practitioners, and one public member currently serving on the Board. All physicians, physician assistants, and nurse practitioners serving on the Review Panel shall be actively practicing in North Carolina.

The Review Panel shall contract for the independent administrative services needed to complete its functions and duties. The Board shall provide funds to pay the reasonable cost for the administrative services of the Review Panel. The Board shall convene the initial meeting of the Review Panel. The Review Panel shall elect a chair, and all subsequent meetings shall be convened by the Review Panel.

The Governor shall appoint Board members as provided in G.S. 90-2. The Review Panel shall attempt to make its recommendations to the Governor reflect the composition of the State with regard to gender, ethnic, racial, and age composition.

The Review Panel and its members and staff shall not be held liable in any civil or criminal proceeding for exercising, in good faith, the powers and duties authorized by law.

(b) To be considered qualified for a physician position or the physician assistant or nurse practitioner position on the Board, an applicant shall meet each of the following criteria:

(1) Hold an active, nonlimited license to practice medicine in North Carolina, or in the case of a physician assistant or nurse practitioner, hold an active license or approval to perform medical acts, tasks, and functions in North Carolina.

(2) Have an active clinical or teaching practice. For purposes of this subdivision, the term "active" means patient care, or instruction of students in an accredited medical school or residency, or clinical research program, for 20 hours or more per week.

(3) Have actively practiced in this State for at least five consecutive years immediately preceding the appointment.

(4) Intend to remain in active practice in this State for the duration of the term on the Board.

(5) Submit at least three letters of recommendation, either from individuals or from professional or other societies or organizations.

(6) Have no public disciplinary history with the Board or any other licensing board in this State or another state over the past 10 years before applying for appointment to the Board.

(7) Have no history of felony convictions of any kind.

(8) Have no misdemeanor convictions related to the practice of medicine.

(9) Indicate, in a manner prescribed by the Review Panel, that the applicant: (i) understands that the primary purpose of the Board is to protect the public; (ii) is willing to take appropriate disciplinary action against his or her peers for misconduct or violations of the standards of care or practice of medicine; and (iii) is aware of the time commitment needed to be a constructive member of the Board.

(10) Has not served more than 72 months as a member of the Board.

(c) The ~~review panel~~Review Panel shall recommend at least two qualified nominees for each open position on the Board. If the Governor chooses not to appoint either of the recommended nominees, the Review Panel shall recommend at least two new qualified nominees.

(d) Notice of open physician positions or the physician assistant or nurse practitioner position on the Board shall be sent to all physicians currently licensed to practice medicine in

North Carolina and all physician assistants and nurse practitioners currently licensed or approved to perform medical acts, tasks, and functions in this State.

(e) Applicants for positions on the Board shall not be required to be members of any professional association or society, except as provided in G.S. 90-2(a)(2)a.

(f) Notwithstanding any provision contained in G.S. 90-16, the Board may provide confidential and nonpublic licensing and investigative information in its possession to the Review Panel.

(g) All applications, records, papers, files, reports, and all investigative and licensing information received by the Review Panel from the Board and other documents received or gathered by the Review Panel, its members, employees, agents, and consultants as a result of soliciting, receiving and reviewing applications, and making recommendations as required above shall not be considered public records within the meaning of Chapter 132 of the General Statutes and are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Review Panel and the Board, their employees, agents, or consultants, except as provided herein. The Review Panel shall publish on its Web site the names and practice addresses of all applicants within 10 days of the application deadline. The Review Panel shall publish on its Web site the names and practice addresses of the nominees upon recommendation to the Governor.

(h) The Review Panel is a public body within the meaning of Article 33C of Chapter 143 of the General Statutes. In addition to the provisions contained in that Article permitting a public body to conduct business in a closed session, the Review Panel shall meet in a closed session to review applications, interview applicants, review and discuss information received from the Board, and discuss, debate, and vote on recommendations to the Governor."

SECTION 2.3. G.S. 90-5.2 reads as rewritten:

"**§ 90-5.2. Board to collect and publish certain data.**

(a) The Board shall require all physicians and physician assistants to report to the Board certain information, including, but not limited to, the following:

(1) The names of any schools of medicine or osteopathy attended and the year of graduation.

(2) Any graduate medical or osteopathic education at any institution approved by the Accreditation Council of Graduate Medical Education, the Committee for the Accreditation of Canadian Medical Schools, the American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada.

(3) Any specialty board of certification as approved by the American Board of Medical Specialties, the Bureau of Osteopathic Specialists of American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada.

(4) Specialty area of practice.

(5) Hospital affiliations.

(6) Address and telephone number of the primary practice setting.

(7) ~~An~~A current effective e-mail address ~~or facsimile number~~ which shall not be ~~made available to the~~ a public record and ~~shall~~ may be used or made available for the purpose of expediting the dissemination of information ~~about~~ affecting ~~a~~ public health ~~emergency.~~ or the practice of medicine.

(8) Any final disciplinary order or other action required to be reported to the Board pursuant to G.S. 90-14.13 that results in a suspension or revocation of privileges.

(9) Any final disciplinary order or action of any regulatory board or agency including other state medical boards, the United States Food and Drug

Administration, the United States Drug Enforcement Administration, Medicare, or the North Carolina Medicaid program.

(10) Conviction of a felony.

(11) Conviction of certain misdemeanors, occurring within the last 10 years, in accordance with rules adopted by the Board.

(12) Any medical license, active or inactive, granted by another state or country.

(13) Certain malpractice information received pursuant to G.S. 90-5.3, G.S. 90-14.13, or from other sources in accordance with rules adopted by the Board.

(a1) The Board shall make e-mail addresses ~~and facsimile numbers~~ reported pursuant to G.S. 90-5.2(a)(7) available to the Department of Health and Human Services for use in the North Carolina Controlled Substance Reporting System established by Article 5E of this Chapter.

(b) Except as provided, the Board shall make information collected under G.S. 90-5.2(a) available to the public.

(c) The Board may adopt rules to implement this section.

(d) Failure to provide information as required by this section and in accordance with Board rules or knowingly providing false information may be considered unprofessional conduct as defined in G.S. 90-14(a)(6)."

SECTION 2.4. G.S. 90-13.1(a) reads as rewritten:

"(a) Each applicant for a license to practice medicine and surgery in this State under either G.S. 90-9.1 or G.S. 90-9.2 shall pay to the North Carolina Medical Board an application fee of ~~three~~ four hundred ~~fifty~~ dollars ~~($350.00).~~($400.00)."

SECTION 2.5. G.S. 90-13.2 reads as rewritten:

"**§ 90-13.2. Registration every year with Board.**

(a) Every person licensed to practice medicine by the North Carolina Medical Board shall register annually with the Board within 30 days of the person's birthday.

(b) A person who registers with the Board shall report to the Board the person's name and office and residence address and any other information required by the Board, and shall pay an annual registration fee of ~~one hundred seventy-five~~ two hundred fifty dollars ~~($175.00),~~($250.00), except the following:

(1) ~~those~~Those who have a limited license to practice in a medical education and training program approved by the Board for the purpose of education or training shall pay a registration fee of one hundred twenty-five dollars ~~($125.00),~~ ($125.00).

(2) ~~those~~Those who have a retired limited volunteer license pursuant to ~~G.S. 90-12.1B shall pay an annual registration fee of twenty-five dollars ($25.00), and~~ G.S. 90-12.1B shall pay no registration fee.

(3) ~~those~~Those who have a limited volunteer license pursuant to G.S. 90-12.1A shall pay no annual registration fee.

(b1) ~~However,~~ Notwithstanding subsection (b) of this section, licensees who have a limited license to practice for the purpose of education and training under G.S. 90-12.01 shall not be required to pay more than one annual registration fee for each year of training.

~~(c) A physician who is not actively engaged in the practice of medicine in North Carolina and who does not wish to register the license may direct the Board to place the license on inactive status.~~

(d) A physician who is not actively engaged in the practice of medicine in North Carolina and who does not wish to register the license may direct the Board to place the license on inactive status.

(e) A physician who fails to register as required by this section shall pay an additional fee of fifty dollars ($50.00) to the Board. The license of any physician who fails to register and

who remains unregistered for a period of 30 days after certified notice of the failure is automatically inactive. The Board shall retain jurisdiction over the holder of the inactive license.

(f) Except as provided in G.S. 90-12.1B, a person whose license is inactive shall not practice medicine in North Carolina nor be required to pay the annual registration fee.

(g) Upon payment of all accumulated fees and penalties, the license of the physician may be reinstated, subject to the Board requiring the physician to appear before the Board for an interview and to comply with other licensing requirements. The penalty may not exceed the maximum fee for a license under G.S. 90-13.1."

SECTION 2.6. G.S. 90-14(n) reads as rewritten:

"(n) Notwithstanding subsection (m) of this section, if the licensee has retained counsel ~~and the Board has not made a nonpublic determination to initiate disciplinary proceedings,~~ the Board may serve to both the licensee and the licensee's counsel any of the following:

(1) ~~orders~~ Orders to ~~produce,~~ produce.

(2) ~~orders~~ Orders to ~~appear,~~ appear.

(3) Orders to submit to assessment or examination.

(4) Orders following a hearing.

(5) ~~or provide notice~~ Notice that the Board will not be taking any further action against a ~~licensee to both the licensee and the licensee's counsel.~~licensee."

SECTION 2.7. G.S. 90-14.2 is amended by adding a new subsection to read:

"(c) Once charges have been issued, the parties may engage in discovery pursuant to the provisions of the Rules of Civil Procedure, G.S. 1A-1. Additionally, the Board shall provide the respondent or respondent's counsel with all exculpatory evidence in its possession, except the Board shall not be required to provide information that is within the attorney-client privilege; would identify an anonymous complainant; or relates to advisory opinions, recommendations, or deliberations by the Board, its staff, and its consultants that will not be entered into evidence."

SECTION 2.8. G.S. 90-16(d) is repealed.

SECTION 2.9. G.S. 90-14.13(a1) reads as rewritten:

"(a1) A hospital is not required to report:

(1) The suspension or limitation of a physician's privileges for failure to timely complete medical ~~records unless the suspension or limitation is the third within the calendar year for failure to timely complete medical records. Upon reporting the third suspension or limitation, the hospital shall also report the previous two suspensions or limitations.~~records.

(2) A resignation from practice due solely to the physician's completion of a medical residency, internship, or fellowship."

SECTION 2.10. G.S. 90-21.22 reads as rewritten:

"Article 1D.

"~~Peer Review.~~Health Program for Medical Professionals.

"**§ 90-21.22. ~~Peer review agreements.~~Health program for medical professionals.**

(a) The North Carolina Medical Board ~~may, under rules adopted by the Board in compliance with Chapter 150B of the General Statutes,~~(Board) may enter into agreements with the North Carolina Medical Society (Society), ~~and its local medical society components, and with~~ the North Carolina Academy of Physician Assistants (Academy), and the North Carolina Physicians Health Program (Program) for the purpose of ~~conducting peer review activities.~~identifying, reviewing, and evaluating the ability of licensees of the Board referred to the Program to function in their professional capacity and to coordinate regimens for treatment and rehabilitation. ~~Peer review activities to be covered by such agreements shall include investigation, review, and evaluation of records, reports, complaints, litigation and other information about the practices and practice patterns of physicians licensed by the Board, and~~

~~of physician assistants approved by the Board, and shall include programs for impaired physicians and impaired physician assistants. Agreements between the Academy and the Board shall be limited to programs for impaired physicians and physician assistants and shall not include any other peer review activities.~~The agreement shall include guidelines for the assessment, referral, monitoring, support, and education of licensees of the Board with physical or mental illness, chemical dependence, or professional sexual misconduct; procedures for referral by the Board; criteria for reporting licensees to the Board by the Program; periodic reporting of statistical information to the Board, the Society, and the Academy; and assurance of confidentiality of nonpublic information.

~~(b) Peer review agreements shall include provisions for the society and for the Academy to receive relevant information from the Board and other sources, conduct the investigation and review in an expeditious manner, provide assurance of confidentiality of nonpublic information and of the review process, make reports of investigations and evaluations to the Board, and to do other related activities for promoting a coordinated and effective peer review process. Peer review agreements shall include provisions assuring due process.~~

(c) ~~Each society which enters a peer review agreement with the Board shall establish and maintain a program for impaired physicians licensed by the Board. The Academy, after entering a peer review agreement with the Board, shall either enter an agreement with the North Carolina Medical Society for the inclusion of physician assistants in the Society's program for impaired physicians, or shall establish and maintain the Academy's own program for impaired physician assistants. The purpose of the programs shall be to identify, review, and evaluate the ability of those physicians and physician assistants to function in their professional capacity and to provide programs for treatment and rehabilitation.~~ The ~~Board~~ Board, Society, and the Academy may provide funds for the administration of ~~impaired physician and impaired physician assistant~~such health programs ~~and shall adopt rules with provisions for definitions of impairment; guidelines for program elements; procedures for receipt and use of information of suspected impairment; procedures for intervention and referral; monitoring treatment, rehabilitation, post treatment support and performance; reports of individual cases to the Board; periodic reporting of statistical information; assurance of confidentiality of nonpublic information and of the review process.~~for licensees.

(d) ~~Upon investigation and review of a physician licensed by the Board, or a physician assistant approved by the Board, or upon receipt of a complaint or other information, a society which enters a peer review agreement with the Board, or the Academy if it has a peer review agreement with the Board, as appropriate,~~The Program shall report immediately to the Board detailed information about any ~~physician or physician assistant licensed or approved by the Board if:~~licensee who meets any of the following criteria:

(1) ~~The physician or physician assistant constitutes~~The licensee constitutes an imminent danger to ~~the public or to himself~~patient care by reason of ~~impairment,~~ mental illness, physical illness, ~~the commission of~~ substance-related disorder, or professional sexual ~~boundary violations, or any other reason;~~misconduct.

(2) ~~The physician or physician assistant~~ The licensee refuses to ~~cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence; or~~submit to an assessment as ordered by the Board, has entered into a monitoring contract and fails to comply with the terms of the Program's monitoring contract, or is still unsafe to practice medicine after treatment.

~~(3) It reasonably appears that there are other grounds for disciplinary action.~~

(e) Any confidential patient information and other nonpublic information acquired, created, or used in good faith by the ~~Academy or a society~~Program pursuant to this section

shall remain confidential and shall not be subject to discovery or subpoena ~~in a civil case.~~ or other means of legal compulsion for release to any person other than the Board, Board employees, or consultants used by the Board or the Program. No person participating in good faith in the ~~peer review or impaired physician or impaired physician assistant programs~~Program ~~of this section~~ shall be required in a civil case to disclose the fact of participation in the Program or any information acquired or opinions, recommendations, or evaluations acquired or developed solely in the course of participating in ~~any agreements~~the Program pursuant to this section.

(f) ~~Peer review~~Program activities conducted in good faith pursuant to any agreement under this section shall not be grounds for civil action under the laws of this ~~State and are deemed to be State directed and sanctioned and shall constitute State action for the purposes of application of antitrust laws.~~State.

(g) Upon written request by a participant, the Program shall provide the participant and, if the participant provides a written request and permission, the participant's legal counsel, with a summary of the substantive information contained in the Program's assessment. Any information furnished to a participant pursuant to this subsection shall be inadmissible in evidence and not subject to discovery in any civil proceeding. However, information, documents, or records otherwise available are not immune from discovery or use in a civil action merely because that information, documents, or records were included in the Program's assessment or were the subject of information furnished to the participant pursuant to this subsection.

(h) The Board has authority to adopt, amend, or repeal rules as may be necessary to carry out and enforce the provisions of this section."

SECTION 3. Sections 2.4 and 2.5 of this act become effective October 1, 2014. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 677

Senate State and Local Government Committee Substitute Adopted 6/24/14

Short Title: Consolidation of Certain Fire Districts. (Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO PERMIT COUNTIES TO CONSOLIDATE RURAL FIRE PROTECTION DISTRICTS ESTABLISHED UNDER ARTICLE 3A OF CHAPTER 69 OF THE GENERAL STATUTES AND FIRE PROTECTION SERVICE DISTRICTS ESTABLISHED UNDER ARTICLE 16 OF CHAPTER 153A OF THE GENERAL STATUTES AND TO AMEND THE STATUTES GOVERNING THE NORTH CAROLINA MEDICAL BOARD.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-303 is amended by adding a new subsection to read:

"(b1) Annexation of Certain Areas to a Fire Service District. – The board of commissioners may by ordinance extend the boundaries of any service district that provides fire protection under this Part to include any territory located within that county that has been located in a fire protection district established under Article 3A of Chapter 69 of the General Statutes ("Chapter 69 District") for at least 30 years as of the date of the adoption of the resolution. Upon the effective date of the ordinance, that area is removed from the Chapter 69 District. If any such area is within both the boundaries of a Chapter 69 District for at least 30 years as of the date of the adoption of the ordinance and the service district established under this Part, the ordinance may remove the territory from the Chapter 69 District. Prior to adopting any ordinance under this subsection, the board of commissioners shall hold a public hearing after at least 10 days' notice in a newspaper of general circulation in the area. The effective date of the ordinance shall be either (i) June 30 after the date of the passage of the ordinance if the ordinance is adopted more than 90 days before June 30 or (ii) June 30 of the following year after the date of passage of the ordinance. Removal of territory from a Chapter 69 District under this subsection does not affect the rights or liabilities of the county, a taxpayer, or other person concerning taxes previously levied."

SECTION 1.(b) G.S. 69-25.11 is amended by adding a new subdivision to read:

"(6) The area of any fire protection district may be decreased as provided by G.S. 153A-303(b1)."

SECTION 2.1. G.S. 90-2(b) reads as rewritten:

"(b) No member shall serve more than two complete ~~consecutive~~ three-year terms, except that each member shall serve until a successor is chosen and qualifies."

SECTION 2.2. G.S. 90-3 reads as rewritten:

"**§ 90-3. Review Panel recommends certain Board members; criteria for recommendations.**

(a) There is created a Review Panel to review all applicants for the physician positions and the physician assistant or nurse practitioner position on the Board except as provided in

G.S. 90-2(a)(2)a. The Review Panel shall consist of nine members, including four from the Medical Society, one from the Old North State Medical Society, one from the North Carolina Osteopathic Medical Association, one from the North Carolina Academy of Physician Assistants, one from the North Carolina Nurses Association Council of Nurse Practitioners, and one public member currently serving on the Board. All physicians, physician assistants, and nurse practitioners serving on the Review Panel shall be actively practicing in North Carolina.

The Review Panel shall contract for the independent administrative services needed to complete its functions and duties. The Board shall provide funds to pay the reasonable cost for the administrative services of the Review Panel. The Board shall convene the initial meeting of the Review Panel. The Review Panel shall elect a chair, and all subsequent meetings shall be convened by the Review Panel.

The Governor shall appoint Board members as provided in G.S. 90-2. The Review Panel shall attempt to make its recommendations to the Governor reflect the composition of the State with regard to gender, ethnic, racial, and age composition.

The Review Panel and its members and staff shall not be held liable in any civil or criminal proceeding for exercising, in good faith, the powers and duties authorized by law.

(b) To be considered qualified for a physician position or the physician assistant or nurse practitioner position on the Board, an applicant shall meet each of the following criteria:

(1) Hold an active, nonlimited license to practice medicine in North Carolina, or in the case of a physician assistant or nurse practitioner, hold an active license or approval to perform medical acts, tasks, and functions in North Carolina.

(2) Have an active clinical or teaching practice. For purposes of this subdivision, the term "active" means patient care, or instruction of students in an accredited medical school or residency, or clinical research program, for 20 hours or more per week.

(3) Have actively practiced in this State for at least five consecutive years immediately preceding the appointment.

(4) Intend to remain in active practice in this State for the duration of the term on the Board.

(5) Submit at least three letters of recommendation, either from individuals or from professional or other societies or organizations.

(6) Have no public disciplinary history with the Board or any other licensing board in this State or another state over the past 10 years before applying for appointment to the Board.

(7) Have no history of felony convictions of any kind.

(8) Have no misdemeanor convictions related to the practice of medicine.

(9) Indicate, in a manner prescribed by the Review Panel, that the applicant: (i) understands that the primary purpose of the Board is to protect the public; (ii) is willing to take appropriate disciplinary action against his or her peers for misconduct or violations of the standards of care or practice of medicine; and (iii) is aware of the time commitment needed to be a constructive member of the Board.

(10) Has not served more than 72 months as a member of the Board.

(c) The ~~review panel~~Review Panel shall recommend at least two qualified nominees for each open position on the Board. If the Governor chooses not to appoint either of the recommended nominees, the Review Panel shall recommend at least two new qualified nominees.

(d) Notice of open physician positions or the physician assistant or nurse practitioner position on the Board shall be sent to all physicians currently licensed to practice medicine in

North Carolina and all physician assistants and nurse practitioners currently licensed or approved to perform medical acts, tasks, and functions in this State.

(e) Applicants for positions on the Board shall not be required to be members of any professional association or society, except as provided in G.S. 90-2(a)(2)a.

(f) Notwithstanding any provision contained in G.S. 90-16, the Board may provide confidential and nonpublic licensing and investigative information in its possession to the Review Panel.

(g) All applications, records, papers, files, reports, and all investigative and licensing information received by the Review Panel from the Board and other documents received or gathered by the Review Panel, its members, employees, agents, and consultants as a result of soliciting, receiving and reviewing applications, and making recommendations as required above shall not be considered public records within the meaning of Chapter 132 of the General Statutes and are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Review Panel and the Board, their employees, agents, or consultants, except as provided herein. The Review Panel shall publish on its Web site the names and practice addresses of all applicants within 10 days of the application deadline. The Review Panel shall publish on its Web site the names and practice addresses of the nominees upon recommendation to the Governor.

(h) The Review Panel is a public body within the meaning of Article 33C of Chapter 143 of the General Statutes. In addition to the provisions contained in that Article permitting a public body to conduct business in a closed session, the Review Panel shall meet in a closed session to review applications, interview applicants, review and discuss information received from the Board, and discuss, debate, and vote on recommendations to the Governor."

SECTION 2.3. G.S. 90-5.2 reads as rewritten:

"**§ 90-5.2. Board to collect and publish certain data.**

(a) The Board shall require all physicians and physician assistants to report to the Board certain information, including, but not limited to, the following:

(1) The names of any schools of medicine or osteopathy attended and the year of graduation.

(2) Any graduate medical or osteopathic education at any institution approved by the Accreditation Council of Graduate Medical Education, the Committee for the Accreditation of Canadian Medical Schools, the American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada.

(3) Any specialty board of certification as approved by the American Board of Medical Specialties, the Bureau of Osteopathic Specialists of American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada.

(4) Specialty area of practice.

(5) Hospital affiliations.

(6) Address and telephone number of the primary practice setting.

(7) ~~An~~A current effective e-mail address ~~or facsimile number~~ which shall not be ~~made available to the~~ a public record and ~~shall~~ may be used or made available for the purpose of expediting the dissemination of information ~~about~~ affecting ~~a~~ public health ~~emergency.~~ or the practice of medicine.

(8) Any final disciplinary order or other action required to be reported to the Board pursuant to G.S. 90-14.13 that results in a suspension or revocation of privileges.

(9) Any final disciplinary order or action of any regulatory board or agency including other state medical boards, the United States Food and Drug

Administration, the United States Drug Enforcement Administration, Medicare, or the North Carolina Medicaid program.

(10) Conviction of a felony.

(11) Conviction of certain misdemeanors, occurring within the last 10 years, in accordance with rules adopted by the Board.

(12) Any medical license, active or inactive, granted by another state or country.

(13) Certain malpractice information received pursuant to G.S. 90-5.3, G.S. 90-14.13, or from other sources in accordance with rules adopted by the Board.

(a1) The Board shall make e-mail addresses ~~and facsimile numbers~~ reported pursuant to G.S. 90-5.2(a)(7) available to the Department of Health and Human Services for use in the North Carolina Controlled Substance Reporting System established by Article 5E of this Chapter.

(b) Except as provided, the Board shall make information collected under G.S. 90-5.2(a) available to the public.

(c) The Board may adopt rules to implement this section.

(d) Failure to provide information as required by this section and in accordance with Board rules or knowingly providing false information may be considered unprofessional conduct as defined in G.S. 90-14(a)(6)."

SECTION 2.4. G.S. 90-13.1(a) reads as rewritten:

"(a) Each applicant for a license to practice medicine and surgery in this State under either G.S. 90-9.1 or G.S. 90-9.2 shall pay to the North Carolina Medical Board an application fee of ~~three~~ four hundred ~~fifty~~ dollars ~~($350.00).~~($400.00)."

SECTION 2.5. G.S. 90-13.2 reads as rewritten:

"**§ 90-13.2. Registration every year with Board.**

(a) Every person licensed to practice medicine by the North Carolina Medical Board shall register annually with the Board within 30 days of the person's birthday.

(b) A person who registers with the Board shall report to the Board the person's name and office and residence address and any other information required by the Board, and shall pay an annual registration fee of ~~one hundred seventy-five~~ two hundred fifty dollars ~~($175.00),~~($250.00), except the following:

(1) ~~those~~Those who have a limited license to practice in a medical education and training program approved by the Board for the purpose of education or training shall pay a registration fee of one hundred twenty-five dollars ~~($125.00),~~ ($125.00).

(2) ~~those~~Those who have a retired limited volunteer license pursuant to ~~G.S. 90-12.1B shall pay an annual registration fee of twenty-five dollars ($25.00), and~~ G.S. 90-12.1B shall pay no registration fee.

(3) ~~those~~Those who have a limited volunteer license pursuant to G.S. 90-12.1A shall pay no annual registration fee.

(b1) ~~However,~~ Notwithstanding subsection (b) of this section, licensees who have a limited license to practice for the purpose of education and training under G.S. 90-12.01 shall not be required to pay more than one annual registration fee for each year of training.

~~(c) A physician who is not actively engaged in the practice of medicine in North Carolina and who does not wish to register the license may direct the Board to place the license on inactive status.~~

(d) A physician who is not actively engaged in the practice of medicine in North Carolina and who does not wish to register the license may direct the Board to place the license on inactive status.

(e) A physician who fails to register as required by this section shall pay an additional fee of fifty dollars ($50.00) to the Board. The license of any physician who fails to register and

who remains unregistered for a period of 30 days after certified notice of the failure is automatically inactive. The Board shall retain jurisdiction over the holder of the inactive license.

(f) Except as provided in G.S. 90-12.1B, a person whose license is inactive shall not practice medicine in North Carolina nor be required to pay the annual registration fee.

(g) Upon payment of all accumulated fees and penalties, the license of the physician may be reinstated, subject to the Board requiring the physician to appear before the Board for an interview and to comply with other licensing requirements. The penalty may not exceed the maximum fee for a license under G.S. 90-13.1."

SECTION 2.6. G.S. 90-14(n) reads as rewritten:

"(n) Notwithstanding subsection (m) of this section, if the licensee has retained counsel ~~and the Board has not made a nonpublic determination to initiate disciplinary proceedings,~~ the Board may serve to both the licensee and the licensee's counsel any of the following:

(1) ~~orders~~ Orders to ~~produce,~~ produce.

(2) ~~orders~~ Orders to ~~appear,~~ appear.

(3) Orders to submit to assessment or examination.

(4) Orders following a hearing.

(5) ~~or provide notice~~ Notice that the Board will not be taking any further action against a ~~licensee to both the licensee and the licensee's counsel.~~licensee."

SECTION 2.7. G.S. 90-14.2 is amended by adding a new subsection to read:

"(c) Once charges have been issued, the parties may engage in discovery pursuant to the provisions of the Rules of Civil Procedure, G.S. 1A-1. Additionally, the Board shall provide the respondent or respondent's counsel with all exculpatory evidence in its possession, except the Board shall not be required to provide information that is within the attorney-client privilege; would identify an anonymous complainant; or relates to advisory opinions, recommendations, or deliberations by the Board, its staff, and its consultants that will not be entered into evidence."

SECTION 2.8. G.S. 90-16(d) is repealed.

SECTION 2.9. G.S. 90-14.13(a1) reads as rewritten:

"(a1) A hospital is not required to report:

(1) The suspension or limitation of a physician's privileges for failure to timely complete medical ~~records unless the suspension or limitation is the third within the calendar year for failure to timely complete medical records. Upon reporting the third suspension or limitation, the hospital shall also report the previous two suspensions or limitations.~~records.

(2) A resignation from practice due solely to the physician's completion of a medical residency, internship, or fellowship."

SECTION 2.10. G.S. 90-21.22 reads as rewritten:

"Article 1D.

"~~Peer Review.~~Health Program for Medical Professionals.

"**§ 90-21.22. ~~Peer review agreements.~~Health program for medical professionals.**

(a) The North Carolina Medical Board ~~may, under rules adopted by the Board in compliance with Chapter 150B of the General Statutes,~~(Board) may enter into agreements with the North Carolina Medical Society (Society), ~~and its local medical society components, and with~~ the North Carolina Academy of Physician Assistants (Academy), and the North Carolina Physicians Health Program (Program) for the purpose of ~~conducting peer review activities.~~identifying, reviewing, and evaluating the ability of licensees of the Board referred to the Program to function in their professional capacity and to coordinate regimens for treatment and rehabilitation. ~~Peer review activities to be covered by such agreements shall include investigation, review, and evaluation of records, reports, complaints, litigation and other information about the practices and practice patterns of physicians licensed by the Board, and~~

~~of physician assistants approved by the Board, and shall include programs for impaired physicians and impaired physician assistants. Agreements between the Academy and the Board shall be limited to programs for impaired physicians and physician assistants and shall not include any other peer review activities.~~The agreement shall include guidelines for the assessment, referral, monitoring, support, and education of licensees of the Board with physical or mental illness, chemical dependence, or professional sexual misconduct; procedures for referral by the Board; criteria for reporting licensees to the Board by the Program; periodic reporting of statistical information to the Board, the Society, and the Academy; and assurance of confidentiality of nonpublic information.

~~(b) Peer review agreements shall include provisions for the society and for the Academy to receive relevant information from the Board and other sources, conduct the investigation and review in an expeditious manner, provide assurance of confidentiality of nonpublic information and of the review process, make reports of investigations and evaluations to the Board, and to do other related activities for promoting a coordinated and effective peer review process. Peer review agreements shall include provisions assuring due process.~~

(c) ~~Each society which enters a peer review agreement with the Board shall establish and maintain a program for impaired physicians licensed by the Board. The Academy, after entering a peer review agreement with the Board, shall either enter an agreement with the North Carolina Medical Society for the inclusion of physician assistants in the Society's program for impaired physicians, or shall establish and maintain the Academy's own program for impaired physician assistants. The purpose of the programs shall be to identify, review, and evaluate the ability of those physicians and physician assistants to function in their professional capacity and to provide programs for treatment and rehabilitation.~~ The ~~Board~~ Board, Society, and the Academy may provide funds for the administration of ~~impaired physician and impaired physician assistant~~such health programs ~~and shall adopt rules with provisions for definitions of impairment; guidelines for program elements; procedures for receipt and use of information of suspected impairment; procedures for intervention and referral; monitoring treatment, rehabilitation, post-treatment support and performance; reports of individual cases to the Board; periodic reporting of statistical information; assurance of confidentiality of nonpublic information and of the review process.~~for licensees.

(d) ~~Upon investigation and review of a physician licensed by the Board, or a physician assistant approved by the Board, or upon receipt of a complaint or other information, a society which enters a peer review agreement with the Board, or the Academy if it has a peer review agreement with the Board, as appropriate,~~The Program shall report immediately to the Board detailed information about any ~~physician or physician assistant licensed or approved by the Board if:~~licensee who meets any of the following criteria:

(1) ~~The physician or physician assistant constitutes~~The licensee constitutes an imminent danger to ~~the public or to himself~~patient care by reason of ~~impairment,~~ mental illness, physical illness, ~~the commission of~~ substance-related disorder, or professional sexual ~~boundary violations, or any other reason;~~misconduct.

(2) ~~The physician or physician assistant~~ The licensee refuses to ~~cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence; or~~submit to an assessment as ordered by the Board, has entered into a monitoring contract and fails to comply with the terms of the Program's monitoring contract, or is still unsafe to practice medicine after treatment.

~~(3) It reasonably appears that there are other grounds for disciplinary action.~~

(e) Any confidential patient information and other nonpublic information acquired, created, or used in good faith by the ~~Academy or a society~~Program pursuant to this section

shall remain confidential and shall not be subject to discovery or subpoena ~~in a civil case.~~ or other means of legal compulsion for release to any person other than the Board, Board employees, or consultants used by the Board or the Program. No person participating in good faith in the ~~peer review or impaired physician or impaired physician assistant programs~~Program ~~of this section~~ shall be required in a civil case to disclose the fact of participation in the Program or any information acquired or opinions, recommendations, or evaluations acquired or developed solely in the course of participating in ~~any agreements~~the Program pursuant to this section.

(f) ~~Peer review~~Program activities conducted in good faith pursuant to any agreement under this section shall not be grounds for civil action under the laws of this ~~State and are deemed to be State directed and sanctioned and shall constitute State action for the purposes of application of antitrust laws.~~State.

(g) Upon written request by a participant, the Program shall provide the participant and, if the participant provides a written request and permission, the participant's legal counsel, with a summary of the substantive information contained in the Program's assessment. Any information furnished to a participant pursuant to this subsection shall be inadmissible in evidence and not subject to discovery in any civil proceeding. However, information, documents, or records otherwise available are not immune from discovery or use in a civil action merely because that information, documents, or records were included in the Program's assessment or were the subject of information furnished to the participant pursuant to this subsection.

(h) The Board has authority to adopt, amend, or repeal rules as may be necessary to carry out and enforce the provisions of this section."

SECTION 3. Sections 2.4 and 2.5 of this act become effective October 1, 2014. The remainder of this act is effective when it becomes law.

HOUSE BILL 1113:
Bent Creek Property Sullivan Act Exemption

2013-2014 General Assembly

Committee:	Senate State and Local Government	**Date:**	June 23, 2014
Introduced by:	Reps. McGrady, Fisher, Moffitt, Ramsey	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition H1113-CSST-103		Committee Counsel

SUMMARY: ***The PCS for House Bill 1113 would exempt the County of Henderson and the City of Asheville from certain local laws requiring that the proceeds of the City of Asheville's water system be used only for the water system.***

CURRENT LAW: The North Carolina Constitution provides that the taxing power is to be used for public purposes only (Section 2 of Article V), and that no person is entitled to exclusive emoluments or privileges from the community but in consideration of public services (Section 32 of Article I).

Counties and cities may purchase real and personal property to carry out their public purpose. Disposition of those properties are controlled by the statutes, in Article 12 of Chapter 160A. Under that Article, a county or city may dispose of real property by any of the following methods:

(1) Private negotiation and sale, under certain conditions only.
(2) Advertisement for sealed bids.
(3) Negotiated offer, advertisement, and upset bid.
(4) Public auction.
(5) Exchange.

Additionally, a county or city may, under terms and conditions as it deems wise, sell real property to any other unit of government, with or without consideration.

For certain real property owned by a county or city for certain purposes, additional constraints may be placed upon its disposal. Article 16 of Chapter 160A provides that city-owned public enterprise property may not be sold, leased to another, or discontinued without approval by a majority of the voters, unless the property is for airports, off-street parking, or solid waste systems, or the transfer is to another governmental entity.

The Sullivan Act (Chapter 399 of the 1933 Public-Local Laws), as amended in S.L. 2005-139, 2005-140, and S.L. 2009-114 (repealed by S.L. 2013-65), regulate the operation of a water system by the City of Asheville, including restrictions on the setting of rates, the collection of past due bills, and the use of proceeds from collections. Currently, the proceeds of the water system are required to be accounted for in a separate fund, and the proceeds may be used only for the water system.

BACKGROUND: During the 1990's the City of Asheville conveyed the parcel known as the "Bent Creek Property" or the "Brevard Road Site" to the County of Henderson under such terms and conditions it deemed wise, in accordance with Article 12 of Chapter 160A. Litigation over the terms and conditions has resulted in a consent agreement between the parties regarding the disposition of the Property, which has resulted in an interlocal agreement between the City of Asheville and the County of Henderson, dated April 16, 2014.

The terms of the interlocal agreement provide:

- The property is to be sold for no less than fair market value, and the proceeds equally divided between Asheville and Henderson County.

- The deed transferring title is to contain covenants that the property be used for economic development purposes, and that the City of Asheville retain a greenway easement on the Property.
- The City of Asheville is to use its share of the proceeds for public safety purposes.
- The County of Henderson is to use its share of the proceeds for a local law enforcement training center.

BILL ANALYSIS: The PCS would grant the City of Asheville and the County of Henderson an exception to the Sullivan Acts with respect to the Bent Creek Property, which require the City of Asheville to use the proceeds of a utility system only for the purposes of the utility system. The provisions of Article 12 of Chapter 160A would still apply to the sale or disposal of the Bent Creek Property.

EFFECTIVE DATE: Effective when it becomes law, and expires on December 31, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 1113
PROPOSED SENATE COMMITTEE SUBSTITUTE H1113-CSST-103 [v.4]

6/9/2014 11:59:21 AM

Short Title: Bent Creek Property Sullivan Act Exemption. (Local)

Sponsors:

Referred to:

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO EXEMPT A TRANSFER OF THE BREVARD ROAD SITE PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND HENDERSON COUNTY FROM ARTICLE 16 OF CHAPTER 160A OF THE GENERAL STATUTES AND FROM THE SULLIVAN ACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 16 of Chapter 160A, Chapter 399 of the 1933 Public-Local Laws, S.L. 2005-139, S.L. 2005-140, S.L. 2009-114, and S.L. 2013-65, the Henderson County Board of Commissioners and the City Council of Asheville may transfer real property located at Ferry Road, Asheville, Buncombe County, North Carolina, consisting of approximately 137.21 acres more particularly described in Deed Book 2152, Page 4, and in Plat Book 50, Page 107 of the Buncombe County Register of Deeds, commonly known as the "Brevard Road Site" and subject to a Consent Judgment entered in Buncombe County Superior Court in 01 CVS 344, as provided in the interlocal agreement entered into between the two units of government on April 16, 2014, and any subsequent amendments to that agreement, which shall remain in full force and effect.

SECTION 2. If the Brevard Road Site is sold under Section 1 of this act, Henderson County and the City of Asheville shall divide the proceeds from the sale equally. The City of Asheville shall cause its share of said proceeds to be remitted to the Buncombe County Board of Commissioners to be used for public safety purposes. The Henderson County Board of Commissioners shall use its share of said proceeds for the purchase and construction of a local law enforcement training center, the design and scope of which shall be at the discretion of the Henderson County Board of Commissioners and may include a live ammunition weapons training area.

SECTION 3. This act is effective when it becomes law, and expires on December 31, 2016.

HOUSE BILL 1113

Short Title:	Bent Creek Property Sullivan Act Exemption.	(Local)
Sponsors:	Representatives McGrady, Fisher, Moffitt, and Ramsey (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Government.	

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO EXEMPT A CERTAIN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND HENDERSON COUNTY CONCERNING THE BENT CREEK PROPERTY FROM ARTICLE 16 OF CHAPTER 160A OF THE GENERAL STATUTES AND FROM THE SULLIVAN ACTS.

The General Assembly of North Carolina enacts:

SECTION 1. As to an interlocal agreement entered into between those two parties on April 16, 2014, the City of Asheville and the County of Henderson are relieved from compliance with (i) Chapter 399 of the 1933 Public-Local Laws (known as the "Sullivan Act"), (ii) Article 16 of Chapter 160A of the General Statutes, as amended by S.L. 2005-139 (known as "Sullivan Act II"), (iii) S.L. 2005-140 (known as "Sullivan Act III"), and (iv) S.L. 2009-114 (amendment to the Sullivan Act) with regard to the use of the Bent Creek Property and the disposition of proceeds from the sale of said property as provided for in the April 16, 2014 Interlocal Agreement.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 24, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

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

SB **839** Winston-Salem/Parking Meters.

Draft Number:	S839-PCS35568-TQ-82
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

SB **875** Bakersville/Stagger Terms of Town Council.

Draft Number:	S875-PCS35569-LU-11
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

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

HB **1113** Bent Creek Property Sullivan Act Exemption.

Draft Number:	H1113-PCS30789-ST-103
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

Second of multiple reports.

Senator Joyce Krawiec will handle SB 839
Senator Ralph Hise will handle SB 875
Senator Terry Van Duyn will handle HB 1113



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 24, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **1045** Town of Elkin/Reg. Municipal Elections Sched.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **1114** Elk Park/Deed Transferring Property.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **1134** Cleveland County/Road Assessment Criteria.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **1159 (CS#1)** City of Greenville/Private Sale.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **1207** High Point Charter/Council Hire City Attorney.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **1218** City of Monroe/Supervision of Attorney.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No



SB **851** Allow Absentee Voting/1st Craven Sanitary Dis.

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

TOTAL REPORTED: 7

Senator Shirley Randleman will handle HB 1045
Senator Daniel Soucek will handle HB 1114
Senator Warren Daniel will handle HB 1134
Senator Donald Davis will handle HB 1159
Senator Trudy Wade will handle HB 1207
Senator Trudy Wade will handle HB 1218
Senator Norman Sanderson will handle SB 851

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 24, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

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

HB **1044** Averasboro Township TDA Changes.

Draft Number:	H1044-PCS30791-RN-54
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Third or multiple reports.

Senator Ronald Rabin will handle HB 1044



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Tuesday, June 24, 2014

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB **1067 (CS#1)** Murphy Deannexation.

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

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

HB **677** Local Government Regulatory Reform.

Draft Number:	H677-PCS20189-STxf-117
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	Yes

HB **1247** Asheville Regional Airport.

Draft Number:	H1247-PCS30792-RN-56
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

4 of 4 Reports

Senator James Davis will handle HB 1067
Senator Terry Van Duyn will handle HB 1247



ATTENDANCE

Committee:

SENATE State and Local Government

DATE: 6/24/14 MEMBERS:																
Sen. J. Davis, Co-Chair	✓															
Sen. Tucker, Co-Chair	✓															
Sen. Wade, Co-Chair	✓															
Sen. Barringer	✓															
Sen. Bingham	✓															
Sen. D. Davis	✓															
Sen. Foushee	✓															
Sen. Goolsby	✓															
Sen. Hartsell	✓															
Sen. B. Jackson																
Sen. McLaurin	✓															
Sen. Pate																
Sen. Tarte	✓															
Sen. Van Duyn	✓															
Sen. Walters																

SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 1124

DATE: 6-24 TIME: 12 Noon

PLEASE PRINT LEGIBILY!!!!!!!!!!!!!....*or else!*

Page Name	Hometown	Sponsoring Senator
1. ZACK MAHER	WAXHAW	TOMMY TUCKER
2. Michael Sonnenberg	Littleton	Bryant
3. Joseph Womble	Cary	Jeff Jackson
4. Martha McSwain	Norwood	Walters
5. Ben Britt	Winston-Salem	Krawiec
6. Megan Matula	Rolesville	Jim Davis
7. Anna Martina	Harrisburg	Hartsell
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 SERGEANT-AT-ARMS

COMMITTEE: Senate State and Local Government

DATE: 06-24-2014 ROOM: 1024

1. STEVE WILSON
2. CHARLES HARPER
3. ISAAC WALKER
4. KEN KIRBY
5. HAL ROACH
6. _____

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT 6/24/14
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Steven Webb	NCABO
Robert Broome	NCAR
Cady Thomas	NCAR
Elizabeth Prosser	Edmisten, Webb, & Moore
[illegible]	McGuire Woods
Scott Schee	Citizen
Christy Gudaitis	Duke
Tonya Horton	Troutman Sanders
Rhiannon Bell	NCMMC
Conor Randolph	NCMS
Eliza Salkeld	NC DOJ

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/24/14
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Sara Salisbury	NL DOJ
Doug Lassiter	NCSTA
Allen Hardison	CRSWMA
Mia Bailey	ElectriCities
Angella Dunston	SoS
Doug Heron	DUKE
Erin Wynia	NCLM
JARETPARKER	NCFB
Sarah Kinnaird	NCLeg
Heather Barnett	WRS
[illegible]	NSS
Adam Pridgen	NCABA
Peter Raabe	American Rivers

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/24/14
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	AIA NC
[signature]	SEANC
David McGowan	NC Petro Council
Angie Hamm	Ward & Smith
Chris Wallace	NBIC
Dana Fenton	City of Charlotte
Jaclyn Cocuzzi	City of Asheville
Daniel VanLeer	Vidant Health
Paul Anderson	PFPNC
Bill O'Brien	PFPNC
Tracy Kimbrell	Parker Poe

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/24/14
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Jim Ma	NCIIA
Ryan Downing	NCOSHR
Weldon Jones	Smoke Free
Elizabeth Robinson	NCRMA
Elizabeth Smith	Fourth Cty Rep. Women
Diane M. Somack	" " " "
Sara Blackburn	" " "
Mike Smallwood	SOG
Rebecca Troutman	NCACC
Matthew McConnell	Carolinas HealthCare
[illegible]	NC

Senate Committee on State and Local Government
Thursday, June 26, 2014, 8:00 AM
1124/1224 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 458	Omnibus County Legislation.	Representative McElraft
HB 1059	Venus Flytrap-Taking Penalty/Occup. Tax Use.	Representative Davis

Presentations

Other Business

Adjournment

Senate Committee on State and Local Government
Thursday, June 26, 2014 at 8:00 AM
Room 1124/1224 of the Legislative Building

MINUTES

The Senate Committee on State and Local Government met at 8:00 AM on June 26, 2014 in Room 1124/1224 of the Legislative Building. Ten members were present.

Senator Tommy Tucker, presided.

Senator Tucker called the meeting to order, introduced the Pages (Ben Britt, Winston Salem, Senator Krawiec; Anna Martina, Harrisburg, Senator Hartsell; Martha McSwain, Norwood, Senator Walters; Tas'zhane Jabbaar, Fayetteville, Senator Clark; Walter Jackson, Laurinburg, Senator McLaurin; Jake Satisky, Raleigh, Senator Stein) and thanked the Sargeants-at-Arms (Ernie Sherrell, Steve McKaig, Giles Jeffreys).

HB 458 Public Hospital Conveyances – The committee voted to consider a Senate Committee Substitute Bill. Senator Jim Davis explained the bill and responded to questions. The committee voted unfavorable as to original bill and favorable as to committee substitute bill with a sequential referral to Judiciary II.

HB 1059 New Hanover Occup. Tax Use – The committee voted to consider a Senate Committee Substitute Bill. Representative Ted Davis explained the bill and responded to questions. The committee voted unfavorable as to original bill but favorable as to committee substitute bill.

The meeting adjourned at 8:28 AM.

Senator Tommy Tucker
Presiding

Kaye Culberson, Committee Clerk

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
Thursday	June 26, 2014	8:00 AM	1124/1224 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 458	Omnibus County Legislation.	Representative McElraft
HB 1059	Venus Flytrap-Taking Penalty/Occup. Tax Use.	Representative Davis

NOTE DAY AND TIME
Additional bills to be added

Senator Jim Davis, Co-Chair
Senator Tommy Tucker, Co-Chair

HOUSE BILL 458:
Public Hospital Conveyances

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government.	**Date:**	June 25, 2014
Introduced by:	Rep. McElraft	**Prepared by:**	Barbara Riley
Analysis of:	PCS to Second Edition H458-CSRF-48		Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 458 provides for the transfer of the reverter interest held by a municipality or hospital authority in a hospital facility that has been sold or leased to a nonprofit or for profit corporation when the nonprofit or for profit sells, leases, or otherwise conveys an interest in the facility to another entity. . The pcs also amends the definition of "corporation, foreign or domestic, authorized to do business in North Carolina" to include a limited liability company.***

[As introduced, this bill was identical to S372, as introduced by Sen. J. Davis.]

CURRENT LAW: G.S. 131E-6(3) defines a "corporation, foreign or domestic, authorized to do business in North Carolina" as a for profit corporation having capital stock and organized under Chapter 55 of the General Statutes.

G.S. 131E-8 provides for the sale or conveyance of a hospital facility owned by a municipality or hospital authority to a nonprofit corporation. Such a conveyance is subject to a reverter clause. If the nonprofit fails to operate the facility as a community general hospital providing services to indigent patients as agreed upon by the parties, or the nonprofit dissolves without a successor nonprofit corporation, all ownership rights in the facility revert to the municipality or hospital authority.

G.S. 131E-13 provides for the sale or lease of a hospital facility owned by a municipality or hospital authority to a for profit corporation. Such conveyances are also subject to reverter under the conditions specified in G.S. 131E-13 (a) (1)-(5).

G.S. 131E-13(c) and (d) spell out the procedures for the sale or lease of such hospital facilities to a for profit corporation. These include (1) adoption of a resolution declaring an intent to sell or lease at a regular meeting of the municipality or hospital authority on 10 days public notice; (2) direct solicitation of at least 5 prospective purchasers or lessees; and (3) public hearing on the proposals for lease or purchase. Copies of the proposed contract shall be made available to the public at least 10 days prior to the regular meeting at which the contract is to be approved.

BILL ANALYSIS: Section 1 amends the definition of "corporation, foreign or domestic, authorized to do business in North Carolina" contained in G.S. 131E-6(3) to include a limited liability company.

Section 2 amends the definition of "hospital facility" in G.S. 131E-6 to include a property interest in the buildings and equipment constituting a hospital facility.

Section 3.(a) amends G.S. 131E-8(a) to provide that if the nonprofit corporation should sell, lease, or convey the hospital facilities without a successor nonprofit corporation to carry out the terms of the agreement of conveyance, the ownership right of the nonprofit would revert to the municipality or hospital authority.

Section 3.(b) adds a new subdivision (f) to G.S. 131E-8 providing that a nonprofit corporation may sell, lease, or convey a hospital facility acquired from a municipality or hospital authority to a for profit corporation. In such case, a municipality or hospital authority may release its reverter interest if the release is done in accordance with the provisions of G.S. 131E-13(d)(9) and the hospital facility is made subject to a new reverter interest under the provisions of G.S. 131E-13.

Section 4 makes several amendments to the provisions of G.S. 131E-13.

Subsection (a) is amended to allow, in addition to the sale, lease, or conveyance of a hospital facility, the conveyance of any rights of ownership a municipality or hospital authority has in a hospital facility. Subsection (a) is further amended to require the acquiring corporation to agree that any successor in interest or title to the hospital facility shall be subject to the reverter if the successor fails to substantially comply with the terms of the original agreement. The reversion of the hospital facility is subject to payment to the corporation or its successor of the costs less depreciation for any building, land, or equipment associated with the facility that has been constructed by the corporation or its successor.

G.S. 131E-13(d) is amended by adding the sale or lease by a municipality or hospital authority of a part of, or interest in, a hospital facility to those actions subject to the procedures for conveying a hospital facility.

Subsection (d) is further amended by adding a new subdivision (d)(9). Subdivision (d)(9) establishes a procedure to deal with the release of a reverter clause when the owner or lessee of a hospital facility requests the release in connection with a sale or lease of its interest in the facility. When such a request is received, the municipality or hospital authority does not have to solicit proposals from other parties as required pursuant to subdivisions (d)(1) and (2), but must consider only the proposal(s) presented by the owner or lessee. The municipality or hospital authority may only approve a proposal presented by the owner or lessee, but is not required to approve any proposal. The release of the reverter interest is conditioned on the replacement of the reverter interest with that required in G.S. 131E-13(a).

Subdivision (e) clarifies that a municipality or hospital authority may sell or lease a hospital facility to, or participate as an owner, joint venture, or other equity participant in the development of medical office buildings and other health care facilities with, a nonprofit corporation or other entity.

EFFECTIVE DATE: The act is effective when it becomes law and applies to sales, leases, and conveyances occurring on or after that date. Any sale, lease, or conveyance in substantial compliance with G.S. 131E-13(d)(9) that occurred prior to that date is affirmed and ratified, and shall be valid, effective, and enforceable.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 458*
Committee Substitute Favorable 4/25/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H458-CSRF-48 [v.3]
6/25/2014 7:28:05 PM

Short Title: Public Hospital Conveyances. (Public)

Sponsors:

Referred to:

April 1, 2013

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE LAWS RELATING TO THE SALE, LEASE, OR CONVEYANCE OF A PUBLIC HOSPITAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131E-6(3) reads as rewritten:

"(3) "Corporation, foreign or domestic, authorized to do business in North Carolina" ~~means a~~means any of the following:

a. A corporation for profit or having a capital stock which is created and organized under Chapter 55 of the General Statutes or any other general or special act of this ~~State, or a~~ State.

b. A foreign corporation which has procured a certificate of authority to transact business in this State pursuant to Article 10 of Chapter 55 of the General Statutes.

c. A limited liability company formed under Chapter 57D of the General Statutes.

d. A foreign limited liability company that has procured a certificate of authority to transact business in this State pursuant to Article 7 of Chapter 57D of the General Statutes."

"**SECTION 2.** G.S. 131E-6(4) reads as rewritten:

"(4) "Hospital facility" means any one or more buildings, structures, additions, extensions, improvements or other facilities, and any property interest therein, whether or not located on the same site or sites, machinery, equipment, furnishings or other real or personal property suitable for health care or medical care; and includes, without limitation, general hospitals; chronic disease, maternity, mental, tuberculosis and other specialized hospitals; nursing homes, including skilled nursing facilities and intermediate care facilities; adult care homes for the aged and disabled; public health center facilities; housing or quarters for local public health departments; facilities for intensive care and self-care; clinics and outpatient facilities; clinical, pathological and other laboratories; health care research facilities; laundries; residences and training facilities for nurses, interns, physicians and other staff members; food preparation and food service facilities; administrative buildings, central service and other administrative facilities; communication, computer and other electronic facilities; fire-fighting facilities; pharmaceutical and recreational facilities; storage

space; X ray, laser, radiotherapy and other apparatus and equipment; dispensaries; utilities; vehicular parking lots and garages; office facilities for hospital staff members and physicians; and such other health and hospital facilities customarily under the jurisdiction of or provided by hospitals, or any combination of the foregoing, with all necessary, convenient or related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping, and physical amenities"

SECTION 3.(a) G.S. 131E-8(a) reads as rewritten:

"(a) A municipality as defined in G.S. 131E-6(5) or hospital authority as defined in G.S. 131E-16(14), upon such terms and conditions as it deems wise, with or without monetary consideration, may sell or convey to a nonprofit corporation organized under Chapter 55A of the General Statutes any rights of ownership the municipality or hospital authority has in a hospital facility including the building, land and equipment associated with the hospital, if the nonprofit corporation is legally committed to continue to operate the facility as a community general hospital open to the general public, free of discrimination based upon race, creed, color, sex or national origin. The nonprofit corporation shall also agree, as a condition of the municipality or hospital authority's conveying ownership, to provide such services to indigent patients as the municipality or hospital authority and the nonprofit corporation shall agree. The nonprofit corporation shall further agree that should it fail to operate the facility as a community general hospital open to the general public or should the nonprofit corporation ~~dissolve~~ dissolve, or sell, lease, or convey the hospital facilities, without a successor nonprofit corporation to carry out the terms and conditions of the agreement of conveyance, all ownership rights in the hospital facility, including the building, land and equipment associated with the hospital, shall revert to the municipality or hospital authority or successor entity originally conveying the hospital."

SECTION 3.(b) G.S. 131E-8 is amended by adding a new subsection to read:

"(f) A nonprofit corporation may sell, lease, or convey a hospital facility acquired by deed, lease, or conveyance pursuant to this section to a corporation, foreign or domestic, authorized to do business in North Carolina, and a municipality or hospital authority may release its reverter interest in the hospital facility imposed pursuant to this section in connection with the sale, lease or conveyance provided that its reverter interest is released in accordance with the procedure set forth in G.S. 131E-13(d)(9) and the hospital facility is made subject to the reverter set forth in G.S. 131E-13(a)."

SECTION 4. G.S. 131E-13 reads as rewritten:

"**§ 131E-13. Lease or sale of hospital facilities to or from for-profit or nonprofit corporations or other business entities by municipalities and hospital authorities.**

(a) A municipality or hospital authority as defined in G.S. 131E-16(14), may lease, sell, or convey any hospital facility, or part, or any rights of ownership, that the municipality or hospital authority has in a hospital facility or part thereof, to a corporation, foreign or domestic, authorized to do business in North Carolina, subject to these conditions, which shall be included in the lease, agreement of sale, or agreement of conveyance:

(1) The corporation shall continue to provide the same or similar clinical hospital services to its patients in medical-surgery, obstetrics, pediatrics, outpatient and emergency treatment, including emergency services for the indigent, that the hospital facility provided prior to the lease, sale, or conveyance. These services may be terminated only as prescribed by Certificate of Need Law prescribed in Article 9 of Chapter 131E of the General Statutes, or, if Certificate of Need Law is inapplicable, by review procedure designed to guarantee public participation pursuant to rules adopted by the Secretary of the Department of Health and Human Services.

(2) The corporation shall ensure that indigent care is available to the population of the municipality or area served by the hospital authority at levels related to need, as previously demonstrated and determined mutually by the municipality or hospital authority and the corporation.

(3) The corporation shall not enact financial admission policies that have the effect of denying essential medical services or treatment solely because of a patient's immediate inability to pay for the services or treatment.

(4) The corporation shall ensure that admission to and services of the facility are available to beneficiaries of governmental reimbursement programs (Medicaid/Medicare) without discrimination or preference because they are beneficiaries of those programs.

(5) The corporation shall prepare an annual report that shows compliance with the requirements of the lease, sale, or conveyance.

The corporation shall further agree that if it or any successor in interest or title to the hospital facility fails to substantially comply with these conditions, or if it or any successor in interest or title to the hospital facility fails to operate the facility as a community general hospital open to the general public and free of discrimination based on race, creed, color, sex, or national origin unless relieved of this responsibility by operation of law, or if the corporation dissolves without a successor corporation to carry out the terms and conditions of the lease, agreement of sale, or agreement of conveyance, all ownership or other rights in the hospital facility, including the building, land and equipment associated with the hospital, shall revert to the municipality or hospital authority or successor entity originally conveying the hospital; provided that any building, land, or equipment associated with the hospital facility or any of its successors that the corporation has constructed or acquired since the ~~sale~~ sale, lease, or conveyance may revert only upon payment to the corporation or any successor in interest or title to the hospital facility of a sum equal to the cost less depreciation of the building, land, or equipment.

This section shall not apply to leases, sales, or conveyances of nonmedical services or commercial activities, including the gift shop, cafeteria, the flower shop, or to surplus hospital property that is not required in the delivery of necessary hospital services at the time of the lease, sale, or conveyance.

(b) In the case of a sale or conveyance, if either general obligation bonds or revenue bonds issued for the benefit of the hospital to be conveyed are outstanding at the time of sale or conveyance, then the corporation shall agree to the following:

By the effective date of sale or conveyance, the corporation shall place into an escrow fund money or direct obligations of, or obligations the principal of and interest on which, are unconditionally guaranteed by the United States of America (as approved by the Local Government Commission), the principal of and interest on which, when due and payable, will provide sufficient money to pay the principal of and the interest and redemption premium, if any, on all bonds then outstanding to the maturity date or dates of such bonds or to the date or dates specified for the redemption thereof. The corporation shall furnish to the Local Government Commission such evidence as the Commission may require that the securities purchased will satisfy the requirements of this section. A hospital which has placed funds in escrow to retire outstanding general obligation or revenue bonds, as provided in this section, shall not be considered a public hospital, and G.S. 159-39(a)(3) shall be inapplicable to such hospitals.

No bonds, notes or other evidences of indebtedness shall be issued by a municipality or hospital authority to finance equipment for or the acquisition, extension, construction, reconstruction, improvement, enlargement, or betterment of any hospital facility if the facility has been sold or conveyed to a corporation, foreign or domestic, authorized to do business in North Carolina.

(c) In the case of a lease, the municipality or hospital authority shall determine the length of the lease. No lease executed under this section shall be deemed to convey a freehold interest. Any sublease or assignment of the lease shall be subject to the conditions prescribed by this section. If the term of the lease is more than 10 years, and either general obligation bonds or revenue bonds issued for the benefit of the hospital to be leased are outstanding at the time of the lease, then the corporation shall agree to the following:

By the effective date of the lease, the corporation shall place into an escrow fund money or direct obligations of, or obligations the principal of and interest on which, are unconditionally guaranteed by the United States of America (as approved by the Local Government Commission), the principal of and interest on which, when due and payable, will provide sufficient money to pay the principal of and the interest and redemption premium, if any, on all bonds then outstanding to the maturity date or dates of such bonds or to the date or dates specified for the redemption thereof. The corporation shall furnish to the Local Government Commission such evidence as the Commission may require that the securities purchased will satisfy the requirements of this section.

No bonds, notes or other evidences of indebtedness shall be issued by a municipality or hospital authority to finance equipment for or the acquisition, extension, construction, reconstruction, improvement, enlargement, or betterment of any hospital facility when the facility is leased to a corporation, foreign or domestic, authorized to do business in North Carolina.

(d) The municipality or hospital authority shall comply with the following procedures before leasing, selling, or conveying a hospital facility, or part thereof:

(1) The municipality or hospital authority shall first adopt a resolution declaring its intent to sell, lease, or convey all or part of the hospital facility or any interest therein at a regular meeting on 10 days' public notice. Notice shall be given by publication in one or more papers of general circulation in the affected area describing the intent to lease, sell, or convey all or part of the hospital facility involved, known potential buyers or lessees, a solicitation of additional interested buyers or lessees and intent to negotiate the terms of the lease or sale. Specific notice, given by certified mail, shall be given to the local office of each state-supported program that has made a capital expenditure in the hospital facility, to the Department of Health and Human Services, and to the Office of State Budget and Management.

(2) At the meeting to adopt a resolution of intent, the municipality or hospital authority shall request proposals for lease or purchase by direct solicitation of at least five prospective lessees or buyers. The solicitation shall include a copy of G.S. 131E-13.

(3) The municipality or hospital authority shall conduct a public hearing on the resolution of intent not less than 15 days after its adoption. Notice of the public hearing shall be given by publication at least 15 days before the hearing. All interested persons shall be heard at the public hearing.

(4) Before considering any proposal to lease or purchase, the municipality or hospital authority shall require information on charges, services, and indigent care at similar facilities owned or operated by the proposed lessee or buyer.

(5) Not less than 45 days after adopting a resolution of intent and not less than 30 days after conducting a public hearing on the resolution of intent, the municipality or hospital authority shall conduct a public hearing on proposals for lease or purchase that have been made. Notice of the public hearings shall be given by publication at least 10 days before the hearing.

The notice shall state that copies of proposals for lease or purchase are available to the public.

(6) The municipality or hospital authority shall make copies of the proposals to lease or purchase available to the public at least 10 days before the public hearing on the proposals.

(7) Not less than 60 days after adopting a resolution of intent, the municipality or hospital authority at a regular meeting shall approve any lease, sale, or conveyance by a resolution. The municipality or hospital authority shall adopt this resolution only upon a finding that the lease, sale, or conveyance is in the public interest after considering whether the proposed lease, sale, or conveyance will meet the health-related needs of medically underserved groups, such as low income persons, racial and ethnic minorities, and handicapped persons. Notice of the regular meeting shall be given at least 10 days before the meeting and shall state that copies of the lease, sale, or conveyance proposed for approval are available.

(8) At least 10 days before the regular meeting at which any lease, sale, or conveyance is approved, the municipality or hospital authority shall make copies of the proposed contract available to the public.

(9) Notwithstanding the subdivisions (1) through (8) of this subsection, if the owner or lessee of a hospital facility has requested the municipality or hospital authority to release its reverter interest in the hospital facility or any part or interest therein in connection with a proposed sale, lease, or conveyance of the hospital facility, the municipality or hospital authority shall not be required to solicit or request proposals as required by subdivisions (d)(1) and (2) of this subsection, but shall request and consider only the proposal or proposals presented to the municipality or hospital authority by the owner or lessee of the hospital facility. The municipality or hospital authority may only approve a proposal presented by the owner or lessee but shall not be required to approve any proposal. Any release of a municipality's or hospital authority's reverter interest shall be conditioned on the replacement of the reverter interest released with the imposition of the reverter interest on the hospital facility required by subsection (a) of this section.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section or G.S. 131E-23, a hospital authority as defined in G.S. 131E-16(14) or a municipality may lease or sublease hospital land to a for profit or not for profit corporation or other ~~business~~ entity, whether for profit or not for profit, and may participate as an owner, joint venturer, or other equity participant with a for profit or not for profit corporation or other ~~business~~ entity whether for profit or not for profit for the development, construction, and operation of medical office buildings and other health care or hospital facilities, so long as the municipality, hospital authority, or other entity continues to maintain its primary community general hospital facilities as required by subsection (a) of this section.

(f) A municipality or hospital authority may permit or consent to the pledge of hospital land or leasehold estates in hospital land to facilitate the development, construction, and operation of medical office buildings and other health care or hospital facilities. A municipality or hospital authority also may, as lessee, enter into master leases or agreements to fund for temporary vacancies relating to hospital land or hospital facilities for use in the provision of health care.

(g) Neither G.S. 153A-176 nor Article 12 of Chapter 160A of the General Statutes shall apply to leases, subleases, sales, or conveyances under this Chapter."

SECTION 5. This act is effective when it becomes law, and applies to sales, leases, and conveyances occurring on or after that date. Any sale, lease, or conveyance in substantial compliance with G.S. 131E-13(d)(9) that occurred prior to that date is affirmed and ratified, and shall be valid, effective and enforceable.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 2

HOUSE BILL 458*
Committee Substitute Favorable 4/25/13

Short Title: Omnibus County Legislation. (Public)

Sponsors:

Referred to:

April 1, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS BEFORE PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.1(d) reads as rewritten:

"**§ 143-215.1. Control of sources of water pollution; permits required.**

...

(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –

(1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved. Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission. Prior to acting on a permit application for the land application of waste resulting from the operation of a wastewater treatment facility, the Commission shall provide notice and an opportunity for comment to the governing board of the county in which the site of the land application of waste is proposed to be located. Local governmental units to whom pretreatment program authority has been delegated shall establish, maintain,

and provide to the public, upon written request, a list of pretreatment applications received.

(2) An applicant for a permit to dispose of petroleum contaminated soil by land application shall give written notice that he intends to apply for such a permit to each city and county government having jurisdiction over any part of the land on which disposal is proposed to occur. The Commission shall not accept such a permit application unless it is accompanied by a copy of the notice and evidence that the notice was sent to each such government by certified mail, return receipt requested. The Commission may consider, in determining whether to issue the permit, the comments submitted by local governments."

SECTION 2. G.S. 136-28.1(b) reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

...

(b) For contracts let to carry out the provisions of this Chapter in which the amount of work to be let to contract for transportation infrastructure construction or repair is ~~one million two hundred thousand dollars ($1,200,000)~~two million five hundred thousand dollars ($2,500,000) or less, and for transportation infrastructure maintenance, excluding resurfacing, that is ~~one million two hundred thousand dollars ($1,200,000);~~two million five hundred thousand dollars ($2,500,000) per year or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened."

SECTION 3.1. There is established the State Payment in Lieu of Taxes Study Commission. The Commission shall consist of 13 members 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 Revenue or the Secretary's designee.

(4) Three members of the public appointed by the Speaker of the House of Representatives based on the recommendation of the North Carolina Association of County Commissioners.

(5) Three members of the public appointed by the President Pro Tempore of the Senate based on the recommendation of the North Carolina Association of County Commissioners.

SECTION 3.2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its members.

SECTION 3.3. Vacancies on the Commission shall be filled by the same appointing authority that made the initial appointment.

SECTION 3.4. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

SECTION 3.5. 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 Director of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

SECTION 3.6. 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 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

SECTION 3.7. 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 3.8. The Commission shall study issues relating to the development of a State payment in lieu of taxes for State properties, including wildlife and game lands. The Commission may consider any other issues deemed relevant.

SECTION 3.9. The Commission may make an interim report, including any legislative recommendations, to the 2013 Regular Session of the General Assembly when it reconvenes in 2014 and shall submit a final report, including any legislative recommendations, prior to the convening of the 2015 Regular Session of the General Assembly. The Commission shall terminate upon the filing of its final report or on January 1, 2015, whichever occurs first.

SECTION 4. Section 1 of this act becomes effective July 1, 2013, and applies to land application permit applications received on or after that date. Section 2 of this act becomes effective July 1, 2013, and applies to transportation project bids solicited on or after that date. The remainder of this act is effective when it becomes law.

HOUSE BILL 1059:
Venus Flytrap-Taking Penalty/Occup. Tax Use

2013-2014 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	**Date:**	June 25, 2014
Introduced by:	Rep. Davis	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to Third Edition H1059-CSST-121		

SUMMARY: The local act does two things:

- ***Provides that a person taking away any Venus flytrap with the intent to steal is guilty of a Class H felony in certain counties.***
- ***Modifies the use of the 3% room occupancy tax currently levied in the unincorporated areas of New Hanover County.***

The PCS received a favorable report from the Occupancy Tax Subcommittee on June 18, 2014.

CURRENT LAW & BILL ANALYSIS:

Section 1: Venus Flytrap Taking Penalty

State law provides that stealing a Venus flytrap is a Class 3 misdemeanor, with a fine of no less than $10 or more than $50. The law is applicable to Brunswick, Columbus, New Hanover and Onslow Counties, but is not applicable to Pender County and to certain other counties in the State.

The act would create an additional separate Class H felony to steal a Venus flytrap, that would apply only to the following counties: Brunswick, Columbus, New Hanover, Onslow, and Pender Counties.

This section would be effective for offenses occurring on or after December 1, 2014.

Section 2: New Hanover District U Occupancy Tax

New Hanover District U consists of the unincorporated areas of New Hanover County. The district has the authority to levy a 3% room occupancy tax. One hundred percent (100%) of the proceeds must be used only for beach nourishment. Since its enactment, the tax has generated approximately $1 million in revenue, which currently sits in a special fund, but the district has indicated that it does not have a need for a beach nourishment project.

The PCS would redirect the proceeds that have accrued since the levy of the tax to the Cape Fear Convention and Visitors Bureau, which is New Hanover's tourism development authority, to be used for tourism-related expenditures. The district would have 30 days after the enactment of the bill to remit the proceeds that are in the special fund. Beginning on and after July 1, 2014, at least two-thirds of the proceeds must be used by the Authority for tourism promotion and the remainder must be used for tourism-related expenditures.

This section would be effective when the act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H D

HOUSE BILL 1059
Committee Substitute Favorable 6/4/14
Committee Substitute #2 Favorable 6/19/14
PROPOSED SENATE COMMITTEE SUBSTITUTE H1059-CSST-121 [v.6]

6/25/2014 7:34:36 PM

Short Title: Venus Flytrap-Taking Penalty/Occup. Tax Use. (Local)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO MAKE THE LARCENY OF VENUS FLYTRAPS IN BRUNSWICK, COLUMBUS, NEW HANOVER, ONSLOW, AND PENDER COUNTIES A FELONY OFFENSE AND TO MODIFY THE NEW HANOVER OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 22 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-129.3. Felony taking of Venus flytrap.**

(a) Notwithstanding G.S. 14-129, any person who takes and carries away, or aids in taking or carrying away, any Venus flytrap (Dionaea muscipula) plant or the seed of any Venus flytrap plant growing upon the lands of another person with the intent to steal the Venus flytrap plant or seed is guilty of a Class H felony.

(b) This section applies only to the counties of Brunswick, Columbus, New Hanover, Onslow, and Pender."

SECTION 1.(b) The Revisor of Statutes is authorized to codify the provisions of Section 1(a) of this act.

SECTION 2. Section 7(d) of S.L. 2006-167 reads as rewritten:

"**SECTION 7.(d)** Distribution and Use of Tax Revenue. – New Hanover County District U shall ~~deposit one hundred percent (100%) of the net proceeds of the room occupancy and tourism development tax levied under this section into a special fund, the cash balance of which shall be deposited at interest or invested in accordance with G.S. 159-30. These funds shall be used only for beach nourishment.~~ distribute and use the net proceeds of the room occupancy and tourism development tax levied under this section as set out in this subsection. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of New Hanover District U. ~~None of the proceeds may be used for beach nourishment in areas within New Hanover County that are outside of the district.~~ As used in this subsection, the term "Authority" means the Cape Fear Coast Convention and Visitors Bureau, which has been established as a tourism development authority.

(1) Proceeds collected prior to July 1, 2014. – Within 30 days of the effective date of this act, New Hanover County District U shall remit to the Authority the net proceeds of the tax that have been collected by the district prior to July 1, 2014. The Authority shall use one hundred percent (100%) of the

funds remitted to it under this subdivision for tourism-related expenditures in the district.

(2) Proceeds collected on or after July 1, 2014. – New Hanover County District U shall, on a quarterly basis, remit to the Authority the net proceeds of the tax collected by the district on or after July 1, 2014. The Authority shall use at least two-thirds of the funds remitted to it under this subdivision for tourism promotion and shall use the remainder for tourism-related expenditures in the district."

SECTION 3. Section 1 of this act becomes effective December 1, 2014, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H 3

HOUSE BILL 1059
Committee Substitute Favorable 6/4/14
Committee Substitute #2 Favorable 6/19/14

Short Title: Venus Flytrap-Taking Penalty/Occup. Tax Use. (Local)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO MAKE THE LARCENY OF VENUS FLYTRAPS IN NEW HANOVER, BRUNSWICK, ONSLOW, AND PENDER COUNTIES A FELONY OFFENSE AND TO MODIFY THE NEW HANOVER OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Any person who takes and carries away, or aids in taking or carrying away, any Venus flytrap (Dionaea muscipula) plant or the seed of any Venus flytrap plant growing upon the lands of another person with the intent to steal the Venus flytrap plant or seed is guilty of a Class H felony.

SECTION 1.(b) G.S. 14-129 reads as rewritten:

"**§ 14-129. Taking, etc., of certain wild plants from land of another.**

No person, firm or corporation shall dig up, pull up or take from the land of another or from any public domain, the whole or any part of any Venus flytrap (Dionaea muscipula), trailing arbutus, Aaron's Rod (Thermopsis caroliniana), Bird-foot Violet (Viola pedata), Bloodroot (Sanguinaria canadensis), Blue Dogbane (Amsonia tabernaemontana), Cardinal-flower (Lobelia cardinalis), Columbine (Aquilegia canadensis), Dutchman's Breeches (Dicentra cucullaria), Maidenhair Fern (Adiantum pedatum), Walking Fern (Camptosorus rhizophyllus), Gentians (Gentiana), Ground Cedar, Running Cedar, Hepatica (Hepatica americana and acutiloba), Jack-in-the-Pulpit (Arisaema triphyllum), Lily (Lilium), Lupine (Lupinus), Monkshood (Aconitum uncinatum and reclinatum), May Apple (Podophyllum peltatum), Orchids (all species), Pitcher Plant (Sarracenia), Shooting Star (Dodecatheon meadia), Oconee Bells (Shortia galacifolia), Solomon's Seal (Polygonatum), Trailing Christmas (Greens-Lycopodium), Trillium (Trillium), Virginia Bluebells (Mertensia virginica), and Fringe Tree (Chionanthus virginicus), American holly, white pine, red cedar, hemlock or other coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any azalea, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent. ~~Any~~ Unless the conduct is covered under some other provision of law providing greater punishment, any person convicted of violating the provisions of this section shall be guilty of a Class 3 misdemeanor only punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each offense. The provisions of this section shall not apply to the Counties of Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Pamlico, Pender, Person, Richmond, Rockingham, Rowan and Swain."



SECTION 1.(c) This section applies only to New Hanover, Brunswick, Onslow, and Pender counties.

SECTION 2. Section 7(d) of S.L. 2006-167 reads as rewritten:

"**SECTION 7.(d)** Distribution and Use of Tax Revenue. – New Hanover County District U shall ~~deposit one hundred percent (100%) of the net proceeds of the room occupancy and tourism development tax levied under this section into a special fund, the cash balance of which shall be deposited at interest or invested in accordance with G.S. 159-30. These funds shall be used only for beach nourishment.~~ distribute and use the net proceeds of the room occupancy and tourism development tax levied under this section as set out in this subsection. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of New Hanover District U. ~~None of the proceeds may be used for beach nourishment in areas within New Hanover County that are outside of the district.~~ As used in this subsection, the term "Authority" means the Cape Fear Coast Convention and Visitors Bureau, which has been established as a tourism development authority.

(1) Proceeds collected prior to July 1, 2014. – Within 30 days of the effective date of this act, New Hanover County District U shall remit to the Authority the net proceeds of the tax that have been collected by the district prior to July 1, 2014. The Authority shall use one hundred percent (100%) of the funds remitted to it under this subdivision for tourism-related expenditures in the district.

(2) Proceeds collected on or after July 1, 2014. – New Hanover County District U shall, on a quarterly basis, remit to the Authority the net proceeds of the tax collected by the district on or after July 1, 2014. The Authority shall use at least two-thirds of the funds remitted to it under this subdivision for tourism promotion and shall use the remainder for tourism-related expenditures in the district."

SECTION 3. Section 1 of this act becomes effective December 1, 2014, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Thursday, June 26, 2014

Senator J. 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

HB **458** **(CS#1)** Omnibus County Legislation.

Draft Number:	H458-PCS30802-RF-48
Sequential Referral:	Judiciary II
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Jim Davis will handle bill on floor



NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Senator J. Davis, Co-Chair
Senator Tucker, Co-Chair

Thursday, June 26, 2014

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

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **1059 (CS#2)** Venus Flytrap-Taking Penalty/Occup. Tax Use.

Draft Number:	H1059-PCS40270-ST-121
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

1 of 2 reports

Senator Thomas Goolsby will handle HB 1059



ATTENDANCE

Committee:

SENATE State and Local Government

DATE: 6/26/14 MEMBERS:																
Sen. J. Davis, Co-Chair	✓															
Sen. Tucker, Co-Chair	✓															
Sen. Wade, Co-Chair	✓															
Sen. Barringer	✓															
Sen. Bingham	✓															
Sen. D. Davis																
Sen. Foushee	✓															
Sen. Goolsby																
Sen. Hartsell	✓															
Sen. B. Jackson																
Sen. McLaurin	✓															
Sen. Pate																
Sen. Tarte	✓															
Sen. Van Duyn	✓															
Sen. Walters																

SENATE SERGEANT-AT-ARMS

COMMITTEE: **Senate State and Local Government**

DATE: 06-26-2014 ROOM: 1124

1. ERNIE SHERRELL
2. STEVE McKAIG
3. GILES JEFFREYS
4. _____
5. _____
6. _____

PAGES ATTENDING

Date: ~~5~~ 6/26 8AM

Committee: State & Local Gov't **Room:** 1124

PLEASE PRINT LEGIBILY!!!!!

	Page Name	Hometown	Sponsoring Senator
1	Ben Britt	Winston-Salem	Krawiec
2	Anna Martina	Harrisburg	Hartsell
3	Martha McSwain	Norwood	Waters
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5	Walter Jackson	Laurinburg	~~Watters~~ McLaurin
6	Jake Satisky	Raleigh	Josh Stein
7			
8			
9			

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the neeting or a Sgt. at Arms.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/26/14

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
	NCTIA
Paul Sherman	NCFB
	NCIA
CHRIS NIDA	NCLM
	NCAEL
	nelson mullins
	Troutman Sanders
DOUG HERON	DUKE LIFEPOINT
	Carolinas Healthcare System
Nigel Hart	HHDJ

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/26/14

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Isabel Villa-Garcia	UCSB

ATTACHMENT 5

VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT — 6/26/14
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

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Charles King	School of Government
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William Stirling	Brubaker and Associates
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Cady Thomas	NLAR