

2015

**SENATE
STATE & LOCAL
GOVERNMENT**

MINUTES

SENATE STATE AND LOCAL GOVERNMENT
2015-2016 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
DAVIS, Jim Chair	Kaye Culberson	3-5875	408-B	61
SANDERSON, Norman Chair	Kathy Voss	3-5706	406	18
WADE, Trudy Vice-Chair	Kathy Hartsell	3-5856	521	99
ALEXANDER, John	Danielle Albert	3-5850	2115	89
BARRINGER, Tamara	Gloria Whitehead	3-5653	620	81
CURTIS, David	Lynn Tennant	5-3038	410	83
DAVIS, Don	Blinda Edwards	5-8363	519	63
FOUSHEE, Valerie	James Spivey	3-5804	517	119
HARTSELL, Fletcher	Gerry Johnson	3-7223	627	115
JACKSON, Brent	Ross Barnhardt	3-5705	2022	103
PATE, Louis	Edna Pearce	3-5621	1028	88
RABIN, Ronald	Sheri Hood	3-5748	411	27
SMITH, Jane	Cindy Davis	3-5651	520	47
TARTE, Jeff	Lisa Kennedy	5-3050	2108	26
VAN DUYN, Terry	Irma Avent-Hurst	5-3001	1025	38
WADDELL, Joyce	Jyrita Moore	3-5650	515	49



NORTH CAROLINA GENERAL ASSEMBLY
STATE AND LOCAL GOVERNMENT
2015 – 2016 SESSION



Sen. Jim Davis, Chair



Sen. Norman Sanderson, Chair



Sen. Trudy Wade, Vice-Chair



Sen. John Alexander

Member



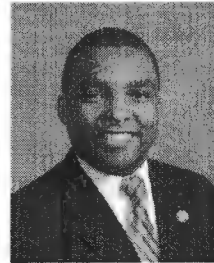
Sen. Tamara Barringer

Member



Sen. David Curtis

Member



Sen. Don Davis

Member



Sen. Valerie Foushee

Member



Sen. Fletcher Hartsell

Member



Sen. Brent Jackson

Member



Sen. Louis Pate

Member



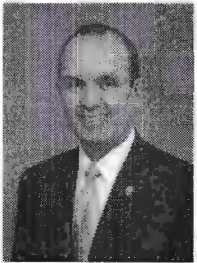
Sen. Ronald Rabin

Member



Sen. Jane Smith

Member



Sen. Jeff Tarte

Member



Sen. Terry Van Duyen

Member



Sen. Joyce Waddell

Member



North Carolina General Assembly
Through Senate Committee on
State and Local Government

2015-2016 Biennium
Leg. Day: H-135/S-137

Date: 10/21/2015
Time: 1:36:39 PM

Bill	Introducer	Short Title	Latest Action	Date In	Date Out
H 55	Dollar	Public Exhibit of Fireworks/NC SU.	R Ch. SL 2015-124	06/01/2015	06/23/2015
H 58	Riddell	Certain Counties Sheriff/Food Purchases.	*R Ch. SL 2015-156	06/01/2015	07/14/2015
H 71	Hurley	Clarify County Comm Oath Filing.	R Ch. SL 2015-24	05/05/2015	05/12/2015
H 73	Dollar	Cary Annexation.	*R Ch. SL 2015-77	05/05/2015	05/12/2015
H 99	Brody	Town of Polkton/Deannexation.	*R Ch. SL 2015-78	05/05/2015	05/19/2015
H 110	West	Cherokee/Rutherford/Clay Bds. of Ed. Elect.	*R Ch. SL 2015-35	04/01/2015	05/13/2015
H 111	Burr	Stanly Co. Bd. of Ed. Recall.	*S Re-ref Com On Rules and Operations of the Senate	05/05/2015	05/11/2015
H 112	Burr	Stanly Co Bd of Ed Election Method.	R Ch. SL 2015-242	05/05/2015	05/11/2015
H 130	Howard	Davie County/Food for Detention Facilities.	*R Ch. SL 2015-20	05/07/2015	05/13/2015
H 131	Presnell	Town of Maggie Valley/Deannexation.	*S Ref To Com On State and Local Government	06/23/2015	
H 140	Hastings	Lineman Appreciation Day in NC.	*R Ch. SL 2015-8	04/13/2015	04/14/2015
H 143	Bishop	Charlotte/Civil Service Board.	R Ch. SL 2015-33	05/07/2015	05/19/2015
H 147	Ross	Update Fire and Rescue Comm'n. Membership.	R Ch. SL 2015-39	05/07/2015	05/19/2015
H 156	Avila	Legal Notices/Require Internet Publication.	*S Re-ref Com On Finance	03/31/2015	06/09/2015
H 185	Brown	Repeal DCR's Obsolete Comms & Language.-AB	*R Ch. SL 2015-184	05/07/2015	07/21/2015
H 189	Jones	Rockingham Co. School Bd.	*R Ch. SL 2015-38	04/01/2015	05/19/2015
H 199	Hall	Certain Cities/Donate Service Animals.	*R Ch. SL 2015-174	05/07/2015	07/21/2015
H 204	Iler	Caswell Beach/Quick Take Eminent Domain.	R Ch. SL 2015-14	03/31/2015	05/12/2015
H 217	Daughtry	Clayton Deannexation/Annexation.	*R Ch. SL 2015-83	05/06/2015	05/19/2015
H 218	Daughtry	Clayton Annexation.	*R Ch. SL 2015-79	05/06/2015	05/19/2015
H 236	Speciale	Certain Counties/Purchasing Exemption.	*R Ch. SL 2015-157	04/02/2015	07/14/2015
H 243	West	Local Mod: Economic Development	R Ch. SL 2015-15	03/31/2015	05/12/2015



<u>H 263</u> Hurley	City Elections/Trinity and Greensboro.	*R Ch. SL 2015-138	03/31/2015 05/06/2015
<u>H 266</u> Robinson	City of Lenoir/Satellite Annexation.	R Ch. SL 2015-129	06/11/2015 06/24/2015
<u>H 279</u> Pendleton	Wake Cty Local Board of Equalization/Review.	*R Ch. SL 2015-59	05/13/2015 06/02/2015
<u>H 307</u> Malone	Zebulon Charter/Use of Certain Fees.	R Ch. SL 2015-127	05/14/2015 06/02/2015
<u>H 312</u> Presnell	Certain Counties Sheriff/Food Purchases.	*R Ch. SL 2015-158	05/22/2015 07/14/2015
<u>H 313</u> Turner	Promotion Grievances/City of Statesville.	*R Ch. SL 2015-34	05/07/2015 05/19/2015
<u>H 322</u> Avila	Zoning/Recreational Land Req.-Morrisville.	R Ch. SL 2015-130	04/14/2015 06/25/2015
<u>H 337</u> Dollar	Town of Cary/Release Unneeded Easements.	*R Ch. SL 2015-84	04/14/2015 06/09/2015
<u>H 340</u> Shepard	Weekend Burials/State Veterans Cemeteries.	R Ch. SL 2015-69	05/11/2015 06/02/2015
<u>H 345</u> Steinburg	Currituck County/Remove Abandoned Vessels.	S Re-ref Com On State and Local Government	05/07/2015
<u>H 346</u> Steinburg	Counties/Public Trust Areas.	R Ch. SL 2015-70	05/12/2015 06/02/2015
<u>H 347</u> West	Graham, Buncombe Occ. Tax/Stokesdale Fire.	*R Ch. SL 2015-128	05/11/2015 05/22/2015
<u>H 353</u> Langdon	Wilson's Mills/Satellite Annexations.	R Ch. SL 2015-80	05/11/2015 06/09/2015
<u>H 386</u> Szoka	Hope Mills/Spring Lake/Satellite Annexations.	*R Ch. SL 2015-172	06/17/2015 07/02/2015
<u>H 389</u> Tine	Roanoke Island Fire District Changes.	S Re-ref Com On Finance	07/13/2015 07/21/2015
<u>H 400</u> Brawley	Town of Mint Hill/Annexations.	R Ch. SL 2015-131	06/11/2015 06/24/2015
<u>H 411</u> Lewis	Town of Angier/Deannexation.	R Ch. SL 2015-139	06/17/2015 06/24/2015
<u>H 411</u> Lewis	Town of Angier/Deannexation.	R Ch. SL 2015-139	06/30/2015 07/01/2015
<u>H 412</u> Lewis	Dunn Annexation/Holly Ridge Annexation.	*R Ch. SL 2015-175	06/17/2015 06/24/2015

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

A bold line indicates that the bill is an appropriations bill.

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



**Senate Committee on State and Local Government
Tuesday, March 17, 2015 at 12:00 PM
Room 423 of the Legislative Office Building**

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on March 17, 2015 in Room 423 of the Legislative Office Building. Twelve members were present.

Senator Jim Davis, Chair, presided.

Senator Davis welcomed Committee members and guests and thanked Sergeants-at-Arms Terry Barnhardt, and Larry Hancock, and Pages Anthony Forte, Boiling Spring Lakes, sponsored by Senator Rabon; Nicholas Oddo, Wake Forest, sponsored by Senator Barefoot.

SB 139 Town of Sylva/Parking Ordinances. (Senator J. Davis)

Senator Sanderson chaired the meeting while Senator Davis presented this bill. Senate Bill 139 would amend the charter of the Town of Sylva to allow the Town to adopt and enforce ordinances related to parking. Senator Jim Davis responded to a question from Senator Don Davis. Senator Curtis motioned for a favorable report. The motion passed.

SB 5 Union County Local Act. (Senator Tucker)

Senator Tucker presented this bill. Senate Bill 5 would allow the Union County Board of Commissioners to determine the amounts to be appropriated to the Union County Board of Education for the 2015-16 fiscal year; and allow the Union County Board of Education to initiate the statutory dispute resolution process if that Board determines it is necessary. There being no questions, Senator Pate moved for a favorable report. The motion passed.

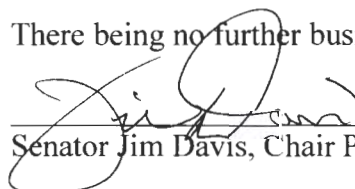
SB 156 Mt. Gilead Charter Revision & Consolidation. (Senator Bingham)

Senator Bingham presented this bill. Senate Bill 156 would revise and consolidate the charter of the Town of Mount Gilead in Montgomery County. The PCS repeals several session laws that have served their purpose or have been consolidated into this act. A serial referral to Senate Finance is required because the PCS reauthorizes certain fees in the Town charter and allows the Town to collect delinquent fees for water, sewer, and garbage collection in the same manner as delinquent property taxes. The bill does not authorize any new fees or taxes. Senator Bingham responded to questions from Senators Jackson, Pate and Barringer. Senator Jim Davis motioned for an unfavorable report as to original bill and favorable as to PCS. The motion passed.

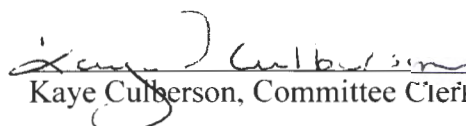
SB 142 Cumberland County Civic Center Commission. (Senators Meredith, Clark)

Senator Meredith presented this bill. Senate Bill 142 would reduce the number of members serving on the Cumberland County Civic Center Commission from 16 to 10 and would name the nine citizen members of the Commission. Senator Meredith responded to questions from Senators Jackson and Don Davis. Senator Don Davis motioned for a favorable report. The motion passed.

There being no further business, the meeting adjourned at 12:25 PM.



Senator Jim Davis, Chair Presiding



Kaye Culberson, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, March 17, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 5	Union County Local Act.	Senator Tucker
SB 139	Town of Sylva/Parking Ordinances.	Senator J. Davis
SB 156	Mt. Gilead Charter Revision & Consolidation.	Senator Bingham
SB 142	Cumberland County Civic Center Commission.	Senator Meredith Senator Clark

Presentations

Other Business

Adjournment



Principal Clerk _____
Reading Clerk _____

Corrected #1:

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 17, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 5	Union County Local Act.	Senator Tucker
SB 139	Town of Sylva/Parking Ordinances.	Senator J. Davis
SB 156	Mt. Gilead Charter Revision & Consolidation.	Senator Bingham
SB 142	Cumberland County Civic Center Commission.	Senator Meredith Senator Clark

Senator Jim Davis will chair. Senator Sanderson will chair when Senator Davis presents his bill.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, March 17, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

SB 5	Union County Local Act.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No
SB 139	Town of Sylva/Parking Ordinances.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

Senator Sanderson, Co-Chair, chaired the meeting while Senator Jim Davis, Co-Chair, presented his bill (Senate Bill 139)

Senator Tommy Tucker will handle SB 5
Senator James Davis will handle SB 139



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, March 17, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

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

SB 142

Cumberland County Civic Center Commission.

Draft Number: S142-PCS15112-TH-5

Sequential Referral: None

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Senator Wesley Meredith will handle SB 142



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Wednesday, March 18, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

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

SB 156

Mt. Gilead Charter Revision & Consolidation.

Draft Number: S156-PCS15114-THf-3

Sequential Referral: None

Recommended Referral: Finance

Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comments:

Report 3 of 3

Senator Stan Bingham will handle SB 156



* C M R 5 2 - V - 1 *



SENATE BILL 139: Town of Sylva/Parking Ordinances

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. J. Davis
Analysis of: First Edition

Date: March 17, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *Senate Bill 139 would amend the charter of the Town of Sylva to allow the Town to adopt and enforce ordinances related to parking.*

BILL ANALYSIS: Senate Bill 139 would amend the charter of the Town of Sylva to provide that the board of commissioners may, by ordinance, provide the following parking provisions:

- Each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.
- Any vehicle that has been towed for a parking violation must be held until the towing fee and penalties for all outstanding parking tickets and parking penalties owed to the town are paid in full, or a bond is posted. Payment of the towing fee, parking tickets, and parking penalties is not a waiver of a person's right to contest those items.
- The use of wheel locks is permitted for a vehicle parked in a public vehicular area for which there is one or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance must provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal, an immobilization fee not to exceed \$50.00, and charges for towing and storage. The town is not responsible for damage to an immobilized vehicle parked in a public vehicular area that results from unauthorized attempts to free or move that vehicle.

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

O. Walker Reagan
Director



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Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 139

Short Title: Town of Sylva/Parking Ordinances.

(Local)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 4, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SYLVA TO AUTHORIZE THE
TOWN TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Sylva, being Chapter 72 of the 1899 Private Laws, as amended by Chapter 47 of the 1905 Private Laws, Chapter 131 of the 1913 Private Laws, Chapter 27 of the 1957 Session Laws, Chapter 31 of the 1961 Session Laws, Chapter 318 of the 1973 Session Laws, and S.L. 2000-30, is amended by adding a new section to read as follows:

"Sec. 30. (a) The board of commissioners may provide by ordinance that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.

(b) The board of commissioners may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and parking penalties owed to the town are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and parking penalties. Payment of the towing fee and all outstanding parking tickets and parking penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and parking penalties.

(c) The board of commissioners may provide by ordinance for the use of wheel locks on a vehicle parked in a public vehicular area for which there is one or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal, an immobilization fee not to exceed fifty dollars (\$50.00), and charges for towing and storage. The town shall not be responsible for any damage to an immobilized vehicle parked in a public vehicular area that results from unauthorized attempts to free or move that vehicle."

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







SENATE BILL 5: Union County Local Act

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. Tucker
Analysis of: First Edition

Date: March 15, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *Senate Bill 5 would allow the Union County Board of Commissioners to determine the amounts to be appropriated to the Union County Board of Education for the 2015-16 fiscal year; and allow the Union County Board of Education to initiate the statutory dispute resolution process if that Board determines it is necessary.*

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 address appropriations local current expenses and capital outlays for the local board of education.

G.S. 115C-426 requires local school administrative units to maintain at least the following funds:

- **Local current expense fund.** Include appropriations sufficient for the current operating expense of the public school system in conformity with the educational goals and policies of the State and the local board of education, within the financial resources and consistent with the fiscal policies of the board of county commissioners.
- **Capital outlay fund.** Includes appropriations for:
 - The acquisition of real property for school purposes, including school sites, playgrounds, athletic fields, administrative headquarters, and garages.
 - The acquisition, construction, reconstruction, enlargement, renovation, or replacement of buildings and other structures, including buildings for classrooms and laboratories, physical and vocational educational purposes, libraries, auditoriums, gymnasiums, administrative offices, storage, and vehicle maintenance.
 - The cost of acquiring or constructing a new building, or reconstructing, enlarging, or renovating an existing building, and includes:
 - Cost of all real property and interests in real property.
 - All plants, works, appurtenances, structures, facilities, furnishings, machinery, and equipment necessary or useful in connection therewith.
 - Financing charges
 - Cost of plans, specifications, studies, reports, and surveys.
 - Legal expenses
 - All other costs necessary or incidental to the construction, reconstruction, enlargement, or renovation.



Senate Bill 5

Page 2

- The acquisition or replacement of furniture and furnishings, instructional apparatus, data-processing equipment, business machines, and similar items of furnishings and equipment.
- The acquisition of school buses as additions to the fleet.
- The acquisition of activity buses and other motor vehicles.
- Such other objects of expenditure as may be assigned to the capital outlay fund by the uniform budget format.

Within the capital outlay fund, no contract for the purchase of a site may be executed, nor any funds expended, without the approval of the board of county commissioners as to the amount to be spent for the site. If there is a disagreement between a board of education and a board of county commissioners as to the amount to be spent for the site, the procedure provided in G.S. 115C-431 (see below) is to be used to settle the disagreement, as far as it is applicable.

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.

The local board of education is required to adopt a budget resolution after the board of county commissioners makes its appropriation, or after the dispute resolution process set out in G.S. 115C-431 (described above) has concluded.

For Union County, S.L. 2014-8 and 2014-9 amended this general process and specifically did all of the following:

1. Prohibited the Union County Board of Education from initiating litigation over the sufficiency of the local appropriation to the local current expense fund, the capital outlay fund, or both for the 2014-15 and 2015-16 fiscal years.
2. Set the amount the Union County Board of Commissioners would appropriate for current expense and capital outlay for those two fiscal 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

Senate Bill 5

Page 3

3. Required 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.

BILL ANALYSIS: Senate Bill 5 would repeal the specific appropriation amounts by the Union County Board of Commissioners to the Union County Board of Education for the 2015-16 fiscal year. The bill would also permit the Union County Board of Education to initiate the dispute resolution process set out in the G.S. 115C-431, if so determined by the Union County Board of Education.

EFFECTIVE DATE: Effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 5

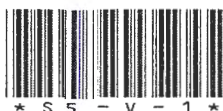
Short Title: Union County Local Act. (Local)

Sponsors: Senator Tucker (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

February 2, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL S.L. 2014-8, AS AMENDED BY S.L. 2014-9, AS IT APPLIES TO
3 UNION COUNTY.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Section 1(a) of S.L. 2014-8, as amended by S.L. 2014-9, is repealed.
6 **SECTION 2.** G.S. 115C-429(b)(2), as enacted by S.L. 2014-8, as amended by S.L.
7 2014-9, is repealed.
8 **SECTION 3.** This act applies only to Union County.
9 **SECTION 4.** This act is effective when it becomes law.



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SENATE BILL 156: Mt. Gilead Charter Revision & Consolidation

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. Bingham
Analysis of: PCS to First Edition
S156-CSTHF-3

Date: March 16, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *Senate Bill 156 would revise and consolidate the charter of the Town of Mount Gilead in Montgomery County. The PCS repeals several session laws that have served their purpose or have been consolidated into this act.*

A serial referral to Senate Finance is required because the PCS reauthorizes certain fees in the Town charter and allows the Town to collect delinquent fees for water, sewer, and garbage collection in the same manner as delinquent property taxes. The bill does not authorize any new fees or taxes.

[As introduced, this bill was identical to H11, as introduced by Rep. Goodman, which is currently in House Local Government.]

CURRENT LAW: The Town of Mount Gilead was incorporated in 1898. The Town charter has been revised multiple times since then, but has not been consolidated into one document. In 2004, the Board of Commissioners of the Town of Mount Gilead enacted an ordinance to adopt the council-manager form of government. Prior to 2004, the Town had operated under the mayor-council form of government.

BILL ANALYSIS: The PCS for Senate Bill 156 revises and consolidates the Charter of the Town of Mount Gilead and expressly repeals various local acts because those acts have served their purpose or they have been consolidated into this act.

The PCS for Senate Bill 156 would also establish a recall provision for the Town's elected officials, which has not previously been in place. The process for recall would be as follows: The petition would have to be signed by 25% of the registered voters of the town. The signed petition would have to be verified by the Montgomery County Board of Elections. Upon a determination that a sufficient recall petition has been submitted, the Town's Board of Commissioners must order a recall election and fix a date for the election, which cannot be less than 60 days, or more than 100 days, after the petition is determined sufficient.

If less than a majority of the votes cast 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 Montgomery County Board of Elections certifies the results of the election. A vacancy created by removal of the Mayor or a member of the Board of Commissioners must be filled by appointment by the remaining members of the Board of Commissioners.

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

- No petition could be filed within 6 months of the officer's election to office or within 6 months prior to the expiration of the officer's term.
- No more than one recall election for the elected person could be called during that elected person's term.

O. Walker Reagan
Director



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Senate Bill 156

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

BACKGROUND: Other jurisdictions with recall procedures include: Aberdeen (S.L. 1995-220), Asheville (S.L. 1969-313), Cahah 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), Morganton (S.L. 2014-12), 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 2015

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SENATE BILL 156*

Short Title: Mt. Gilead Charter Revision & Consolidation. (Local)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 4, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MOUNT
3 GILEAD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the Town of Mount Gilead is revised and
6 consolidated to read as follows:

7 "THE CHARTER OF THE TOWN OF MOUNT GILEAD

8 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES

9 "Section 1.1. Incorporation. The Town of Mount Gilead, North Carolina in Montgomery
10 County and the inhabitants thereof shall continue to be a municipal body politic and corporate,
11 under the name of the "Town of Mount Gilead," hereinafter at times referred to as the "Town."

12 "Section 1.2. Powers. The Town shall have and may exercise all of the powers, duties,
13 rights, privileges, and immunities conferred upon the Town of Mount Gilead specifically by
14 this Charter or upon municipal corporations by general law. The term "general law" is
15 employed herein as defined in G.S. 160A-1.

16 "Section 1.3. Corporate Limits. The corporate limits shall be those existing at the time of
17 ratification of this Charter, as set forth on the official map of the Town, and as they may be
18 altered from time to time in accordance with law. An official map of the Town, showing the
19 current municipal boundaries, shall be maintained permanently in the Office of the Town Clerk
20 and shall be available for public inspection. Upon alteration of the corporate limits pursuant to
21 law, the appropriate changes to the official map shall be made and copies shall be filed in the
22 Office of the Secretary of State, the Montgomery County Register of Deeds, and the
23 appropriate board of elections.

24 "ARTICLE II. GOVERNING BODY

25 "Section 2.1. Town Governing Body; Composition. The Board of Commissioners,
26 hereinafter referred to as the "Board," and the Mayor shall be the governing body of the Town.

27 "Section 2.2. Town Board of Commissioners; Composition; Terms of Office. The Board of
28 Commissioners shall be composed of four members, to be elected by all the qualified voters of
29 the Town, for staggered terms of four years, or until their successors are elected and qualified.

30 "Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the
31 qualified voters of the Town for a term of two years or until his or her successor is elected and
32 qualified. The Mayor shall be the official head of the Town government, shall preside at
33 meetings of the Board, shall have the right to vote only when there is an equal division on any
34 question or matter before the Board, and shall exercise the powers and duties conferred by law
35 or as directed by the Board.



1 "Section 2.4. Mayor Pro Tempore. The Board shall elect one of its members as Mayor Pro
2 Tempore to perform the duties of the Mayor during his or her absence or disability, in
3 accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the
4 pleasure of the Board.

5 "Section 2.5. Meetings. In accordance with general law, the Board shall establish a suitable
6 time and place for its regular meetings. Special and emergency meetings may be held as
7 provided by general law.

8 "Section 2.6. Quorum; Voting. Official actions of the Board and all votes shall be taken in
9 accordance with the applicable provisions of general law, particularly G.S. 160A-75. The
10 quorum provisions of G.S. 160A-74 shall apply.

11 "Section 2.7. Compensation; Qualifications for Office; Vacancies. The compensation and
12 qualifications of the Mayor and Commissioners shall be in accordance with general law.
13 Vacancies that occur in any elective office of the Town shall be filled by majority vote of the
14 remaining members of the Board, and shall be filled for the remainder of the unexpired term,
15 despite the contrary provisions of G.S. 160A-63.

16 "ARTICLE III. ELECTIONS

17 "Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in
18 each odd-numbered year in accordance with the uniform municipal election laws of North
19 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using
20 the nonpartisan plurality method as provided in G.S. 163-292.

21 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election
22 in 2015 and every two years thereafter.

23 "Section 3.3. Election of Commissioners. In the regular municipal election in 2015, and
24 quadrennially thereafter, two Commissioners shall be elected for four-year terms in those
25 positions whose terms are then expiring. In the regular municipal election in 2017, and
26 quadrennially thereafter, two Commissioners shall be elected for four-year terms in those
27 positions whose terms are then expiring.

28 "Section 3.4. Special Elections and Referenda. Special elections and referenda may be held
29 only as provided by general law or applicable local acts of the General Assembly. Recall
30 elections may be held as provided in Article IV of this Charter.

31 "ARTICLE IV. RECALL OF ELECTED OFFICIALS

32 "Section 4.1. Power of Recall. The qualified voters of the Town shall have the power to
33 remove from office any member of the Town's governing body as provided herein. An officer
34 is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority
35 of those voting on the question of removal at a recall election.

36 "Section 4.2. Petition. Voters seeking the recall of any member of the Town's governing
37 body shall proceed by way of a recall petition addressed to the Board, identifying the official
38 concerned, requesting his or her removal from office, and stating in general the grounds for
39 which removal is sought. Any recall petition must be filed with the Town Clerk and must be
40 signed by qualified voters of the Town equal in number to at least twenty-five percent (25%) of
41 the number of qualified voters who voted at the last preceding municipal election.

42 "Section 4.3. Certification of Sufficiency. The Town Clerk shall forward the petition to the
43 board of elections that conducts elections for the Town. The board of elections shall verify the
44 petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify
45 its sufficiency to the governing body.

46 "Section 4.4. Election. After receiving certification of a sufficient petition, the governing
47 body shall adopt a resolution calling for a recall election to be held not less than 60 nor more
48 than 100 days after the date of certification of the petition. The election may be held by itself or
49 at the same time as any other general or special election within the period established in this
50 section, and shall be held as otherwise provided in G.S. 163-287. The board of elections shall
51 conduct the recall election and the registered voters of the Town shall be eligible to vote in the

1 recall election. The proposition submitted to the voters shall be substantially in the following
2 form:

3 "FOR the recall of [name of officer]
4 AGAINST the recall of [name of officer]"

5 "Section 4.5. Results. If less than a majority of the votes cast on the question are for the
6 officer's recall, the officer continues in office. If a majority of the votes cast on the question are
7 for the officer's recall, the officer is removed on the date the board of elections certifies the
8 results of the election. A vacancy created by removal of the Mayor or a member of the Board of
9 Commissioners shall be filled in accordance with the provisions of G.S. 160A-63, provided that
10 any officer so appointed shall fill the vacancy for the remainder of the unexpired term.

11 "Section 4.6. Limitation on Petitions. No petition to recall an officer may be filed within six
12 months after the officer's election to the governing body nor within six months before the
13 expiration of the officer's term. No more than one election may be held to recall an officer
14 within a single term of office of that officer.

15 "ARTICLE V. ORGANIZATION AND ADMINISTRATION

16 "Section 5.1. Form of Government. The Town shall operate under the council-manager
17 form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General
18 Statutes.

19 "Section 5.2. Town Manager; Appointment; Powers and Duties. The Board shall appoint a
20 Town Manager who shall be responsible for the administration of all departments of the Town
21 government. The Town Manager shall have all the powers and duties conferred by general law,
22 except as expressly limited by the provisions of this Charter, and the additional powers and
23 duties conferred by the Board, so far as authorized by general law.

24 "Section 5.3. Town Attorney. The Board shall appoint a Town Attorney licensed to practice
25 law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise
26 Town officials, and perform other duties required by law or as the Board may direct.

27 "Section 5.4. Town Clerk. The Board shall appoint a Town Clerk to keep a journal of the
28 proceedings of the Board, to maintain official records and documents, to give notice of
29 meetings, and to perform such other duties required by law or as the Town Manager may direct.

30 "Section 5.5. Tax Collector. The Town shall have a Tax Collector to collect all taxes owed
31 to the Town, perform those duties specified in G.S. 105-350, and such other duties as
32 prescribed by law.

33 "Section 5.6. Other Administrative Officers and Employees. The Board may authorize other
34 positions to be filled by appointment by the Town Manager, and may organize the Town
35 government as deemed appropriate, subject to the requirements of general law.

36 "Section 5.7. Town Manager's Personnel Authority: Role of Elected Officials. As chief
37 administrator, the Town Manager shall have the power to appoint, suspend, and remove all
38 nonelected officers, department heads, and employees of the Town, with the exception of the
39 Town Attorney and Clerk and any other official whose appointment or removal is specifically
40 vested in the Board by this Charter or by general law. Neither the Mayor nor the Board of
41 Commissioners nor any of its committees or members shall take part in the appointment or
42 removal of nonelected officers, department heads, and employees in the administrative service
43 of the Town, except as provided by this Charter. Except for the purpose of inquiry, or for
44 consultation with the Town Attorney, the Mayor and the Board and its members shall deal with
45 officers and employees in the administrative service only through the Town Manager, Acting
46 Manager, or Interim Manager, and neither the Mayor nor the Board nor any of its members
47 shall give orders or directions to any subordinate of the Town Manager, Acting Manager, or
48 Interim Manager, either publicly or privately.

49 "ARTICLE VI. PUBLIC ENTERPRISE SERVICES

1 "Section 6.1. Collection of Delinquent Bills. If a fee charged by the Town for a public
2 enterprise service remains unpaid for a period of at least 90 days, the Town may collect it in
3 any manner by which delinquent personal or real property taxes can be collected.

4 "Section 6.2. Liens. If the delinquent fees are collected in the same manner as delinquent
5 real property taxes, the delinquent fees are a lien on the real property owned by the person
6 contracting with the Town for the service. If a lien is placed on real property, the lien shall be
7 valid from the time of filing in the office of the clerk of superior court of the county in which
8 the service was provided and shall include a statement containing the name and address of the
9 person against whom the lien is claimed, the name of the Town, the specific service that was
10 provided, the amount of the unpaid charge for that service, and the date and place of furnishing
11 that service. A lien on real property is not effective against an interest in real property conveyed
12 after the fees become delinquent if the interest is recorded in the office of the register of deeds
13 prior to the filing of the lien for delinquent fees. No lien under this Article shall be valid unless
14 filed in accordance with this section after 90 days of the date of the failure to pay for the
15 service or availability fees and within 180 days of the date of the failure to pay for the service
16 or fees. The lien may be discharged as provided in G.S. 44-48. The Town shall adopt an
17 appeals process providing notice and an opportunity to be heard in protest of the imposition of
18 such liens. The county tax office, once notified of the Town's lien, shall include the lien amount
19 on any tax bills printed subsequent to the notification. The county tax office shall add or
20 remove liens from the tax bill at the request of the Town, such as in the case of an appeal where
21 the Town decides to cancel the lien.

22 "Section 6.3. Remedies Not Exclusive. The remedies authorized in this Article are not
23 exclusive, and the Town may use any and all other collection procedures authorized by general
24 law, including, but not limited to, the debt setoff provisions of Chapter 105A of the General
25 Statutes.

26 "ARTICLE VII. STREET AND SIDEWALK IMPROVEMENTS

27 "Section 7.1. Assessments for Street Improvements. In addition to any authority granted by
28 general law, the Board may, without the necessity of a petition, order street improvements and
29 assess fifty percent (50%) of the costs thereof against abutting property, exclusive of the costs
30 incurred at street intersections, according to one or more of the assessment bases set forth in
31 Article 10 of Chapter 160A of the General Statutes.

32 (a) For the purposes of this Article, the term "street improvement" shall include
33 grading, regrading, surfacing, resurfacing, widening, paving, repaving, and the construction or
34 reconstruction of curbs, gutters, and street drainage facilities.

35 (b) The Board must find that the street improvement project does not exceed 1,200
36 linear feet.

37 (c) The Board must make at least one of the following findings of fact:

38 (1) The street or part thereof is unsafe for vehicular traffic or creates a safety or
39 health hazard, and it is in the public interest to make such improvement;

40 (2) It is in the public interest to connect two streets or portions of a street
41 already improved;

42 (3) It is in the public interest to widen a street or part thereof, which is already
43 improved; provided that assessments for widening any street or portion of a
44 street without a petition shall be limited to fifty percent (50%) of the cost of
45 widening and otherwise improving such street in accordance with street
46 classification and improvement standards established by the Town's
47 thoroughfare or major street plan for the particular street or part thereof.

48 "Section 7.2. Assessments for Sidewalk Improvements. In addition to any authority granted
49 by general law, the Board may levy special assessments for sidewalk improvements or repairs
50 without the necessity of a petition. Improvements or repairs may be ordered according to
51 standards and specifications of the Town, and fifty percent (50%) of the total costs assessed

1 against abutting property, not including the cost of improvements made at intersections,
2 according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the
3 General Statutes.

4 "Section 7.3. Procedure; Effect of Assessment. In ordering street or sidewalk improvements
5 without a petition and assessing the costs thereof under authority of this Article, the Board shall
6 comply with the procedures provided by Article 10 of Chapter 160A of the General Statutes,
7 except those provisions relating to petitions of property owners and the sufficiency thereof. The
8 effect of the act of levying assessments under authority of this Article shall be the same as if the
9 assessments were levied under authority of Article 10 of Chapter 160A of the General
10 Statutes."

11 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of Mount
12 Gilead and to consolidate certain acts concerning the property, affairs, and government of the
13 Town. It is intended to continue without interruption those provisions of prior acts that are
14 expressly consolidated into this act, so that all rights and liabilities which have accrued are
15 preserved and may be enforced.

16 **SECTION 3.** This act does not repeal or affect any acts concerning the property,
17 affairs, or government of public schools or any acts validating official actions, proceedings,
18 contracts, or obligations of any kind.

19 **SECTION 4.** The following acts, having served the purposes for which they were
20 enacted or having been consolidated into this act, are expressly repealed:

21 Chapter 90 of the 1899 Private Laws.

22 Chapter 133 of the 1913 Private Laws.

23 Chapter 228 of the 1951 Session Laws.

24 Chapter 152 of the 1953 Session Laws.

25 Chapter 163 of the 1957 Session Laws.

26 Chapter 623 of the 1957 Session Laws.

27 **SECTION 5.** The Mayor and Commissioners serving on the date of ratification of
28 this act shall serve until the expiration of their terms or until their successors are elected and
29 qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the
30 Charter contained in Section 1 of this act.

31 **SECTION 6.** This act does not affect any rights or interests that arose under any
32 provisions repealed by this act.

33 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the
34 Town of Mount Gilead not inconsistent with the provisions of this act shall continue in effect
35 until repealed or amended.

36 **SECTION 8.** No action or proceeding pending on the effective date of this act by
37 or against the Town or any of its departments or agencies shall be abated or otherwise affected
38 by this act.

39 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
40 invalidity shall not affect other provisions or applications of this act that can be given effect
41 without the invalid provision or application and, to this end, the provisions of this act are
42 declared to be severable.

43 **SECTION 10.** Whenever a reference is made in this act to a particular provision of
44 the General Statutes, and such provision is later amended, superseded, or recodified, the
45 reference shall be deemed amended to refer to the amended General Statute, or to the General
46 Statute that most clearly corresponds to the statutory provision which is superseded or
47 recodified.

48 **SECTION 11.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 156*
PROPOSED COMMITTEE SUBSTITUTE S156-CSTHF-3 [v.2]

3/16/2015 12:05:20 PM

Short Title: Mt. Gilead Charter Revision & Consolidation.

(Local)

Sponsors:

Referred to:

March 4, 2015

A BILL TO BE ENTITLED
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MOUNT
GILEAD.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Mount Gilead is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF MOUNT GILEAD

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES

"Section 1.1. Incorporation. The Town of Mount Gilead, North Carolina in Montgomery County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the "Town of Mount Gilead," hereinafter at times referred to as the "Town."

"Section 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Mount Gilead specifically by this Charter or upon municipal corporations by general law. The term "general law" is employed herein as defined in G.S. 160A-1.

"Section 1.3. Corporate Limits. The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town, and as they may be altered from time to time in accordance with law. An official map of the Town, showing the current municipal boundaries, shall be maintained permanently in the Office of the Town Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the Office of the Secretary of State, the Montgomery County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY

"Section 2.1. Town Governing Body; Composition. The Board of Commissioners, hereinafter referred to as the "Board," and the Mayor shall be the governing body of the Town.

"Section 2.2. Town Board of Commissioners; Composition; Terms of Office. The Board of Commissioners shall be composed of four members, to be elected by all the qualified voters of the Town, for staggered terms of four years, or until their successors are elected and qualified.

"Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the qualified voters of the Town for a term of two years or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government, shall preside at meetings of the Board, 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 or as directed by the Board.



1 "Section 2.4. Mayor Pro Tempore. The Board shall elect one of its members as Mayor Pro
2 Tempore to perform the duties of the Mayor during his or her absence or disability, in
3 accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the
4 pleasure of the Board.

5 "Section 2.5. Meetings. In accordance with general law, the Board shall establish a suitable
6 time and place for its regular meetings. Special and emergency meetings may be held as
7 provided by general law.

8 "Section 2.6. Quorum; Voting. Official actions of the Board and all votes shall be taken in
9 accordance with the applicable provisions of general law, particularly G.S. 160A-75. The
10 quorum provisions of G.S. 160A-74 shall apply.

11 "Section 2.7. Compensation; Qualifications for Office; Vacancies. The compensation and
12 qualifications of the Mayor and Commissioners shall be in accordance with general law.
13 Vacancies that occur in any elective office of the Town shall be filled by majority vote of the
14 remaining members of the Board, and shall be filled for the remainder of the unexpired term,
15 despite the contrary provisions of G.S. 160A-63.

16 "ARTICLE III. ELECTIONS

17 "Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in
18 each odd-numbered year in accordance with the uniform municipal election laws of North
19 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using
20 the nonpartisan plurality method as provided in G.S. 163-292.

21 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election
22 in 2015 and every two years thereafter.

23 "Section 3.3. Election of Commissioners. In the regular municipal election in 2015, and
24 quadrennially thereafter, two Commissioners shall be elected for four-year terms in those
25 positions whose terms are then expiring. In the regular municipal election in 2017, and
26 quadrennially thereafter, two Commissioners shall be elected for four-year terms in those
27 positions whose terms are then expiring.

28 "Section 3.4. Special Elections and Referenda. Special elections and referenda may be held
29 only as provided by general law or applicable local acts of the General Assembly. Recall
30 elections may be held as provided in Article IV of this Charter.

31 "ARTICLE IV. RECALL OF ELECTED OFFICIALS

32 "Section 4.1. Power of Recall. The qualified voters of the Town shall have the power to
33 remove from office any member of the Town's governing body as provided herein. An officer
34 is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority
35 of those voting on the question of removal at a recall election.

36 "Section 4.2. Petition. Voters seeking the recall of any member of the Town's governing
37 body shall proceed by way of a recall petition addressed to the Board, identifying the official
38 concerned, requesting his or her removal from office, and stating in general the grounds for
39 which removal is sought. Any recall petition must be filed with the Town Clerk and must be
40 signed by qualified voters of the Town equal in number to at least twenty-five percent (25%) of
41 the number of qualified voters who voted at the last preceding municipal election.

42 "Section 4.3. Certification of Sufficiency. The Town Clerk shall forward the petition to the
43 board of elections that conducts elections for the Town. The board of elections shall verify the
44 petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify
45 its sufficiency to the governing body.

46 "Section 4.4. Election. After receiving certification of a sufficient petition, the governing
47 body shall adopt a resolution calling for a recall election to be held not less than 60 nor more
48 than 100 days after the date of certification of the petition. The election may be held by itself or
49 at the same time as any other general or special election within the period established in this
50 section, and shall be held as otherwise provided in G.S. 163-287. The board of elections shall
51 conduct the recall election and the registered voters of the Town shall be eligible to vote in the

1 recall election. The proposition submitted to the voters shall be substantially in the following
2 form:

3 "FOR the recall of [name of officer]
4 AGAINST the recall of [name of officer]"

5 "Section 4.5. Results. If less than a majority of the votes cast on the question are for the
6 officer's recall, the officer continues in office. If a majority of the votes cast on the question are
7 for the officer's recall, the officer is removed on the date the board of elections certifies the
8 results of the election. A vacancy created by removal of the Mayor or a member of the Board of
9 Commissioners shall be filled in accordance with the provisions of G.S. 160A-63, provided that
10 any officer so appointed shall fill the vacancy for the remainder of the unexpired term.

11 "Section 4.6. Limitation on Petitions. No petition to recall an officer may be filed within six
12 months after the officer's election to the governing body nor within six months before the
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16 "Section 5.1. Form of Government. The Town shall operate under the council-manager
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20 Town Manager who shall be responsible for the administration of all departments of the Town
21 government. The Town Manager shall have all the powers and duties conferred by general law,
22 except as expressly limited by the provisions of this Charter, and the additional powers and
23 duties conferred by the Board, so far as authorized by general law.

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26 Town officials, and perform other duties required by law or as the Board may direct.

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29 meetings, and to perform such other duties required by law or as the Town Manager may direct.

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34 positions to be filled by appointment by the Town Manager, and may organize the Town
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38 nonelected officers, department heads, and employees of the Town, with the exception of the
39 Town Attorney and Clerk and any other official whose appointment or removal is specifically
40 vested in the Board by this Charter or by general law. Neither the Mayor nor the Board of
41 Commissioners nor any of its committees or members shall take part in the appointment or
42 removal of nonelected officers, department heads, and employees in the administrative service
43 of the Town, except as provided by this Charter. Except for the purpose of inquiry, or for
44 consultation with the Town Attorney, the Mayor and the Board and its members shall deal with
45 officers and employees in the administrative service only through the Town Manager, Acting
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6 contracting with the Town for the service. If a lien is placed on real property, the lien shall be
7 valid from the time of filing in the office of the clerk of superior court of the county in which
8 the service was provided and shall include a statement containing the name and address of the
9 person against whom the lien is claimed, the name of the Town, the specific service that was
10 provided, the amount of the unpaid charge for that service, and the date and place of furnishing
11 that service. A lien on real property is not effective against an interest in real property conveyed
12 after the fees become delinquent if the interest is recorded in the office of the register of deeds
13 prior to the filing of the lien for delinquent fees. No lien under this Article shall be valid unless
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15 service or availability fees and within 180 days of the date of the failure to pay for the service
16 or fees. The lien may be discharged as provided in G.S. 44-48. The Town shall adopt an
17 appeals process providing notice and an opportunity to be heard in protest of the imposition of
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27 "Section 7.1. Assessments for Street Improvements. In addition to any authority granted by
28 general law, the Board may, without the necessity of a petition, order street improvements and
29 assess fifty percent (50%) of the costs thereof against abutting property, exclusive of the costs
30 incurred at street intersections, according to one or more of the assessment bases set forth in
31 Article 10 of Chapter 160A of the General Statutes.

32 (a) For the purposes of this Article, the term "street improvement" shall include
33 grading, regrading, surfacing, resurfacing, widening, paving, repaving, and the construction or
34 reconstruction of curbs, gutters, and street drainage facilities.

35 (b) The Board must find that the street improvement project does not exceed 1,200
36 linear feet.

37 (c) The Board must make at least one of the following findings of fact:

- 38 (1) The street or part thereof is unsafe for vehicular traffic or creates a safety or
39 health hazard, and it is in the public interest to make such improvement;
- 40 (2) It is in the public interest to connect two streets or portions of a street
41 already improved;
- 42 (3) It is in the public interest to widen a street or part thereof, which is already
43 improved; provided that assessments for widening any street or portion of a
44 street without a petition shall be limited to fifty percent (50%) of the cost of
45 widening and otherwise improving such street in accordance with street
46 classification and improvement standards established by the Town's
47 thoroughfare or major street plan for the particular street or part thereof.

48 "Section 7.2. Assessments for Sidewalk Improvements. In addition to any authority granted
49 by general law, the Board may levy special assessments for sidewalk improvements or repairs
50 without the necessity of a petition. Improvements or repairs may be ordered according to
51 standards and specifications of the Town, and fifty percent (50%) of the total costs assessed

1 against abutting property, not including the cost of improvements made at intersections,
2 according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the
3 General Statutes.

4 "Section 7.3. Procedure; Effect of Assessment. In ordering street or sidewalk improvements
5 without a petition and assessing the costs thereof under authority of this Article, the Board shall
6 comply with the procedures provided by Article 10 of Chapter 160A of the General Statutes,
7 except those provisions relating to petitions of property owners and the sufficiency thereof. The
8 effect of the act of levying assessments under authority of this Article shall be the same as if the
9 assessments were levied under authority of Article 10 of Chapter 160A of the General
10 Statutes."

11 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of Mount
12 Gilead and to consolidate certain acts concerning the property, affairs, and government of the
13 Town. It is intended to continue without interruption those provisions of prior acts that are
14 expressly consolidated into this act, so that all rights and liabilities which have accrued are
15 preserved and may be enforced.

16 **SECTION 3.** This act does not repeal or affect any acts concerning the property,
17 affairs, or government of public schools or any acts validating official actions, proceedings,
18 contracts, or obligations of any kind.

19 **SECTION 4.** The following acts, having served the purposes for which they were
20 enacted or having been consolidated into this act, are expressly repealed:

21 Chapter 90 of the 1899 Private Laws.

22 Chapter 133 of the 1913 Private Laws.

23 Chapter 228 of the 1951 Session Laws.

24 Chapter 152 of the 1953 Session Laws.

25 Chapter 767 of the 1953 Session Laws.

26 Chapter 163 of the 1957 Session Laws.

27 Chapter 623 of the 1957 Session Laws.

28 Chapter 407 of the 1967 Session Laws.

29 **SECTION 5.** The Mayor and Commissioners serving on the date of ratification of
30 this act shall serve until the expiration of their terms or until their successors are elected and
31 qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the
32 Charter contained in Section 1 of this act.

33 **SECTION 6.** This act does not affect any rights or interests that arose under any
34 provisions repealed by this act.

35 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the
36 Town of Mount Gilead not inconsistent with the provisions of this act shall continue in effect
37 until repealed or amended.

38 **SECTION 8.** No action or proceeding pending on the effective date of this act by
39 or against the Town or any of its departments or agencies shall be abated or otherwise affected
40 by this act.

41 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
42 invalidity shall not affect other provisions or applications of this act that can be given effect
43 without the invalid provision or application and, to this end, the provisions of this act are
44 declared to be severable.

45 **SECTION 10.** Whenever a reference is made in this act to a particular provision of
46 the General Statutes, and such provision is later amended, superseded, or recodified, the
47 reference shall be deemed amended to refer to the amended General Statute, or to the General
48 Statute that most clearly corresponds to the statutory provision which is superseded or
49 recodified.

50 **SECTION 11.** Section 2 of Chapter 1070 of the 1989 Session Laws, as amended
51 by S.L. 1998-84 and S.L. 1999-127, reads as rewritten:

1 "Sec. 2. This act applies to the Towns of Chadbourn, Richfield, ~~Mount Gilead,~~ and
2 Stanfield, the City of Locust, and Montgomery County only."
3 **SECTION 12.** This act is effective when it becomes law.



SENATE BILL 142: Cumberland County Civic Center Commission

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sens. Meredith, Clark
Analysis of: First Edition

Date: March 16, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *Senate Bill 142 would reduce the number of members serving on the Cumberland County Civic Center Commission from 16 to 10 and would name the nine citizen members of the Commission.*

CURRENT LAW: The Cumberland County Civic Center Commission consists of 16 members. Fifteen members of the Commission must be residents of Cumberland County and are appointed by the Board of County Commissioners to serve for staggered three-year terms. The sixteenth member of the Commission is the County Manager, who serves in an ex officio, non-voting capacity.

The Commission's duties include:

- Establishing and managing a memorial fund for use in the construction, equipment, decoration, maintenance, and operation of the Civic Center.
- Advising the Board of County Commissioners in planning for and constructing the Civic Center.
- Operating the Civic Center facility under the terms and conditions established by the Board of County Commissioners.
- Studying, planning, and programming for the best use of the Civic Center.
- Making rules and regulations for the Commission's organization and management of the facilities, properties, and funds committed to its charge.
- Employing a manager and other employees.
- Contracting for, acquiring, holding, exchanging, transferring, and conveying property.

Fifty percent of the net proceeds of the occupancy tax for Cumberland County is allocated for the benefit of the Civic Center Commission (previously called the Memorial Auditorium Commission) to help finance major repairs, renovation, rehabilitation, and any other capital improvements to the Civic Center facility and any new additions, or to finance construction of new convention or multipurpose facilities in the County.

BILL ANALYSIS: Senate Bill 142 would reduce the number of Commission members from 16 to 10. Nine out of the 10 members must be residents of Cumberland County and the tenth member would be the County Manager of Cumberland County, who serves ex officio. Members of the Commission would serve three-year staggered terms. There are no term limits.

The provisions of this bill would not affect the terms of office of the following members of the Cumberland County Civic Center Commission or their successors who are holding office on the date this act becomes effective: Edith Bigler, Judy Dawkins, McBryde Grannis, Thaddeus T. Jenkins, Mark Lynch, William Tew, Jr., Elizabeth Varnedoe, Nat Robertson, and Robert C. Williams.

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

O. Walker Reagan
Director



* S 1 4 2 - S M T H - 1 3 E 1 - V 3 *

Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 142

Short Title: Cumberland County Civic Center Commission. (Local)

Sponsors: Senators Meredith and Clark (Primary Sponsors).

Referred to: Rules and Operations of the Senate.

March 4, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE THE NUMBER OF MEMBERS SERVING ON THE
3 CUMBERLAND COUNTY CIVIC CENTER COMMISSION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 1 of Chapter 360 of the 1965 Session Laws, as amended by
6 Chapter 983 of the 1983 Session Laws and Chapter 27 of the 1991 Session Laws, reads as
7 rewritten:

8 "Section 1. (a) Cumberland County Civic Center Commission.

9 ...

10 (b) Membership; Terms of Office. The Commission shall consist of ~~16~~ 10 members.
11 ~~Fifteen~~ Nine members shall be residents of Cumberland County and shall be appointed by the
12 Board of County Commissioners. The ~~sixteenth~~ tenth member shall be the County Manager of
13 Cumberland County who shall serve in an ex officio and nonvoting capacity and without limit
14 as to term.

15 (1) ~~Five (5) of the first members of the Commission shall be appointed for a~~
16 ~~term of one year, five for a term of two years, and five for a term of three~~
17 ~~years. Each member of the Commission shall serve for a term of three years,~~
18 ~~and until their successors are appointed for like terms. The terms shall be~~
19 ~~staggered. Upon the expiration of each of the terms, the Board of County~~
20 ~~Commissioners shall appoint successor members of the Commission who~~
21 ~~shall each serve for terms of three years and until their successors are~~
22 ~~appointed for like terms. Commission. Any member of the Commission may~~
23 ~~be reappointed for successive terms.~~

24 ...

25 (5) Regular meetings of the Commission shall be held monthly. Special
26 meetings may be called by the Chairman or a majority of the voting
27 members of the Commission. Attendance of ~~eight~~ five members shall
28 constitute a quorum for the purpose of transaction of business at any regular
29 or special meeting.

30"

31 SECTION 2. The provisions of this act do not affect the terms of office of the
32 following members of the Cumberland County Civic Center Commission or their successors
33 who are holding office on the date this act becomes effective: Edith Bigler, Judy Dawkins,
34 McBryde Grannis, Thaddeus T. Jenkins, Mark Lynch, William Tew, Jr., Elizabeth Varnedoe,
35 Nat Robertson, and Robert C. Williams.

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





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 142
PROPOSED COMMITTEE SUBSTITUTE S142-PCS15112-TH-5

Short Title: Cumberland County Civic Center Commission.

(Local)

Sponsors:

Referred to:

March 4, 2015

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE NUMBER OF MEMBERS SERVING ON THE
CUMBERLAND COUNTY CIVIC CENTER COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 360 of the 1965 Session Laws, as amended by Chapter 983 of the 1983 Session Laws and Chapter 27 of the 1991 Session Laws, reads as rewritten:

"Section 1.(a) Cumberland County Civic Center Commission.

...

(b) Membership; Terms of Office. The Commission shall consist of ~~16-10~~ members. ~~Fifteen-Nine~~ members shall be residents of Cumberland County and shall be appointed by the Board of County Commissioners. The ~~sixteenth-tenth~~ member shall be the County Manager of Cumberland County who shall serve in an ex officio and nonvoting capacity and without limit as to term.

(1) ~~Five (5) of the first members of the Commission shall be appointed for a term of one year, five for a term of two years, and five for a term of three years. Each member of the Commission shall serve for a term of three years, and until their successors are appointed for like terms. The terms shall be staggered. Upon the expiration of each of the terms, the Board of County Commissioners shall appoint successor members of the Commission who shall each serve for terms of three years and until their successors are appointed for like terms. Commission. Any member of the Commission may be reappointed for successive terms.~~

...

(5) Regular meetings of the Commission shall be held monthly. Special meetings may be called by the Chairman or a majority of the voting members of the Commission. Attendance of ~~eight-five~~ voting members shall constitute a quorum for the purpose of transaction of business at any regular or special meeting.

...."

SECTION 2. The provisions of this act do not affect the terms of office of the following members of the Cumberland County Civic Center Commission or their successors who are holding office on the date this act becomes effective: Edith Bigler, Judy Dawkins, McBryde Grannis, Thaddeus T. Jenkins, Mark Lynch, William Tew, Jr., Elizabeth Varnedoe, Nat Robertson, and Robert C. Williams.

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



* S 1 4 2 - P C S 1 5 1 1 2 - T H - 5 *





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 142

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

Page 1 of 1

S142-ATH-10 [v.1]

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

Date _____, 2015

Senator D. Davis

1 moves to amend the bill on page 1, line 27, by inserting "voting" after "five".
2
3

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* S 1 4 2 - A T H - 1 0 - V - 1 *



PAGES ATTENDING

Date: 3-17, Noon

Committee: State & Local Gov't Room: 423

PLEASE PRINT LEGIBLY!!!!

Page Name	Hometown	Sponsoring Senator
① Anthony Forte	D 8 Boiling Spring Lakes	Rabon
② Nicholas Oddo	D 18	Barfoot
③		
4		
5		
6		
7		
8		
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.



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Malinda Dilday	Sen. Tucker intern
Donna B. Clark	UNC Dept Govt.
Sam Skinner	NCACC
Leanne Winni	NCSBA
Bruce Mildwulf	NCSBA
Adam Pridemore	NCRAB
Hugh Jones	NCRAC
Johanna Reese	NCACC



Senate Committee on State and Local Government
Tuesday, March 24, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on March 24, 2015 in Room 423 of the Legislative Office Building. 14 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Anderson Meadows and Matt Urben, and Pages Joshua Meredith, Fayetteville, sponsored by Sen. Meredith; Ryan Perrigo, Roxboro, sponsored by Senator Woodard; Stefan Little, Raleigh, sponsored by Senator Stein and Jackson Bellinger, Raleigh, sponsored by Senator Blue.

SB 46 Jacksonville Occupancy Tax. (Senator Brown)

Senator Brown presented the bill. Senate Bill 46 would modify the use of occupancy tax proceeds for the City of Jacksonville so that the city can use at least two-thirds of the proceeds for tourism-related expenditures and the remainder for travel and tourism promotion. The bill requires a serial referral to Finance. There being no questions, Senator Don Davis moved for a favorable report. The motion passed.

SB 52 Cities/Mean For Activating Parking Meters. (Senator Krawiec)

Senator Krawiec presented the bill. Senate Bill 52 would authorize cities to allow activation of parking meters by coins, tokens, cash, credit cards, debit cards, and other electronic means. The PCS makes technical changes to the bill by including additional references to municipalities that have local laws affecting the authority to activate parking meters and use proceeds from parking meters. Senator Krawiec responded to questions from Senator Curtis, Senator Waddell and Senator Wade. Senator Rabin motioned for an unfavorable as to the original bill and favorable as to the PCS. The motion passed.

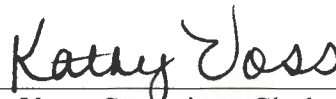
SB 159 Corrected Reval./Minimal Refunds/Prop. Taxes. (Senators Tarte, Rucho)

Senator Tarte presented the bill. The bill and the proposed committee substitute would clarify the process by which undervalued property is to be taxed under S.L. 2013-362. Senator Tarte responded to questions from Senator Jim Davis. Senator Curtis motioned for an unfavorable as to the original bill and favorable as to the PCS. The motion passed.

There being no further business, the meeting adjourned at 12:10 PM.



Senator Norman W. Sanderson, Chair
Presiding



Kathy Voss, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, March 24, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 46	Jacksonville Occupancy Tax.	Senator Brown
SB 52	Cities/Mean For Activating Parking Meters.	Senator Krawiec
SB 159	Transferred Properties in Corrected Revals.	Senator Tarte Senator Rucho

Presentations

Other Business

Adjournment



Principal Clerk _____
Reading Clerk _____

Corrected #2:

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 24, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 46	Jacksonville Occupancy Tax.	Senator Brown
SB 52	Cities/Mean For Activating Parking Meters.	Senator Krawiec
SB 159	Corrected Reval./Minimal Refunds/Prop. Taxes.	Senator Tarte Senator Rucho

SB 73- Removed by request

Senator Norman Sanderson will serve as Chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



file

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, March 24, 2015

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

FAVORABLE

SB 46

Jacksonville Occupancy Tax.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Report 1 of multiple

Senator Harry Brown will handle SB 46



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, March 24, 2015

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

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

SB 52

Cities/Mean For Activating Parking Meters.

Draft Number: S52-PCS35159-TV-3
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB 159

Transferred Properties in Corrected Revals.

Draft Number: S159-PCS35160-STx-10
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

Report 2 of 2

Senator Joyce Krawiec will handle SB 52
Senator Jeffery Tarte will handle SB 159



* C M R 7 2 - V - 1 *



SENATE BILL 46: Jacksonville Occupancy Tax

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	March 23, 2015
Introduced by:	Sen. Brown	Prepared by:	Kelly Tornow
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 46 would modify the use of occupancy tax proceeds for the City of Jacksonville so that the city can use at least two-thirds of the proceeds for tourism-related expenditures and the remainder for travel and tourism promotion.*

CURRENT LAW: Session Law 2009-429 authorized the City of Jacksonville to levy a room occupancy tax of up to 3%. The proceeds must be remitted to the Jacksonville Tourism Development Authority, which must use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourism-related expenditures. The current administrative and use provisions conform to the uniform guidelines followed by the House Finance Committee as set out in the table below.

In addition, Jacksonville is located in Onslow County, which has authority to levy a 3% occupancy tax. The proceeds of the county tax are deposited in the county's general fund and may only be used to further the development of travel, tourism, and conventions in the county.

BILL ANALYSIS: Senate Bill 46 would modify the use of occupancy tax proceeds for the City of Jacksonville by allowing the Jacksonville Tourism Development Authority to use at least two-thirds of the proceeds for tourism-related expenditures and the remainder for the promotion of travel and tourism. Normally, the distribution formula allows for two-thirds of the proceeds to be used for the promotion of travel and tourism, with the remainder for tourism-related expenditures. This change would not conform to the uniform guidelines followed by the House Finance Committee.

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

BACKGROUND: In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax,¹ which provide uniformity among counties and cities with respect to the levy, administration, collection, repeal, and imposition of penalties. In 1993, the House Finance Committee established the Occupancy Tax Guidelines, which address the rate of tax, the use of the tax proceeds, the administration of the tax, and the body with authority to determine how the proceeds will be spent. A summary of these provisions is detailed in the chart below.

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

¹ G.S. 153A-155 and G.S. 160A-215.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 46

Short Title: Jacksonville Occupancy Tax. (Local)
Sponsors: Senator Brown (Primary Sponsor).
Referred to: Rules and Operations of the Senate.

February 9, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE USE OF OCCUPANCY TAX PROCEEDS FOR THE CITY OF
3 JACKSONVILLE.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Section 1.1(d) of S.L. 2009-429 reads as rewritten:
6 "SECTION 1.1.(d) Distribution and Use of Tax Revenue. – The City of Jacksonville shall,
7 on a quarterly basis, remit the net proceeds of the occupancy tax to the Jacksonville Tourism
8 Development Authority. The Authority shall use at least two-thirds of the funds remitted to it
9 under this subsection for tourism-related expenditures and shall use the remainder to promote
10 travel and tourism in Jacksonville and shall use the remainder for tourism-related
11 expenditures. Jacksonville."
12 **SECTION 2.** This act is effective when it becomes law.







SENATE BILL 52: Cities/Mean For Activating Parking Meters

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. Krawiec
Analysis of: PCS to First Edition
S52-CSTV-3

Date: March 23, 2015
Prepared by: Tawanda Foster
Committee Counsel

SUMMARY: *The PCS for Senate Bill 52 would authorize cities to allow activation of parking meters by coins, tokens, cash, credit cards, debit cards, and other electronic means.*

The PCS makes technical changes to the bill by including additional references to municipalities that have local laws affecting the authority to activate parking meters and use proceeds from parking meters.

CURRENT LAW: G.S. 160A-301 authorizes a city to regulate, restrict, and prohibit parking within the city by ordinance. When parking is permitted, the law authorizes a city to install parking meters and require any person parking there to activate the parking meter. Currently, parking meters can be activated by coins or tokens. The proceeds from parking meters must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

The Towns of Wrightsville Beach, Carolina Beach, Kure Beach, Chapel Hill, Atlantic Beach, and Beaufort, as well as the Cities of Wilmington, Raleigh, and Durham already have local laws affecting their authority to activate parking meters and use proceeds from parking meters.

BILL ANALYSIS: Section 1 of the PCS for Senate Bill 52 would add the following forms of payment to activate parking meters: cash, credit cards, debit cards, and electronic means.

Section 2 would prevent the act from repealing or limiting the authority of municipalities that already have local laws regarding the activation of parking meters and use of proceeds from parking meters.

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

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 52
PROPOSED COMMITTEE SUBSTITUTE S52-CSTV-3 [v.1]

3/23/2015 5:06:13 PM

Short Title: Cities/Mean For Activating Parking Meters.

(Public)

Sponsors:

Referred to:

February 11, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CITIES TO ALLOW ACTIVATION OF PARKING METERS BY
3 COINS, TOKENS, CASH, CREDIT CARDS, DEBIT CARDS, OR OTHER
4 ELECTRONIC MEANS.

5 The General Assembly of North Carolina enacts:

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

7 **"§ 160A-301. Parking.**

8 (a) On-Street Parking. – A city may by ordinance regulate, restrict, and prohibit the
9 parking of vehicles on the public streets, alleys, and bridges within the city. When parking is
10 permitted for a specified period of time at a particular location, a city may install a parking
11 meter at that location and require any person parking a vehicle therein to place the meter in
12 operation for the entire time that the vehicle remains in that location, up to the maximum time
13 allowed for parking there. Parking meters may be activated by ~~coins or tokens, coins, tokens,~~
14 cash, credit cards, debit cards, or electronic means. Proceeds from the use of parking meters on
15 public streets must be used to defray the cost of enforcing and administering traffic and parking
16 ordinances and regulations.

17"

18 **SECTION 2.** This act shall not be construed to repeal or otherwise limit the
19 authority to activate parking meters and use proceeds from parking meters granted to the
20 Towns of Wrightsville Beach, Carolina Beach, Kure Beach, and the City of Wilmington in S.L.
21 1998-86, as amended by S.L. 2001-9, the City of Raleigh and the Town of Chapel Hill in S.L.
22 2009-164, the Towns of Atlantic Beach and Beaufort in S.L. 2011-179, and the City of Durham
23 in S.L. 2014-34.

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



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Feb 10, 2015
S.B. 52
PRINCIPAL CLERK

S

D

SENATE DRS35017-LM-41 (02/06)

Short Title: Cities/Mean For Activating Parking Meters. (Public)

Sponsors: Senator Krawiec (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CITIES TO ALLOW ACTIVATION OF PARKING METERS BY
3 COINS, TOKENS, CASH, CREDIT CARDS, DEBIT CARDS, OR OTHER
4 ELECTRONIC MEANS.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** G.S. 160A-301 reads as rewritten:
7 **"§ 160A-301. Parking.**
8 (a) On-Street Parking. – A city may by ordinance regulate, restrict, and prohibit the
9 parking of vehicles on the public streets, alleys, and bridges within the city. When parking is
10 permitted for a specified period of time at a particular location, a city may install a parking
11 meter at that location and require any person parking a vehicle therein to place the meter in
12 operation for the entire time that the vehicle remains in that location, up to the maximum time
13 allowed for parking there. Parking meters may be activated by ~~coins or tokens, coins, tokens,~~
14 cash, credit cards, debit cards, or electronic means. Proceeds from the use of parking meters on
15 public streets must be used to defray the cost of enforcing and administering traffic and parking
16 ordinances and regulations.
17"
18 **SECTION 2.** This act shall not be construed to repeal or otherwise limit the
19 authority to activate parking meters and use proceeds from parking meters granted to the City
20 of Raleigh and the Town of Chapel Hill in S.L. 2009-164 and to the Towns of Atlantic Beach
21 and Beaufort in S.L. 2011-179.
22 **SECTION 3.** This act is effective when it becomes law.



* D R S 3 5 0 1 7 - L M - 4 1 *



SENATE BILL 159: Transferred Properties in Corrected Revals

2013-2014 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	March 19, 2015
Introduced by:	Sens. Tarte, Rucho	Prepared by:	R. Erika Churchill
Analysis of:	PCS to First Edition S159-CSSTx-10		Committee Counsel

SUMMARY: *The proposed committee substitute would clarify the process by which undervalued property is to be taxed under S.L. 2013-362.*

CURRENT LAW: General law provides that the value of real property is to be appraised, as of January 1, by each county at least once every eight years. Unless another standard applies for limited circumstances, the value to be determined is the true value of the property, or the price at which the property would change hands between a willing and financially able buyer and a willing seller.

In 2011, Mecklenburg County conducted a general reappraisal, which was a source of controversy and debate. In response to a significantly higher rate of appeal and public criticism, the county commissioned a review of the reappraisal data. The resulting report indicated that many of the neighborhoods throughout the county had valuations that had either major or minor issues affecting the calculation.

In 2013, the General Assembly enacted S.L. 2013-362 which added a time-limited exception to the general rule that the assessed value may not be changed for tax years other than the current tax year by superseding the time limitations disallowing retroactive changes under certain conditions. If all of the conditions were met, the county had to do one of the two following:

- Conduct a general reappraisal pursuant to G.S. 105-286 within 18 months with at least 1 appraiser certified by the Department for mass valuations per 4,250 parcels.
- Have a qualified appraisal service expand the county's evidence of inequity to cover the entire county.

Once one of the two options has been completed, the county must change the abstracts and tax records so that the assessed value reflects the true value for each tax year until the next general reappraisal required by G.S. 105-286. For overvalued parcels, the county must repay the overpayment with interest in the same manner as if there were an order of the Property Tax Commission reducing a valuation on property resulting in an overpayment under G.S. 105-290(b)(4), which is currently 5% per annum.

For undervalued parcels, the additional taxes are treated as taxes on discovered properties pursuant to G.S. 105-312. G.S. 105-312 provides that when property is discovered, it is taxed for the year in which discovered and for any of the preceding five years during which it escaped taxation in accordance with the assessed value it should have been assigned in each of the years for which it is to be taxed and the rate of tax imposed in each such year, and interest does not begin to accrue until the next calendar date of delinquency, which would be the next January 6th. Under S.L. 2013-362, undervalued parcels would be treated as discovered property; however, penalties associated with discovered properties are expressly made non-applicable.



Senate Bill 159

Page 2

BILL ANALYSIS: With respect to undervalued property, the proposed committee substitute would clarify that additional taxes levied on parcels as a result of errors causing the parcels to have an understated value, that resulted in an underpayment of taxes, would be treated as follows:

- If the property has not changed owners in any tax year that requires reappraisal under S.L. 2013-362, the underpaid taxes shall be treated as taxes on discovered property, except that the discovery penalties do not apply.
- If the property has changed owners in a tax year that requires reappraisal under S.L. 2013-362, the taxes for each tax year prior to and in the fiscal year in which the transfer occurred would be collected against the owner of record as of January 1 of each tax year for which unpaid taxes exist. The prior owner would be able to enter into an agreement for a payment plan not to exceed 60 months in duration. If the unpaid taxes remain unpaid at the end of the 60 months, the collection method would be only by levy, or attachment and garnishment. There would be no lien on the real property for underpaid taxes that arose in a year in which the property is owned by a person other than the current owner as of January 1 of that year. The current property owner would not be held personally responsible for the underpaid taxes. Such underpaid taxes would be treated as taxes on undiscovered property, except that discovery penalties shall not apply."

EFFECTIVE DATE: When it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 159
PROPOSED COMMITTEE SUBSTITUTE S159-CSSTx-10 [v.4]

3/23/2015 7:38:57 PM

Short Title: Transferred Properties in Corrected Revals.

(Public)

Sponsors:

Referred to:

March 4, 2015

A BILL TO BE ENTITLED
AN ACT TO REQUIRE PAYMENT OF ADDITIONAL TAXES BY THE APPROPRIATE
OWNERS OF RECORD FOR CORRECTED REVALUATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2013-362 reads as rewritten:

"**SECTION 3.** Interest on taxes paid on parcels with errors that resulted in the parcels having an overstated value shall be calculated at a rate of five percent (5%) per annum. Additional taxes levied on parcels as a result of errors causing the parcels to have an understated value shall be treated as follows:

- (1) In instances of parcels that have not been transferred in any tax year for which errors requiring reappraisal pursuant to this act resulted in an underpayment of taxes, such underpaid taxes shall be treated as taxes on discovered property pursuant to G.S. 105-312, except that the discovery penalties set forth in subsection (h) of G.S. 105-312 shall not apply.
- (2) Notwithstanding G.S. 105-365.1(b), in instances of parcels that have been transferred in a tax year for which errors requiring reappraisal pursuant to this act resulted in an underpayment of taxes, the taxes for each tax year prior to and in the fiscal year in which the transfer occurred shall be collected by agreement of a payment plan with the owner of record as of January 1 of each tax year for which unpaid taxes exist, not to exceed payment over a period of 60 months. If such underpaid taxes remain unpaid at the end of 60 months, only the remedies available in G.S. 105-367 and G.S. 105-368 may be used to collect against the owner of record as of January 1 of each tax year for which unpaid taxes exist. Notwithstanding G.S. 105-355(a), there shall be no lien on the real property for underpaid taxes that arose in a year in which the property is owned by a person other than the current owner as of January 1 of that year. The current owner shall not be held personally responsible for such underpaid taxes. If the current owner or a previous owner has paid such underpaid taxes, the current owner may assert a valid defense for a refund pursuant to G.S. 105-381, as a tax imposed through clerical error. Such underpaid taxes shall be treated as taxes on discovered property pursuant to G.S. 105-312, except that discovery penalties shall not apply."

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



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 3, 2015
S.B. 159
PRINCIPAL CLERK

S

D

SENATE DRS45068-MC_x-25A (01/22)

Short Title: Transferred Properties in Corrected Revals. (Public)

Sponsors: Senators Tarte and Rucho (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PAYMENT OF ADDITIONAL TAXES BY THE APPROPRIATE OWNERS OF RECORD FOR CORRECTED REVALUATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2013-362 reads as rewritten:

"SECTION 2. If all of the conditions of Section 1 of this act are met, a board of county commissioners shall either (i) conduct a reappraisal, using no less than one person certified by the Department of Revenue for mass valuations per 4,250 parcels, pursuant to G.S. 105-286 within 18 months, applicable to all tax years from and including the tax year when the last general reappraisal was performed pursuant to G.S. 105-286 or (ii) have a qualified appraisal company, which may be the same company that provides the evidence in Section 1 of this act, conduct a review of all the values in the county by neighborhoods and make recommendations as to the true value of the properties as of January 1 of the year of the last general reappraisal performed pursuant to G.S. 105-286. After the reappraisal or after each neighborhood review required by this section is complete, the board of county commissioners shall make any change on the abstracts and tax records to ensure that the assessed values of incorrectly appraised properties in the county reflect the true values of those properties effective for the year of the last general reappraisal performed pursuant to G.S. 105-286 and shall apply the adjusted values for those properties for each tax year until the next general reappraisal for real property is performed by the county pursuant to G.S. 105-286 unless those adjusted values are changed in accordance with G.S. 105-287. In making changes to the abstracts and tax records mandated by this act, the board of county commissioners shall make adjustments for previous errors prioritized as follows:

- (1) Adjustments to parcels with errors that resulted in the parcels having a significantly overstated value.
- (2) Adjustments to parcels with errors that resulted in the parcels having a significantly understated value.
- (3) Adjustments to parcels with errors that resulted in the parcels having an overstated value.
- (4) Adjustments to parcels with errors that resulted in the parcels having an understated value.

In instances of parcels with errors that resulted in an overpayment of taxes, the governing board shall require that notice of refund and the refund amount be sent to the owner of record as of the date the payment was made. The provisions of G.S. 105-380 do not apply to the issuance of any refund under the provisions of this act.



* D R S 4 5 0 6 8 - M C X - 2 5 A *

1 **"SECTION 3.** Interest on taxes paid on parcels with errors that resulted in the parcels
2 having an overstated value shall be calculated at a rate of five percent (5%) per annum.
3 Additional taxes levied on parcels as a result of errors causing the parcels to have an
4 understated value shall be treated as follows:

5 (1) In instances of parcels that have not been transferred in any tax year for
6 which errors requiring reappraisal pursuant to this act resulted in an
7 underpayment of taxes, the taxes shall be treated as taxes on discovered
8 property pursuant to G.S. 105-312, except that the discovery penalties set
9 forth in subsection (h) of G.S. 105-312 shall not apply.

10 (2) Notwithstanding G.S. 105-365.1(b), in instances of parcels that have been
11 transferred in a tax year for which errors requiring reappraisal pursuant to
12 this act resulted in an underpayment of taxes, the taxes for each tax year
13 prior to and in the fiscal year in which the transfer occurred shall be
14 collected only using the remedies available in G.S. 105-367 and
15 G.S. 105-368 against the owner of record as of January 1 of each tax year for
16 which unpaid taxes exist. Notwithstanding G.S. 105-355(a), there shall be no
17 lien on the real property for underpaid taxes that arose in a year in which the
18 property is owned by a person other than the current owner as of January 1
19 of that year, and the current owner shall not be held personally responsible
20 for such underpaid taxes. Such underpaid taxes shall be treated as taxes on
21 undiscovered property pursuant to G.S. 105-312, except that discovery
22 penalties shall not apply."

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

SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: .423

DATE: 3-24 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!

	Page Name	Hometown	Sponsoring Senator
①	Joshua Meredith	Fayetteville	Westex Meredith
②	Ryan Perrigo	Roxboro	Woodard
③	Stefan Little	Raleigh	Stein
④	Jackson Bellinger	Raleigh	Blue
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.



Committee Sergeants at Arms

NAME OF COMMITTEE State & Local Government

DATE: 3-24 Room: 423

House Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

Senate Sgt-At Arms:

1. Name: ANDERSON MEADOWS
2. Name: MATT URBEN
3. Name: _____
4. Name: _____
5. Name: _____



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

3/24/2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
<i>Donna B Clark</i>	<i>UNC School Govt</i>
<i>Ryan M...</i>	<i>NCTIA</i>
<i>[Signature]</i>	<i>McLearson</i>



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

3/24/2015
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
DANIEL BAUM	TROUTMAN SANDERS
Erin Wynia	NCLM
Marlene Sanford	TREX
Allen Hardison	CRSWMA
Philip Isley	Bmcl



**Senate Committee on State and Local Government
Tuesday, March 31, 2015 at 12:00 PM
Room 423 of the Legislative Office Building**

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on March 31, 2015 in Room 423 of the Legislative Office Building. Sixteen members were present.

Senator Jim Davis presided.

Senator Davis welcomed visitors, committee members, Sergeants-at-Arms Donna Blake and Ed Kesler, and Pages William Buffkin (King, sponsored by Senator Krawiec), Will Patten (Concord, sponsored by Senator Berger), Collin Miller (Candler, sponsored by Senator VanDuyn) and Rily Richardson (Warrenton, sponsored by Senator Bryant).

SB 379 Cemeteries Located on State Property. (Senators Bingham, McKissick)

Senator Jackson's motion to consider the PCS passed. Senator McKissick explained the bill. Senate Bill 379 (proposed committee substitute) would establish a new section to require certain information about cemeteries on State lands, that requires the head of each State agency to identify and inventory all known cemeteries on State lands allocated to that agency, and provide that inventory listing to the State Property Office and the Department of Cultural Resources. Senator Bingham commented on the bill. Senator Rabin's motion for a favorable report passed.

SB 247 Raleigh/Donate Service Animals to Officers. (Senators Stein, Alexander, Blue)

Senator Stein explained the bill. Senate Bill 247 would amend the Charter of the City of Raleigh to allow the City to donate retired public service animals used by the Police Department or any other City agency to the officer or employee who had normal custody and control of the animal during its service to the City. Senator Stein and Raleigh City Attorney Tom McCormick responded to questions from Senators Wade, Tarte, Curtis, Rabin, Waddell and Pate. Senator Foushee's motion for a favorable report passed.

SB 248 Town of Cary/Release Unneeded Easements. (Senators Stein, Barringer)

Senator Stein explained the bill. Senate Bill 248 is a local bill that would (1) allow the Town Council to authorize the City Manager or Deputy City Manager to dispose of water or sewer easements as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town; and (2) exempt the Town from the provisions of Article 12 of Chapter 160A for these dispositions of property. Senator Stein responded to questions from Senators Page and Tarte. Senator Curtis' motion for a favorable report passed.

SB 249 Zoning/Recreational Land Req.-Morrisville. (Senator Stein)

Senator Stein explained the bill. Senate Bill 249 authorizes the Town of Morrisville to require developers of multifamily units to provide funds for the acquisition of recreational areas to serve the units, including the purchase of land that may be used to serve more than one multifamily development or residential subdivision within the immediate area. Senator Stein responded to questions and comments from Senators Jackson, Tarte, Rabin, Wade, Hartsell, and VanDuyn.



SB 249, continued

Senator Don Davis' motion for a favorable report passed with a referral to Senate Judiciary II Committee.

SB 252 Wake Cty Local Board of Equalization/Review. (Senators Barringer, Stein, Alexander)

Senator Don Davis' motion to consider a PCS passed. Senator Barringer explained the bill. Senate Bill 252 (proposed committee substitute) changes the law governing the Board of Equalization and Review in Wake County, by:

- authorizing multiple Board panels in reappraisal years; and
- making other procedural changes.

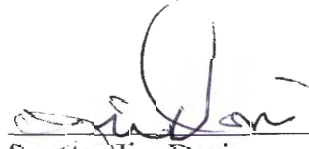
The PCS revises the language governing qualification of Board members.

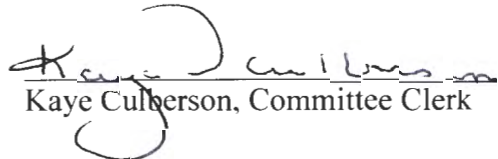
Senator Barringer responded to questions from Senator Tarte. Senator Rabin's motion for a favorable report passed.

SB 258 Party Exec. Comm./Fill Vacancy/Washington Cty. (Senator Smith-Ingram)

Senator Foushee's motion to consider the PCS was approved. Senator Smith-Ingram explained the bill. Senate Bill 258 (proposed committee substitute) would provide that vacancies in the office of sheriff in Washington County would be required to be filled by the person recommended by the executive committee of the political party of the vacating member. Senator Smith-Ingram responded to questions from Senators Waddell, Tarte, Barringer, and Don Davis. Senator Don Davis' motion for a favorable report passed.

The meeting adjourned at 12:45 PM.



Senator Jim Davis
Presiding

Kaye Culberson, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, March 31, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 247	Raleigh/Donate Service Animals to Officers.	Senator Stein Senator Alexander Senator Blue
SB 248	Town of Cary/Release Unneeded Easements.	Senator Stein Senator Barringer
SB 249	Zoning/Recreational Land Req.- Morrisville.	Senator Stein
SB 252	Wake Cty Local Board of Equalization/Review.	Senator Barringer Senator Stein Senator Alexander
SB 258	Party Exec. Comm./Fill Vacancy/Washington Cty.	Senator Smith-Ingram
SB 379	Cemeteries Located on State Property.	Senator Bingham Senator McKissick

Presentations

Other Business

Adjournment



Principal Clerk _____

Reading Clerk _____

Corrected #2: Bills Added

**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 31, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 247	Raleigh/Donate Service Animals to Officers.	Senator Stein Senator Alexander Senator Blue
SB 248	Town of Cary/Release Unneeded Easements.	Senator Stein Senator Barringer
SB 249	Zoning/Recreational Land Req.- Morrisville.	Senator Stein
SB 252	Wake Cty Local Board of Equalization/Review.	Senator Barringer Senator Stein Senator Alexander
SB 258	Party Exec. Comm./Fill Vacancy/Washington Cty.	Senator Smith-Ingram
SB 379	Cemeteries Located on State Property.	Senator Bingham Senator McKissick

Senator Jim Davis will chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, March 31, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

SB 247 Raleigh/Donate Service Animals to Officers.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB 248 Town of Cary/Release Unneeded Easements.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB 249 Zoning/Recreational Land Req.-Morrisville.
Draft Number: None
Sequential Referral: Judiciary II
Recommended Referral: None
Long Title Amended: No

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

SB 252 Wake Cty Local Board of Equalization/Review.
Draft Number: S252-PCS45339-RN-8
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

1 of multiple reports



* C M R 9 7 - V - 1 *

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Tuesday, March 31, 2015

PAGE 2

Senator Joshua Stein will handle SB 247
Senator Joshua Stein will handle SB 248
Senator Joshua Stein will handle SB 249
Senator Tamara Barringer will handle SB 252



* C M R 9 7 - V - 1 *

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, March 31, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

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

SB 258	Party Exec. Comm./Fill Vacancy/Washington Cty.
	Draft Number: S258-PCS45341-TU-4
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes
SB 379	Cemeteries Located on State Property.
	Draft Number: S379-PCS45340-ST-13
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

2nd of 2 Reports

Senator Erica Smith-Ingram will handle SB 258
Senator Floyd McKissick will handle SB 379



* C M R 9 9 - V - 1 *



SENATE BILL 379: Cemeteries Located on State Property

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sens. Bingham, McKissick
Analysis of: PCS to First Edition
S379-CSST-13

Date: March 30, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *Senate Bill 379 would establish a new section to require certain information about cemeteries on State lands, that requires the head of each State agency to identify and inventory all known cemeteries on State lands allocated to that agency, and provide that inventory listing to the State Property Office and the Department of Cultural Resources.*

CURRENT LAW: The laws concerning cemeteries are set out in Chapter 65 of the General Statutes. Article 1 requires counties to oversee rural public and abandoned cemeteries. Article 4 provides for the deposit of trust funds with the clerk of superior court for the maintenance and preservation of abandoned or neglected cemeteries. Article 5 specifies the conditions under which graves may be disinterred and relocated. Article 8 authorizes a municipality to take control of land within its corporate limits that has been used for cemetery purposes, when the owners have died or are unknown. Article 10 provides for access to and maintenance of abandoned or neglected cemeteries.

Additional laws governing archaeological resources, including graves and remains of past human lives are governed by Chapter 70 of the General Statutes.

Generally, human remains are not to be disinterred, except as provided for by law. Generally, family members may maintain graves located on property owned by another.

BILL ANALYSIS: Senate Bill 379 would establish a new Article 13 in Chapter 65, to govern cemeteries on State property. The head of each State agency would be required to identify and inventory all known cemeteries on State-owned property allocated to that agency, and provide that inventory listing to the State Property Office and the Department of Cultural Resources.

The Department of Cultural Resources, with the assistance of the State agencies, would be required to:

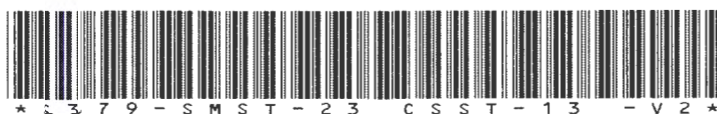
- Map, mark, and delineate all cemeteries on State property.
- Ensure, to the extent possible, that all cemetery boundaries on State property are clearly laid out, defined, and marked, and to take proper steps to preserve them from encroachment.

State agencies would not be required to provide State funds to maintain the cemeteries, above and beyond current law.

State agencies would be permitted to allow family members or other interested persons to maintain cemeteries, including erecting signs, fencing, grave markers, monuments, and tombstones with the designated boundaries of the cemetery, if such activity does not create a safety hazard to the public. Approval from the respective State agency and the Department of Cultural Resources would be necessary prior to any actions by the family member or interested person.

EFFECTIVE DATE: Effective when it becomes law.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 379
PROPOSED COMMITTEE SUBSTITUTE S379-CSST-13 [v.1]

3/30/2015 5:41:16 PM

Short Title: Cemeteries Located on State Property.

(Public)

Sponsors:

Referred to:

March 25, 2015

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CEMETERIES LOCATED ON LANDS OWNED, OCCUPIED OR
3 CONTROLLED BY THE STATE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 2 of Chapter 70 of the General Statutes is amended by adding
6 a new section to read:

7 "**§70-21. Cemeteries on State lands.**

8 (a) To preserve the sanctity of cemeteries located on State lands, the head of each State
9 agency shall have the following duties and responsibilities:

10 (1) To identify and inventory all known cemeteries on State lands s allocated to
11 that State agency.

12 (2) To furnish a copy of the inventory to the State Property Office and the
13 Department of Cultural Resources.

14 (b) The Department of Cultural Resources, with the cooperation of each respective
15 State agency, shall have the following duties and responsibilities:

16 (1) To map, mark, and delineate all cemeteries on State lands.

17 (2) To ensure, to the extent possible, that all cemetery boundaries on State lands
18 are clearly laid out, defined, and marked, and to take proper steps to preserve
19 them from encroachment.

20 (c) State agencies are not required to provide State funds or other resources to maintain
21 cemeteries on State land, except when required by law, regulation, or ordinance, directed by
22 court order, or necessary to correct a known safety hazard to the public.

23 (d) State agencies may allow a family member or other interested person to maintain
24 cemeteries and erect signs, fencing, grave markers, monuments, and tombstones within the
25 designated boundaries of the cemetery if this activity does not constitute a safety hazard to the
26 public. The family member or person shall obtain approval from the respective State agency
27 and the Department of Cultural Resources prior to performing any activity authorized under
28 this subsection and shall be responsible for any expense incurred by the activity."

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



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 379

Short Title: Cemeteries Located on State Property. (Public)
Sponsors: Senators Bingham and McKissick (Primary Sponsors).
Referred to: Rules and Operations of the Senate.

March 25, 2015

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CEMETERIES LOCATED ON STATE PROPERTY.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 65 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 13.

7 "Cemeteries on State Property.

8 "§ 65-120. Cemeteries on State property.

9 (a) To preserve the sanctity of cemeteries located on State property, the head of each
10 State agency shall have the following duties and responsibilities:

11 (1) To identify and inventory all known cemeteries within the property
12 boundaries of State-owned land that is allocated to the State agency.

13 (2) To furnish a copy of the inventory to the State Property Office and the
14 Department of Cultural Resources.

15 (b) The Department of Cultural Resources, with the cooperation of each respective
16 State agency, shall have the following duties and responsibilities:

17 (1) To map, mark, and delineate all cemeteries on State property.

18 (2) To ensure, to the extent possible, that all cemetery boundaries on State
19 property are clearly laid out, defined, and marked, and to take proper steps to
20 preserve them from encroachment.

21 (c) State agencies are not required to provide State funds or other resources to maintain
22 cemeteries on State property, except when required by law, regulation, or ordinance, directed
23 by court order, or necessary to correct a known safety hazard to the public.

24 (d) State agencies may allow a family member or other interested person to maintain
25 cemeteries and erect signs, fencing, grave markers, monuments, and tombstones within the
26 designated boundaries of the cemetery if this activity does not constitute a safety hazard to the
27 public. The family member or person shall obtain approval from the respective State agency
28 and the Department of Cultural Resources prior to performing any activity authorized under
29 this subsection and shall be responsible for any expense incurred by the activity."

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



* S 3 7 9 - V - 1 *





SENATE BILL 247: Raleigh/Donate Service Animals to Officers

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	March 30, 2015
Introduced by:	Sens. Stein, Alexander, Blue	Prepared by:	Tawanda Foster
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 247 would amend the Charter of the City of Raleigh to allow the City to donate retired public service animals used by the Police Department or any other City agency to the officer or employee who had normal custody and control of the animal during its service to the City.*

[As introduced, this bill was identical to H199, as introduced by Reps. D. Hall, Holley, Jackson, and Gill, which received a favorable report in House Local Government on March 26, 2015 and appeared on the House Calendar on March 30, 2015.]

CURRENT LAW: Chapter 160A, Article 12 of the North Carolina General Statutes establishes the procedures city governments may use to generally dispose of real and personal property. Subject to certain limitations, a city may dispose of property belonging to the city by:

- Private negotiation and sale;
- Advertisement for sealed bids;
- Negotiated offer, advertisement, and upset bid;
- Public auction; or
- Exchange.

There is no provision in the Charter of the City of Raleigh that otherwise addresses the donation of retired animals used by the City.

BILL ANALYSIS: Senate Bill 247 is a local act that would amend the Charter of the City of Raleigh to provide that when a service animal used by the Police Department or any other City agency is deemed no longer fit for public service, the City Council would be authorized to donate the animal to the officer or employee who had normal custody and control of the animal during its service to the City.

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

Kelly Turnow, Staff Attorney, Research Division substantially contributed to this summary.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 247*

Short Title: Raleigh/Donate Service Animals to Officers. (Local)
Sponsors: Senators Stein, Alexander, and Blue (Primary Sponsors).
Referred to: Rules and Operations of the Senate.

March 12, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO DONATE RETIRED ANIMALS USED BY THE POLICE DEPARTMENT OR ANY OTHER CITY AGENCY TO THE POLICE OFFICER OR EMPLOYEE WHO HAD NORMAL CUSTODY AND CONTROL OF THE ANIMAL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 33(c) of the Charter of the City of Raleigh, being Chapter 1184 of the 1949 Session Laws, as amended by S.L. 1991-312, S.L. 1993-649, S.L. 1995-323, and S.L. 2005-157, reads as rewritten:

"(c) Notwithstanding the provisions of subsection (a) of this ~~section~~, nothing ~~section~~:

(1) Nothing herein shall be construed as preventing any official or employee covered by this section from purchasing a utility service offered to the general public at uniform rates, sludge generated at a wastewater treatment plant, farm products grown on City-owned or City-leased farms, and mulch produced at the City's yard waste processing center.

(2) In addition to the transactions authorized in this section, the City may sell items of personal uniforms and equipment, excluding weapons, to public safety employees upon their separation from the City's employment. The items may be sold by private sale at the prices and under the terms and conditions that the City Council may establish by resolution.

(3) When any horse, dog, or other animal used by the Police Department or any other City agency is deemed no longer fit for public service, the City Council may donate the animal to the officer or employee who had normal custody and control of the animal during its service to the City."

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



* S 2 4 7 - V - 1 *





SENATE BILL 248: Town of Cary/Release Unneeded Easements

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sens. Stein, Barringer
Analysis of: First Edition

Date: March 31, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *House Bill 248 is a local bill that would (1) allow the Town Council to authorize the City Manager or Deputy City Manager to dispose of water or sewer easements as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town; and (2) exempt the Town from the provisions of Article 12 of Chapter 160A for these dispositions of property.*

[As introduced, this bill was identical to H337, as introduced by Reps. Dollar, Adcock, D. Hall, which is currently in House Local Government.]

CURRENT LAW: City governments generally dispose of real and personal property in accordance with the procedures established by Article 12 of Chapter 160A. Subject to certain limitations, a city can dispose of real property belonging to the city using the following methods:

- Private negotiation and sale
- Advertisement for sealed bids
- Negotiated offer, advertisement, and upset bid
- Public auction
- Exchange

Real property of any value can be exchanged as permitted by G.S. 160A-271, which provides that a city can exchange real property belonging to the city for other real property if the city receives a full and fair consideration in exchange for its property. Property can only be exchanged pursuant to a resolution authorizing the exchange adopted at a regular meeting of the council upon 10 days' public notice.

The use and disposal of city property is generally subject to approval by the city council.

BILL ANALYSIS: House Bill 248 would amend the Charter of the Town of Cary to allow the Town Council to authorize the Town Manager or Deputy Town Manager to dispose of water or sewer easements, or similar interests in real property, as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town.

The bill would also exempt the Town from the general law provisions of Article 12 of Chapter 160A for these dispositions of property.

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





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 248*

Short Title: Town of Cary/Release Unneeded Easements. (Local)
Sponsors: Senators Stein and Barringer (Primary Sponsors).
Referred to: Rules and Operations of the Senate.

March 12, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARY TO AUTHORIZE THE
3 TOWN COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO
4 DISPOSE OF EASEMENTS THAT ARE NO LONGER NEEDED BY THE TOWN.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** The Charter of the Town of Cary, being S.L. 2005-117, is amended
7 by adding a new Article to read as follows:
8 "ARTICLE XI. SALE, LEASE, AND DISPOSITION OF PROPERTY.
9 "Section 11.1. Disposition of Certain Property by Town Manager. (a) The Town Council
10 may authorize the City Manager or Deputy City Manager to dispose of all the following
11 property interests without obtaining Town Council approval for each disposition:
12 (1) Water or sewer easements, or similar interests in real property, as part of an
13 exchange for other water and sewer easements or similar interests in
14 property.
15 (2) Water or sewer easements, or similar interests in real property, when the
16 easement or similar interest in real property is no longer needed by the
17 Town.
18 (b) The provisions of Article 12 of Chapter 160A of the General Statutes shall not apply
19 to the disposition of property under this section."
20 **SECTION 2.** This act is effective when it becomes law.







SENATE BILL 249: Zoning/Recreational Land Req.-Morrisville

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Judiciary II	Date:	March 31, 2015
Introduced by:	Sen. Stein	Prepared by:	Brad Krehely
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 249 authorizes the Town of Morrisville to require developers of multifamily units to provide funds for the acquisition of recreational areas to serve the units, including the purchase of land that may be used to serve more than one multifamily development or residential subdivision within the immediate area.*

[As introduced, this bill was identical to H322, as introduced by Reps. Avila, Adcock, D. Hall, which is currently in House Local Government.]

CURRENT LAW:

G.S. 160A-372 provides that a subdivision ordinance may provide for the provision of funds by a developer to be used by a municipality to acquire recreational areas to serve the residents of the subdivision or development, or more than one subdivision or development, within the immediate area. Funds received by a municipality may be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds to be provided by a developer shall be based upon the value of the development for property tax purposes. A combination of funds and partial dedication of land may be allowed when the municipality determines that this combination is in the best interests of the area residents.

BILL ANALYSIS: Senate Bill 249 would provide the Town of Morrisville with the same authority to require developers of multifamily units to provide funding for recreational areas to serve residents of the multifamily units and other residents in the immediate area, as is provided in G.S. 160A-372 for subdivision development.

Funds received from developers of multifamily units may be combined with funds received from residential subdivision developers under G.S. 160A-372. The use of the funds is limited to the acquisition or development of recreation, park, or open space sites. Any formula used to determine the amount of funds due shall be based upon a flat fee per unit. The ordinance may allow for a combination of funds and dedication of land, if the town council determines that this is in the best interests of the residents to be served.

EFFECTIVE DATE: The act is effective when it becomes law. It applies to the Town of Morrisville only.

BACKGROUND: The General Assembly gave this authority to the Town of Cary in 2007 (S.L. 2007-321).

Barbara Riley, former Staff Attorney with the Research Division, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 249

Short Title: Zoning/Recreational Land Req.-Morrisville. (Local)
Sponsors: Senator Stein (Primary Sponsor).
Referred to: Rules and Operations of the Senate.

March 12, 2015

1 A BILL TO BE ENTITLED
2 AN ACT GRANTING AUTHORITY TO THE TOWN OF MORRISVILLE TO REQUIRE
3 DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR
4 RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS.
5 The General Assembly of North Carolina enacts:
6 SECTION 1.(a) Section 1 of S.L. 2007-321 reads as rewritten:
7 "SECTION 1. The ~~town~~ Towns of Cary and Morrisville may, by ordinance, provide that a
8 developer of multifamily units that are not subject to the subdivision ordinance shall provide
9 funds to the town whereby the town may acquire recreational land or areas to serve the
10 multifamily development, including the purchase of land that may be used to serve more than
11 one multifamily development or residential subdivision within the immediate area. All funds
12 received by the town pursuant to this section may be combined with funds received from
13 residential subdivisions under G.S. 160A-372, and shall be used only for the acquisition or
14 development of recreation, park, or open space sites. Any formula enacted to determine the
15 amount of funds that are to be provided under this section shall be based on a flat fee per unit.
16 The ordinance may allow a combination or partial payment of funds and partial dedication of
17 land when the town council determines that this combination is in the best interests of the
18 citizens of the area to be served."
19 SECTION 1.(b) Section 2 of S.L. 2007-321 reads as rewritten:
20 "SECTION 2. This act applies to the ~~town~~ Towns of Cary and Morrisville only."
21 SECTION 2. This act is effective when it becomes law.







SENATE BILL 252: Wake Cty Local Board of Equalization/Review

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sens. Barringer, Stein, Alexander
Analysis of: PCS to First Edition
S252-CSRN-8

Date: March 31, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *Senate Bill 252 (proposed committee substitute) changes the law governing the Board of Equalization and Review in Wake County, by:*

- *authorizing multiple Board panels in reappraisal years; and*
- *making other procedural changes.*

The PCS revises the language governing qualification of Board members.

CURRENT LAW: A County Board of Equalization and Review reviews county property tax listings and hears property tax appeals. The Board of County Commissioners, or a Special Board of Equalization and Review appointed by it, functions as the Board of Equalization and Review. Real property is generally reappraised on an eight year cycle. Wake County's next reappraisal will be effective January 1, 2016 (G.S. 105-286).

BILL ANALYSIS: Senate Bill 252 (proposed committee substitute) changes the law governing the Board of Equalization and Review in Wake County, by:

- Requiring any Special Board of Equalization and Review appointed by the Board of County Commissioners to have at least five members.
- Authorizing a designee to the Clerk of the Board of Equalization and Review to attend Board meetings.
- Authorizing, in general reappraisal years, the Chair of the Board of Equalization and Review to divide the board into two or more separate panels with at least three members each; and authorizing interchange of members among panels.
- Provides that a decision of a Board panel has the same effect as a decision by the entire Board.
- Authorizes the Board of Equalization and Review to make changes to the property tax records, as authorized by G.S. 105-325, such as giving effect to decisions made on appeals of the Board's decisions, and to making other corrections to the property tax records.
- Authorizing the Board of Equalization and Review to accept an application for a property tax exemption or exclusion that was filed after the statutory deadline, if good cause is shown.

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

BACKGROUND: This PCS is identical to the Second Edition of House Bill 279, which received a favorable report in House Local Government on March 26, 2015.

Giles S. Perry, Counsel to House Government, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

2

SENATE BILL 252
State and Local Government Committee Substitute Adopted 3/31/15

Short Title: Wake Cty Local Board of Equalization/Review.

(Local)

Sponsors:

Referred to:

March 12, 2015

A BILL TO BE ENTITLED
AN ACT REGARDING A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR
WAKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies only to Wake County.

SECTION 2. G.S. 105-322 reads as rewritten:

"§ 105-322. County board of equalization and review.

(a) Personnel. – Except as otherwise provided herein, the board of equalization and review of each county shall be composed of the members of the board of county commissioners.

Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review composed of at least five members to carry out the duties imposed under this section. The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the ~~board~~ special board of equalization and review, as determined by the board of commissioners. The board of commissioners shall also designate the chairman of the special board. The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners. The resolution shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

Nothing in this subsection (a) shall be construed as repealing any law creating a special board of equalization and review or creating any board charged with the duties of a board of equalization and review in any county.

(b) Compensation. – The board of county commissioners shall fix the compensation and allowances to be paid members of the board of equalization and review for their services and expenses.

(c) Oath. – Each member of the board of equalization and review shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to it: "that I will not allow my actions as a member of the board of equalization and review to be influenced by personal or political friendships or obligations.". The oath must be filed with the clerk of the board of county commissioners.

(d) Clerk and Minutes. – The ~~assessor~~ assessor or the assessor's designee shall serve as clerk to the board of equalization and review, shall be present at all meetings, shall maintain accurate minutes of the actions of the board, and shall give to the board such information as he



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1 may have or can obtain with respect to the listing and valuation of taxable property in the
2 county.

3 (e) Time of Meeting. – Each year the board of equalization and review shall hold its
4 first meeting not earlier than the first Monday in April and not later than the first Monday in
5 May. In years in which a county does not conduct a real property revaluation, the board shall
6 complete its duties on or before the third Monday following its first meeting unless, in its
7 opinion, a longer period of time is necessary or expedient to a proper execution of its
8 responsibilities. Except as provided in subdivision (g)(5) of this section, the board may not sit
9 later than July 1 except to hear and determine requests made under the provisions of
10 subdivision (g)(2), below, when such requests are made within the time prescribed by law. In
11 the year in which a county conducts a real property revaluation, the board shall complete its
12 duties on or before December 1, except that it may sit after that date to hear and determine
13 requests made under the provisions of subdivision (g)(2), below, when such requests are made
14 within the time prescribed by law. From the time of its first meeting until its adjournment, the
15 board shall meet at such times as it deems reasonably necessary to perform its statutory duties
16 and to receive requests and hear the appeals of taxpayers under the provisions of subdivision
17 (g)(2), below.

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

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

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

- 40 a. List, appraise, and assess any taxable real or personal property that
41 has been omitted from the tax lists.
- 42 b. Correct all errors in the names of persons and in the description of
43 properties subject to taxation.
- 44 c. Increase or reduce the appraised value of any property that, in the
45 board's opinion, has been listed and appraised at a figure that is
46 below or above the appraisal required by G.S. 105-283; however, the
47 board shall not change the appraised value of any real property from
48 that at which it was appraised for the preceding year except in
49 accordance with the terms of G.S. 105-286 and 105-287.
- 50 d. Cause to be done whatever else is necessary to make the lists and tax
51 records comply with the provisions of this Subchapter.



- 1 e. Embody actions taken under the provisions of subdivisions (g)(1)a
2 through (g)(1)d, above, in appropriate orders and have the orders
3 entered in the minutes of the board.
- 4 f. Give written notice to the taxpayer at the taxpayer's last known
5 address in the event the board, by appropriate order, increases the
6 appraisal of any property or lists for taxation any property omitted
7 from the tax lists under the provisions of this subdivision (g)(1).
- 8 (2) Duty to Hear Taxpayer Appeals. – On request, the board of equalization and
9 review shall hear any taxpayer who owns or controls property taxable in the
10 county with respect to the listing or appraisal of the taxpayer's property or
11 the property of others.
- 12 a. A request for a hearing under this subdivision (g)(2) shall be made in
13 writing to or by personal appearance before the board prior to its
14 adjournment. However, if the taxpayer requests review of a decision
15 made by the board under the provisions of subdivision (g)(1), above,
16 notice of which was mailed fewer than 15 days prior to the board's
17 adjournment, the request for a hearing thereon may be made within
18 15 days after the notice of the board's decision was mailed.
- 19 b. Taxpayers may file separate or joint requests for hearings under the
20 provisions of this subdivision (g)(2) at their election.
- 21 c. At a hearing under provisions of this subdivision (g)(2), the board, in
22 addition to the powers it may exercise under the provisions of
23 subdivision (g)(3), below, shall hear any evidence offered by the
24 appellant, the assessor, and other county officials that is pertinent to
25 the decision of the appeal. Upon the request of an appellant, the
26 board shall subpoena witnesses or documents if there is a reasonable
27 basis for believing that the witnesses have or the documents contain
28 information pertinent to the decision of the appeal.
- 29 d. On the basis of its decision after any hearing conducted under this
30 subdivision (g)(2), the board shall adopt and have entered in its
31 minutes an order reducing, increasing, or confirming the appraisal
32 appealed or listing or removing from the tax lists the property whose
33 omission or listing has been appealed. The board shall notify the
34 appellant by mail as to the action taken on the taxpayer's appeal not
35 later than 30 days after the board's adjournment.
- 36 (3) Powers in Carrying Out Duties. – In the performance of its duties under
37 subdivisions (g)(1) and (g)(2), above, the board of equalization and review
38 may exercise the following powers:
- 39 a. It may appoint committees composed of its own members or other
40 persons to assist it in making investigations necessary to its work. It
41 may also employ expert appraisers in its discretion. The expense of
42 the employment of committees or appraisers shall be borne by the
43 county. The board may, in its discretion, require the taxpayer to
44 reimburse the county for the cost of any appraisal by experts
45 demanded by the taxpayer if the appraisal does not result in material
46 reduction of the valuation of the property appraised and if the
47 appraisal is not subsequently reduced materially by the board or by
48 the Department of Revenue.
- 49 b. The board, in its discretion, may examine any witnesses and
50 documents. It may place any witnesses under oath administered by
51 any member of the board. It may subpoena witnesses or documents



on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

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

c. In any year of general reappraisal, the chair of the board may divide the board into two or more separate panels with a minimum of three members each. The board members on each panel may be interchanged during the year. A decision by a panel has the same effect as a decision by the entire board.

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

(5) ~~Duty to Change Abstracts and Records~~ Powers After Adjournment. – Following adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this subsection, the board may continue to meet to carry out the following duties:

a. To hear and decide all appeals relating to discovered property under G.S. 105-312(d) and (k).

b. To hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b).

c. To hear and decide all appeals relating to audits conducted under G.S. 105-296(j) and relating to audits conducted under G.S. 105-296(j) and (l) of property classified at present-use value and property exempted or excluded from taxation.

d. To hear and decide all appeals relating to personal property under G.S. 105-317.1(c).

e. To make any changes authorized by G.S. 105-325.

f. To exercise its authority under G.S. 105-282.1(a1) to accept an application for exemption or exclusion that was filed after the statutory deadline."

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 252

Short Title: Wake Cty Local Board of Equalization/Review. (Local)
Sponsors: Senators Barringer, Stein, Alexander (Primary Sponsors); and Barefoot.
Referred to: Rules and Operations of the Senate.

March 12, 2015

A BILL TO BE ENTITLED
AN ACT REGARDING A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR
WAKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies only to Wake County.

SECTION 2. G.S. 105-322 reads as rewritten:

"Article 21.

"Review and Appeals of Listings and Valuations.

"§ 105-322. County board of equalization and review.

(a) Personnel. – Except as otherwise provided herein, the board of equalization and review of each county shall be composed of the members of the board of county commissioners.

Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review composed of at least five members to carry out the duties imposed under this section. To be eligible for appointment, a person must have resided in the county of appointment for a period of at least three years immediately preceding appointment, must be at least 18 years of age, must own at least one parcel of real property in the county of appointment, and must have knowledge of or experience in real estate, appraisal, or another activity satisfactory to the board of county commissioners. The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the board. The board of commissioners shall also designate the chairman of the special board. The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners. The resolution shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

Nothing in this subsection (a) shall be construed as repealing any law creating a special board of equalization and review or creating any board charged with the duties of a board of equalization and review in any county.

(b) Compensation. – The board of county commissioners shall fix the compensation and allowances to be paid members of the board of equalization and review for their services and expenses.

(c) Oath. – Each member of the board of equalization and review shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to it: "that I will not allow my actions as a member of the board of equalization and review to





1 be influenced by personal or political friendships or obligations.". The oath must be filed with
2 the clerk of the board of county commissioners.

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

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

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

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

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

- 44 a. List, appraise, and assess any taxable real or personal property that
45 has been omitted from the tax lists.
- 46 b. Correct all errors in the names of persons and in the description of
47 properties subject to taxation.
- 48 c. Increase or reduce the appraised value of any property that, in the
49 board's opinion, has been listed and appraised at a figure that is
50 below or above the appraisal required by G.S. 105-283; however, the
51 board shall not change the appraised value of any real property from



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



appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

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

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

- c. In any year of general reappraisal, the chair of the board may divide the board into two or more separate panels with a minimum of three members each. The board members on each panel may be interchanged during the year. A decision by a panel has the same effect as a decision by the entire board.

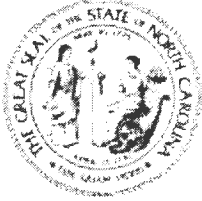
- (4) Power to Submit Reports. – Upon the completion of its other duties, the board may submit to the Department of Revenue a report outlining the quality of the reappraisal, any problems it encountered in the reappraisal process, the number of appeals submitted to the board and to the Property Tax Commission,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

- (5) ~~Duty to Change Abstracts and Records~~ Powers After Adjournment. – Following adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this subsection, the board may continue to meet to carry out the following duties:

- a. To hear and decide all appeals relating to discovered property under G.S. 105-312(d) and (k).
- b. To hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b).
- c. To hear and decide all appeals relating to audits conducted under G.S. 105-296(j) and relating to audits conducted under G.S. 105-296(j) and (l) of property classified at present-use value and property exempted or excluded from taxation.
- d. To hear and decide all appeals relating to personal property under G.S. 105-317.1(c).
- e. To make any changes authorized by G.S. 105-325.
- f. To exercise its authority under G.S. 105-282.1(a1) to accept an application for exemption or exclusion that was filed after the statutory deadline."

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





SENATE BILL 258: Party Exec. Comm./Fill Vacancy/Washington Cty

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. Smith-Ingram
Analysis of: PCS to First Edition
S258-CSTU-4

Date: March 30, 2015
Prepared by: Kristen Harris
Staff Attorney

SUMMARY: *The Proposed Committee Substitute for Senate Bill 258 would provide that vacancies in the office of sheriff in Washington County would be required to be filled by the person recommended by the executive committee of the political party of the vacating member.*

CURRENT LAW:

Sheriffs in all 100 North Carolina counties are elected in partisan elections.

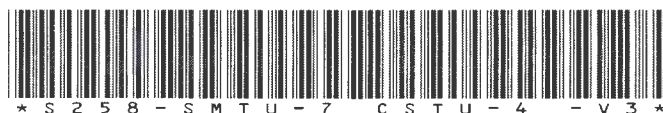
Under N.C.G.S. 162-5.1, when a vacancy occurs in the office of sheriff, until the vacancy is filled the county coroner executes the duties of the office. To fill the vacancy, the board of commissioners elects a sheriff for the remainder of the term. If the vacating sheriff was an elected nominee of a political party, the board of commissioners must elect the person recommended by the county executive committee of the political party of the vacating sheriff, if the party makes a recommendation within 30 days of the vacancy.

N.C.G.S. 162-5.1 applies to 46 counties including: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake, Wayne, and Yancey.

Currently, in Washington County, if the office of sheriff is vacated, N.C.G.S. 162-5 controls. Under N.C.G.S. 162-5, the county coroner assumes the duties of the sheriff, and at the first meeting of the board of commissioners following the vacancy, the board elects a sheriff for the remainder of the term. If the board fails to fill the vacancy, the coroner continues to execute the duties of sheriff until the vacancy is filled.

BILL ANALYSIS: Senate Bill 258 would apply N.C.G.S. 162-5.1 to Washington County.

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





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 258
PROPOSED COMMITTEE SUBSTITUTE S258-CSTU-4 [v.2]

3/27/2015 4:29:30 PM

Short Title: Party Exec. Comm./Fill Vacancy/Washington Cty. (Local)

Sponsors:

Referred to:

March 12, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT IN FILLING VACANCIES IN THE OFFICE OF SHERIFF
3 OF WASHINGTON COUNTY THE PERSON RECOMMENDED BY THE PARTY
4 EXECUTIVE COMMITTEE OF THE VACATING MEMBER SHALL BE APPOINTED.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 162-5.1 reads as rewritten:

7 "**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief**
8 **deputy.**

9 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all
10 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the
11 residue of the term, who shall possess the same qualifications, enter into the same bond, and be
12 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a
13 political party, the board of commissioners shall consult the county executive committee of that
14 political party before filling the vacancy, and shall elect the person recommended by the county
15 executive committee of that party, if the party makes a recommendation within 30 days of the
16 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall
17 continue to discharge the duties of sheriff until it shall be filled.

18 In those counties where the office of coroner has been abolished, the chief deputy sheriff, or
19 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties
20 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In
21 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to
22 perform their duties with full authority.

23 This section shall apply only in the following counties: Alamance, Alexander, Alleghany,
24 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,
25 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,
26 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New
27 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,
28 Stokes, Surry, Transylvania, Wake, Washington, Wayne, and Yancey."

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



* S 2 5 8 - C S T U - 4 - V - 2 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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2

SENATE BILL 258
State and Local Government Committee Substitute Adopted 3/31/15

Short Title: Party Exec. Comm./Fill Vacancy/Washington Cty.

(Local)

Sponsors:

Referred to:

March 12, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT IN FILLING VACANCIES IN THE OFFICE OF SHERIFF
OF WASHINGTON COUNTY THE PERSON RECOMMENDED BY THE PARTY
EXECUTIVE COMMITTEE OF THE VACATING MEMBER SHALL BE APPOINTED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1 reads as rewritten:

**"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief
deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all
process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the
residue of the term, who shall possess the same qualifications, enter into the same bond, and be
subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a
political party, the board of commissioners shall consult the county executive committee of that
political party before filling the vacancy, and shall elect the person recommended by the county
executive committee of that party, if the party makes a recommendation within 30 days of the
occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall
continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or
if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties
of the sheriff until the county commissioners appoint some person to fill the unexpired term. In
all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to
perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany,
Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,
Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,
Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New
Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,
Stokes, Surry, Transylvania, Wake, Washington, Wayne, and Yancey."

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





SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 423

DATE: 3-31 TIME: Noon


PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Wm Buffkin <small>William B. Buffkin</small>	<small>King</small>	W. B. Buffkin Krawiec
2.	Will Patten	Concord	Berger
3.	Collin Miller	Candler	Van Dugan
4.	Rily Richardson	Warrenton	Bryant
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 Sgt-At-Arms

Sen State and Local Gov

12:00pm Rm 423 3-31-15

Donna Blake



Ed Kesler



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

3-31-2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Jon Lanier	NCDA
Tonya Horton	TSS
CASADRA SKINNER	NCACC
Myra ...	NCACC
William D Totman	MWCLL
Kara Weishaar	SA
CHRIS DILLON	WAKE CO



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

3-31-2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Philip Isley	hmc
Thomas M'Creck	City of Raleigh
Joe M'Creck	M'Creck Co
Chuck Stone	SEAN
Burwell Stark	Triangle Apartment Association
Colleen Kochanek	KLG
Isabel Villa-Doria	NCAR
Lana Hygh	Town of Cary
Alex Bowen	CCS
Jackson Covert	Cary
Jack Covert	CARY
Rose Williams	NCLM



Senate Committee on State and Local Government
Tuesday, April 14, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on March 24, 2015 in Room 423 of the Legislative Office Building. 15 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Jim Hamilton and Matt Urben, and Pages Luke Evans, Asheboro, sponsored by Senator Tillman and Isaiah Davis, Goldsboro, sponsored by Senator Don Davis.

SB 472 Local Incentives for Historic Rehabilitation. (Senators Rucho, Brock)

Senator Rucho removed the bill from the committee calendar after the start of the meeting. No discussion was held.

SB 547 Interconnection of Public Water Systems. (Senator Hartsell)

Senator Hartsell presented the bill for *discussion only!* Senate Bill 547 would require the interconnection of public water systems or wastewater systems to regional systems located within the same sub-basin when necessary to promote public health, protect the environment, and to ensure compliance with applicable rules. It also would require systems to analyze all reasonable alternatives before constructing or altering a public water or sewer system. The Proposed Committee Substitute consists of one technical change on page 2, line 26, to ensure that portions of the statute were not inadvertently omitted. Senator Hartsell responded to questions from Senator Rabin, Senator Pate, Senator Jim Davis, Senator Van Duyn, Senator Don Davis, Senator Waddell and Senator Barringer. Senator Sanderson asked for comments from the public. Rose Vaughan Williams from the League of Municipalities and Jon Carr spoke in support of Senator Hartsell's efforts in relation to this issue. No vote was taken.

SB 419 Limit Revolving Door Employment. (Senator Hise)

Senator Hise presented the bill. Senate Bill 419 would prohibit the State from contracting with vendors who utilize certain former State employees in the administration of State contracts within six months after the employee has terminated employment with the State. Senator Hise responded to questions from Senator Waddell, Senator Jim Davis, Senator Alexander and Senator Rabin. Senator Wade moved for a favorable report. The motion passed. An incarceration note is required.

HB 140 Lineman Appreciation Day in NC. (Representatives Hastings, Bradford, Pendleton, Farmer-Butterfield)

Senator Daniel presented the bill. House Bill 140 would designate Lineman Appreciation Day on April 18, 2015, and on the second Monday in April of each year thereafter.

[The PCS changes the date in the original bill from April 18th each year after 2015 to the second Monday in April.] There being no questions, Senator Pate moved for a favorable report. The motion passed. Senator Daniel will handle the bill in the Senate.

There being no further business, the meeting adjourned at 12:44 PM.


Senator Norman W. Sanderson, Chair Presiding


Kathy Voss, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, April 14, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 472	Local Incentives for Historic Rehabilitation.	Senator Rucho Senator Brock
SB 547	Interconnection of Public Water Systems.	Senator Hartsell
SB 419	Limit Revolving Door Employment.	Senator Hise
HB 140	Lineman Appreciation Day in NC.	Representative Hastings Representative Bradford Representative Pendleton Representative Farmer-Butterfield

Presentations

Other Business

Adjournment



Principal Clerk _____
Reading Clerk _____

Corrected #2: Change agenda

**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 14, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 472	Local Incentives for Historic Rehabilitation.	Senator Rucho Senator Brock
SB 547	Interconnection of Public Water Systems.	Senator Hartsell
SB 419	Limit Revolving Door Employment.	Senator Hise
HB 140	Lineman Appreciation Day in NC.	Representative Hastings Representative Bradford Representative Pendleton Representative Farmer-Butterfield

Senator Norman Sanderson will serve as Chair.

HB 140 added

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, April 14, 2015

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

FAVORABLE

HB 140 (CS#1)

Lineman Appreciation Day in NC.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Report 1 of multiple

Senator Warren Daniel will handle HB 140



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Thursday, April 16, 2015

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

FAVORABLE

SB 419

Limit Revolving Door Employment.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Report 2 of 2.

Senator Ralph Hise will handle SB 419



* C M R 1 7 0 - V - 1 *



SENATE BILL 419: Limit Revolving Door Employment

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. Hise
Analysis of: First Edition

Date: April 13, 2015
Prepared by: R. Erika Churchill and
Brad Krehely,
Committee Counsel

SUMMARY: *Senate Bill 419 would prohibit the State from contracting with vendors who utilize certain former State employees in the administration of State contracts within six months after the employee has terminated employment with the State.*

CURRENT LAW: It is a Class 1 misdemeanor under two separate statutes for any State employee involved in administering a contract to accept a gift or favor from the contractor:

- G.S. 14-234 – Public officers or employees benefiting from public contracts; exceptions. That statute specifically includes the 'promise of future employment' as a gift or favor.
- G.S. 133-32 – Gifts and favors regulated.

For those State employees who are also public servants, and for non-advisory board and commission members, the State Government Ethics Act, with limited exceptions, also prohibits them from accepting a gift from any of the following persons:

- Is doing or is seeking to do business of any kind with the public servant's State agency.
- Is engaged in activities that are regulated or controlled by the public servant's State agency.
- Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties.
- Lobbyist principals
- Lobbyists (G.S. 138A-32)

For State employees who are also public servants, and for non-advisory board and commission members, the State Government Ethics Act prohibits them from taking official action, which specifically includes any decision made or contemplated in any contract, that will result in financial benefit for themselves, their extended family, or a business with which the public servant is associated. G.S. 138A-31(a).

BILL ANALYSIS: Senate Bill 419 would prohibit the Secretary of Administration and other entities of the State from contracting for goods or services with a vendor that employs or contracts with a person who is a "former State employee" and uses that person in the administration of a contract with the State.

A "former State employee" would be defined as:

"A person, who for any period within the preceding 6 months, was employed as an employee or contract employee of the State by the State agency for which the contract applies, who in the 6 months immediately preceding termination of State employment, participated personally in



Senate Bill 419

Page 2

either the award or management of a State contract with the vendor, or made regulatory or licensing decisions that directly applied to the vendor."

"Administration of a contract" would be defined to include interpreting a contract, overseeing its performance, helping to develop its specifications or terms, helping with its preparation or award, or having authority to make decisions regarding it.

Under the bill the Secretary of Administration would have to require each vendor submitting a bid or a contract to certify that it will not use a former State employee in the administration of a contract. Any person who submits a certification knowing the certification to be false would be guilty of a Class I felony. A violation of this statute would void any contract between the State and the violating vendor.

EFFECTIVE DATE: October 1, 2015, and apply to contracts entered into on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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1

SENATE BILL 419

Short Title: Limit Revolving Door Employment.

(Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE STATE FROM CONTRACTING WITH CONTRACTORS WHO UTILIZE FORMER STATE EMPLOYEES IN THE ADMINISTRATION OF STATE CONTRACTS WITHIN A SIX-MONTH WAITING PERIOD AFTER A STATE EMPLOYEE HAS TERMINATED EMPLOYMENT WITH THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-59.5. Contracts with vendors that hire former State employees.

(a) Ineligible Vendors. – The Secretary of Administration and other entities to which this Article applies shall not contract for goods or services with a vendor that employs or contracts with a person who is a former State employee and uses that person in the administration of a contract with the State.

(b) Vendor Certification. – The Secretary of Administration shall require each vendor submitting a bid or contract to certify that the vendor will not use a former State employee in the administration of a contract with the State in violation of the provisions of subsection (a) of this section. Any person who submits a certification required by this subsection knowing the certification to be false shall be guilty of a Class I felony.

(c) A violation of the provisions of this section shall void the contract.

(d) Definitions. – As used in this section, the following terms mean:

(1) Administration of a contract. – Oversight of the performance of a contract, authority to make decisions regarding a contract, interpretation of a contract, or participation in the development of specifications or terms of a contract or in the preparation or award of a contract.

(2) Former State employee. – A person who, for any period within the preceding six months, was employed as an employee or contract employee of the State by the State agency for which the contract applies, who in the six months immediately preceding termination of State employment, participated personally in either the award or management of a State contract with the vendor, or made regulatory or licensing decisions that directly applied to the vendor."

SECTION 2. This act becomes effective October 1, 2015, and applies to contracts entered into on or after that date.



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GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Incarceration Fiscal Note

BILL NUMBER: Senate Bill 419 (First Edition)

SHORT TITLE: Limit Revolving Door Employment.

SPONSOR(S): Senator Hise

FISCAL IMPACT (\$ in millions)					
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> No Estimate Available		
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
State Impact					
General Fund Revenues:					
General Fund Expenditures:					
State Positions:					
NET STATE IMPACT	No estimate available. Please see Assumptions & Methodology section for additional details.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Public Safety; Administrative Office of the Courts; Office of Indigent Defense Services.					
EFFECTIVE DATE: October 1, 2015					
TECHNICAL CONSIDERATIONS: None					

BILL SUMMARY:

Senate Bill 419 requires vendors submitting a bid or a contract to certify that it will not use a former State employee within six months of leaving State employment. Applies to contracts entered into on or after October 1, 2015. The bill creates a new Class I felony for a vendor to submit a certification required by this statute knowing the certification to be false.

FISCAL IMPACT SUMMARY:

The proposed bill may have a fiscal impact to address a new chargeable offense being enforced, adjudicated, and having penalties applied to those convicted of the new offense. However, given that there is no historical data on this new offense or similar offenses to use as a proxy for predicting the total number of new offenses, the Fiscal Research Division cannot reasonably estimate the total additional costs that may be incurred. The following costs may be incurred for every one person charged and convicted of this crime:

- Administrative Office of the Courts: \$365 per disposition
- Indigent Defense Services: \$315 per disposition
- Department of Public Safety (DPS) - Prison Section: \$11.23 per inmate per day
- DPS - Community Corrections: Minimum of \$3,001

Please see the Assumptions and Methodology section for additional information.

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

S.L. 2011-192 (H.B. 642), the Justice Reinvestment Act (JRA), made changes to North Carolina's court system, corrections system (both to prisons and probation), and to post-release supervision. All F-I felons are now subject to nine months of post-release supervision (PRS). B1-E felony PRS has been increased from nine months to twelve months. Due to the lack of historical data about JRA implementation, it is not possible to estimate the number of prison beds that may be needed as a result of revocations.

JRA also created the Statewide Misdemeanant Confinement Program (SMCP) for housing misdemeanants with sentences between 90 and 180 days in county jails (misdemeanants with shorter sentences were already the responsibility of the counties). County participation in the program is voluntary. The SMCP pays participating counties for misdemeanants' housing, transportation, and medical costs. In 2014, the program was expanded to include all misdemeanants with sentences longer than 90 days. The Sentencing and Policy Advisory Commission does not track county jail capacity, so it is not possible to estimate the impact of new or increased misdemeanor penalties on county jails.

Since the bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. It is not known how many offenders might be convicted and sentenced under the new statute.

Judicial Branch

The Administrative Office of the Courts provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Section 1 of the bill creates a new Class I felony offense. Because this is a new offense, AOC does not have historical data upon which to estimate the number of charges that might occur. AOC provides estimates of the average cost to the court for a charge by offense class. For every additional person charged with a Class I felony, the average cost to the court would be \$365.

IDS has provided Fiscal Research with the frequency and cost of indigent defense services for each level of crime, including the cost differentials for district and superior court with and without a trial and the percentage of cases handled in each category. Fiscal Research used this data to calculate a weighted average of IDS costs. In FY 2011-12, 68% of Class I cases were handled through the Office of Indigent Defense Services (IDS). The weighted average cost of a new Class I is \$315 per case for a private appointed counsel (PAC) attorney. This estimate assumes the appointment of a PAC attorney. In districts that have Public Defender offices, cases may be handled by those offices. In those instances, this cost may not be incurred.

Department of Public Safety –Prison Section

The chart below depicts the projected inmate population relative to available prison bed capacity system-wide. Capacity projections assume operation at Expanded Operating Capacity,¹ and represent the total number of beds in operation, or authorized for construction or operation as of December 2014.

Based on the most recent population projections and estimated bed capacity, there are surplus prison beds available for the five-year fiscal note horizon and beyond. Therefore, no additional beds will be required unless the projected number of additional inmates resulting from a bill (row four) exceeds the projected number of beds under the inmate population (row three).

Since the bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. It is not known how many beds may be required as a result of this bill.

Population Projections and Bed Capacity Five Year Impact					
	June 30 2016	June 30 2017	June 30 2018	June 30 2019	June 30 2020
1. Inmates ²	37,360	37,522	37,348	37,462	37,610
2. Prison Beds (Expanded Capacity)	38,749	38,749	38,749	38,749	38,749
3. Beds Over/(Under) Inmate Population	1,389	1,227	1,401	1,287	1,139
4. <i>Additional Inmates Due to this Bill</i> ³	No estimate available				
5. <i>Additional Beds Required</i>					

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system is \$11.53 per day, or \$351 per month, which includes the cost of food, clothing, and health care. In FY 2013-14, 16% of Class I felony offenders received active sentences averaging 6 months. For every one Class I felony offender receiving an active sentence, the cost to the prison section will be \$2,106 (\$351 monthly cost times 6 months equals \$2,106).

Department of Public Safety – Community Correction Section

All active sentences for felony offenses now result in a minimum of twelve months of post-release supervision (PRS) for B1-E level offenses and a minimum of nine months of PRS for F-I level offenses. Additionally, for felony offense classes E through I offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). Sanctions include

¹ Expanded Operating Capacity (EOC) is: 1) the number of single cells housing one inmate, 2) the number of single cells housing two inmates, and 3) the number of beds in dormitories, allowing between 35 (130% of Standard Operating Capacity) and 50 (SOC) square feet per inmate.

² The Sentencing and Policy Advisory Commission prepares inmate population projections annually. These projections are derived from: historical information on incarceration and release rates under Structured Sentencing; crime rate forecasts by a technical advisory group; probation and offender revocation rates; and the decline (parole and max-outs) of the stock prison population sentenced under prior sentencing acts. Projections were updated in February 2015.

³ Criminal penalty bills effective October 1, 2015 should not affect prison population and bed needs until FY 2016-17 due to the lag time between offense charge and sentencing - six months on average. No delayed effect is presumed for the Court System.

electronic house arrest, community service, substance abuse treatment, participation in educational or vocational skills development, payment of court costs, fines, and restitution, and short-term jail sentences not exceeding six days per month.

JRA essentially eliminated the distinction between “community” and “intermediate” supervision. Under structured sentencing, the two types of supervision were each defined by a set of specific sanctions. Under JRA, both community and intermediate probation may now include electronic monitoring, short-term periods of confinement, substance abuse assessment, monitoring, and treatment, participation in educational programs or vocational skills development. Whether a probationer is subject to more stringent conditions is determined by the results of a risk-needs assessment administered by the Department of Public Safety.

All types of post-release supervision are supervised by the Community Corrections Section (CCS); CCS also oversees community service. Supervision by a probation officer costs \$130.50 per offender, per month; no cost is assumed for those receiving unsupervised probation, or who are only ordered to pay fines, fees, or restitution. Total costs are based on average supervision length and the percentage of offenders (per offense class) sentenced to active sentences requiring post-release supervision and supervised probations.

In FY 2013-14, 16% of Class I felony offenders received active sentences; 84% received probation. All active sentences result in 9 months of post-release supervision (PRS). The average length of probation imposed for this offense class is 23 months. Therefore, at a minimum, one conviction resulting from Section 1 of this bill will require at least 23 months of supervision. The cost of 23 months of supervision is \$3,001 per offender (\$130.50 per month times 23 months).⁴

SOURCES OF DATA: Department of Public Safety; Administrative Office of the Courts; Sentencing and Policy Advisory Commission; Office of Indigent Services

TECHNICAL CONSIDERATIONS: Typically, criminal penalty bills have an effective date of October 1 to give the Administrative Office of Courts time to make the necessary changes.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: John Poteat

APPROVED BY:

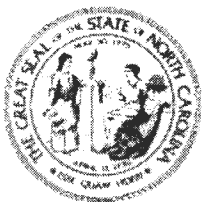
Mark Trogon, Director
Fiscal Research Division

DATE: April 15, 2015



Signed Copy Located in the NCGA Principal Clerk's Offices

⁴ Due to the effective date of October 1, 2015 and the typical lag time between charge and conviction (6 months), little impact is assumed for CCS in FY 2015-16. Though some offenders may come under CCS supervision during this time, this note assumes an even entry over the course of FY 2016-17.



HOUSE BILL 140: Lineman Appreciation Day in NC

2015-2016 General Assembly

Committee:	Rules, Calendar, and Operations of the House	Date:	March 31, 2015
Introduced by:	Reps. Hastings, Bradford, Pendleton, Farmer-Butterfield	Prepared by:	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H140-CSLG-1		

SUMMARY: *House Bill 140 would designate Lineman Appreciation Day on April 18, 2015, and on the second Monday in April of each year thereafter.*

[The PCS changes the date in the original bill from April 18th each year after 2015 to the second Monday in April.]

BILL ANALYSIS: House Bill 140 would recognize and honor the work linemen do in North Carolina and designate Lineman Appreciation Day on April 18th of this year and on the second Monday in April of each year thereafter. Section 2 of the bill would add language designating Lineman Appreciation Day to Chapter 103 of the General Statutes.

EFFECTIVE DATE: The addition of language to the General Statutes would become effective July 1, 2015. The remainder of the bill would be effective when it becomes law.

O. Walker Reagan
Director



* H 1 4 0 - S M S U - 1 2 C S L G - 1 - V 2 *

Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 140
Committee Substitute Favorable 3/31/15

Short Title: Lineman Appreciation Day in NC.

(Public)

Sponsors:

Referred to:

March 4, 2015

1 A BILL TO BE ENTITLED
2 AN ACT DESIGNATING THE EIGHTEENTH DAY OF APRIL, 2015, AND THE SECOND
3 MONDAY IN APRIL OF EACH YEAR THEREAFTER AS LINEMAN
4 APPRECIATION DAY.
5 Whereas, the profession of linemen is steeped in personal, family, and professional
6 tradition; and
7 Whereas, linemen are often the first responders during storms and other catastrophic
8 events, working to make the scene safe for other public safety heroes; and
9 Whereas, linemen work with thousands of volts of electricity high atop power lines
10 24 hours a day, 365 days a year, to keep electricity flowing; and
11 Whereas, linemen must often work under dangerous conditions far from their
12 families to construct and maintain the energy infrastructure of the United States; and
13 Whereas, linemen put their lives on the line every day with little recognition from
14 the community regarding the danger of their work; and
15 Whereas, it is appropriate to honor the brave men and women who work to keep the
16 power on and protect public safety by designating April 18, 2015, and the second Monday in
17 April of each year thereafter as Lineman Appreciation Day; Now, therefore,
18 The General Assembly of North Carolina enacts:
19 **SECTION 1.** The eighteenth day of April, 2015, is designated as Lineman
20 Appreciation Day in North Carolina.
21 **SECTION 2.** Chapter 103 of the General Statutes is amended by adding a new
22 section to read:
23 **"§ 103-14. Lineman Appreciation Day.**
24 **The second Monday in April of each year is designated as Lineman Appreciation Day in**
25 **North Carolina."**
26 **SECTION 3.** Section 2 of this act becomes effective July 1, 2015. The remainder
27 of this act is effective when it becomes law.



* H 1 4 0 - V - 2 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 140
Mar 3, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30051-LG-4C (12/23)

Short Title: Lineman Appreciation Day in NC. (Public)

Sponsors: Representatives Hastings, Bradford, Pendleton, and Farmer-Butterfield (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DESIGNATING THE EIGHTEENTH DAY OF APRIL OF EACH YEAR AS
3 LINEMAN APPRECIATION DAY.
4 Whereas, the profession of linemen is steeped in personal, family, and professional
5 tradition; and
6 Whereas, linemen are often the first responders during storms and other catastrophic
7 events, working to make the scene safe for other public safety heroes; and
8 Whereas, linemen work with thousands of volts of electricity high atop power lines
9 24 hours a day, 365 days a year, to keep electricity flowing; and
10 Whereas, linemen must often work under dangerous conditions far from their
11 families to construct and maintain the energy infrastructure of the United States; and
12 Whereas, linemen put their lives on the line every day with little recognition from
13 the community regarding the danger of their work; and
14 Whereas, it is appropriate to honor the brave men and women who work to keep the
15 power on and protect public safety by designating April 18 of each year as Lineman
16 Appreciation Day; Now, therefore,
17 The General Assembly of North Carolina enacts:
18 **SECTION 1.** Chapter 103 of the General Statutes is amended by adding a new
19 section to read:
20 **"§ 103-14. Lineman Appreciation Day.**
21 **The eighteenth day of April of each year is designated as Lineman Appreciation Day in**
22 **North Carolina."**
23 **SECTION 2.** This act is effective when it becomes law.





FOR DISCUSSION ONLY



SENATE BILL 547: Interconnection of Public Water Systems

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Agriculture/Environment/Natural Resources	Date:	April 14, 2015
Introduced by:	Sen. Hartsell	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition S547-CSRN-11		Committee Counsel

SUMMARY: *Senate Bill 547 would require the interconnection of public water systems or wastewater systems to regional systems located within the same sub-basin when necessary to promote public health, protect the environment, and to ensure compliance with applicable rules. It also would require systems to analyze all reasonable alternatives before constructing or altering a public water or sewer system. The Proposed Committee Substitute consists of one technical change on page 2, line 26, to ensure that portions of the statute were not inadvertently omitted.*

CURRENT LAW: The Department of Environment and Natural Resources (Department), before issuing a permit for construction or expansion of a local water system or before certifying a local approval program, is required to determine whether the local *water system*ⁱ is capable of interconnection at an appropriate time with expanding municipal, county, or regional systems. The Environmental Management Commission (EMC) is required to do the same for *sewer systems*.ⁱⁱ No authority, however, is provided to the Department or the EMC to require interconnection.

BILL ANALYSIS:

Section 1 would: (1) authorize the Department to require public water systems to interconnect with municipal, county, or regional systems located in the same sub-basin if necessary to promote the public health, protect the environment, or to ensure compliance with drinking water rules; and (2) provide that before approving any proposed project for the construction of or alteration to a public water system, the Department must determine if an analysis, including a financial analysis, has been performed of all reasonable alternatives and that the analysis indicates that the proposed construction or alteration is appropriate.

Section 2 would provide that to receive the Department's approval, a local program that seeks to administer its own approval program for construction or alteration of the distribution system of a proposed or existing public water system would need to: (1) require interconnection of a water system with municipal, county, or regional systems within the same sub-basin when the Department determines interconnection is necessary to promote the public health, protection the environment, or ensure compliance with drinking water rules; and (2) require an analysis, including a financial analysis, of the reasonable alternatives to any proposed project for construction of or alteration to a public water system, which indicates that the proposed construction or alteration project is appropriate.

O. Walker Reagan
Director



Research Division
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Senate Bill 547

Page 2

Section 3 would authorize the EMC to require interconnection with municipal, county, or regional wastewater systems located in the same sub-basin if necessary to promote the public health, protect the environment, or to ensure compliance with water quality rules.

Section 4 would provide that to receive the EMC's approval, a local program that seeks to administer its own permitting program for construction, operation, alteration, extension, or change of proposed or existing sewer systems would need to: (1) require interconnection of a sewer system with municipal, county, or regional systems within the same sub-basin when the EMC determines interconnection is necessary in order to promote the public health, protection the environment, or ensure compliance with water quality rules; and (2) require an analysis, including a financial analysis, of the reasonable alternatives to any proposed project for construction of or alteration to a public sewer system, which indicates that the proposed construction or alteration project is appropriate.

Section 5 would provide that before the EMC issues a permit to construct a new or expanded municipal or non-municipal wastewater treatment system for human waste, the applicant must show all of the following:

- A plan has been adopted by the system to reduce or eliminate stormwater or groundwater infiltration or intrusion into collection lines.
- An analysis has been conducted, including a financial analysis, of all alternatives to the proposed expansion, including consideration of the use of created wetlands and treated wastewater for non-drinking water purposes.
- The applicant can demonstrate that the proposed construction or expansion will be designed to accommodate future interconnection with adjoining or regional waste treatment systems.

Section 6 would require the Commission for Public Health and the Environmental Management Commission, as applicable, to adopt rules to implement the provisions of the act by October 1, 2015.

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

Jeff Hudson, Staff Attorney for the Research Division, contributed substantially to this summary.

¹ G.S. 130A-317(c)(3).

² G.S. 143-215.1(f).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 26, 2015
S.B. 547
PRINCIPAL CLERK

S

D

SENATE DRS25175-MH-127 (03/11)

Short Title: Interconnection of Public Water Systems.

(Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR
3 WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO
4 PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE
5 COMPLIANCE WITH DRINKING WATER RULES AND TO REQUIRE THAT AN
6 ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE
7 CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 130A-317(c) reads as rewritten:

10 "(c) No person or unit of local government shall begin construction or alteration of a
11 public water system or award a contract for construction or alteration unless all of the following
12 conditions are met:

- 13 (1) The plans for construction or alteration have been prepared by an engineer
14 licensed by this State.
15 (2) The Department has determined that the system, as constructed or altered,
16 will be capable of compliance with the drinking water rules.
17 (3) The Department has determined that the system is capable of interconnection
18 at an appropriate time with an expanding municipal, ~~county-county~~, or
19 regional ~~system-system~~; the Department may require interconnection with a
20 municipal, county, or regional system within a county, or between or among
21 counties if approved by the board of commissioners of each county, if
22 necessary to promote the public health, protect the environment, or ensure
23 compliance with drinking water rules and the systems are all located within
24 the same subbasin as set out in G.S. 143-215.22G.
25 (3a) The Department has determined that an analysis has been performed,
26 including a financial analysis, of the reasonable alternatives to the proposed
27 construction or alteration of the public water system and that the analysis
28 indicates that the proposed construction or alteration is appropriate.
29 (4) The Department has determined that adequate arrangements have been made
30 for the continued operation, service and maintenance of the public water
31 system.
32 (5) The Department has approved the plans and specifications."

33 SECTION 2. G.S. 130A-317(d)(6) reads as rewritten:

34 "(d) Municipalities, counties, local boards or commissions, water and sewer authorities,
35 or groups of municipalities and counties may establish and administer within their utility
36 service areas their own approval program in lieu of State approval of water system plans



required in subsection (c) of this section for construction or alteration of the distribution system of a proposed or existing public water system, subject to the prior certification of the Department. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where water service is already being provided to the permit applicant by the municipality or connection to the municipal water system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where water service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of an approval program and statement submitted by any local government, commission, authority, or board, the Department shall certify any local program that meets all of the following conditions:

- ...
- (6) Provides that the system is capable of interconnection at an appropriate time with an expanding municipal, county, or regional ~~system-system~~ and requires interconnection of the system with a municipal, county, or regional system when the Department determines interconnection is necessary to promote the public health, protect the environment, or ensure compliance with drinking water rules and the systems are all located within the same subbasin as set out in G.S. 143-215.22G.
- (6a) Provides that in order for a proposed project to construct or alter a public water system to be approved, an analysis, including a financial analysis, of the reasonable alternatives to the proposed construction or alteration has been performed and that the analysis indicates that the proposed construction or alteration is appropriate."

SECTION 3. G.S. 143-215.1(b)(4) reads as rewritten:

- "(4) The Commission shall have the power:
- a. To grant a permit with such conditions attached as the Commission believes necessary to achieve the purposes of this Article.
 - b. To require that an applicant satisfy the Department that the applicant, or any parent, subsidiary, or other affiliate of the applicant or parent:
 1. Is financially qualified to carry out the activity for which the permit is required under subsection (a) of this section; and
 2. Has substantially complied with the effluent standards and limitations and waste management treatment practices applicable to any activity in which the applicant has previously engaged, and has been in substantial compliance with other federal and state laws, regulations, and rules for the protection of the environment.
 3. As used in this subdivision, the words "affiliate," "parent," and "subsidiary" have the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (April 1, 1990, Edition).
 4. For a privately owned treatment works that serves 15 or more service connections or that regularly serves 25 or more individuals, financial qualification may be demonstrated through the use of a letter of credit, insurance, surety, trust agreement, financial test, bond, or a guarantee by corporate parents or third parties who can pass the financial test. No permit shall be issued under this section for a privately owned treatment works that serves 15 or more service connections or that regularly serves 25 or more individuals, until financial

1 qualification is established and the issuance of the permit
2 shall be contingent on the continuance of the financial
3 qualification for the duration of the activity for which the
4 permit was issued.

5 c. To modify or revoke any permit upon not less than 60 days' written
6 notice to any person affected.

7 d. To designate certain classes of minor activities for which a general
8 permit may be issued, after considering:

- 9 1. The environmental impact of the activities;
- 10 2. How often the activities are carried out;
- 11 3. The need for individual permit oversight; and
- 12 4. The need for public review and comment on individual
13 permits.

14 e. To designate certain classes of minor activities for which:

- 15 1. Performance conditions may be established by rule; and
- 16 2. Individual or general permits are not required.

17 f. To require connection to a municipal, county, or regional wastewater
18 system if necessary to promote public health, protect the
19 environment, or ensure compliance with water quality rules and the
20 systems are all located within the same subbasin as set out in
21 G.S. 143-215.22G."

22 **SECTION 4.** G.S. 143-215.1(f) reads as rewritten:

23 "(f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
24 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
25 municipalities and counties may establish and administer within their utility service areas their
26 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
27 (8) above, for construction, operation, alteration, extension, change of proposed or existing
28 sewer system, subject to the prior certification of the Commission. For purposes of this
29 subsection, the service area of a municipality shall include only that area within the corporate
30 limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction
31 where sewer service or a reclaimed water utilization system is already being provided by the
32 municipality to the permit applicant or connection to the municipal sewer system or a reclaimed
33 water utilization system is immediately available to the applicant; the service areas of counties
34 and the other entities or groups shall include only those areas where sewer service or a
35 reclaimed water utilization system is already being provided to the applicant by the permitting
36 authority or connection to the permitting authority's system is immediately available. No later
37 than the 180th day after the receipt of a program and statement submitted by any local
38 government, commission, authority, or board the Commission shall certify any local program
39 that does all of the following:

- 40 (1) Provides by ordinance or local law for requirements compatible with those
41 imposed by this Part and the rules implementing this Part.
- 42 (2) Provides that the Department receives notice and a copy of each application
43 for a permit and that it receives copies of approved permits and plans upon
44 request by the Commission.
- 45 (3) Provides that plans and specifications for all construction, extensions,
46 alterations, and changes be prepared by or under the direct supervision of an
47 engineer licensed to practice in this State.
- 48 (4) Provides for the adequate enforcement of the program requirements by
49 appropriate administrative and judicial process.

- 1 (5) Provides for the adequate administrative organization, engineering staff,
2 financial and other resources necessary to effectively carry out its plan
3 review program.
- 4 (6) Provides that the system is capable of interconnection at an appropriate time
5 with an expanding municipal, county, or regional ~~system-system~~ and
6 requires interconnection of the system with a municipal, county, or regional
7 system when the Commission determines interconnection is necessary to
8 promote the public health, protect the environment, or ensure compliance
9 with water quality rules and the systems are all located within the same
10 subbasin as set out in G.S. 143-215.22G.
- 11 (6a) Provides that in order for a proposed project to construct or alter a public
12 sewer system to be approved, an analysis, including a financial analysis, of
13 the reasonable alternatives to the proposed construction or alteration has
14 been performed and that the analysis indicates that the proposed construction
15 or alteration is appropriate.
- 16 (7) Provides for the adequate arrangement for the continued operation, service,
17 and maintenance of the sewer or a reclaimed water utilization system.
- 18 (8) Is approved by the Commission as adequate to meet the requirements of this
19 Part and the rules implementing this Part."

20 **SECTION 5.** G.S. 143-215.1(b) is amended by adding two new subdivisions to

21 read:

- 22 (6) No permit for a new or expanded municipal waste treatment system or
23 nonmunicipal waste treatment system (human waste only) shall be issued,
24 unless the applicant satisfies all of the following criteria:
- 25 a. Has adopted a plan to implement a program to reduce demand and
26 manage existing capacity by reducing or eliminating stormwater and
27 groundwater infiltration and intrusion into collection lines.
- 28 b. Has performed and submits an analysis, including a financial
29 analysis, of reasonable alternatives to the proposed new or expanded
30 waste treatment system, including the consideration of discharging to
31 created wetlands and the beneficial reuse of treated wastewater for
32 nondrinking water purposes, and that the analysis indicates that the
33 proposed new or expanded system is appropriate.
- 34 c. Can demonstrate that the proposed new or expanded waste treatment
35 facility will be planned, designed, and constructed to facilitate or
36 accommodate eventual interconnection with adjoining systems or
37 regional waste treatment systems located within the same subbasin as
38 set out in G.S. 143-215.22G.
- 39 (7) In deciding whether to grant a permit application under subdivision (6) of
40 this subsection, the Commission may consider whether the applicant is
41 making adequate progress in the implementation of sub-subdivision a. of
42 subdivision (6) of this subsection and may consider whether the applicant
43 could feasibly choose an alternative under sub-subdivision b. of subdivision
44 (6) of this subsection that will provide better protection for water quality."

45 **SECTION 6.** The Commission for Public Health shall adopt rules to implement
46 G.S. 130A-317, as amended by Sections 1 and 2 of this act, by October 1, 2015. The
47 Environmental Management Commission shall adopt rules to implement G.S. 143-215.1, as
48 amended by Sections 3, 4, and 5 of this act by October 1, 2015.

49 **SECTION 7.** This act is effective when it becomes law.

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 423

DATE: 4-14 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!

Page Name	Hometown	Sponsoring Senator
1. Luke Evans	Asheboro	Tillman
2. Isaiah Davis	Goldsboro	D. Davis
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Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

4-14-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
JOL Handi	MT & S
Erin Wynia	NCLM
Sarah Collins	NCLM
Amanda Horvath	TSS
Matt Calder	NC Capitol Connection
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Tom Franzen	NC DENR, DWR
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THOM EDOLESPY	Goolsby Govt Relations



Senate Committee on State and Local Government
Tuesday, April 21, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 21, 2015 in Room 423 of the Legislative Office Building. Twelve members were present.

Senator Jim Davis, Chair, presided.

Senator Davis welcomed Committee members and visitors, and thanked Sergeants-at-Arms (Donna Blake, Charles Marsalis, Jim Hamilton) and Pages Olivia Robenson (Swansboro, Senator Brown) and Ashley King (Rocky Mount, Senator Bryant).


SB 472 Local Incentives for Historic Rehabilitation. (Senators Rucho, Brock)

Senator Brock explained the bill. SB 472 would authorize cities and counties to make grants or loans for the rehabilitation of commercial or non-commercial historic structures, whether the structure is publicly or privately owned. This bill also clarifies the language of G.S. 158-7.1 which authorizes cities and counties to make appropriations for economic development purposes, including requiring all appropriations have public hearings, comply with the Local Government Budget and Fiscal Control Act, and be reported in the annual financial report. Senator Brock responded to questions and comments from Senators D. Davis, Smith, Sanderson, Curtis, and Hartsell. Secretary Klutz, NC Department of Cultural Resources, spoke in support of the bill (Attachment #1). Rose Vaughn Williams, NC League of Municipalities, also spoke in support of the bill. Senator Foushee's motion for a favorable report carried with the bill's referral to Finance.

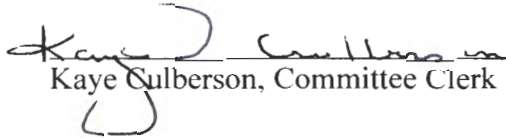
SB 547 Interconnection of Public Water Systems. (Senator Hartsell)

The Chair called for a motion to consider a Committee Substitute Bill. Senator Smith's motion carried. Senator Hartsell explained the bill. The proposed committee substitute for Senate Bill 547 would require the Department of Environment and Natural Resources to identify water systems within the same river basin that may potentially interconnect and so notify those systems. The PCS would also appropriate \$500,000 for the Regional Water Supply Planning Revolving Fund. Sarah Collins, NC League of Municipalities, and Jon Carr, NC Rural Water Association, spoke in support of the bill. Senator D. Davis' motion for unfavorable as to original bill but favorable as to committee substitute bill carried.

With no further business before the committee, the Chair adjourned at 12:40 PM.



Senator Jim Davis, Chair
Presiding



Kaye Culberson, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, April 21, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 472	Local Incentives for Historic Rehabilitation.	Senator Rucho Senator Brock
SB 547	Interconnection of Public Water Systems.	Senator Hartsell

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

Corrected #1: Bills added

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 21, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 472	Local Incentives for Historic Rehabilitation.	Senator Rucho Senator Brock
SB 547	Interconnection of Public Water Systems.	Senator Hartsell

Senator Jim Davis will serve as Chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

CORRECTED REPORT #1

Tuesday, April 21, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

SB 472 Local Incentives for Historic Rehabilitation.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

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

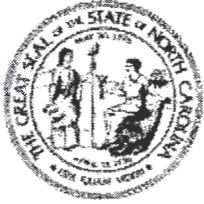
SB 547 Interconnection of Public Water Systems.
Draft Number: S547-PCS35266-ST-24
Sequential Referral: Agriculture/Environment/Natural
Resources
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Senator Robert Rucho will handle SB 472
Senator Fletcher Hartsell will handle SB 547



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SENATE BILL 472: Local Incentives for Historic Rehabilitation

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	April 14, 2015
Introduced by:	Sens. Rucho, Brock	Prepared by:	Greg Roney
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 472 would authorize cities and counties to make grants or loans for the rehabilitation of commercial or noncommercial historic structures, whether the structure is publicly or privately owned.*

The bill also clarifies the language of G.S. 158-7.1 which authorizes cities and counties to make appropriations for economic development purposes, including requiring all appropriations have public hearings, comply with the Local Government Budget and Fiscal Control Act, and be reported in the annual financial report.

CURRENT LAW: G.S. 158-7.1 authorizes cities and counties to make expenditures for economic development. G.S. 158-7.1(a) contains a general grant of authority. G.S. 158-7.1(b) grants express authority for 7 types of economic development projects and gives special rules for these 7 types of projects. G.S. 158-7.1(c) requires a public hearing for projects covered by G.S. 158-7.1(b). G.S. 158-7.1(d) and G.S. 158-7.1(d2) place additional requirements on projects authorized under G.S. 158-7.1(b) including a requirement that the proposed sale price of land plus future tax revenue to be generated by the project equal or exceed the fair market value of the land. The remainder of the statute imposes reporting rules, funding limits, and other requirements.

Specifically, G.S. 158-7.1(a) authorizes cities and counties to make appropriations for economic development that "increase the population, taxable property, agricultural industries and business prospects of any city or county." Without limiting the general grant of authority in subsection (a), G.S. 158-7.1(b) contains special rules for 7 types of economic development projects:

1. Industrial parks to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes.
2. Holding land for resale that is suitable for industrial or commercial use.
3. Options for the acquisition of land that is suitable for industrial or commercial use.
4. Acquisition or construction of a building suitable for industrial or commercial use.
5. Construction or assistance in the extension of utility services to industrial facilities, whether the utility is publicly or privately owned.
6. Construction or assistance in the extension of water and sewer lines to industrial facilities, whether the industrial facility is publicly or privately owned.
7. Site preparation for industrial facilities, whether the industrial facility is publicly or privately owned.

BILL ANALYSIS: Senate Bill 472 would add an eighth authorization to G.S. 158-7.1(b) allowing cities and counties to make grants or loans for:



Senate Bill 472

Page 2

8. Rehabilitation of commercial or noncommercial historic structures, whether the structure is publicly or privately owned.

The bill would modify subsection (a) of G.S. 158-7.1 that grants general authority to cities and counties to make appropriations for economic development by:

- Replacing a list of economic development purposes that included "other purposes" with the words "economic development purposes."
- Adding employment and industrial output to the list of permissible economic development goals.

The bill standardizes the treatment of appropriations for economic development by:

- Making all appropriations subject to the public hearing requirement of G.S. 158-7.1(c).
- Making all appropriations subject to the Local Government Budget and Fiscal Control Act and public disclosure in the local government's annual financial report under the requirements of G.S. 158-7.1(e).

The bill adds headings to all of the subsections of G.S. 158-7.1 and makes other technical changes.

EFFECTIVE DATE: Senate Bill 472 would be effective when it becomes law.

BACKGROUND: Article 3D of Chapter 105, titled Historic Rehabilitation Tax Credits, provided a State tax credit for rehabilitating income-producing historic structures (G.S. 105-129.35) and a State tax credit for rehabilitating non-income-producing historic structures (G.S. 105-129.36). Article 3D expired for rehabilitation expenditures incurred on or after January 1, 2015.

Article 3H of Chapter 105, titled Mill Rehabilitation Tax Credit, provided a State tax credit for income-producing rehabilitated mill property (G.S. 105-129.71) and a State tax credit for non-income-producing rehabilitated mill property (G.S. 105-129.72). Article 3H expired for rehabilitation projects for which an application for an eligibility certification is submitted on or after January 1, 2015. Rehabilitation projects with an eligibility certification remain eligible for the Mill Rehabilitation Tax Credit.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 472

Short Title: Local Incentives for Historic Rehabilitation. (Public)

Sponsors: Senators Rucho, Brock (Primary Sponsors); J. Davis, Rabin, Tarte, and Wells.

Referred to: Rules and Operations of the Senate.

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO APPROPRIATE MONEY FOR
HISTORIC REHABILITATION AND TO CLARIFY AND STANDARDIZE THE
REQUIREMENTS FOR APPROPRIATING FUNDS FOR LOCAL ECONOMIC
DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-7.1 reads as rewritten:

"§ 158-7.1. Local development.

(a) Economic Development. – Each county and city in this State is authorized to make appropriations for ~~the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants in or near such city or in the county; encouraging the building of railroads or other purposes which, in the discretion of economic development purposes.~~ These appropriations must be determined by the governing body of the city or ~~of the county commissioners of the county, will to~~ increase the population, taxable property, agricultural industries ~~and industries, employment, industrial output, or business prospects of any the city or county.~~ These appropriations may be funded by the levy of property taxes pursuant to G.S. 153A-149 and 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law. The specific activities listed in subsection (b) of this section are not intended to limit the grant of authority provided by this section.

(b) Specific Activities. – A county or city may undertake any of the following specific economic development activities. ~~(This listing is not intended to limit by implication or otherwise the grant of authority set out in subsection (a) of this section). The activities listed in this subsection may be funded by the levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.~~ activities under this section:

- (1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes. A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located. A county or city may develop the land by installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities; may demolish or rehabilitate existing structures; and may prepare the site for industrial or



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- commercial uses. A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.
- (2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use. A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that will provide jobs to city residents, anywhere in the county or counties in which it is located. A county or city may convey property acquired or assembled under this subdivision pursuant to subsection (d) of this section.
- (3) A county or city may acquire options for the acquisition of property that is suitable for industrial or commercial use. The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable.
- (4) A county or city may acquire, construct, convey, or lease a building suitable for industrial or commercial use.
- (5) A county or city may construct, extend or own utility facilities or may provide for or assist in the extension of utility services to be furnished to an industrial facility, whether the utility is publicly or privately owned.
- (6) A county or city may extend or may provide for or assist in the extension of water and sewer lines to industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.
- (7) A county or city may engage in site preparation for industrial properties or facilities, whether the industrial property or facility is publicly or privately owned.
- (8) A county or city may make grants or loans for the rehabilitation of commercial or noncommercial historic structures, whether the structure is publicly or privately owned.

(c) Public Hearing. — Any appropriation or expenditure pursuant to ~~subsection (b) of~~ this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. If the appropriation or expenditure is for the acquisition of an interest in real property, the notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition. If the appropriation or expenditure is for the improvement of privately owned property by site preparation or by the extension of water and sewer lines to the property, the notice shall describe the improvements to be made, the proposed cost of making the improvements, the source of funding for the improvements, the public benefit to be derived from making the improvements, and any other information needed to reasonably describe the improvements and their purpose.

(d) Interests in Real Property. — A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection. A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease. Before such an interest may be

conveyed, the county or city governing body shall determine the probable average hourly wage to be paid to workers by the business to be located at the property to be conveyed and the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to. The consideration for the conveyance may not be less than the value so determined.

(d1) Repealed by Session Laws 1993, c. 497, s. 22.

(d2) Calculation of Consideration. – In arriving at the amount of consideration that it receives, the Board may take into account prospective tax revenues from improvements to be constructed on the property, prospective sales tax revenues to be generated in the area, as well as any other prospective tax revenues or income coming to the county or city over the next 10 years as a result of the conveyance or lease provided the following conditions are met:

(1) The governing board of the county or city shall determine that the conveyance of the property will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in the county or city that pay at or above the median average wage in the county or, for a city, in the county where the city is located. A city that spans more than one county is considered to be located in the county where the greatest population of the city resides. For the purpose of this subdivision, the median average wage in a county is the median average wage for all insured industries in the county as computed by the Department of Commerce, Division of Employment Security, for the most recent period for which data is available.

(2) The governing board of the county or city shall contractually bind the purchaser of the property to construct, within a specified period of time not to exceed five years, improvements on the property that will generate the tax revenue taken into account in arriving at the consideration. Upon failure to construct the improvements specified in the contract, the purchaser shall reconvey the property back to the county or city.

(e) Local Government Budget and Fiscal Control Act. – All appropriations and expenditures pursuant to ~~subsections (b) and (c)~~ of this section shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of the North Carolina General Statutes, respectively, for cities and counties and shall be listed in the annual financial report the county or city submits to the Local Government Commission. The budget format for each such governing body shall make such disclosures in such detail as the Local Government Commission may by rule and regulation direct.

(f) Limitation. – At the end of each fiscal year, the total of the following for each county and city may not exceed one-half of one percent (0.5%) of the outstanding assessed property tax valuation for the county or city as of January 1 preceding the beginning of the fiscal year:

(1) The investment in property acquired at any time under subdivisions (b)(1) through (b)(4) of this section and owned at the end of the fiscal year.

(2) The amount expended during the fiscal year under subdivisions (b)(5) and (b)(7) of this section.

(3) The amount of tax revenue that was taken into account under subsection (d2) of this section and was expected to be received during the fiscal year.

The Local Government Commission shall review the annual financial reports filed by counties and cities to determine if any county or city has exceeded the limit set by this subsection. If the Commission finds that a county or city has exceeded this limit, it shall notify the county or city. A county or city that receives a notice from the Commission under this subsection must submit to the Commission for its review and approval any appropriation or expenditure the county or city proposes to make under this section during the next three fiscal

1 years. The Commission shall not approve an appropriation or expenditure that would cause a
2 county or city to exceed the limit set by this subsection.

3 (g) Repealed by Session Laws 1989, c. 374, s. 1.

4 (h) Economic Development Agreement. – Each economic development agreement
5 entered into between a private enterprise and a city or county shall clearly state their respective
6 responsibilities under the agreement. Each agreement shall contain provisions regarding
7 remedies for a breach of those responsibilities on the part of the private enterprise. These
8 provisions shall include a provision requiring the recapture of sums appropriated or expended
9 by the city or county upon the occurrence of events specified in the agreement. Events that
10 would require the city or county to recapture funds would include the creation of fewer jobs
11 than specified in the agreement, a lower capital investment than specified in the agreement, and
12 failing to maintain operations at a specified level for a period of time specified in the
13 agreement."

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

Name, DCR, ^{which includes} State Hist. Pres. Office

a for
ort Comm
4-21-15

ATTACHMENT #1

First, let me say I apprea. Sen Ruch's bill clarifying the authority of local govt (coming from local govt myself)

But, I want to make sure this Comm. understands that this bill alone is not sufficient for the Hist. Pres. needs of the State, and should not be a substitute for the Compromise tax credit bills. H-152 + S-287.

A 6-mos study by Dept of Comm + DCR, 2 yrs ago, determined that tax credits were the most effective ^{tool} for state hist pres.

Historic Preservation is an "economic dev + job creation" tool for State and needed in every community, not just those that can afford it. (many reason-banks recognize for financing)
President Reagan is ~~be~~ credited with the ~~federal plan~~, which State plan as we know it today. Since state plan began in 90's
90/100 Counties + \$1.67 B in private investment.

As you may know, I have been touring state for last 3½ mos, visiting our Hist. buildings, some renovated + some not - so far 59 stops in 39 diff. communities, + my tour continues this afternoon.

Here is what I have learned: Our Hist. buildings tell the NC story - the rich history that N. Carolinians value.

If they can only be renovated in cities, counties, town that can afford it, the entire story will not be told.

And jobs will not be created where needed most.

I have ^{also} learned: local gov'ts are already making significant contributions. I urge you to listen to thousands of N. Carolinians (infrastructure sidewalks, water line parking, lots + decks buildings) who value this story + want HELP AVAILABLE to ALL Nat'l Reg ALL OWNERS EQUALLY + FAIRLY, regardless of where they are located in N.C.



A Sample of Historic Preservation Investments Made by Select Cities, Towns and Counties

Wilson

The Nash Street Lofts, in downtown Wilson, were completed in 2014 utilizing a mix of state and federal historic tax credits and the city's own investment to spur \$1,518,465 in private investment. The city spent \$114,334 supporting the project, while the city-supported Wilson Downtown Development Corporation spent another \$20,000. The project converted a three-story building constructed in 1884, which first housed the Hackney Wagon Company, into a mixed residential/commercial space with 11 residential units. Each occupied residential unit is projected to bring \$18,773 annually in economic impact to the Wilson downtown.

Edenton

In 1996, the Town of Edenton, working with Preservation NC, spent several thousand dollars to fund a study to expand its national historic district to include Edenton Mill Village and the Edenton Cotton Mill. In addition to the study, the town spent roughly \$10,000 to repair sidewalks, plant trees, and provide a match for a CAMA grant to install a boardwalk and fishing pier on Queen Anne Creek.

In 1997, the town, Chowan County and Chowan County Board of Education jointly funded a \$75,000 restoration of the Historic Hicks Field baseball stadium. Today, the stadium is home to Coastal Plains League baseball team, which adds to the town's summer economy.

The town spends \$65,000 each year funding its Main Street program, which provides façade grants, recruits businesses and does other work to preserve and promote its downtown. The town appropriates \$10,000 annually to the Edenton Historical Commission which helps and encourages private restoration projects in Edenton and Chowan County. The historic Penelope Barker House, home of the leader of the 1774 Edenton Tea Party, sits on land owned by the town and leased to the commission. Each year, the town spends money administering its historic district, with staff performing legal and other work. It has donated easements to state to provide public access to the Historic Roanoke River Lighthouse, provided staff work that aided in the restoration of the Historic Barker House, funded an historic marker commemorating Dr. Martin Luther King's visit and speech there, and cleaned up and restored an historic burial ground discovered on town property.

West Jefferson

In 2013, the Town of West Jefferson, in partnership with NC DOT, largely completed its Streetscape project aimed at revitalizing its downtown. The town spent \$139,750 directly on the project, which involved removing traffic signals at two downtown intersections and replacing them with all-way stops, and adding curb extensions with brick pavers and landscaping. With the exception of one intersection, the project occurred inside the town's designated historic district. Once the project was completed, a number of formerly empty buildings were filled, and three buildings were renovated by private owners, each spending in excess of \$200,000. The buildings that were renovated were the Old Hotel, built in 1917, which is now the Hotel Tavern Restaurant, a movie theater, now known as Artist Theater, and a building that now houses a jewelry and auction house.

Elkin

In recent years, the Town of Elkin has contributed both direct investments and administratively supported key historic preservation projects in the town. It administratively supported, through grant applications and in other ways, the \$1.5 million renovation of The Liberty, a tobacco warehouse constructed in 1917 that now houses a restaurant, wine shop, book store and 9,000 square-foot banquet hall and meeting room space. The tax value of the building has gone from \$5/square foot prior to the renovation to \$23/square foot today. In similar fashion, the town supported the recently-completed \$600,000 renovation of the Holcombe Building into office space. It supported through a direct job creation grant of \$15,000 the renovation of Church Street Theater by a medical products firm. More recently, it spent \$84,000 for the clearing of rubble and demolition of a downtown building façade, with plans to spend another \$219,000 to create a public space in the historic downtown.

Asheville

Many major private development projects in Asheville have utilized the historic tax credit process, including the Grove Arcade, one of the premiere examples of successful historic preservation and downtown revitalization in the US. Over 173 historic tax credit projects have been completed in Asheville/Buncombe County with construction value of over \$146 Million. In addition to the tax credits, the City has participated in assisting these projects primarily through the development of public infrastructure. Asheville has constructed structured public parking, sidewalk improvements that have facilitated outdoor dining for ground floor restaurants, street and utility improvements, and parks construction in and around these tax credit projects.

Concord

On the most recent project in Concord the City owned the building. It was likely to be demolished if someone did not take it on as a project. We essentially sold them the building for \$10, gave them a performance based grant that was equivalent to the demolition costs (that we would have incurred anyway) and they received an economic development grant equal to the 85% of the new property tax revenue generated by the project for three years.

Gaston County

From the property tax arena, if they meet the criteria as historic properties, they would receive a 50% reduction in property taxes. To qualify, the property would have to be designated as a historic property by a local ordinance.

Gastonia

The City and County both underwrote the Loray project by committing to leasing 20,000sf each at a sub market rate. In a tri-party agreement between the City, County and Developer, their obligation is reduced for each four square feet of commercial space with one foot being credited to the City and County and two square feet to the developer. Under this formula, both the City of Gastonia and the County have significant "skin in the game!"



Goldsboro

We help investors learn about the process of the credits, we facilitate meetings with the appropriate persons to help with a project, such as the State Historic Preservation regional staff person, Inspections staff, and architects, we help prepare the Part 1 application that requires a statement of the history and architectural significance of a building and its historic context within the District and we help with renderings, etc. as requested/needed. We may help supplement the project if it is a commercial building within the MSD district with a Facade Grant if applicable.

Greensboro

The City of Greensboro and Guilford County will abate up to 50% of the property taxes on all properties designated as Guilford County Historic Structures. Many of the recent historic renovations in downtown Greensboro have utilized this program.

In addition the City has provided funding assistance in the past to privately initiated development projects that have utilized both state and federal historic preservation tax credits through the it's Urban Development Investment Guidelines. A recent example is the renovation of the Southeastern Building at 102 North Elm Street. The redevelopment of this 102,560 square foot facility will restore the outside facade of the building to its original appearance. The restoration of this facility will have a significant community impact. The restoration will result in a total of 14,507 square feet of net leasable commercial space, 13,868 feet of net leasing office space and 51 apartments that will result in nearly 100 additional individuals residing in the central business district of downtown Greensboro. The City's contribution was a grant of \$238,422 towards the renovation and \$40,265 to reimburse for out of the ordinary fees associated with the development.

Greenville

Facade grant program at \$5,000 match per façade for exterior improvements meeting local design standards. Small business plan competition at \$15,000 to \$30,000 depending upon the size of the investment and business location. Business must represent sound business ideas with solid plans and cash flows. Capital Investment Grant for or very large projects, provides economic development grants of 20% to 50% of incremental value generated by the project for a term of 3-10 years.

Mooreville

Locally, incentives may be granted by the Town Board of Commissioners on a per case basis, typically including infrastructure improvements. The opportunity to receive state historic tax credits has served as a catalyst for historic preservation to help create a level investment playing field when compared to new construction. Recently I had the opportunity to tour the Southeastern Building located at 100-102 Elm Street in Greensboro. This particular project, which qualified before the NC tax credit expired, is one of North Carolina's largest tax credit projects and to my understanding also included significant incentives.

Salisbury

Salisbury has invested in adjacent sidewalks, street lighting, surface parking, and similar infrastructure. We also have incentive grants that max out at \$200,000 for larger rehab projects, in addition to \$5,000 facade grants.



Wilmington

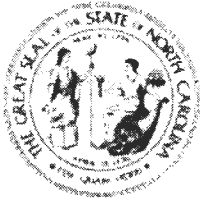
The Historic Preservation Planner typically gets involved in the early stages advising on the historic fabric of the building and whether or not it is a contributing structure in the National Register of Historic Places, a primary precursor to tax credit eligibility. Property owners are advised on the Secretary of the Interior's Standards for Rehabilitation and eligible expenditures. Most of the nuts and bolts review is through the State Historic Preservation Office via the staff Restoration Specialists. Our community does not have a tax abatement program unless the property is designated a local historic landmark, very uncommon and separate process. We do not undertake any special infrastructure improvements as the result of a tax credit project.

It is not uncommon for property owners to undertake a tax credit project without the knowledge of the local community, particularly since the review is through the SHPO. Ultimately SHPO certifies the process for purposes of expenditures that are eligible for the tax credits. Of course every community benefits from a tax credit projects in the form of increased tax base, local job creations and preservation of the historic fabric. The impact too can have quite a rippling effect as it often spurs additional investment by surrounding property owners.

Winston-Salem

We have made major public improvements in an area where historic tax credits were used to refurbish buildings including new streets landscaping lighting putting utilities underground Exedra. We have also made loans to help with the projects and made some direct economic development payments. It varies on a project by project basis based upon the magnitude of the project and the overall gap that is trying to be filled by the developer, but local assistance could include all of those things mentioned... property tax abatement, public infrastructure improvements, tax increment financing assistance, reduced or no fees, etc.





SENATE BILL 547: Interconnection of Public Water Systems

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Agriculture/Environment/Natural Resources	Date:	April 20, 2015
Introduced by:	Sen. Hartsell	Prepared by:	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition S547-CSST-24		

SUMMARY: *The proposed committee substitute for Senate Bill 547 would require the Department of Environment and Natural Resources to identify water systems within the same river basin that may potentially interconnect and so notify those systems. The PCS would also appropriate \$500,000 for the Regional Water Supply Planning Revolving Fund.*

BILL ANALYSIS: The PCS would add a new subsection to G.S. 130A-317, which governs submission and approval of public water system plans, requiring the Department of Environment and Natural Resources to identify, and notify, water systems that appear capable of interconnectivity with another system located in the same river basin that appear to have unallocated capacity to expand and that interconnectivity would promote public health, protect the environment, or ensure compliance with established drinking water rules. The notice shall copy the Local Government Commission.

Once notified, the systems could start discussions regarding options for any potential interconnectivity. The Local Government Commission is to assist with any questions regarding liabilities of the systems and potential impacts of changes to the operational structure of the systems.

If the Department requests additional information from a specific system on the potential for interconnectivity, the system is to respond. If the system fails to respond, the Department may deny an application for construction or alteration of the system until the response is received by the Department. The Department may not use this authority to require an environmental impact statement or engineering reports.

EFFECTIVE DATE: Effective when it becomes law.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 547
PROPOSED COMMITTEE SUBSTITUTE S547-CSST-24 [v.5]

4/20/2015 9:24:42 PM

Short Title: Interconnection of Public Water Systems.

(Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT FACILITATING AND ENCOURAGING THE INTERCONNECTION OF PUBLIC
WATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE
PUBLIC HEALTH OR THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-317 is amended by adding a new subsection to read:

"(g) The Department shall identify systems, as constructed or altered, that appear capable of interconnectivity with another system or systems located within the same river basin as set out in G.S. 143-215.22G that appear to have adequate unallocated capacity to expand and that interconnectivity would promote public health, protect the environment, or ensure compliance with established drinking water rules. The Department shall notify the affected systems of the potential for interconnectivity in the future. The systems so notified may discuss options for potential interconnectivity, including joint operations, regionalization, or merger. The Local Government Commission shall be copied on the notice from the Department, and shall assist the systems with any questions regarding liabilities of the systems and alterations to the operational structure of the systems. If the Department requests additional information or notification of the discussions on interconnectivity of a particular system, the system shall respond; failure to respond may result in denial of the system's application for construction or alteration of the system until the response is received by the Department. The Department may not require an environmental impact statement or engineering reports under this section."

SECTION 2. There is appropriated from the General Fund to the Department of Administration the sum of five hundred thousand dollars (\$500,000) for the 2015-2016 fiscal year for the Regional Water Supply Planning Revolving Fund.

SECTION 3. The Commission for Public Health shall adopt rules to implement G.S. 130A-317, as amended by this act, by October 1, 2015.

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



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 547

Short Title: Interconnection of Public Water Systems. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 30, 2015

A BILL TO BE ENTITLED

AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH DRINKING WATER RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-317(c) reads as rewritten:

"(c) No person or unit of local government shall begin construction or alteration of a public water system or award a contract for construction or alteration unless all of the following conditions are met:

(1) The plans for construction or alteration have been prepared by an engineer licensed by this State.

(2) The Department has determined that the system, as constructed or altered, will be capable of compliance with the drinking water rules.

(3) The Department has determined that the system is capable of interconnection at an appropriate time with an expanding municipal, ~~county-county,~~ or regional ~~system-system;~~ the Department may require interconnection with a municipal, county, or regional system within a county, or between or among counties if approved by the board of commissioners of each county, if necessary to promote the public health, protect the environment, or ensure compliance with drinking water rules and the systems are all located within the same subbasin as set out in G.S. 143-215.22G.

(3a) The Department has determined that an analysis has been performed, including a financial analysis, of the reasonable alternatives to the proposed construction or alteration of the public water system and that the analysis indicates that the proposed construction or alteration is appropriate.

(4) The Department has determined that adequate arrangements have been made for the continued operation, service and maintenance of the public water system.

(5) The Department has approved the plans and specifications."

SECTION 2. G.S. 130A-317(d)(6) reads as rewritten:

"(d) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own approval program in lieu of State approval of water system plans



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required in subsection (c) of this section for construction or alteration of the distribution system of a proposed or existing public water system, subject to the prior certification of the Department. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where water service is already being provided to the permit applicant by the municipality or connection to the municipal water system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where water service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of an approval program and statement submitted by any local government, commission, authority, or board, the Department shall certify any local program that meets all of the following conditions:

- ...
- (6) Provides that the system is capable of interconnection at an appropriate time with an expanding municipal, county, or regional ~~system~~system and requires interconnection of the system with a municipal, county, or regional system when the Department determines interconnection is necessary to promote the public health, protect the environment, or ensure compliance with drinking water rules and the systems are all located within the same subbasin as set out in G.S. 143-215.22G.
- (6a) Provides that in order for a proposed project to construct or alter a public water system to be approved, an analysis, including a financial analysis, of the reasonable alternatives to the proposed construction or alteration has been performed and that the analysis indicates that the proposed construction or alteration is appropriate.

SECTION 3. G.S. 143-215.1(b)(4) reads as rewritten:

- "(4) The Commission shall have the power:
- a. To grant a permit with such conditions attached as the Commission believes necessary to achieve the purposes of this Article.
 - b. To require that an applicant satisfy the Department that the applicant, or any parent, subsidiary, or other affiliate of the applicant or parent:
 1. Is financially qualified to carry out the activity for which the permit is required under subsection (a) of this section; and
 2. Has substantially complied with the effluent standards and limitations and waste management treatment practices applicable to any activity in which the applicant has previously engaged, and has been in substantial compliance with other federal and state laws, regulations, and rules for the protection of the environment.
 3. As used in this subdivision, the words "affiliate," "parent," and "subsidiary" have the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (April 1, 1990, Edition).
 4. For a privately owned treatment works that serves 15 or more service connections or that regularly serves 25 or more individuals, financial qualification may be demonstrated through the use of a letter of credit, insurance, surety, trust agreement, financial test, bond, or a guarantee by corporate parents or third parties who can pass the financial test. No permit shall be issued under this section for a privately owned treatment works that serves 15 or more service connections or that regularly serves 25 or more individuals, until financial

1 qualification is established and the issuance of the permit
2 shall be contingent on the continuance of the financial
3 qualification for the duration of the activity for which the
4 permit was issued.

5 c. To modify or revoke any permit upon not less than 60 days' written
6 notice to any person affected.

7 d. To designate certain classes of minor activities for which a general
8 permit may be issued, after considering:

- 9 1. The environmental impact of the activities;
- 10 2. How often the activities are carried out;
- 11 3. The need for individual permit oversight; and
- 12 4. The need for public review and comment on individual
13 permits.

14 e. To designate certain classes of minor activities for which:

- 15 1. Performance conditions may be established by rule; and
- 16 2. Individual or general permits are not required.

17 f. To require connection to a municipal, county, or regional wastewater
18 system if necessary to promote public health, protect the
19 environment, or ensure compliance with water quality rules and the
20 systems are all located within the same subbasin as set out in
21 G.S. 143-215.22G."

22 **SECTION 4.** G.S. 143-215.1(f) reads as rewritten:

23 "(f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
24 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
25 municipalities and counties may establish and administer within their utility service areas their
26 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
27 (8) above, for construction, operation, alteration, extension, change of proposed or existing
28 sewer system, subject to the prior certification of the Commission. For purposes of this
29 subsection, the service area of a municipality shall include only that area within the corporate
30 limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction
31 where sewer service or a reclaimed water utilization system is already being provided by the
32 municipality to the permit applicant or connection to the municipal sewer system or a reclaimed
33 water utilization system is immediately available to the applicant; the service areas of counties
34 and the other entities or groups shall include only those areas where sewer service or a
35 reclaimed water utilization system is already being provided to the applicant by the permitting
36 authority or connection to the permitting authority's system is immediately available. No later
37 than the 180th day after the receipt of a program and statement submitted by any local
38 government, commission, authority, or board the Commission shall certify any local program
39 that does all of the following:

- 40 (1) Provides by ordinance or local law for requirements compatible with those
41 imposed by this Part and the rules implementing this Part.
- 42 (2) Provides that the Department receives notice and a copy of each application
43 for a permit and that it receives copies of approved permits and plans upon
44 request by the Commission.
- 45 (3) Provides that plans and specifications for all construction, extensions,
46 alterations, and changes be prepared by or under the direct supervision of an
47 engineer licensed to practice in this State.
- 48 (4) Provides for the adequate enforcement of the program requirements by
49 appropriate administrative and judicial process.

- 1 (5) Provides for the adequate administrative organization, engineering staff,
2 financial and other resources necessary to effectively carry out its plan
3 review program.
- 4 (6) Provides that the system is capable of interconnection at an appropriate time
5 with an expanding municipal, county, or regional ~~system~~ system and
6 requires interconnection of the system with a municipal, county, or regional
7 system when the Commission determines interconnection is necessary to
8 promote the public health, protect the environment, or ensure compliance
9 with water quality rules and the systems are all located within the same
10 subbasin as set out in G.S. 143-215.22G.
- 11 (6a) Provides that in order for a proposed project to construct or alter a public
12 sewer system to be approved, an analysis, including a financial analysis, of
13 the reasonable alternatives to the proposed construction or alteration has
14 been performed and that the analysis indicates that the proposed construction
15 or alteration is appropriate.
- 16 (7) Provides for the adequate arrangement for the continued operation, service,
17 and maintenance of the sewer or a reclaimed water utilization system.
- 18 (8) Is approved by the Commission as adequate to meet the requirements of this
19 Part and the rules implementing this Part."

20 **SECTION 5.** G.S. 143-215.1(b) is amended by adding two new subdivisions to

21 read:

- 22 (6) No permit for a new or expanded municipal waste treatment system or
23 nonmunicipal waste treatment system (human waste only) shall be issued,
24 unless the applicant satisfies all of the following criteria:
- 25 a. Has adopted a plan to implement a program to reduce demand and
26 manage existing capacity by reducing or eliminating stormwater and
27 groundwater infiltration and intrusion into collection lines.
- 28 b. Has performed and submits an analysis, including a financial
29 analysis, of reasonable alternatives to the proposed new or expanded
30 waste treatment system, including the consideration of discharging to
31 created wetlands and the beneficial reuse of treated wastewater for
32 nondrinking water purposes, and that the analysis indicates that the
33 proposed new or expanded system is appropriate.
- 34 c. Can demonstrate that the proposed new or expanded waste treatment
35 facility will be planned, designed, and constructed to facilitate or
36 accommodate eventual interconnection with adjoining systems or
37 regional waste treatment systems located within the same subbasin as
38 set out in G.S. 143-215.22G.
- 39 (7) In deciding whether to grant a permit application under subdivision (6) of
40 this subsection, the Commission may consider whether the applicant is
41 making adequate progress in the implementation of sub-subdivision a. of
42 subdivision (6) of this subsection and may consider whether the applicant
43 could feasibly choose an alternative under sub-subdivision b. of subdivision
44 (6) of this subsection that will provide better protection for water quality."

45 **SECTION 6.** The Commission for Public Health shall adopt rules to implement
46 G.S. 130A-317, as amended by Sections 1 and 2 of this act, by October 1, 2015. The
47 Environmental Management Commission shall adopt rules to implement G.S. 143-215.1, as
48 amended by Sections 3, 4, and 5 of this act by October 1, 2015.

49 **SECTION 7.** This act is effective when it becomes law.

**Senate Committee on State and Local
Government**

April 21, 2015

Senate Sergeant at Arms:

DONNA BLAKE

CHARLES MARSALIS

JIM HAMILTON



SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 423

DATE: 4-21 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!.....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Olivia Roberson	Swansboro	Brown
2.	Ashley King	Rocky Mount	Bryant
3.			
4.			
5.			
6.			
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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 & Local Gov't Committee
(Committee Name)

4/20/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Becky Cozart	NSS
Jack Cozart	NSS
Matthew Cobb	Senate Intern
Kara Weishaar	SA
MAK JIMMON NCLM	NCLM
Cathy Thomas	NCLM / Fours Carolina
Sarah Collins	NCLM
Jon Carr	NC Rural Water Assoc.
Hugh Johnson	NCLM
Mig Bailey	Electricity
Flint Benson	SEANC



VISITOR REGISTRATION SHEET

Senate State And Local Government Committee
(Committee Name)

4/20/15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Julie W.	NCCMC
Jim Martin	Church
CARY COX	DCR
Sec Susan Kluttz	DCR
Karin V. Howell	DCR
Karin Cochran	DCR
Martina Jenkins	DCR
Kevin Cherry	DCR
Tony Adams	Adams and Assoc.
Tonya Hsiao	TS
John H. H. H.	MF & S
Carly M. H.	NCCM.
Chris McChine	BP
Kathy G. G.	Governor's office
Robert H.	Blue
David Crawford	AIAAC
Betsy Bailey	CAGC



Senate Committee on State and Local Government
Tuesday, April 28, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on April 28, 2015 in Room 423 of the Legislative Office Building. 12 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Steve Wilson and Ed Kesler, and Pages Courtney Thomas, Clayton, sponsored by Senator Van Duyn; Ethan Berry, Wilson, sponsored by Senator Newton; Lily Zuckerman, Wilmington, sponsored by Senator Lee and Reagan Dovel, Cary, sponsored by Senator Newton; Saxena Sutton, Clayton, and Aubria Battle, Raleigh, both sponsored by Senator Van Duyn.

SB 50 Wilson County Occupancy Tax Modification. (Senator Bryant)

Senator Bryant presented the bill. The PCS for Senate Bill 50 would authorize an additional 3% occupancy tax for Wilson County and would modify the remittance of the net proceeds. Senator Bryant responded to a question from Senator Tarte. Senator Foushee motioned for an unfavorable report as to the original bill and a favorable report as to the PCS. The motion passed.

SB 255 Durham Voluntary Annexation Petitions. (Senators McKissick, Woodard)

Senator McKissick presented the bill. Senate Bill 255 would allow the City of Durham's Planning Commission to hold hearings on initial zoning of property that the owners are requesting be annexed into the city limits prior to the adoption of the annexation ordinance. Senate Bill 255 would require the final zoning by the city council to occur after the adoption of the annexation ordinance. Senator Don Davis motioned for a favorable report. The motion passed.

SB 256 Durham Voluntary Annexations/Adjacent Streets. (Senators McKissick, Woodard)

Senator McKissick presented the bill. Senate Bill 256 would amend the Charter of the City of Durham to allow the City Council to include in the description of the area to be annexed any adjacent streets or street rights-of-way. Senator McKissick responded to a question by Senator Jackson. Senator Don Davis motioned for a favorable report. The motion passed.

SB 566 Disposition of Minimal Property Tax Refunds. (Senator Tarte)

Senator Tarte presented the bill. Senate Bill 566 would authorize local governments not to mail refunds of overpayment of taxes for overpayments less than \$15. Senator Tarte responded to questions from Senator Jackson. Senator Don Davis motioned for a favorable report. The motion passed.

SB 218 Franklin/Archdale/Satellite Annexation. (Senator J. Davis)


Senator Jim Davis presented the bill. Senate Bill 218 would exempt the Town of Franklin from certain satellite annexation requirements. Senator Jim Davis responded to questions from Senator Don Davis. Senator Don Davis motioned for a favorable report. The motion passed.

SB 101 Omnibus Local Act. (Senator Cook)

Senator Bill Cook presented the bill. The proposed committee substitute for Senate Bill 101 would do all of the following: Clarify that the chairman of the Elizabeth City-Pasquotank Board of Education votes only in the case of a tie; adds Dare, Gates, and Hyde Counties to the list of counties where a unit of local government may condemn land outside its own county. Senator Jim Davis chaired the meeting while Senator Sanderson presented an amendment. Senator Don Davis moved to accept the amendment. The motion passed. Senator Sanderson resumed as chair. There being no questions, Senator Don Davis motioned for an unfavorable report as to the original bill and a favorable report as to the PCS. The motion passed.

Senator Sanderson gave notice to members that there may be a meeting called later in the afternoon to address a few additional bills.

There being no further business, the meeting adjourned at 12:16 PM.



Senator Norman W. Sanderson, Chair Presiding



Kathy Voss, Committee Clerk

Senate Committee on State and Local Government
Tuesday, April 28, 2015, 12:00 PM
423 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 50	4th Senatorial District Local Act-1.	Senator Bryant
SB 255	Durham Voluntary Annexation Petitions.	Senator McKissick
SB 256	Durham Voluntary Annexations/Adjacent Streets.	Senator Woodard
SB 566	Disposition of Minimal Property Tax Refunds.	Senator McKissick
SB 218	Town of Franklin/Satellite Annexations.	Senator Tarte
SB 101	1st Senatorial District Local Act-1.	Senator J. Davis
		Senator Cook

Presentations

Other Business

Adjournment



Principal Clerk _____
Reading Clerk _____

Corrected #2: Agenda Update

**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 28, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 50	Wilson County Occupancy Tax Modification.	Senator Bryant
SB 255	Durham Voluntary Annexation Petitions.	Senator McKissick
SB 256	Durham Voluntary Annexations/Adjacent Streets.	Senator Woodard
SB 566	Disposition of Minimal Property Tax Refunds.	Senator McKissick
SB 218	Franklin/Archdale/Satellite Annexation.	Senator Woodard
SB 101	1st Senatorial District Local Act.	Senator Tarte
		Senator J. Davis
		Senator Cook

Add: SB 101

Senator Norman Sanderson will serve as Chair

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, April 28, 2015

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

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

SB 101

1st Senatorial District Local Act-1.

Draft Number:	S101-PCS15236-RW-16
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Bill Cook will handle SB 101



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, April 28, 2015

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

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

SB 50

4th Senatorial District Local Act-1.

Draft Number: S50-PCS35274-THxr-12

Sequential Referral: None

Recommended Referral: Finance

Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

2 of Multiple.

Senator Angela Bryant will handle SB 50



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator J. Davis, Co-Chair

Senator Sanderson, Co-Chair

Tuesday, April 28, 2015

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

FAVORABLE

SB 218	Town of Franklin/Satellite Annexations. Draft Number: None Sequential Referral: Finance Recommended Referral: None Long Title Amended: No
SB 255	Durham Voluntary Annexation Petitions. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No
SB 256	Durham Voluntary Annexations/Adjacent Streets. Draft Number: None Sequential Referral: Finance Recommended Referral: None Long Title Amended: No
SB 566 (CS#1)	Disposition of Minimal Property Tax Refunds. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

Report 1 of multiple.



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STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Tuesday, April 28, 2015

PAGE 2

Senator James Davis will handle SB 218
Senator Floyd McKissick will handle SB 255
Senator Floyd McKissick will handle SB 256
Senator Jeffery Tarte will handle SB 566



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SENATE BILL 50: Wilson County Occupancy Tax Modification

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	April 28, 2015
Introduced by:	Sen. Bryant	Prepared by:	Kelly Tornow
Analysis of:	PCS to First Edition S50-CSTHxr-12		Committee Counsel

SUMMARY: *The PCS for Senate Bill 50 would authorize an additional 3% occupancy tax for Wilson County and would modify the remittance of the net proceeds.*

CURRENT LAW: In 1987, the General Assembly authorized Wilson County to levy a room occupancy tax of up to 3%. The proceeds must be remitted to the Wilson County Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourism-related expenditures. In 2009, the administrative and use provisions were amended to conform to the uniform guidelines followed by the House Finance Committee as set out in the table below.

BILL ANALYSIS: The PCS for Senate Bill 50 would authorize an additional tax of up to 3%. Wilson County would not be able to levy this additional tax unless it also levies a tax under its current authorization. On a monthly basis, the net proceeds of the original tax plus one-third of the net proceeds of the new tax (4 cents total) would be remitted to the Wilson County TDA. Two-thirds of the net proceeds of the new tax (2 cents total) would be remitted to the City of Wilson. The City of Wilson must use at least one-fourth of the funds remitted to promote travel and tourism in Wilson County (0.5 cents) and the remainder for tourism-related expenditures within Wilson County that have been specifically approved in advance by the Wilson County TDA (1.5 cents). The TDA must use at least seven-eighths of the funds remitted to promote travel and tourism in Wilson County (3.5 cents) and the remainder for tourism-related expenditures (0.5 cents).

The distribution of the proceeds of the tax conforms to the guidelines of the House Finance Committee in that two-thirds of the overall tax proceeds are required to be used for tourism promotion and the remainder is to be used for tourism-related expenditures. However, only some of the money goes to the TDA, and under the guidelines, all of the proceeds must go to the TDA. It is worth noting that of the two cents that goes directly to the City of Wilson, 1.5 cents of these funds must be approved by the TDA, leaving one-half cent that is neither expended by nor approved by the TDA.

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

BACKGROUND: In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax,¹ which provide uniformity among counties and cities with respect to the levy, administration, collection, repeal, and imposition of penalties. In 1993, the House

¹ G.S. 153A-155 and G.S. 160A-215.

O. Walker Reagan
Director



Research Division
(919) 733-2578

Senate Bill 50

Page 2

Finance Committee established the Occupancy Tax Guidelines, which address the rate of tax, the use of the tax proceeds, the administration of the tax, and the body with authority to determine how the proceeds will be spent. A summary of these provisions is detailed in the chart below.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 50
PROPOSED COMMITTEE SUBSTITUTE S50-CSTHxr-12 [v.1]

4/20/2015 12:37:20 PM

Short Title: Wilson County Occupancy Tax Modification.

(Local)

Sponsors:

Referred to:

February 10, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN
3 OCCUPANCY TAX.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 484 of the 1987 Session Laws, as amended by Chapter 901
6 of the 1987 Session Laws, Chapter 912 of the 1987 Session Laws, Section 21(t) of S.L.
7 2007-527, and S.L. 2009-297, reads as rewritten:

8 "Section 1. Occupancy Tax. (a) Authorization and scope. The Wilson County Board of
9 Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross
10 receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel,
11 motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed
12 by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax.
13 This tax does not apply to accommodations furnished by nonprofit charitable, educational, or
14 religious organizations when furnished in furtherance of their nonprofit purpose.

15 (a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection
16 (a) of this section, the Wilson County Board of Commissioners may levy an additional room
17 occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of
18 accommodations taxable under subsection (a) of this section. The levy, collection,
19 administration, and repeal of the tax authorized by this subsection shall be in accordance with
20 the provisions of this section. Wilson County may not levy a tax under this subsection unless it
21 also levies the tax authorized under subsection (a) of this section.

22 (c) Administration. A tax levied under this section shall be levied, administered,
23 collected, and repealed, as provided in G.S. 153A-155. The penalties provided in
24 G.S. 153A-155 apply to a tax levied under this section.

25 (c1) Definitions. – The following definitions apply in this act:

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



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

(e) Distribution and use of tax revenue. Wilson County shall, on a ~~quarterly~~ monthly basis, remit the net proceeds of the occupancy tax levied under subsection (a) of this section and one-third of the net proceeds of the occupancy tax levied under subsection (a1) of this section to the Wilson County Tourism Development Authority and two-thirds of the net proceeds of the occupancy tax levied under subsection (a1) of this section to the City of Wilson. The Authority shall use at least ~~two-thirds~~ seven-eighths of the funds remitted to it under this subsection to promote travel and tourism in Wilson County and shall use the remainder for tourism-related expenditures. The City of Wilson shall use at least one-fourth of the funds remitted to it under this subsection to promote travel and tourism in Wilson County and shall use the remainder for tourism-related expenditures within Wilson County that have been specifically approved in advance by the Wilson County Tourism Development Authority.

"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 the Wilson County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the county, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the county. The resolution shall provide that the Authority shall be composed of the following nine members:

- (1) A Wilson County Commissioner appointed by the board of commissioners.
- (2) A member of the Wilson City Council appointed by the city council.
- (3) Three owners or operators of motels, hotels, or other taxable accommodations in Wilson County, one of whom shall be appointed by the Wilson City Council, one by the Wilson County Board of Commissioners, and one by the Wilson County Chamber of Commerce.
- (4) Two individuals involved in the tourist business who have demonstrated an interest in tourist development and do not own or operate hotels, motels, or other taxable tourist accommodations, appointed as follows: one by the Wilson City Council and one by the Wilson County Board of Commissioners.
- (5) An individual who is interested in the tourism business, has demonstrated an interest in tourism development, and is appointed by the Wilson County Board of Commissioners.
- (6) An individual who is interested in the tourism business, has demonstrated an interest in tourism development, and is appointed by the Wilson City Council.

The Wilson County Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

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

(c) Duties. The Authority and City shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 1 of this act. ~~The Authority shall act to promote~~

1 travel, tourism, and conventions in the county, sponsor tourist-related events and activities in
2 the county, and finance tourist-related capital projects in the county.

3 (d) Reports. The City of Wilson shall report quarterly and at the close of the fiscal year
4 to the Authority on its receipts and expenditures for the preceding quarter and for the year in
5 such detail as the Authority may require. The Authority shall report quarterly and at the close
6 of the fiscal year to the board of county commissioners on ~~its~~ both the City's and the Authority's
7 receipts and expenditures for the preceding quarter and for the year in such detail as the board
8 may require.

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

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 50

Short Title: 4th Senatorial District Local Act-1. (Local)

Sponsors: Senator Bryant (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

February 10, 2015

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates only to the 4th Senatorial District.
5 **SECTION 2.** This act is effective when it becomes law.



* S 5 0 - V - 1 *





SENATE BILL 255: Durham Voluntary Annexation Petitions

2015-2016 General Assembly

Committee:	Senate Sequential Referral To Finance Stricken	Date:	April 27, 2015
Introduced by:	Sens. McKissick, Woodard	Prepared by:	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 255 would allow the City of Durham's Planning Commission to hold hearings on initial zoning of property that the owners are requesting be annexed into the city limits prior to the adoption of the annexation ordinance. Senate Bill 255 would require the final zoning by the city council to occur after the adoption of the annexation ordinance.*

BILL ANALYSIS: Senate Bill 255 would amend the charter of the City of Durham to provide that when a petition for voluntary annexation is received, the Planning Commission is authorized and empowered to give notice of and hold public hearings to review and take comments to the city council on applications for the initial city zoning of the property subject to the voluntary annexation petition prior to the passage of an annexation ordinance. Voluntary annexation would remain at the request of the property owners.

The bill would also provide that the city council is authorized to give notice of public hearings required for the initial zoning of property subject to a voluntary annexation petition prior to the passage of an annexation ordinance, but can only hold the zoning public hearings, and vote on the initial zoning of such property, after the passage of an annexation ordinance.

EFFECTIVE DATE: Effective when it becomes law.

O. Walker Reagan
Director



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Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 255

Short Title: Durham Voluntary Annexation Petitions. (Local)
Sponsors: Senators McKissick and Woodard (Primary Sponsors).
Referred to: Rules and Operations of the Senate.

March 12, 2015

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE
PLANNING COMMISSION AND THE CITY COUNCIL TO GIVE NOTICE OF AND
HOLD PUBLIC HEARINGS ON APPLICATIONS FOR INITIAL ZONING OF
PROPERTY SUBJECT TO A VOLUNTARY ANNEXATION PETITION PRIOR TO
THE PASSAGE OF AN ANNEXATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 89 of the Charter of the City of Durham, being Chapter 671
of the 1975 Session Laws, as amended by Chapter 694 of the 1981 Session Laws, reads as
rewritten:

"Sec. 89. Enactment of Ordinances Prior to Effective Date of Annexation. – The City
Council and the Planning ~~and Zoning~~ Commission of the City are hereby authorized and
empowered, after the passage of an annexation ordinance and prior to the date upon which the
territory described therein is actually annexed to the City, to initiate, hold hearings upon, adopt
resolutions providing for public hearings, conduct public hearings upon such resolutions,
petitions, proposals, and ordinances and the Council is further empowered to enact zoning
ordinances, for the determination of zone boundaries and allocation of the area into zoning,
classifications and districts, and the application of zoning regulations and restrictions, to be
applicable to the territory described in the annexation ordinances to be annexed. Further, upon
the receipt of a voluntary annexation petition under Part 1 or Part 4 of Article 4A of Chapter
160A of the General Statutes, the Planning Commission is hereby authorized and empowered
to give notice of and hold public hearings to review and provide comment to the City Council
on applications for the initial City zoning of property subject to the voluntary annexation
petition prior to the passage of an annexation ordinance. The City Council is authorized to give
notice of public hearings required for the initial zoning of property subject to a voluntary
annexation petition prior to the passage of an annexation ordinance. However, the City Council
shall only conduct the initial zoning public hearings and vote on the initial zoning of property
subject to a voluntary annexation petition after the passage of an annexation ordinance. But no
such establishment of zone boundaries or any zoning regulations or restrictions in such annexed
territory described in the annexation ordinances shall be effective until the effective date upon
which the area is actually annexed to the City as provided in the annexation ordinances, but at
that time such zoning regulations and restrictions and boundaries shall simultaneously become
effective with such annexation. This section does not limit the authority of the City to exercise
its extraterritorial jurisdiction pursuant to Article 19 of Chapter 160A of the North Carolina
General Statutes."

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







SENATE BILL 256: Durham Voluntary Annexations/Adjacent Streets

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	April 28, 2015
Introduced by:	Sens. McKissick, Woodard	Prepared by:	Kelly Tornow Committee Counsel
Analysis of:	First Edition		

SUMMARY: *Senate Bill 256 would amend the Charter of the City of Durham to allow the City Council to include in the description of the area to be annexed any adjacent streets or street rights-of-way.*

CURRENT LAW: Part 1 of Article 4A of Chapter 160A governs voluntary annexation of contiguous areas, and Part 4 of Article 4A of Chapter 160A governs voluntary annexations of noncontiguous areas (i.e., satellite annexations). There is a provision in each Part stating that a city has no authority to adopt a resolution or petition itself to annex property it does not own or have any legal interest in, including State-maintained streets, unless it owns the underlying fee and not just an easement.

BILL ANALYSIS: Senate Bill 256 would amend the Charter of the City of Durham to allow the City Council to include in the description of the area to be annexed any adjacent streets or street rights-of-way.

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

O. Walker Reagan
Director



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Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 256

Short Title:	Durham Voluntary Annexations/Adjacent Streets.	(Local)
Sponsors:	Senators McKissick and Woodard (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate.	

March 12, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE
3 CITY TO ANNEX ADJACENT STREETS OR STREET RIGHTS-OF-WAY IN
4 VOLUNTARY ANNEXATIONS TO PREVENT CONFUSION ON THE PART OF
5 EMERGENCY WORKERS WHEN ATTEMPTING TO PROVIDE EMERGENCY
6 SERVICES WITHIN CITY LIMITS.
7 The General Assembly of North Carolina enacts:
8 **SECTION 1.** The Charter of the City of Durham, being Chapter 671 of the 1975
9 Session Laws, as amended, is amended by adding a new section to read as follows:
10 "Sec. 2.8. Notwithstanding the provisions of G.S. 160A-31(i) and G.S. 160A-58.7(b), in an
11 annexation ordinance adopted under Part 1 or Part 4 of Article 4A of Chapter 160A of the
12 General Statutes, the city council may include in the description of the area to be annexed any
13 adjacent streets or street rights-of-way."
14 **SECTION 2.** This act is effective when it becomes law.







SENATE BILL 566: Disposition of Minimal Property Tax Refunds

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	April 28, 2015
Introduced by:	Sen. Tarte	Prepared by:	Brad Krehely
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *Senate Bill 566 would authorize local governments not to mail refunds of overpayment of taxes for overpayments less than \$15.*

CURRENT LAW: G.S. 105-357 authorizes local governments to treat small underpayments and overpayments in the following manner:

- Underpayments of \$1 or less are treated as fully paid.
- Refunds are not required for overpayments of \$1 or less. A taxpayer will receive a refund of less than \$1, if requested before the end of the fiscal year.

G.S. 105-321(f) authorizes local governments to forego the collection of taxes that exceed the cost of collection, provided the amount cost of collection cannot exceed \$5.

BILL ANALYSIS: Senate Bill 566 would authorize local governments, through the adoption of a resolution, not to mail refunds of overpayment of taxes for overpayments less than \$15. If a resolution is adopted, then the taxing unit must keep records of minimal refunds by receipt number and amount.

A refund will be issued for any taxpayer who requests a refund in person before the end of the fiscal year. Any amount not refunded will be applied as a credit against future taxes. Interest will accrue on amounts not refunded at the rate set by the Secretary of Revenue under G.S. 105-241.21. The Secretary sets the interest rate on June 1 and December 1 of each year, and publishes the rates on the Department's website. The interest accrues from later of the date the tax is paid or the date the tax would be delinquent if unpaid. Any resolution adopted under this subsection must be adopted on or before June 15 preceding the first taxable year to which it applies and remains in effect until amended or repealed.

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

Heather Fennell, Counsel to Senate Finance, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

2

SENATE BILL 566
Finance Committee Substitute Adopted 4/21/15

Short Title: Disposition of Minimal Property Tax Refunds.

(Public)

Sponsors:

Referred to:

March 30, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE OPTIONS FOR THE DISPOSITION OF MINIMAL PROPERTY
3 TAX REFUNDS.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** G.S. 105-321 is amended by adding a new subsection to read:
6 "(g) Minimal Refunds. – The governing body of a taxing unit that collects its own taxes
7 may, by resolution, direct the taxing unit not to mail a refund for an overpayment of tax if the
8 refund is less than fifteen dollars (\$15.00). Upon adoption of a resolution pursuant to this
9 subsection, the taxing unit shall keep a record of all minimal refunds by receipt number and
10 amount and shall make a report of the amount of these refunds to the governing body at the
11 time of the settlement and shall implement a system by which payment of the refund may be
12 made to a taxpayer who comes into the office of the taxing unit seeking the refund. Unless the
13 taxpayer requests the minimal refund in person at the office of the taxing unit before the end of
14 the fiscal year in which the refund is due, the taxing unit must implement a system to apply the
15 minimal refund as a credit against the tax liability of the taxpayer for taxes due to the taxing
16 unit for the next succeeding year. An overpayment of tax bears interest at the rate set under
17 G.S. 105-241.21 from the date the interest begins to accrue until a refund is paid or applied in
18 accordance with this section. Interest accrues from the later of the date the tax was paid and the
19 date the tax would have been considered delinquent under G.S. 105-360. A resolution adopted
20 pursuant to this subsection must be adopted on or before June 15 preceding the first taxable
21 year to which it applies and remains in effect until amended or repealed by resolution of the
22 taxing unit."
23 **SECTION 2.** This act is effective when it becomes law.



* S 5 6 6 - V - 2 *



SENATE BILL 218: Town of Franklin/Satellite Annexations

2015-2016 General Assembly

Committee:	Senate Sequential Referral To Finance Added	Date:	April 28, 2015
Introduced by:	Sen. J. Davis	Prepared by:	Kelly Tornow
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 218 would exempt the Town of Franklin from certain satellite annexation requirements.*

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (i.e., 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 the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 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 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 218 would exempt the Town of Franklin from the requirement that all of the subdivision must be included if the area proposed for annexation is partially or wholly contained within a subdivision.

The bill would also add the Town of Franklin to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

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

BACKGROUND: The General Assembly has exempted at least 17 other municipalities from the fourth standard and at least 100 other municipalities from the fifth standard.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 218

Short Title: Town of Franklin/Satellite Annexations. (Local)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 11, 2015

1

A BILL TO BE ENTITLED

2

AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR
THE TOWN OF FRANKLIN.

3

4

The General Assembly of North Carolina enacts:

5

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

6

"§ 160A-58.1. Petition for annexation; standards.

7

8

(b) A noncontiguous area proposed for annexation must meet all of the following
standards:

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(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.~~

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(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.

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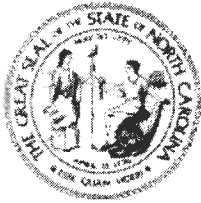
...."

SECTION 2. This act applies to the Town of Franklin only.

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







SENATE BILL 101: 1st Senatorial District Local Act-1

This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sen. Cook
Analysis of: PCS to First Edition
S101-CSRW-16

Date: April 27, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute for Senate Bill 101 would do all of the following:*

- *Clarify that the chairman of the Elizabeth City-Pasquotank Board of Education votes only in the case of a tie;*
- *Adds Dare, Gates, and Hyde Counties to the list of counties where a unit of local government may condemn land outside its own county.*

CURRENT LAW & BILL ANALYSIS:

Section 1. The chair and vice chair of Elizabeth City-Pasquotank Board of Education are selected by the Board. The chair is to preside over the meetings. The vice chair is entitled to vote in all matters, but neither the chair nor the vice chair may vote to create a tie, then vote to break the tie. The PCS would clarify that the chair votes only in the case of a tie, and that the vice chair, when sitting as the chair, shall vote only in the case of a tie. Otherwise, the vice chair may vote on matters before the board.

Section 2. Under current law, a municipality or other unit of local government must obtain the approval of the county board of commissioners before it can condemn land *located outside of the county* where the municipality or other local government is wholly or primarily located, and located outside of that municipality or other local government. This law currently applies in 85 counties. G.S. 153A-15. The PCS would add Dare, Gates, and Hyde Counties to the counties in which this law applies.

EFFECTIVE DATE: Effective when it becomes law.

O. Walker Reagan
Director



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 101
PROPOSED COMMITTEE SUBSTITUTE S101-PCS15236-RW-16

Short Title: 1st Senatorial District Local Act.

(Local)

Sponsors:

Referred to:

February 23, 2015

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE BOARD VOTING RULES FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION AND TO ADD BEAUFORT, DARE, GATES, AND HYDE COUNTIES TO THE LIST OF COUNTIES COVERED BY G.S. 153A-15.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Chapter 29 of the 1967 Session Laws, as amended by Chapter 8 of the 1977 Session Laws and by Section 9(b) of S.L. 2005-305, reads as rewritten:

"Sec. 3. Three members of the Board shall be residents within the Elizabeth City Township, hereinafter referred to as "inside members", and three members of the Board shall be residents of the other townships outside Elizabeth City Township, hereinafter referred to as "outside members". The remaining member shall hereinafter be referred to as the "at-large member" and shall be a county resident with no residence required within a particular township area.

Candidates for membership on the Board shall file for office at the same time and on the same terms and conditions as candidates for other county offices. Candidates shall file, based upon residency, for any available "inside member" seats, "outside member" seats, or the "at-large member" seat that they qualify for by virtue of the residency at the time of filing. However, there shall be no primary, and filed candidates for each type of available seat shall be placed on the general election ballot to be voted on by all qualified voters of the county. Each voter shall have the right to vote in each race for "inside member" seats, "outside members" seats, or the "at-large member" seat up to the number of open seats up for election as to each particular type of seat, but may not cast more than one vote for each candidate. The election shall be held on a nonpartisan plurality basis with the candidates receiving the highest number of votes for each type of seat filling the available open seat or seats in descending order of their vote totals. Candidates elected shall take office the first Monday in December, and shall serve a four-year term.

All vacancies shall be filled by appointment by the remainder of the Board within 60 days, and the person so appointed shall serve the remainder of the unexpired term.

Terms shall be staggered, with two "inside member" seats and two "outside member" seats being elected in 2006 and every four years thereafter, and one "inside member" seat, one "outside member" seat, and the "at-large member" seat being elected in 2008 and every four years thereafter.

~~The Elizabeth City Pasquotank Board of Education shall elect a chairman and vice chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all matters being considered by said Board but neither the chairman nor the vice chairman shall have the authority to cast a vote to create a tie vote and then vote again to break the tie.~~



* S 1 0 1 - P C S 1 5 2 3 6 - R W - 1 6 *

1 The Elizabeth City-Pasquotank Board of Education shall elect a chair to preside over its
2 meetings and a vice-chair to preside over its meetings in the chair's absence. The chair shall not
3 vote on any matters being considered by said Board, unless there is a tie vote, in which case the
4 chair shall cast the deciding vote. When the chair is present at a meeting, the vice-chair shall be
5 entitled to vote on all matters being considered by said Board. When the vice-chair is presiding
6 over a meeting in the chair's absence, the vice-chair shall not vote on any matters being
7 considered by said Board, unless there is a tie vote, in which case the vice-chair shall cast the
8 deciding vote. Neither the chair nor the vice-chair shall have the authority to cast a vote to
9 create a tie vote and then vote again to break the tie.

10 The Elizabeth City-Pasquotank Board of Education shall control, administer and operate all
11 of the public schools in Pasquotank County, including the public schools now located in the
12 Elizabeth City Administrative Unit, as well as the public schools now located in the Pasquotank
13 County Administrative Unit. The Elizabeth City-Pasquotank Board of Education shall exercise
14 all the powers, authority and duties as are now exercised and performed by city and county
15 boards of education and as provided by Chapter 115 of the General Statutes, as revised and
16 amended, and as the same may hereafter be revised and amended. All members of the said
17 Board shall hold their offices until their successors are elected and qualified."

18 **SECTION 2.** G.S. 153A-15 reads as rewritten:

19 **"§ 153A-15. Consent of board of commissioners necessary in certain counties before land**
20 **may be condemned or acquired by a unit of local government outside the**
21 **county.**

22 (a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other
23 general law or local act conferring the power of eminent domain, before final judgment may be
24 entered in any action of condemnation initiated by a county, city or town, special district, or
25 other unit of local government which is located wholly or primarily outside another county,
26 whereby the condemnor seeks to acquire property located in the other county, the condemnor
27 shall furnish proof that the county board of commissioners of the county where the land is
28 located has consented to the taking.

29 (b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any
30 other general law or local act conferring the power to acquire real property, before any county,
31 city or town, special district, or other unit of local government which is located wholly or
32 primarily outside another county acquires any real property located in the other county by
33 exchange, purchase or lease, it must have the approval of the county board of commissioners of
34 the county where the land is located.

35 (c) This section applies to Alamance, Alleghany, Anson, Ashe, Beaufort, Bertie,
36 Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell,
37 Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck,
38 Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates,
39 Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde,
40 Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell,
41 Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico,
42 Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham,
43 Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union,
44 Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only.

45 (d) This section does not apply as to any condemnation or acquisition of real property
46 or an interest in real property by a city where the property to be condemned or acquired is
47 within the corporate limits of that city."

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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 101

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

S101-AST-59 [v.1]

Page 1 of 1

Amends Title [YES]
First Edition

Date 4/28/ 2015

Senator Sanderson

- 1 moves to amend the bill on page 1, line 3, by inserting "BEAUFORT," between "ADD" and
2 "DARE," on that line;
3
4 and on page 2, line 36, by inserting "Beaufort," between "Ashe," and "Bertie," on that line.

SIGNED Norman Sanderson
Amendment Sponsor

SIGNED [Signature]
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* S 1 0 1 - A S T - 5 9 - V - 1 *

1004

1004-1005

1004-1005

Senate Sgt at Arms

Sen State & Local Gov 12:00 PM 4/28/2015

Steve Wilson

Ed Kesler

SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 423
DATE: 4-28 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!.....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Courtney Thomas	Clayton, NC	Van DUYN
2.	Ethan Barry	Wilson, NC	Buck Newton
3.	Lily Zukerman	Wilmington	Lee
4.	Reagan Dovel	Cary	Newton
5.	Saxena Sutton	Clayton	Van Duxon
6.	Aubria Battle	Raleigh	Van Duyn
7.			
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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 Committee on State and Local Government

4-28-2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Perry Guff	School J Div
Kara Weishaar	SA
Ely Portilla	CLT Observer
Karmisha Wallace	City of Durham
Don O'Toole	" " "
PATRICK YOUNG	Durham City-County Planning
ASHLEY SKINNER	NCAOC
John M. Kellian	Nelson Mullin
Chris McClane	BP
Mia Bailey	ElectriCities



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

4-28-2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Tonya Horton	TSS



**Senate Committee on State and Local Government
Tuesday, April 28, 2015 at 2:00 PM
Room 425 of the Legislative Office Building**

MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on April 28, 2015 in Room 425 of the Legislative Office Building. 7 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Charles Marsalis and Dale Huff, and Page Lily Zuckerman, Wilmington, sponsored by Senator Lee.

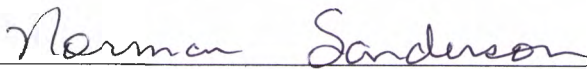
SB 598 Substance-Exposed Newborns Protection Plans. (Senators D. Davis, Pate, B. Jackson)

Senator Don Davis presented the bill. Senate Bill 598 requires the Department of Health and Human Services to adopt rules pertaining to development of protection plans for substance-exposed newborns and the conduct of child protective services assessments for those newborns. Senator Don Davis responded to questions from Senator Waddell. Senator Alexander motioned for a favorable report. The motion passed.

SB 477 Transfer of Bladen Correctional Facility. (Senator Brown)

Senator Bill Rabon presented the bill. The proposed committee substitute for Senate Bill 477 would require the State of North Carolina to transfer the former Bladen County Correctional Facility to the Bladen County Board of Commissioners. Staff explained the amendment, which replaces in its entirety, the contents of the original bill. Staff requested authority to change the short title of the bill. Without objection staff was granted that authority. Senator Rabon responded to questions from Senator Alexander. Senator Don Davis motioned for an unfavorable report as to the original bill but a favorable report to the PCS. The motion passed.

There being no further business, the meeting adjourned at 2:16 PM.



Senator Norman W. Sanderson, Chair
Presiding



Kathy Voss, Committee Clerk



Senate Committee on State and Local Government
Tuesday, April 28, 2015, 2:00 PM
425 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 598	Substance-Exposed Newborns Protection Plans.	Senator D. Davis Senator Pate Senator B. Jackson
SB 477	Transfer of Bladen Correctional Facility.	Senator Brown

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	April 28, 2015	2:00 PM	425 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 598	Substance-Exposed Newborns Protection Plans.	Senator D. Davis Senator Pate Senator B. Jackson
SB 477	Transfer of Bladen Correctional Facility.	Senator Brown

Sen. Sanderson will Chair

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, April 28, 2015

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

FAVORABLE

SB 598 (CS#1) Substance-Exposed Newborns Protection Plans.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

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

SB 477 Protection of State Monuments.
Draft Number: S477-PCS25254-TH-19
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

2:00PM Meeting--Report 1 of 1

Senator Donald Davis will handle SB 598
Senator William Rabon will handle SB 477



* C M R 2 9 2 - V - 2 *



SENATE BILL 598: Substance-Exposed Newborns Protection Plans

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Sens. D. Davis, Pate, B. Jackson
Analysis of: Second Edition

Date: April 28, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *Senate Bill 598 requires the Department of Health and Human Services to adopt rules pertaining to development of protection plans for substance-exposed newborns and the conduct of child protective services assessments for those newborns.*

BILL ANALYSIS:

Senate Bill 598 would require county departments of social services to follow rules adopted by the Department of Health and Human Services regarding the development of protection plans for, and child protective services assessments of, substance-exposed newborns. County departments would be required to use structured decision-making tools as well as family service agreements for substance-exposed newborn cases. These tools and agreements would be required to ensure the well-being of the newborn and a safe living environment for the newborn. The family service agreements would be required to address the following:

- The newborn's need for medical care appointments.
- Access to, and cooperation with, health care resources.
- The parent's participation in substance abuse treatment.
- The need for routine substance abuse screening.
- Visitation planning if the newborn is placed out of the home.

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

BACKGROUND: Federal law requires that reports of children born with positive toxicology for illegal substances must be accepted for child protective services assessment. This prenatal exposure to illegal substances is addressed in the North Carolina Division of Social Services Family Services Manual under Enhanced Practice for Working with Special Populations.¹

Amy Jo Johnson substantially contributed to this summary.

¹ <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdf%20docs/CS1440.pdf>

O. Walker Reagan
Director



Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

2

SENATE BILL 598
Health Care Committee Substitute Adopted 4/27/15

Short Title: Substance-Exposed Newborns Protection Plans.

(Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED
AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
ADOPT RULES ADDRESSING SUBSTANCE-EXPOSED NEWBORN CHILD
PROTECTIVE SERVICES CASES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 7B of the General Statutes is amended by adding
a new section to read:

"§ 7B-300A. Substance-exposed newborn cases.

(a) The General Assembly recognizes that there are instances when children are born
having been exposed to addictive substances and that such situations may require a child
protective services social worker to approach the situation with certain sensitivities and a level
of awareness of this population of children who are at greater risk because of various physical,
emotional, cultural, or environmental factors that make children more vulnerable to abuse or
less able to communicate their fears.

(b) County departments of social services shall follow rules adopted by the Department
of Health and Human Services regarding the development of protection plans for
substance-exposed newborns and the conduct of child protective services assessments of those
newborns when an assessment is warranted. Further, pursuant to rules adopted by the
Department of Health and Human Services, county departments of social services shall use
structured decision-making tools and family services agreements for substance-exposed
newborn cases to ensure the well-being of the newborn and a safe living environment for the
newborn. The family services agreements shall also address any applicable issues, including,
but not limited to, the following:

- (1) The newborn's need for medical care appointments.
- (2) Access to, and cooperation with, health care resources.
- (3) The parent's participation in substance abuse treatment.
- (4) The need for routine substance abuse screenings.
- (5) Visitation planning if the newborn is placed out of the home."

SECTION 2. The Department of Health and Human Services shall adopt rules to
implement this act.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 477
PROPOSED COMMITTEE SUBSTITUTE S477-PCS25254-TH-19

Short Title: Transfer of Bladen Correctional Facility.

(Public)

Sponsors:

Referred to:

March 26, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER THE FORMER BLADEN CORRECTIONAL CENTER
3 PROPERTY TO THE BLADEN COUNTY BOARD OF COMMISSIONERS.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** The State of North Carolina shall convey to the Bladen County
6 Board of Commissioners, for consideration of one dollar (\$1.00), all its right, title, and interest
7 in that portion of the former Bladen County Correctional Center property that resides within a
8 fenced off area of that property and shall also convey to the County a right of way that allows
9 ingress and egress to property in the general direction of the nearby firing range. The
10 conveyance is subject to a reversionary interest reserved by the State. The property shall be
11 conveyed to the Bladen County Board of Commissioners for so long as it is utilized for county
12 government purposes.
13 **SECTION 2.** The State of North Carolina shall convey the real property described
14 in Section 1 of this act "as is" and "where is" without warranty. The State makes no
15 representations or warranties concerning the title to the property, the boundaries of the
16 property, the uses to which the property may be put, zoning, local ordinances, or any physical,
17 environmental, health, and safety conditions relating to the property. All costs associated with
18 the conveyance of the property shall be borne by Bladen County.
19 **SECTION 3.** The conveyance of the State's right, title, and interest in the real
20 property described in Section 1 of this act shall be exempt from the provisions of Article 7 of
21 Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of
22 Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74
23 shall not apply.
24 **SECTION 4.** This act becomes effective July 1, 2015.







NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 477

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

S477-AMD-6 [v.3]

Page 1 of 2

Amends Title [YES]
First Edition

Date 4/28/2015, 2015

Senator Rabon

moves to amend the bill on page 1, line 1 through page 2, line 11, by deleting the lines and substituting the following:

"A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE FORMER BLADEN CORRECTIONAL CENTER
PROPERTY TO THE BLADEN COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. The State of North Carolina shall convey to the Bladen County Board of Commissioners, for consideration of one dollar (\$1.00), all its right, title, and interest in that portion of the former Bladen County Correctional Center property that resides within a fenced off area of that property and shall also convey to the County a right of way that allows ingress and egress to property in the general direction of the nearby firing range. The conveyance is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Bladen County Board of Commissioners for so long as it is utilized for county government purposes.

SECTION 2. The State of North Carolina shall convey the real property described in Section 1 of this act "as is" "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Bladen County.

SECTION 3. The conveyance of the State's right, title, and interest in the real property described in Section 1 of this act shall be exempt from the provisions of Article 7 of



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NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 477

AMENDMENT NO. _____

(to be filled in by

Principal Clerk)

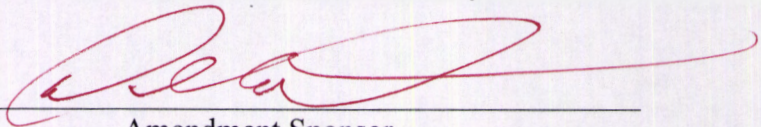
S477-AMD-6 [v.3]

Page 2 of 2

1 Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of
2 Article 16 of Chapter 146 of the General Statutes; provided that the provisions of G.S. 146-74
3 shall not apply.

4 **SECTION 4.** This act becomes effective July 1, 2015."

SIGNED _____


Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

5

4-28-15 Senate

State & Local Govt.

Sergeant-at-Arms

① Charles Marsalis

② Dale Huff

Senate Page

Lily Zuckerman

Wilmington

VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

4-28-2015

2:pm

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Michelle Brooks	E.C.U.
Martha Jenkins	DCR
Karen V. Howell	DCR
Jennifer Gasperoni	NAMS
Guar Vieh	Duke Energy



Senate Committee on State and Local Government
Tuesday, May 12, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on May 12, 2015 in Room 423 of the Legislative Office Building. Fifteen members were present.

Senator Jim Davis, Chair, presided. Senator Sanderson presided during Senator Davis' presentation of SB 141.

Senator Davis called the meeting to order at 12:00 PM. He welcomed members and guests and thanked Sergeants-at-Arms (Ed Kesler, Matt Urben, Dale Huff) and Pages (Brenna Daniel, Morganton, Senator Daniel; MaKayla Littlejohn, Durham, Senator McKissick).

With the committee's approval, agenda items were considered out of order.

HB 204 Caswell Beach/Quick Take Eminent Domain. (Representative Iler)

Representative Iler explained the bill. House Bill 204 would authorize the Town of Caswell Beach to use the "quick take" condemnation process for the taking of property for a fire and emergency services public facility. There being no questions or comments from the committee, Senator Don Davis' motion for a favorable report carried.

HB 71 Clarify County Comm Oath Filing. (Representatives Hurley, McNeill)

Representative Hurley explained the bill. House Bill 71 clarifies that the oath of office taken by a member of a board of county commissioners must be filed with the clerk to the board of commissioners. There being no questions or comments, Senator Rabin's motion for a favorable report carried.

HB 110 Cherokee/Rutherford/Clay Bds. of Ed. Elect. (Representative West)

Senator Wade's motion to consider the PCS carried. Representative West explained the substitute bill. House Bill 110 would make the elections for the Cherokee and Rutherford County Boards of Education partisan, effective with the 2016 elections. The PCS adds Clay County. Representative West responded to Senators Curtis', Don Davis', and Rabin's questions and comments. Senator Wade's motion for unfavorable as to original bill but favorable as to PCS carried.

HB 243 Local Mod: Economic Development Commissions. (Representative West)

Representative West explained the bill. House Bill 243 would allow the Macon County Economic Development Commission to increase its membership to a maximum of twelve members. Representative West responded to questions from Senators Don Davis, and Sanderson. Senator Curtis' motion for a favorable report carried.



SB 141 Waynesville Annexation/Referendum. (Senator J. Davis)

Senator Rabin's motion to consider a PCS carried. Senator Davis explained the bill. The proposed committee substitute for Senate Bill 141 would annex Lake Junaluska Assembly into the Town of Waynesville, upon vote of the affected areas. The proposed committee substitute makes a correction to the effective date. Senator Davis, Jack Ewing (Executive Director Lake Junaluska Assembly), Marcy Onieal (Waynesville Town Manager) and Jerry Cohen responded to questions and comments from Senators Tarte, Smith, Alexander, Pate, and Sanderson. Senator Jackson motioned for an unfavorable report as to original bill but favorable as to PCS. His motion carried with a referral to Finance.

HB 73 Cary Annexation. (Representative Dollar)


Senator Barringer explained the bill. House Bill 73 would annex the Holly Brook Subdivision, Phases 1, 2 and 3 (79.323 acres) into the corporate limits of the Town of Cary. Senator Barringer responded to questions from Senators Jackson, Don Davis, Wade, and Pate. Senator Wade's motion for a favorable report carried with a referral to Finance.

SB 93 Yanceyville Annexation. (Senator Woodard) NOTICED "FOR DISCUSSION ONLY"

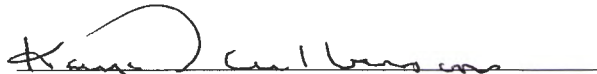
Senator Woodard explained the bill and stated he had been working on this project since before he was a senator. Senate Bill 93 adds specific property to the Town of Yanceyville.

Representative Bert Jones spoke against the bill. Senator Woodard and _____ (guest) responded to questions from Representative Jones, Wade, Don Davis and Pate. Senator Wade's motion to table the bill carried.

The meeting adjourned at 12:40 PM.



Senator Jim Davis, Chair
Presiding



Kaye Culberson, Committee Clerk

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**Senate Committee on State and Local Government
Tuesday, May 12, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks – Senator Jim Davis

Introduction of Pages – Senator Jim Davis

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 71	Clarify County Comm Oath Filing.	Representative Hurley Representative McNeill
HB 110	Cherokee/Rutherford Bds. of Ed. Elections.	Representative West
HB 204	Caswell Beach/Quick Take Eminent Domain.	Representative Iler
HB 243	Local Mod: Economic Development Commissions.	Representative West
SB 93	Yanceyville Annexation.	Senator Woodard
SB 141	Waynesville Annexation/Referendum.	Senator J. Davis
HB 73	Cary Annexation.	Representative Dollar

Presentations

Other Business

Senator Sanderson will preside for SB 141

Adjournment



Principal Clerk _____
Reading Clerk _____

Corrected #3: Change for SB 93

**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 12, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 71	Clarify County Comm Oath Filing.	Representative Hurley Representative McNeill
HB 110	Cherokee/Rutherford Bds. of Ed. Elections.	Representative West
HB 204	Caswell Beach/Quick Take Eminent Domain.	Representative Iler
HB 243	Local Mod: Economic Development Commissions.	Representative West
SB 93	Yanceyville Annexation. For Discussion Only	Senator Woodard
SB 141	Waynesville Annexation/Referendum.	Senator J. Davis
HB 73	Cary Annexation.	Representative Dollar

Senator Jim Davis will serve as Chair

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, May 12, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB 71	Clarify County Comm Oath Filing. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No
HB 73 (CS#1)	Cary Annexation. Draft Number: None Sequential Referral: Finance Recommended Referral: None Long Title Amended: No
HB 204	Caswell Beach/Quick Take Eminent Domain. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No
HB 243	Local Mod: Economic Development Commissions. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

1 of multiple reports



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STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Tuesday, May 12, 2015

PAGE 2

Senator Tamara Barringer will handle HB 71
Senator Tamara Barringer will handle HB 73
Senator William Rabon will handle HB 204
Senator James Davis will handle HB 243



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Wednesday, May 13, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

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

SB 141

Waynesville Annexation/Referendum.

Draft Number: S141-PCS15246-STx-46
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO
SENATE COMMITTEE SUBSTITUTE BILL**

HB 110 (CS#1)

Cherokee/Rutherford Bds. of Ed. Elections.

Draft Number: H110-PCS30380-TH-22
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

2 of 2 reports

Senator James Davis will handle SB 141
Senator James Davis will handle HB 110



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HOUSE BILL 71: Clarify County Comm Oath Filing

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Hurley, McNeill
Analysis of: First Edition

Date: May 12, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 71 clarifies that the oath of office taken by a member of a board of county commissioners must be filed with the clerk to the board of commissioners.*

CURRENT LAW: Current G.S. 153A-26 requires that the oath of office of a person appointed or elected to a board of county commissioners must be filed with the "clerk". "Clerk" is defined in G.S. 153A-1(2) as the clerk to the board of commissioners.

BILL ANALYSIS: House Bill 71 amends State law to further clarify that an oath of a person appointed or elected to a board of county commissioners must be filed with the clerk to the board of county commissioners.

EFFECTIVE DATE: This act becomes effective October 1, 2015.

BACKGROUND: G.S. 14-229 requires all oaths of office to be filed in the "proper office" for oaths. Prior to 1974, State law required a commissioner oath to be filed with the local clerk of superior court. (G.S. 153-7, *repealed*).

Giles Perry, Staff Attorney with the Research Division, contributed substantially to this summary.

O. Walker Reagan
Director



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Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

H

1

HOUSE BILL 71

Short Title: Clarify County Comm Oath Filing.

(Public)

Sponsors: Representatives Hurley and McNeill (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

February 12, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WITH WHOM THE OATH OF OFFICE TAKEN BY MEMBERS
OF EACH BOARD OF COUNTY COMMISSIONERS SHOULD BE FILED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-26 reads as rewritten:

"§ 153A-26. Oath of office.

Each person elected by the people or appointed to a county office shall, before entering upon the duties of the office, take and subscribe the oath of office prescribed in Article VI, Sec. 7 of the Constitution. The oath of office shall be administered by some person authorized by law to administer oaths and shall be filed with the ~~clerk~~ clerk to the board of commissioners.

On the first Monday in December following each general election at which county officers are elected, the persons who have been elected to county office in that election shall assemble at the regular meeting place of the board of commissioners. At that time each such officer shall take and subscribe the oath of office. An officer not present at this time may take and subscribe the oath at a later time."

SECTION 2. This act becomes effective October 1, 2015.



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HOUSE BILL 110: Cherokee/Rutherford/Clay Bds. of Ed. Elections

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. West
Analysis of: PCS to Second Edition
H110-CSTH

Date: May 12, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *House Bill 110 would make the elections for the Cherokee and Rutherford County Boards of Education partisan, effective with the 2016 elections. The PCS adds Clay County.*

CURRENT LAW: The Cherokee, Rutherford, and Clay County Boards of Education are elected in non-partisan elections, for four-year staggered terms. The Cherokee and Rutherford County Boards have seven members, and the Clay County Board has five members.

BILL ANALYSIS: The PCS would make the Cherokee, Rutherford, and Clay County Boards of Education subject to partisan elections. The members up for election in 2016 would be elected using the partisan primary and general election method. The remaining members' seats who were elected in 2014 by non-partisan elections would up for election in 2018 by the partisan primary and general election method.

For members elected through partisan election, vacancies in those positions would be filled in accordance with G.S. 115C-37.1, which requires the appointing authority to consult with the county party executive committee of the individual leaving office.

EFFECTIVE DATE: This act is effective when it becomes law, and applies to the 2016 and future elections.

O. Walker Reagan
Director



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Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

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HOUSE BILL 110
Committee Substitute Favorable 3/30/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H110-CSTH-22 [v.2]

5/11/2015 11:26:47 AM

Short Title: Cherokee/Rutherford/Clay Bds. of Ed. Elect.

(Local)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE
CHEROKEE, RUTHERFORD, AND CLAY COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 8 of Chapter 502 of the 1975 Session Laws is repealed.

SECTION 1.(b) Section 2 of Chapter 502 of the 1975 Session Laws reads as
rewritten:

"**Sec. 2.** The Board of Education of Cherokee County shall consist of seven members, all of
whom shall be elected by the voters of the entire county. ~~There shall be no primary election.~~"

SECTION 1.(c) Section 10 of Chapter 502 of the 1975 Session Laws reads as
rewritten:

"**Sec. 10.** All vacancies occurring ~~in the membership of the~~ on the Board of Education of
Cherokee County by death, resignation, removal from office, ~~or~~ change of residence, or
otherwise, for positions elected on a nonpartisan basis in 2012 or 2014 shall be filled within 20
days of such vacancy by the remaining members of said board of education and for the
unexpired term."

SECTION 1.(d) Beginning in 2016, members of the Cherokee County Board of
Education shall be elected on a partisan basis at the time of the general election in each
even-numbered year as terms expire. Candidates for election to the Cherokee County Board of
Education shall be nominated at the same time and manner as other county officers. Members
elected shall take office and qualify on the first Monday in December of the year of their
election and the terms of their predecessors shall expire at that same time. Vacancies on the
Cherokee County Board of Education for positions elected on a partisan basis shall be filled in
accordance with G.S. 115C-37.1.

SECTION 1.(e) This act does not affect the terms of office of any person elected in
2012 or 2014 to the Cherokee County Board of Education.

SECTION 2.(a) Section 4 of Chapter 359 of the 1973 Session Laws, as amended
by Chapter 1165 of the 1977 Session Laws, Chapter 95 of the 1983 Session Laws, and S.L.
2006-92, reads as rewritten:

"**Sec. 4.** Each person desiring to be a candidate for the Board of Education shall file a
notice of candidacy ~~stating his or her name, age, and the district seat for which he or she is~~
~~filing. The filing period is the same as for the district board of supervisors of a soil and water~~
~~conservation district under G.S. 139-6, and the filing fee is five dollars (\$5.00).~~ in accordance
with Chapter 163 of the General Statutes. The election shall be ~~nonpartisan, separate ballots~~
~~shall be used, no party affiliation shall be indicated on the ballot for any candidate, and the~~



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election shall be decided by plurality without runoff. In all other respects, the election shall be conducted as provided in Chapter 163 of the General Statutes and rules and regulations of the State Board of Elections concerning the conduct of nonpartisan elections simultaneously with a general election partisan."

SECTION 2.(b) Section 5 of Chapter 359 of the 1973 Session Laws reads as rewritten:

"Sec. 5. On or before ~~August 10~~ February 1 of each election year, the Rutherford County Board of Education shall deliver to the Chairman of the Rutherford County Board of Elections and cause to be posted on the courthouse door a map and description of the boundaries of the districts established in Section 3 of this act."

SECTION 2.(c) Section 6 of Chapter 359 of the 1973 Session Laws reads as rewritten:

"Sec. 6. ~~Vacancies~~ For positions elected on a nonpartisan basis in 2012 or 2014, vacancies in the Board of Education shall be filled by appointment by majority vote of the remaining members of the Board for the remainder of the unexpired term. If for any reason the remaining members of the Board are unable to agree upon an appointment to fill a vacancy within 60 days after the vacancy occurs, the Clerk of Superior Court of Rutherford County shall fill the vacancy. A person appointed to fill a vacancy must reside in the district he is appointed to represent. If any person elected or appointed to the Board ceases to reside in the district he was elected or appointed to represent, the remaining members of the Board may declare his office vacant and proceed to fill the vacancy."

SECTION 2.(d) Beginning in 2016, members of the Rutherford County Board of Education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Rutherford County Board of Education shall be nominated at the same time and manner as other county officers. Members elected shall take office and qualify on the first Monday in December of the year of their election and the terms of their predecessors shall expire at that same time. Vacancies on the Rutherford County Board of Education for positions elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1.

SECTION 2.(e) This act does not affect the terms of office of any person elected in 2012 or 2014 to the Rutherford County Board of Education.

SECTION 3.(a) Chapter 254 of the 1991 Session Laws is repealed.

SECTION 3.(b) The Clay County Board of Education shall consist of five members elected by the qualified voters of Clay County for four-year terms. As the terms of present members expire, their successors shall be elected.

SECTION 3.(c) Beginning in 2016, members of the Clay County Board of Education shall be elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Clay County Board of Education shall be nominated at the same time and manner as other county officers. Members elected shall take office and qualify on the first Monday in December of the year of their election and the terms of their predecessors shall expire at that same time.

SECTION 3.(d) For positions elected on a nonpartisan basis in 2012 or 2014, vacancies in the Clay County Board of Education shall be filled by appointment made by the remaining members. Beginning in 2016, vacancies on the Clay County Board of Education for positions elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1.

SECTION 3.(e) This act does not affect the terms of office of any person elected in 2012 or 2014 to the Clay County Board of Education.

SECTION 4.(a) G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Cherokee, Clay, Graham, Guilford, Harnett, Lee, New Hanover, Rutherford, Vance, and Washington."

1 **SECTION 4.(b)** This section becomes effective the first Monday in December of
2 2016.
3 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
4 law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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2

HOUSE BILL 110

Committee Substitute Favorable 3/30/15

Short Title: Cherokee/Rutherford Bds. of Ed. Elections.

(Local)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE
CHEROKEE AND RUTHERFORD COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 8 of Chapter 502 of the 1975 Session Laws is repealed.

SECTION 1.(b) Section 2 of Chapter 502 of the 1975 Session Laws reads as
rewritten:

"**Sec. 2.** The Board of Education of Cherokee County shall consist of seven members, all of
whom shall be elected by the voters of the entire county. ~~There shall be no primary election.~~"

SECTION 1.(c) Section 10 of Chapter 502 of the 1975 Session Laws reads as
rewritten:

"**Sec. 10.** All vacancies occurring ~~in the membership of the~~ on the Board of Education of
Cherokee County by death, resignation, removal from office, ~~or~~ change of residence, or
otherwise, for positions elected on a nonpartisan basis in 2012 or 2014 shall be filled within 20
days of such vacancy by the remaining members of said board of education and for the
unexpired term."

SECTION 1.(d) Beginning in 2016, the members of Cherokee County Board of
Education shall be elected on a partisan basis at the time of the general election in each
even-numbered year as terms expire. Candidates for election to the Cherokee County Board of
Education shall be nominated at the same time and manner as other county officers. Members
elected shall take office and qualify on the first Monday in December of the year of their
election and the terms of their predecessors shall expire at that same time. Vacancies on the
Cherokee County Board of Education for positions elected on a partisan basis shall be filled in
accordance with G.S. 115C-37.1.

SECTION 1.(e) This act does not affect the terms of office of any person elected in
2012 or 2014 to the Cherokee County Board of Education.

SECTION 2.(a) Section 4 of Chapter 359 of the 1973 Session Laws, as amended
by Chapter 1165 of the 1977 Session Laws, Chapter 95 of the 1983 Session Laws, S.L.
2006-92, and S.L. 2006-101, reads as rewritten:

"**Sec. 4.** Each person desiring to be a candidate for the Board of Education shall file a
notice of candidacy ~~stating his or her name, age, and the district seat for which he or she is~~
~~filing. The filing period is the same as for the district board of supervisors of a soil and water~~
~~conservation district under G.S. 139-6, and the filing fee is five dollars (\$5.00). in accordance~~
with Chapter 163 of the General Statutes. The election shall be ~~nonpartisan, separate ballots~~
~~shall be used, no party affiliation shall be indicated on the ballot for any candidate, and the~~
~~election shall be decided by plurality without runoff. In all other respects, the election shall be~~



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1 conducted as provided in Chapter 163 of the General Statutes and rules and regulations of the
2 State Board of Elections concerning the conduct of nonpartisan elections simultaneously with a
3 general election partisan."

4 **SECTION 2.(b)** Section 5 of Chapter 359 of the 1973 Session Laws, as amended
5 by Chapter 1165 of the 1977 Session Laws, Chapter 95 of the 1983 Session Laws, S.L.
6 2006-92, and S.L. 2006-101, reads as rewritten:

7 "Sec. 5. On or before ~~August 10~~ February 1 of each election year, the Rutherford County
8 Board of Education shall deliver to the Chairman of the Rutherford County Board of Elections
9 and cause to be posted on the courthouse door a map and description of the boundaries of the
10 districts established in Section 3 of this act."

11 **SECTION 2.(c)** Section 6 of Chapter 359 of the 1973 Session Laws, as amended
12 by Chapter 1165 of the 1977 Session Laws, Chapter 95 of the 1983 Session Laws, S.L.
13 2006-92, and S.L. 2006-101, reads as rewritten:

14 "Sec. 6. ~~Vacancies~~ For positions elected on a nonpartisan basis in 2012 or 2014, vacancies
15 in the Board of Education shall be filled by appointment by majority vote of the remaining
16 members of the Board for the remainder of the unexpired term. If for any reason the remaining
17 members of the Board are unable to agree upon an appointment to fill a vacancy within 60 days
18 after the vacancy occurs, the Clerk of Superior Court of Rutherford County shall fill the
19 vacancy. A person appointed to fill a vacancy must reside in the district he is appointed to
20 represent. If any person elected or appointed to the Board ceases to reside in the district he was
21 elected or appointed to represent, the remaining members of the Board may declare his office
22 vacant and proceed to fill the vacancy."

23 **SECTION 2.(d)** Beginning in 2016, the members of Rutherford County Board of
24 Education shall be elected on a partisan basis at the time of the general election in each
25 even-numbered year as terms expire. Candidates for election to the Rutherford County Board of
26 Education shall be nominated at the same time and manner as other county officers. Members
27 elected shall take office and qualify on the first Monday in December of the year of their
28 election and the terms of their predecessors shall expire at that same time. Vacancies on the
29 Rutherford County Board of Education for positions elected on a partisan basis shall be filled in
30 accordance with G.S. 115C-37.1.

31 **SECTION 2.(e)** This act does not affect the terms of office of any person elected in
32 2012 or 2014 to the Rutherford County Board of Education.

33 **SECTION 3.(a)** G.S. 115C-37.1(d) reads as rewritten:

34 "(d) This section shall apply only in the following counties: Alleghany, Brunswick,
35 Cherokee, Graham, Guilford, Harnett, Lee, New Hanover, Rutherford, Vance, and
36 Washington."

37 **SECTION 3.(b)** This section becomes effective the first Monday in December of
38 2016.

39 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
40 law.



HOUSE BILL 204: Caswell Beach/Quick Take Eminent Domain

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. Iler
Analysis of: First Edition

Date: May 11, 2015
Prepared by: Tawanda Foster
Committee Counsel

SUMMARY: *House Bill 204 would authorize the Town of Caswell Beach to use the "quick take" condemnation process for the taking of property for a fire and emergency services public facility.*

[As introduced, this bill was identical to S216, as introduced by Sen. Rabon, which is currently in Senate State and Local Government.]

CURRENT LAW: Under current law, cities and counties may use the power of eminent domain for the purposes listed in G.S. 40A-3(b), such as constructing city streets, building water and sewer lines, establishing parks, etc. G.S. 40A-3(b1) provides several coastal counties and towns the following two additional purposes for which they may use the power of eminent domain:

- Beach renourishment and hurricane protection works.
- Public access to beaches and appurtenant parking areas.

In exercising the power of eminent domain, a city or county may acquire the property by purchase, gift, or condemnation. Article 3 of Chapter 40A provides the procedures by which a county or city may condemn property. Generally, the public condemnor must file a civil action to condemn the property in the superior court in which the land is located and must provide a deposit in the amount estimated by the condemnor to be just compensation for the taking. Compensation is generally the fair market value (FMV) of the property. In the case of a taking of less than an entire tract, compensation is usually the greater of (i) the diminution on value, or (ii) the FMV of the property taken. The condemnor is allowed to take title to the property and has the right to possess the property upon the filing of an answer by the owner who does not challenge the authority of the condemnor, or upon the failure of an owner to file an answer within 120 days, or upon the disbursement of the deposit.

In limited circumstances under G.S. 40A-42(a), the condemnor has the right to immediate possession of the property when the complaint is filed. This action is sometimes referred to as "quick take condemnation." However, under this quick take authority, the compensation for the property is not questioned; the only difference is the date upon which possession of the property vests with the condemnor. The purposes for which the "quick take" process may be used are:

- Opening, widening, extending, or improving roads, streets, alleys, and sidewalks.
- Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities.
- Beach renourishment.
- Public access to beaches and appurtenant parking areas.
- A city is acquiring property for a public enterprise fund, for any of the following purposes:
 - Electric power generation, transmission, and distribution systems.
 - Water supply and distribution systems.



House Bill 204

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- Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
- Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas, whether within the State or without.
- Solid waste collection and disposal systems and facilities.
- Cable television systems.
- A county is acquiring property for a public enterprise fund, for any of the following purposes:
 - Water supply and distribution systems.
 - Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - Solid waste collection and disposal systems and facilities.

In 2003, the General Assembly granted the Town of Caswell Beach the authority to use the "quick take" process. That authority has also been granted to: Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island.

BILL ANALYSIS: The bill would authorize the Town of Caswell Beach to use the quick take process, in addition to the other reasons, for constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency for the taking of property for a public services facility housing a fire department and other emergency services providers.

EFFECTIVE DATE: Effective when it becomes law.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 204

Short Title: Caswell Beach/Quick Take Eminent Domain.

(Local)

Sponsors: Representative Iler (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

March 12, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO TAKE IMMEDIATE
POSSESSION OF PROPERTY CONDEMNED FOR A PUBLIC SERVICES FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-42(a)(2) reads as rewritten:

"(2) Modified Provision for Certain Localities. – When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b1)(1), (4), (6), (7), (10), or (11), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.

This subdivision applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island."

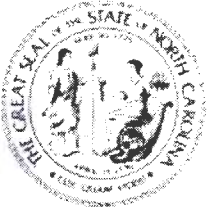
SECTION 2. This act applies only to the Town of Caswell Beach, for the taking of property for a public services facility where a fire department and other emergency services providers will be located.

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



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HOUSE BILL 243: Local Mod: Economic Development Commissions

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. West
Analysis of: First Edition

Date: May 12, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 243 would allow the Macon County Economic Development Commission to increase its membership to a maximum of twelve members.*

CURRENT LAW: Article 2 of Chapter 158 of the General Statutes authorizes the governing body of any municipality or the board of county commissioners of any county to create an economic development commission for that municipality or county. An economic development commission can consist of between three and nine members, and the terms and compensation of its members are fixed by the governing body.

An economic development commission is authorized to:

- Receive from any municipal, county, joint, or regional planning board or commission with jurisdiction within its area an economic development program for part or all of the area.
- Formulate projects for carrying out an economic development program through attraction of new industries, encouragement of existing industries, encouragement of agricultural development, encouragement of new business and industrial ventures by local as well as foreign capital, and other activities of a similar nature.
- Conduct industrial surveys as needed, advertise in periodicals or other communications media, furnish advice and assistance to business and industrial prospects which may locate in its area, furnish advice and assistance to existing businesses and industries, furnish advice and assistance to persons seeking to establish new businesses or industries, and engage in related activities.
- Encourage the formation of private business development corporations or associations which may carry out such projects as securing and preparing sites for industrial development, constructing industrial buildings, or rendering financial or managerial assistance to businesses and industries; and furnish advice and assistance to such corporations or associations.
- Use grant funds to make loans for purposes permitted by the federal government, by the grant agreement and in furtherance of economic development.

This bill would apply to the economic development commission for Macon County only.

BILL ANALYSIS: House Bill 243 would increase the maximum number of members allowed on the Macon County Economic Development Commission from nine to twelve.

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

Kelly Tornow, Counsel to House Local Government, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 243

Short Title: Local Mod: Economic Development Commissions.

(Local)

Sponsors: Representative West (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

March 17, 2015

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPOSITION OF THE ECONOMIC DEVELOPMENT
COMMISSION FOR MACON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-8 reads as rewritten:

**"§ 158-8. Creation of municipal, county or regional commissions authorized;
composition; joining or withdrawing from regional commissions.**

The governing body of any municipality or the board of county commissioners of any county may by resolution create an economic development commission for said municipality or county. The governing bodies of any two or more municipalities and/or counties may by joint resolution, adopted by separate vote of each governing body concerned, create a regional economic development commission. A municipal or county economic development commission shall consist of from three to ~~nine~~ 12 members, named for terms and compensation (if any) fixed by its respective governing body. The membership, compensation (if any), and terms of a regional economic development commission, and the formula for its financial support, shall be fixed by the joint resolution creating the commission. Additional governmental units may join a regional commission with the consent of all existing members. Any governmental unit may withdraw from a regional commission on two years' notice to the other members. The resolution creating a municipal, county, or regional economic development commission may be modified, amended, or repealed in the same manner as it was originally adopted."

SECTION 2. This act applies to the economic development commission for Macon County only.

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



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SENATE BILL 141: Waynesville Annexation/Referendum

2015-2016 General Assembly

Committee:	Senate Sequential Referral To Finance Added	Date:	May 8, 2015
Introduced by:	Sen. J. Davis	Prepared by:	R. Erika Churchill
Analysis of:	PCS to First Edition S141-CSSTx-46		Committee Counsel

SUMMARY: *The proposed committee substitute for Senate Bill 141 would annex Lake Junaluska Assembly into the Town of Waynesville, upon vote of the affected areas.*

The proposed committee substitute makes a correction to the effective date.

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. Annexation is the method by which municipalities expand the boundaries of the municipality, following certain 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 subject to a referendum. – The municipality initiates annexation proceeding, pursuant to statutory requirements. One of the statutory requirements is a referendum of the city and the proposed annexation area.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: The PCS would authorize a November 2, 2015, referendum on the issue of whether the Lake Junaluska Assembly should be annexed into the Town of Waynesville. If a majority of the voters approve of the annexation, the annexation becomes effective on June 30, 2016.

EFFECTIVE DATE: Effective when it becomes law. However, the annexation is effective June 30, 2016, if the voters approve the annexation in the November 2015 referendum.

O. Walker Reagan
Director



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Senate Bill 141

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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.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**SENATE BILL 141
PROPOSED COMMITTEE SUBSTITUTE S141-CSSTx-46 [v.1]**

5/8/2015 9:39:23 AM

Short Title: Waynesville Annexation/Referendum.

(Local)

Sponsors:

Referred to:

March 4, 2015

A BILL TO BE ENTITLED
AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS
OF THE TOWN OF WAYNESVILLE, SUBJECT TO A REFERENDUM.

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 800 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



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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. to the Southeast corner of property described in Deed Book 335, page 682; thence with Southerly line of said property in a Westerly direction to a stake at the Southeast corner of property recorded in Deed Book 787, page 1175; thence N. 19 deg. 00 min. 00 sec. E. 334.09 feet to a stake in the Westerly margin of a 30 foot street and the Southern right-of-way boundary of U.S. Highway 19 (Dellwood Road) 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 an iron stake at the Southwest corner of property described in Deed Book 428, page 1081; thence running with the Westerly line of said property N. 05 deg. W. 150.0 feet to an iron pipe at the Southwest corner of property described in Deed Book 417, page 1367; thence running with the Westerly line of said property N. 03 deg. 24 min. 30 sec. W 125 feet to an iron pipe, corner between Lots Nos. 2 and 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

1 with Westerly line of said Lot 2, S. 03 deg. 00 min. E. 49 feet to a point, Northeastmost corner
2 of Lot 1A; thence continuing with line of Lot 2, S. 03 deg. 00 min. E. 119 feet to a stake.
3 Southwest corner of said Lot 2; thence with Southerly line of said lot S. 78 deg. 30 min. E. 150
4 feet to a point in outside line of said Mouzon subdivision, common corner of Lots 1 and 2 of
5 Patten Subdivision recorded in Plat Book G, page 32 (Plat Cabinet B, Slot 129), said point also
6 being in the Westerly margin of Wilcox Drive; thence with Easterly line of said Lot 1, S. 32
7 deg. 31 min. W. 195 feet to the Easternmost corner of property described in Deed Book 311,
8 page 676; thence with Easterly boundary of said property and continuing with Westerly margin
9 of Wilcox Drive in a Southerly direction to the intersection of Wilcox Drive, Bust O Dawn Dr.,
10 Old County Road (SR 1376) and Norton Way; thence with Old County Road (SR 1376) in an
11 Easterly and Southerly direction approximately 2075 feet to the Northwest corner of property
12 described in Deed Book 236, page 187, and Northeast corner of property described in Deed
13 Book 349, page 938, (Tri-Vista Villas Common Area); thence leaving County Road and with
14 line between said property described in Deed Book 349, page 938, and property described in
15 Deed Book 236, page 187, S. 10 deg. 05 min. E. 129 feet to a stake in center of Rogers Cove
16 Branch and in Northern boundary line of property described in Deed Book 571, page 1645;
17 thence continuing with said branch and Northerly boundary of said property in an Easterly
18 direction approximately 236.1 feet to a point in Westerly boundary of property described in
19 Deed Book 352, page 733; thence leaving the branch and running in a Southeasterly direction
20 approximately 57.9 feet to a point in Northern right-of-way boundary of Whittle Drive
21 extension (also known as Avenue "C"); thence with the arc of a curve running in a clockwise
22 direction with the margin of said Avenue "C" in a Southeasterly direction to the Southwestmost
23 corner of property described in Deed Book 382, page 694; thence continuing with said margin
24 of said Avenue "C" in a Southeasterly direction to the Northwestmost corner of property
25 described in Deed Book 534, page 614, HCR; thence leaving said Avenue "C" and with
26 Northerly boundary of property described in Deed Book 534, page 614, in an Easterly direction
27 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
28 deg. 00 min. E. 34 feet to a stake in Westerly boundary of property described in Deed Book
29 662, page 63; thence continuing with Easterly boundary of property described in Deed Book
30 534, page 614 in a Southwesterly direction to a butternut (walnut) tree, Southeastmost corner of
31 property described in Deed Book 534, page 614, and Northeastmost corner of property
32 described in Deed Book 517, page 2362; thence S. 21 deg. 30 min. W. 23.70 feet to an iron
33 pipe, said iron pipe also being in the Westerly boundary of property described in Deed Book
34 662, page 63; thence continuing with Easterly boundary of property described in Deed Book
35 517, page 2362, S. 32 deg. 48 min. 54 sec. E. 169.39 feet to a point, Northeastmost corner of
36 property described in Deed Book 836, page 1441; thence with Northerly boundary of said
37 property S. 72 deg. 35 min. 23 sec. W. 75.67 feet to a point in Eastern margin of Avenue "C",
38 Northwest corner of property described in Deed Book 836, page 1441; thence continuing with
39 said margin of Avenue "C" and Western boundary of said property in a Southwesterly direction
40 to the Southwest corner of said property; thence with Southern boundary of said property in a
41 Southeasterly direction to the Southwestmost corner of property described in Deed Book 662,
42 page 63; thence with Southerly boundary of said property in a Southeasterly direction to a
43 point, said point being in the center of Tail Race; thence with center of said Tail Race six calls
44 as follows: N. 09 deg. 02 min. 10 sec. E. 25.62 feet; N. 62 deg. 36 min. 22 sec. E. 111.25 feet;
45 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.
46 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
47 bridge over said Tail Race and in center of Old County Road (SR 1376); thence with center of
48 said road in a Southeasterly direction to the Northeasterly corner of property described in Deed
49 Book 822, page 2178, and as shown on plat recorded in Plat Cabinet C, Slot 6119; thence with
50 center of said road and with Easterly boundary of said property recorded in Deed Book 822,
51 page 2178, S. 41 deg. 49 min. 49 sec. E. 252.03 feet of the Northeast corner of property

1 described in Deed Book 472, page 386, and as shown on plat recorded in Plat Cabinet C. Slot
2 2683; thence continuing with said road and Easterly boundary of said property in a
3 Southeasterly direction S. 40 deg. 06 min. 47 sec. E. 295.41 feet to the intersection of SR 1376
4 (Old County Road) and SR 1375 (Lake Junaluska Depot Road, aka South Lakeshore Drive);
5 thence with center of said SR 1375 and Southerly boundary of said property S. 59 deg. 26 min.
6 13 sec. W. 307.22 feet to the Southwest corner of said property; thence continuing with center
7 of SR 1375 in a Southwesterly direction approximately 960 feet to the point of intersection
8 with said road and centerline of said Norfolk-Southern Railroad track; thence leaving said road
9 and running with centerline of said railroad track in a Southwesterly direction approximately
10 1,500 feet to the Southern right-of-way boundary of U.S. Highway 23-74 (Great Smoky
11 Mountain Expressway), the point of BEGINNING, containing approximately 1,200 acres, more
12 or less.

13 **SECTION 2.** Section 1 of this act becomes effective only if approved by the
14 qualified voters of the Town of Waynesville and the qualified voters of the area proposed for
15 addition to the corporate limits by Section 1 of this act, being Lake Junaluska Assembly. For
16 Lake Junaluska Assembly, the list of registered voters eligible to vote in the referendum shall
17 be determined in accordance with METHOD A in G.S. 163-288.2. The referendum shall be
18 conducted by the Haywood County Board of Elections on November 3, 2015. The question on
19 the ballot shall be:

20 "[] FOR [] AGAINST

21 Extension of the corporate limits of the Town of Waynesville by the annexation of
22 the area known as Lake Junaluska Assembly."

23 **SECTION 3.** If both a majority of the votes cast in the Town of Waynesville and a
24 majority of the votes cast in the area known as Lake Junaluska Assembly are in favor of the
25 question, Section 1 of this act becomes effective June 30, 2016. Otherwise, Section 1 of this act
26 does not become effective. The remainder of this act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 141

Short Title: Waynesville Annexation/Referendum. (Local)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 4, 2015

A BILL TO BE ENTITLED

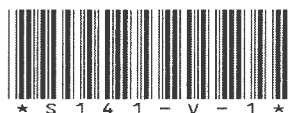
AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS
OF THE TOWN OF WAYNESVILLE, SUBJECT TO A REFERENDUM.

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 800 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



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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. to the Southeast corner of property described in Deed Book 335, page 682; thence with Southerly line of said property in a Westerly direction to a stake at the Southeast corner of property recorded in Deed Book 787, page 1175; thence N. 19 deg. 00 min. 00 sec. E. 334.09 feet to a stake in the Westerly margin of a 30 foot street and the Southern right-of-way boundary of U.S. Highway 19 (Dellwood Road) 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 an iron stake at the Southwest corner of property described in Deed Book 428, page 1081; thence running with the Westerly line of said property N. 05 deg. W. 150.0 feet to an iron pipe at the Southwest corner of property described in Deed Book 417, page 1367; thence running with the Westerly line of said property N. 03 deg. 24 min. 30 sec. W 125 feet to an iron pipe, corner between Lots Nos. 2 and 3 of the John C. Noland property recorded in Plat Cabinet C, Slot 3;

1 thence with Easterly lines of Lots 3, 4 and 6 of said property N. 07 deg. 26 min. 19 sec. W.
2 697.07 feet to the Southeast corner of Lot 7B of plat entitled Division of Remainder of Lot 7,
3 John C. Noland Estate recorded in Plat Cabinet C, Slot 1180; thence with line of that lot N. 06
4 deg. 21 min. 44 sec. W. 197.66 feet to an iron pin, Northeast corner of said Lot 7B; thence with
5 Northerly lines of Lots 7B and 7A, N. 84 deg. 50 min. 11 sec. W. 307.81 feet to an existing
6 iron pin, Southeast corner of Lot B of Blueberry Hill Subdivision recorded in Plat Cabinet C,
7 Slot 741; thence with line of that lot N. 05 deg. 58 min. 29 sec. W. 32.95 feet to a stake,
8 Southeast corner of Lot A of said subdivision; thence with line of that lot N. 23 deg. 30 min. 14
9 sec. E. 232.01 feet to the Southeast corner of Lot 5 of Muckle Cove Subdivision, Plat Cabinet
10 A, Slot 42A; thence with Easterly lines of Lots 5, 6, 7, 16, 17 and 18 to a planted stone found in
11 fence at top of ridge, Southeast corner of Lot 1-D of property of Paul Kenneth Rathbone et ux.
12 recorded in Plat Cabinet C, Slot 5515; thence with Easterly boundary of Lots 1-D and 1-B of
13 said Rathbone property in a Northerly direction to the Southeast corner of Tract V of Susan
14 Queen Carver property recorded in Plat Cabinet C, Slot 3613; thence with Easterly lines of said
15 Tract V and thence continuing with the Easterly boundary of Tract VIII of said property in a
16 North direction to the Northwestmost corner of Lake Junaluska Assembly property recorded in
17 Deed Book 34, page 476, and the Southwestmost corner of Fullbright property recorded in
18 Deed Book 554, page 1739; thence with Northeasterly boundary of said Lake Junaluska
19 Assembly property and Southwesterly boundary lines of property of Robert G. Fullbright and
20 Sylvia F. Echols recorded in Plat Cabinet C, Slot 3723, in a Southeasterly direction to a point in
21 the Southwesterly boundary of property recorded in Deed Book 708, page 1269, and in center
22 of Sleepy Hollow Drive; thence leaving said road and running with the Southerly boundary of
23 said property in an Easterly direction to the Southwest corner of property described in Deed
24 Book 689, page 479; thence S. 84 deg. 55 min. 48 sec. E. 650.78 feet to the Southwest corner
25 of the Charles G. and Emma Jean Millwood, Trustees, property (PIN 8617-64-5125) recorded
26 in Deed Book 600, page 2127; thence with Southerly line of said property to the Southwest
27 corner of the Robert G. and Patricia H. Fullbright, Trustees, property recorded in Deed Book
28 473, page 1894, common corner with Lake Junaluska Assembly property recorded in Deed
29 Book 34, page 476; thence with the Northerly and thence Southwesterly boundary of said
30 Fullbright property a Southeasterly direction to the Northeast corner of Lot 26, Addition to
31 Section 23, Lake Junaluska Assembly, recorded in Plat Book K, page 81 (Plat Cabinet B, Slot
32 217), said property being described in Deed Book 295, page 394; thence with East line of said
33 property to the Northwest corner of property described in Deed Book 390, page 777, Tract 2;
34 thence N. 58 deg. 26 min. 12 sec. E. 124.09 feet to an iron pipe; thence S. 21 deg. 14 min. 00
35 sec. E. 105 feet to a point in center of a 10-foot wide asphalt drive, Northwest corner of
36 property described in Deed Book 212, page 208; thence with Northerly line of that property an
37 Easterly direction to the Northwest corner of property described in Deed Book 481, page 1136;
38 thence with Northerly boundary of said property in a Northeasterly direction to the
39 Southwesterly corner of property described in Deed Book 481, page 1136 (PIN 8617-73-6199);
40 thence with Westerly boundary of said property in a Northeasterly direction to a point,
41 Northwest corner of property described in Deed Book 582, page 2001; thence with Westerly
42 boundary of said property in a Southeasterly direction S. 61 deg. 54 min. 48 sec. E. 112.73 feet;
43 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
44 min. 02 sec. E. 134.93 feet; and S. 29 deg. 47 min. 02 sec. E. 45.78 feet to the Northwest corner
45 of Lot 6 of the Olin T. and Katherine Mouzon Subdivision as shown on plat recorded in Plat
46 Book L, page 67 (Plat Cabinet B, Slot 235); thence S. 22 deg. 15 min. W. 53.0 feet to the
47 Northerly margin of Mouzon Drive as shown on said plat; thence with said margin of said
48 Drive in a Southeasterly direction S. 60 deg. E. 28.0 feet; S. 41 deg. E. 28.0 feet; S. 48 deg. 30
49 min. E. 54.0 feet; S. 80 deg. E. 48 feet; S. 70 deg. 30 min. E. 32 feet to the Southeast corner of
50 Lot 5 of said subdivision; thence continuing with margin of said drive and Southerly boundary
51 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.

1 13 min. E. 29.0 feet to a stake, common corner of Lots 5, 4 and 2 of said subdivision; thence
2 with Westerly line of said Lot 2, S. 03 deg. 00 min. E. 49 feet to a point, Northeastmost corner
3 of Lot 1A; thence continuing with line of Lot 2, S. 03 deg. 00 min. E. 119 feet to a stake,
4 Southwest corner of said Lot 2; thence with Southerly line of said lot S. 78 deg. 30 min. E. 150
5 feet to a point in outside line of said Mouzon subdivision, common corner of Lots 1 and 2 of
6 Patten Subdivision recorded in Plat Book G, page 32 (Plat Cabinet B, Slot 129), said point also
7 being in the Westerly margin of Wilcox Drive; thence with Easterly line of said Lot 1, S. 32
8 deg. 31 min. W. 195 feet to the Easternmost corner of property described in Deed Book 311,
9 page 676; thence with Easterly boundary of said property and continuing with Westerly margin
10 of Wilcox Drive in a Southerly direction to the intersection of Wilcox Drive, Bust O Dawn Dr.,
11 Old County Road (SR 1376) and Norton Way; thence with Old County Road (SR 1376) in an
12 Easterly and Southerly direction approximately 2075 feet to the Northwest corner of property
13 described in Deed Book 236, page 187, and Northeast corner of property described in Deed
14 Book 349, page 938, (Tri-Vista Villas Common Area); thence leaving County Road and with
15 line between said property described in Deed Book 349, page 938, and property described in
16 Deed Book 236, page 187, S. 10 deg. 05 min. E. 129 feet to a stake in center of Rogers Cove
17 Branch and in Northern boundary line of property described in Deed Book 571, page 1645;
18 thence continuing with said branch and Northerly boundary of said property in an Easterly
19 direction approximately 236.1 feet to a point in Westerly boundary of property described in
20 Deed Book 352, page 733; thence leaving the branch and running in a Southeasterly direction
21 approximately 57.9 feet to a point in Northern right-of-way boundary of Whittle Drive
22 extension (also known as Avenue "C"); thence with the arc of a curve running in a clockwise
23 direction with the margin of said Avenue "C" in a Southeasterly direction to the Southwestmost
24 corner of property described in Deed Book 382, page 694; thence continuing with said margin
25 of said Avenue "C" in a Southeasterly direction to the Northwestmost corner of property
26 described in Deed Book 534, page 614, HCR; thence leaving said Avenue "C" and with
27 Northerly boundary of property described in Deed Book 534, page 614, in an Easterly direction
28 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
29 deg. 00 min. E. 34 feet to a stake in Westerly boundary of property described in Deed Book
30 662, page 63; thence continuing with Easterly boundary of property described in Deed Book
31 534, page 614 in a Southwesterly direction to a butternut (walnut) tree, Southeastmost corner of
32 property described in Deed Book 534, page 614, and Northeastmost corner of property
33 described in Deed Book 517, page 2362; thence S. 21 deg. 30 min. W. 23.70 feet to an iron
34 pipe, said iron pipe also being in the Westerly boundary of property described in Deed Book
35 662, page 63; thence continuing with Easterly boundary of property described in Deed Book
36 517, page 2362, S. 32 deg. 48 min. 54 sec. E. 169.39 feet to a point, Northeastmost corner of
37 property described in Deed Book 836, page 1441; thence with Northerly boundary of said
38 property S. 72 deg. 35 min. 23 sec. W. 75.67 feet to a point in Eastern margin of Avenue "C",
39 Northwest corner of property described in Deed Book 836, page 1441; thence continuing with
40 said margin of Avenue "C" and Western boundary of said property in a Southwesterly direction
41 to the Southwest corner of said property; thence with Southern boundary of said property in a
42 Southeasterly direction to the Southwestmost corner of property described in Deed Book 662,
43 page 63; thence with Southerly boundary of said property in a Southeasterly direction to a
44 point, said point being in the center of Tail Race; thence with center of said Tail Race six calls
45 as follows: N. 09 deg. 02 min. 10 sec. E. 25.62 feet; N. 62 deg. 36 min. 22 sec. E. 111.25 feet;
46 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.
47 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
48 bridge over said Tail Race and in center of Old County Road (SR 1376); thence with center of
49 said road in a Southeasterly direction to the Northeasterly corner of property described in Deed
50 Book 822, page 2178, and as shown on plat recorded in Plat Cabinet C, Slot 6119; thence with
51 center of said road and with Easterly boundary of said property recorded in Deed Book 822,

1 page 2178, S. 41 deg. 49 min. 49 sec. E. 252.03 feet of the Northeast corner of property
2 described in Deed Book 472, page 386, and as shown on plat recorded in Plat Cabinet C, Slot
3 2683; thence continuing with said road and Easterly boundary of said property in a
4 Southeasterly direction S. 40 deg. 06 min. 47 sec. E. 295.41 feet to the intersection of SR 1376
5 (Old County Road) and SR 1375 (Lake Junaluska Depot Road, aka South Lakeshore Drive);
6 thence with center of said SR 1375 and Southerly boundary of said property S. 59 deg. 26 min.
7 13 sec. W. 307.22 feet to the Southwest corner of said property; thence continuing with center
8 of SR 1375 in a Southwesterly direction approximately 960 feet to the point of intersection
9 with said road and centerline of said Norfolk-Southern Railroad track; thence leaving said road
10 and running with centerline of said railroad track in a Southwesterly direction approximately
11 1,500 feet to the Southern right-of-way boundary of U.S. Highway 23-74 (Great Smoky
12 Mountain Expressway), the point of BEGINNING, containing approximately 1,200 acres, more
13 or less.

14 **SECTION 2.** Section 1 of this act becomes effective only if approved by the
15 qualified voters of the Town of Waynesville and the qualified voters of the area proposed for
16 addition to the corporate limits by Section 1 of this act, being Lake Junaluska Assembly. For
17 Lake Junaluska Assembly, the list of registered voters eligible to vote in the referendum shall
18 be determined in accordance with METHOD A in G.S. 163-288.2. The referendum shall be
19 conducted by the Haywood County Board of Elections on November 3, 2015. The question on
20 the ballot shall be:

21 ☐ FOR ☐ AGAINST

22 Extension of the corporate limits of the Town of Waynesville by the annexation of
23 the area known as Lake Junaluska Assembly."

24 **SECTION 3.** If both a majority of the votes cast in the Town of Waynesville and a
25 majority of the votes cast in the area known as Lake Junaluska Assembly are in favor of the
26 question, Section 1 of this act becomes effective June 30, 2016. Otherwise, Section 1 of this act
27 does not become effective. Sections 2 and 3 of this act are effective when they become law.

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HOUSE BILL 73: Cary Annexation

2015-2016 General Assembly

Committee:	Senate Sequential Referral To Finance Added	Date:	May 11, 2015
Introduced by:	Rep. Dollar	Prepared by:	Tawanda Foster
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 73 would annex the Holly Brook Subdivision, Phases 1, 2 and 3 (79.323 acres) into the corporate limits of the Town of Cary.*

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 subject to a referendum. – The municipality initiates annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: House Bill 73 would annex the Holly Brook Subdivision, Phases 1, 2 and 3 (79.323 acres) into the corporate limits of the Town of Cary, excluding 0.21 acres in the Town of Apex's Utility Service Area.

BACKGROUND: In 1993, the private sewer provider for the Holly Brook Subdivision in Cary failed. Cary began to provide sewer service to the Holly Brook Subdivision under contract.

EFFECTIVE DATE: House Bill 73 would become effective June 30, 2015.

Erika Churchill and Greg Roney with the Research Division substantially contributed to this summary.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 73

Short Title: Cary Annexation. (Local)

Sponsors: Representative Dollar (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Finance.

February 12, 2015

A BILL TO BE ENTITLED

AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS
OF THE TOWN OF CARY.

The General Assembly of North Carolina enacts:

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

All of the Holly Brook Subdivision, Phases 1, 2 and 3, except the 0.21 acre strip of
land in the Town of Apex's Utility Service Area, which is more particularly described as
follows:

Beginning at an existing iron pipe on the western right of way line of Kildaire Farm
Road (60' Public R/W), said iron pipe being the easternmost common corner of lands now or
formerly owned by Woodhaven Baptist Church, Inc. as recorded in Deed Book 8812, Page 791
of the Wake County registry and lands now or formerly known as Holly Brook Subdivision as
recorded in Book of Maps 1987, Page 451; Book of Maps 1990, Page 688; Book of Maps 1992,
Page 1099; and Book of Maps 1992, Page 1166 of the Wake County registry, thence with the
western right of way line of Kildaire Farm Road the following four (4) calls South 03°15'54"
West 84.79 feet to an existing iron pipe in the northern right of way intersection of Kildaire
Farm Road and Holly Brook Drive (60' Public R/W), thence continuing with the right of way of
Kildaire Farm Road South 03°15'54" West 97.33 feet to a point, thence South 03°15'58" West
22.68 feet to an existing iron pipe in the southern right of way intersection of Kildaire Farm
Road and Holly Brook Drive, thence continuing with the right of way of Kildaire Farm Road
South 03°15'58" West 700.73 feet to an existing iron pipe, said iron pipe being the northeastern
most common corner of Hallmark West Subdivision as recorded in Book of Maps 1994, Page
452 of the Wake County registry and Holly Brook Subdivision, thence with the common line of
Hallmark West Subdivision North 87°35'34" West 955.19 feet to an existing iron pipe, thence
continuing with the common line of Hallmark West Subdivision crossing the right of way of
Perney Court (50' Public R/W) and past the southernmost common corner of Hallmark West
Subdivision with the common line of lands now or formerly owned by Triangle Community
Church as recorded in Deed Book 8892, Page 764 and Book of Maps 2001, Page 1178 of the
Wake County Registry South 02°24'46" West 1241.46 feet to an existing iron pipe, said pipe
being the common corner of Holly Brook Subdivision, Triangle Community Church, and lands
now or formerly owned by BRIARTAC Family, LLC as recorded in Deed Book 13812, Page
334 and Book of Maps 1982, Page 168 of the Wake County Registry, thence leaving the
common line of Triangle Community Church with the common line of BRIARTAC Family,
LLC North 83°46'41" West 399.31 feet to an existing iron pipe, thence North 83°46'41" West



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1 8.00 feet to a point in the creek, said point being the common corner of Holly Brook
2 Subdivision, BRIARTAC Family, LLC and lands now or formerly known as Allendale Acres
3 Subdivision as recorded in Book of Maps 1984, Page 734 of the Wake County registry, thence
4 leaving the common line of BRIARTAC Family, LLC with the common line of Allendale
5 Acres Subdivision North 83°46'28" West 1588.86 feet to an existing iron pipe, thence North
6 03°50'41" West 18.67 feet to an existing concrete monument in the southern right of way of
7 Stephenson Road (60' Public R/W), thence leaving the common line of Allendale Acres
8 Subdivision with the right of way of Stephenson Road the following eight (8) calls North
9 18°35'46" East 47.91 feet to an existing iron pipe, thence North 19°30'55" East 105.23 feet to
10 an existing iron pipe, thence North 16°28'52" East 67.29 feet to an existing iron pipe, thence
11 North 16°28'52" East 20.00 feet to an existing iron pipe, thence North 16°28'52" East 13.62
12 feet to an existing iron pipe, thence North 15°03'43" East 101.40 feet to an existing iron pipe,
13 thence North 15°06'53" East 52.75 feet to an existing iron pipe, said pipe being the
14 westernmost common corner of Holly Brook Subdivision and lands now or formerly known as
15 Briarwood Farms Subdivision as recorded in Book of Maps 1983, Page 1357; Book of Maps
16 1984, Page 277; and Book of Maps 1984, Page 278 of the Wake County registry, thence
17 leaving the right of way of Stephenson Road with the common line of Briarwood Farms
18 Subdivision the following two (2) calls North 89°24'26" East 505.53 feet to an existing iron
19 pipe, thence North 15°35'08" East 1349.63 feet to an existing iron pipe, said iron pipe being the
20 common corner of Holly Brook Subdivision; Briarwood Farms Subdivision; and lands now or
21 formerly known as Kildaire Estates Subdivision as recorded in Book of Maps 1988, Page 1452
22 and Book of Maps 1994, Page 208 of the Wake County registry, thence leaving the common
23 line of Briarwood Farms Subdivision with the common line of Kildaire Estates Subdivision the
24 following three (3) calls South 86°12'30" East 1076.82 feet to an existing iron pipe, thence
25 North 02°51'19" East 286.17 feet to an existing iron pipe, thence continuing with the common
26 line of Kildaire Estates Subdivision and past the southern common corner of Kildaire Estates
27 Subdivision with the common line of Woodhaven Baptist Church, Inc. South 87°35'08" East
28 968.71 feet to the point and place of beginning containing 3455302 sq. ft. or 79.323 acres more
29 or less and being area depicted as Holly Brook Subdivision Phases 1, 2, and 3 as recorded in
30 Book of Maps 1987, Page 451; Book of Maps 1990, Page 688; Book of Maps 1992, Page 1099;
31 and Book of Maps 1992, Page 1166 of the Wake County registry.

32 **SECTION 2.** This act becomes effective July 1, 2015.

**JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM
AND
FOR THE EXTENSION OF CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE
EFFECTIVE JUNE 30, 2016**

WHEREAS, on March 3rd, 2015, a local bill, Senate Bill 141, entitled Waynesville Annexation/Referendum was introduced by Senator Jim Davis (NC Senate District 50) with the full support of Representative Joe Sam Queen (NC House District 119); and

WHEREAS, in its 100 years of existence, the Lake Junaluska community has grown from a small seasonal summer camp to a 1200± acre year-round community of over 850 residential and commercial properties in need of a full range of municipal services; and

WHEREAS, the primary mission of Lake Junaluska Assembly, Inc. is to be a place of Christian hospitality, where lives are transformed through renewal of soul, mind and body, and not to be a direct provider of municipal services; and

WHEREAS, having spent over three years thoughtfully, transparently, and inclusively studying multiple options for the future governance and provision of municipal services for their community, the residents of Lake Junaluska Assembly presented petitions as of April 30, 2014, signed by 67% of the registered voters of Lake Junaluska Assembly, and 64% of all property owners (both resident and non-resident) within the Lake Junaluska service area, requesting annexation by the Town of Waynesville; and

WHEREAS, the representative, advisory and governing bodies of Lake Junaluska Assembly formally voted in 2013 to pursue annexation with the Town of Waynesville, a decision which has been reaffirmed in 2014, and now again in 2015; and

WHEREAS, the Town of Waynesville independently undertook a series of engineering, feasibility and service studies, and upon finding annexation of Lake Junaluska to be of potential benefit to the citizens of both Junaluska and the Town of Waynesville, the Town Board of Aldermen voted to affirm a partnership with Junaluska in seeking extension of corporate limits by legislative act, a decision which was reaffirmed in 2014, and now again in 2015; and

WHEREAS, the undersigned agencies can attest to the strong partnership that already exists between the Junaluska community and the Town of Waynesville, we encourage passage of the aforementioned bill so that the residents of Junaluska may have a voice in determining the long-term stability and provision of high quality municipal services for that community, so that it may thrive well into the future; and



JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

WHEREAS, the long term stability of Junaluska will strengthen the entirety of Haywood County, and thus the neighboring municipalities, whose collective efforts make for a prosperous region.

WHEREAS, extension of corporate limits by legislative act is the only method of annexation available in this particular circumstance, due to the unique development history of the Assembly and lack of sufficient contiguous border between the Town's corporate boundary and area to be annexed; and

WHEREAS, Senate Bill 141 sets the standard for self-determination even higher than that required for municipal-initiated annexations allowed by statute, by requiring a referendum of qualified voters in both the area to be annexed and within the corporate limits of the Town of Waynesville; and

WHEREAS, all studies, documents and information related to the proposed annexation are public record and officials of Lake Junaluska Assembly and the Town of Waynesville have committed to conducting public informational sessions as is customary in annexation proceedings; and

WHEREAS, the referendum will be conducted and certified by the Haywood County Board of Elections in accordance with G.S. 163-288.2 during the upcoming municipal election on November 3, 2015; and

WHEREAS, if a majority of the votes cast in both the Town of Waynesville and in the area known as Lake Junaluska Assembly are in favor of extending the corporate limits of the Town of Waynesville, the annexation would become effective June 30, 2016.

NOW THEREFORE, BE IT RESOLVED that the undersigned governing boards, councils and agencies of Haywood County affirm our support for Senate Bill 141 giving residents in the Junaluska and Waynesville communities the power of self-determination over the annexation of Lake Junaluska Assembly by the Town of Waynesville, and request that all members of the North Carolina General Assembly give favorable consideration and expeditious passage of Senate Bill 141, without further amendment.

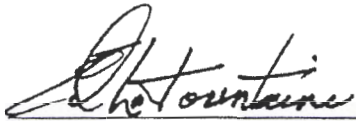
**** Agency Signature Pages Follow ****



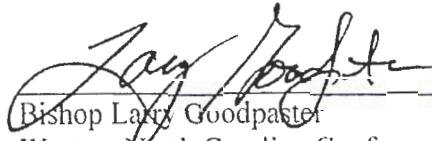
JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION REFERENDUM

Affirmed this the 5th day of March, 2015.

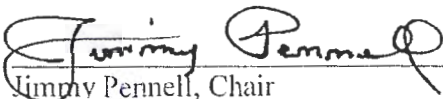
LAKE JUNALUSKA ASSEMBLY



Ed LaFountaine, President
Lake Junaluska
Property Owners Organization



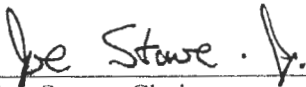
Bishop Larry Goodpaster
Western North Carolina Conference



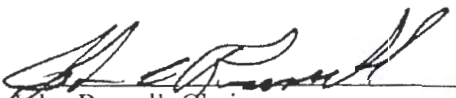
Jimmy Pennell, Chair
Junaluska Assembly
Community Council



Ron Clauser, Chair
Municipal Study Task Force



Joe Stowe, Chair
Assembly Public Works
Advisory Committee



John Russell, Chair
Lake Junaluska Assembly, Inc.
Board of Trustees



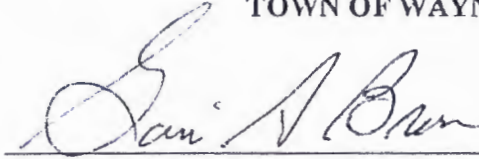
Jack Ewing, Executive Director
Lake Junaluska Assembly, Inc



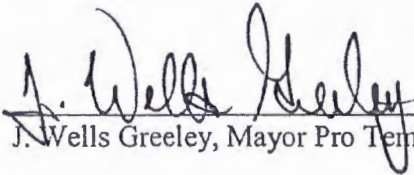
JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

Adopted this the 10th day of March, 2015.

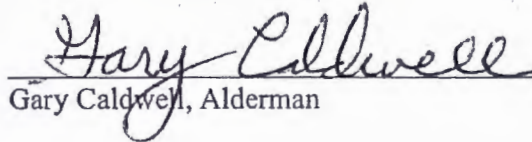
TOWN OF WAYNESVILLE BOARD OF ALDERMEN



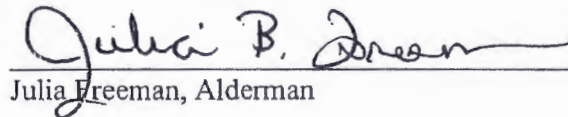
Gavin A. Brown, Mayor



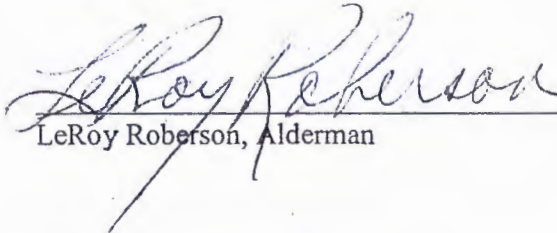
J. Wells Greeley, Mayor Pro Tem



Gary Caldwell, Alderman



Julia Freeman, Alderman




LeRoy Roberson, Alderman



Marcia D. Onieal, Town Manager

ATTEST:



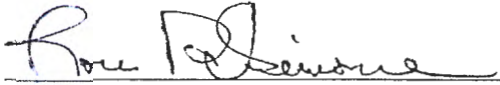
Amanda W. Owens, Town Clerk



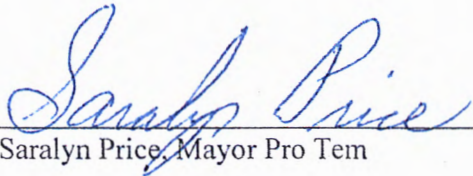


Adopted this the 9 day of March, 2015.

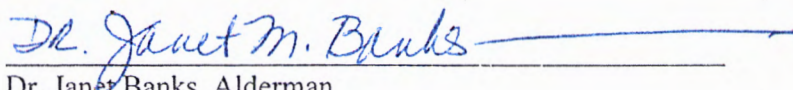
TOWN OF MAGGIE VALLEY BOARD OF ALDERMEN



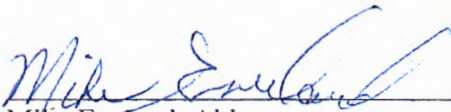
Ron DeSimone, Mayor



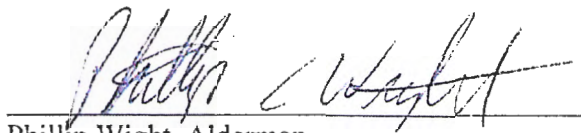
Saralyn Price, Mayor Pro Tem



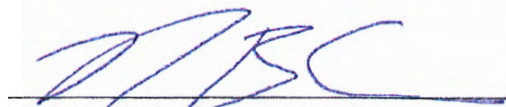
Dr. Janet Banks, Alderman



Mike Eveland, Alderman

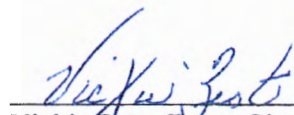


Phillip Wight, Alderman



Nathan Clark, Town Manager

ATTEST:



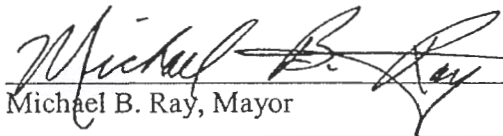
Vickie Best, Town Clerk




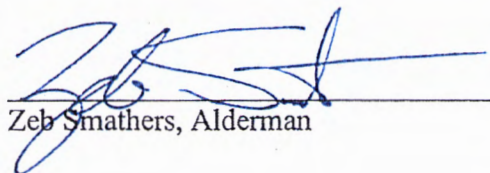
JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

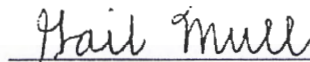
Adopted this the 12th day of March 2015.

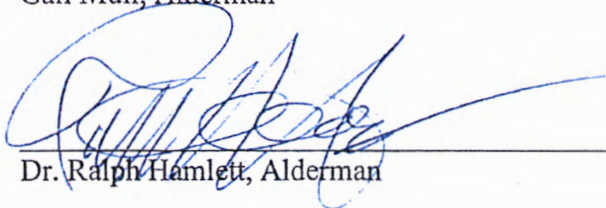
TOWN OF CANTON BOARD OF ALDERMAN

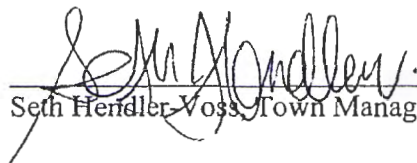

Michael B. Ray, Mayor


Carole Edwards, Mayor Pro-Tem


Zeb Smathers, Alderman


Gail Mull, Alderman


Dr. Ralph Hamlett, Alderman


Seth Hendler Voss, Town Manager

ATTEST:

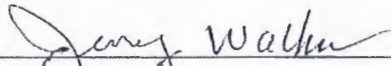

Lisa Stinnett, Deputy Town Clerk



JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION REFERENDUM

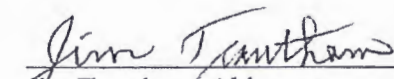
Adopted this the 11th day of March, 2015, by a vote of 4-0.

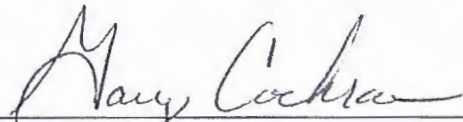
TOWN OF CLYDE BOARD OF ALDERMEN

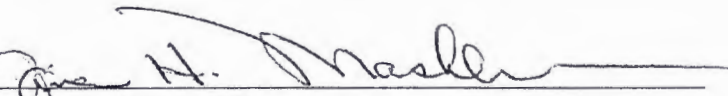

Jerry Walker, Mayor

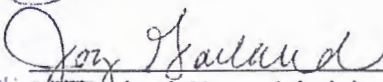
Member absent from meeting due to illness

Carroll Mease, Mayor Pro Tem

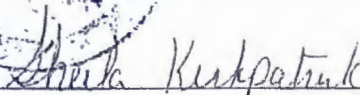

Jim Trantham, Alderman


Gary Cochran, Alderman


James Mashburn, Alderman


Joy Garland, Town Administrator

ATTEST

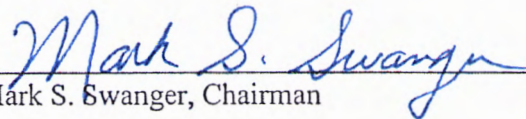

Sheila Kirkpatrick, Town Clerk

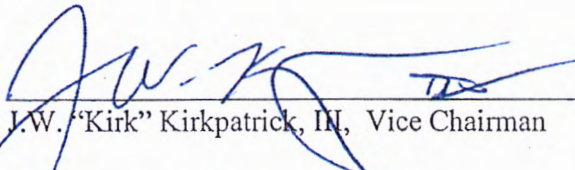


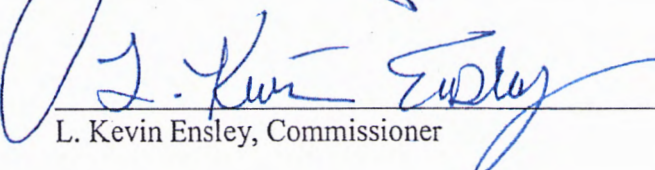
JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

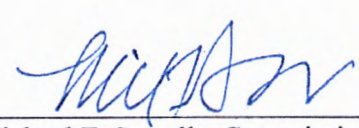
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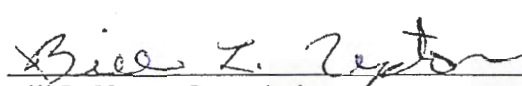
HAYWOOD COUNTY BOARD OF COMMISSIONERS


Mark S. Swanger, Chairman

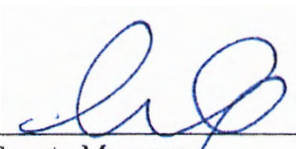

J.W. "Kirk" Kirkpatrick, III, Vice Chairman


L. Kevin Ensley, Commissioner


Michael T. Sorrells, Commissioner


Bill L. Upton, Commissioner

ATTEST:


Ira L. Dove, County Manager
Clerk to the Board of County Commissioners




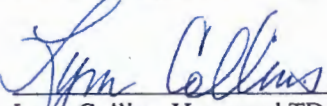


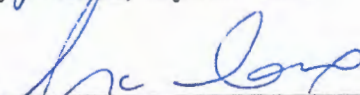
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FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

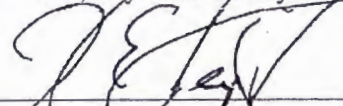
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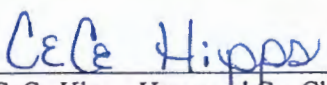
HAYWOOD COUNTY ECONOMIC DEVELOPMENT COUNCIL


David Blevins, Peak Energy

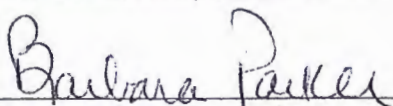

Lynn Collins, Haywood TDA

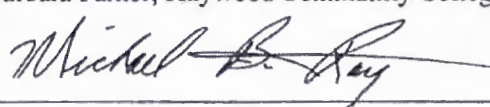

Ira Dove, Haywood County Manager


Ken Hlynt, Western Carolina University

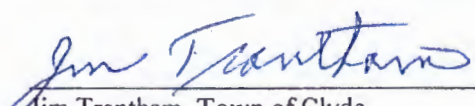

CeCe Higgs, Haywood Co. Chamber of Commerce

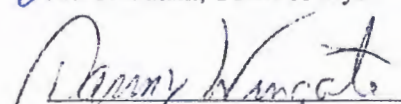

Ron Leatherwood, Clark & Leatherwood Construction



Barbara Parker, Haywood Community College

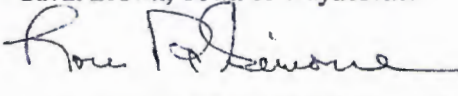

Michael Ray, Town of Canton

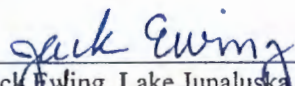

Michael Sorrells, Haywood Co. Commissioners

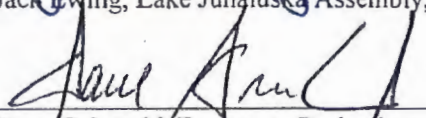

Jim Trantham, Town of Clyde



Danny Wingate, Haywood Builders Supply

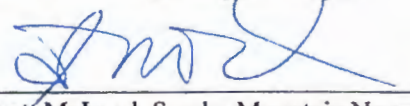

Gavin Brown, Town of Waynesville

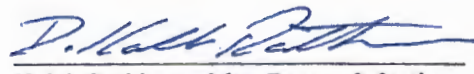

Ron DeSimone, Town of Maggie Valley

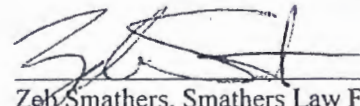

Jack Ewing, Lake Junaluska Assembly, Inc.

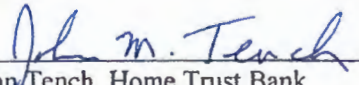

Danel Griswold, Evergreen Packaging


Bruce Johnson, Champion Supply

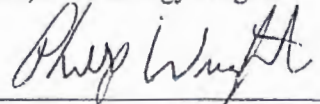

Scott McLeod, Smoky Mountain News


Kaleb Rathbone, Mtn. Research Station


Zeb Smathers, Smathers Law Firm


John Tench, Home Trust Bank


Jason Walls, Duke Energy Progress

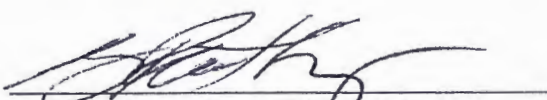

Phillip Wright, Haywood Regional Medical





JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

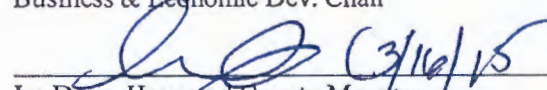
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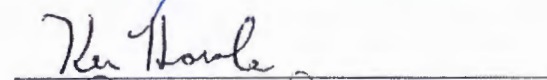
HAYWOOD COUNTY CHAMBER OF COMMERCE
BOARD OF DIRECTORS



Greg Boothroyd, Smoky Mountain News
Chairperson

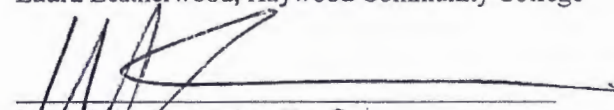

Bruce Johnson, Champion Janitorial Supply
Treasurer

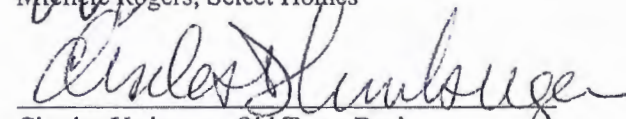

Ken Flynt, Western Carolina University
Business & Economic Dev. Chair


Ira Dove, Haywood County Manager

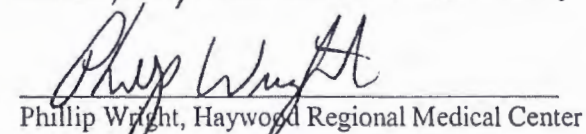

Ken Howle, Lake Junaluska Assembly, Inc.

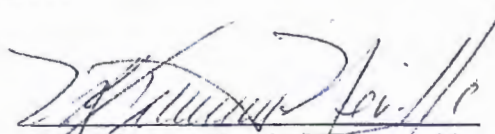

Laura Leatherwood, Haywood Community College

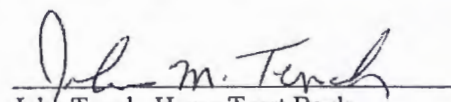

Michele Rogers, Select Homes

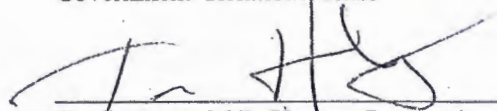

Charles Umberger, Old Town Bank

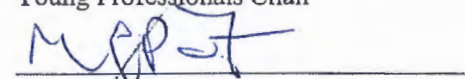

Derek Wenzel, Wenzel & Wenzel PLLC Attorneys

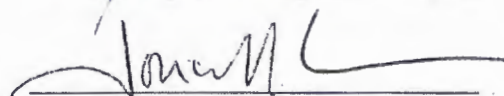

Phillip Wright, Haywood Regional Medical Center

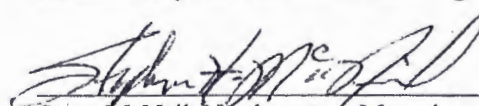

Nyda Bittmann-Neville, TNB Consulting
Incoming Chairperson

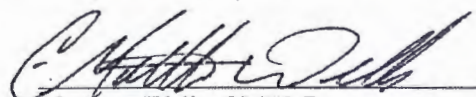

John Tench, Home Trust Bank
Government Relations Chair


Travis Hyatt, M.B. Haynes Corporation
Young Professionals Chair

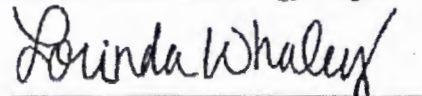

Michael Ferguson, Evergreen Packaging



Jonathan Key, Mountaineer Publishing Co.


Steve McNeil, Northwestern Mutual


Matthew Wells, CMW Group


Jason Walls, Duke Energy Progress


Lorinda Whaley, First Citizens Bank


CeCe Higgs, Chamber Executive Director

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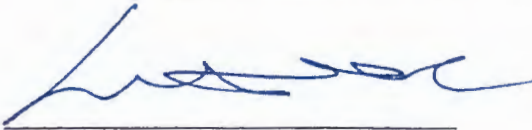
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JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

Adopted this the 25th day of March, 2015.

HAYWOOD COUNTY TOURISM DEVELOPMENT AUTHORITY



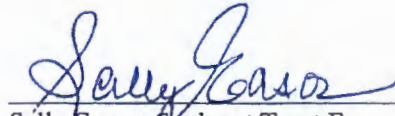
Lyndon Lowe, Twinbrook Resort
TDA Chair



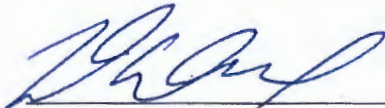
James Carver, Maggie Valley Restaurant



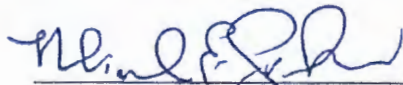
Chris Corbin, Waynesville Inn Golf Resort & Spa



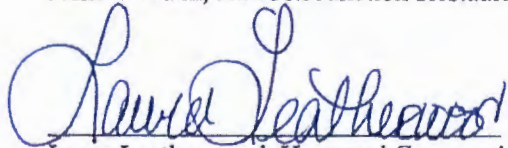
Sally Eason, Sunburst Trout Farms



Mike Eveland, Town of Maggie Valley




Mike Graham, Jukebox Junction Restaurant

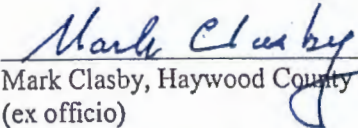


Laura Leatherwood, Haywood Community College
TDA Personnel Chair

Tammy Wight, Clarketon Motel



Beth Brown, Beth Brown Photography
TDA Vice Chair



Mark Clasby, Haywood County EDC
(ex officio)

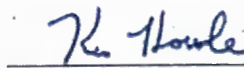


Julie Davis, Haywood County
(ex officio)

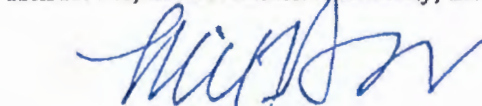


Carole Edwards, Town of Canton

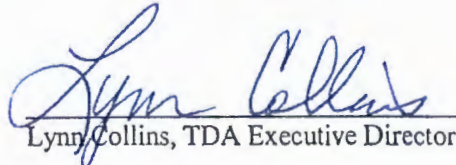
Ben Glover, 1st Choice Realty
TDA Government Relations Chair



Ken Howle, Lake Junaluska Assembly, Inc.



Michael Sorrells, Haywood County Commissioners
(ex officio)



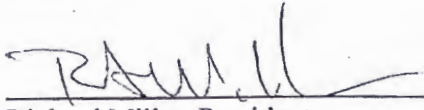
Lynn Collins, TDA Executive Director

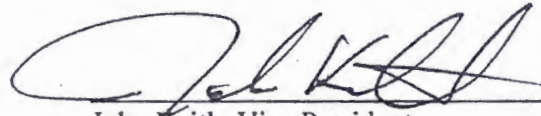



JOINT RESOLUTION OF SUPPORT
FOR SENATE BILL 141 - WAYNESVILLE ANNEXATION/REFERENDUM

Adopted this the 26th day of March, 2015.

DOWNTOWN WAYNESVILLE ASSOCIATION EXECUTIVE BOARD

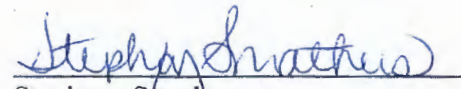

Richard Miller, President

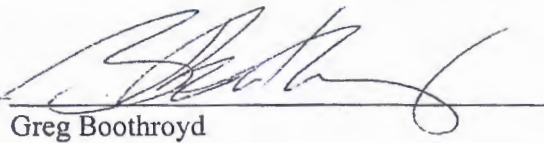

John Keith, Vice President

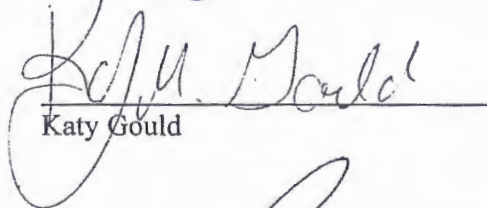

Teresa Pennington, Secretary



Julie Chitea, Treasurer

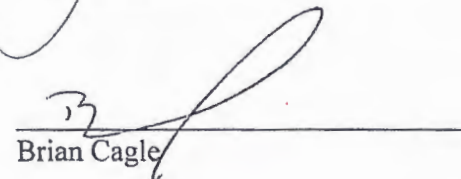

Melanee Lester, Past-President



Stephany Smathers

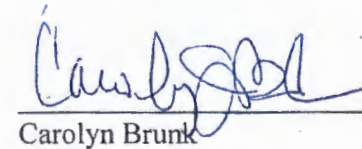

Greg Boothroyd

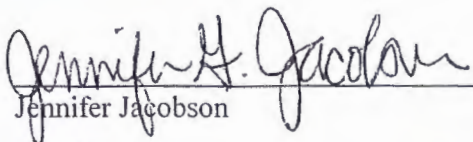

Katy Gould

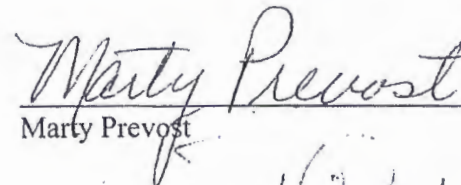

Patsy Rogers

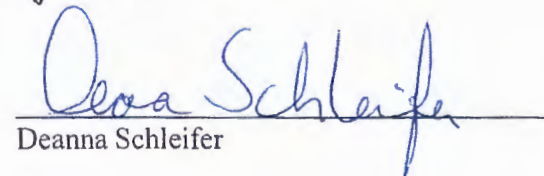

Brian Cagle

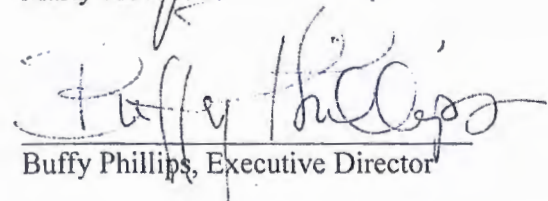

Jon Feichter


Carolyn Brunk

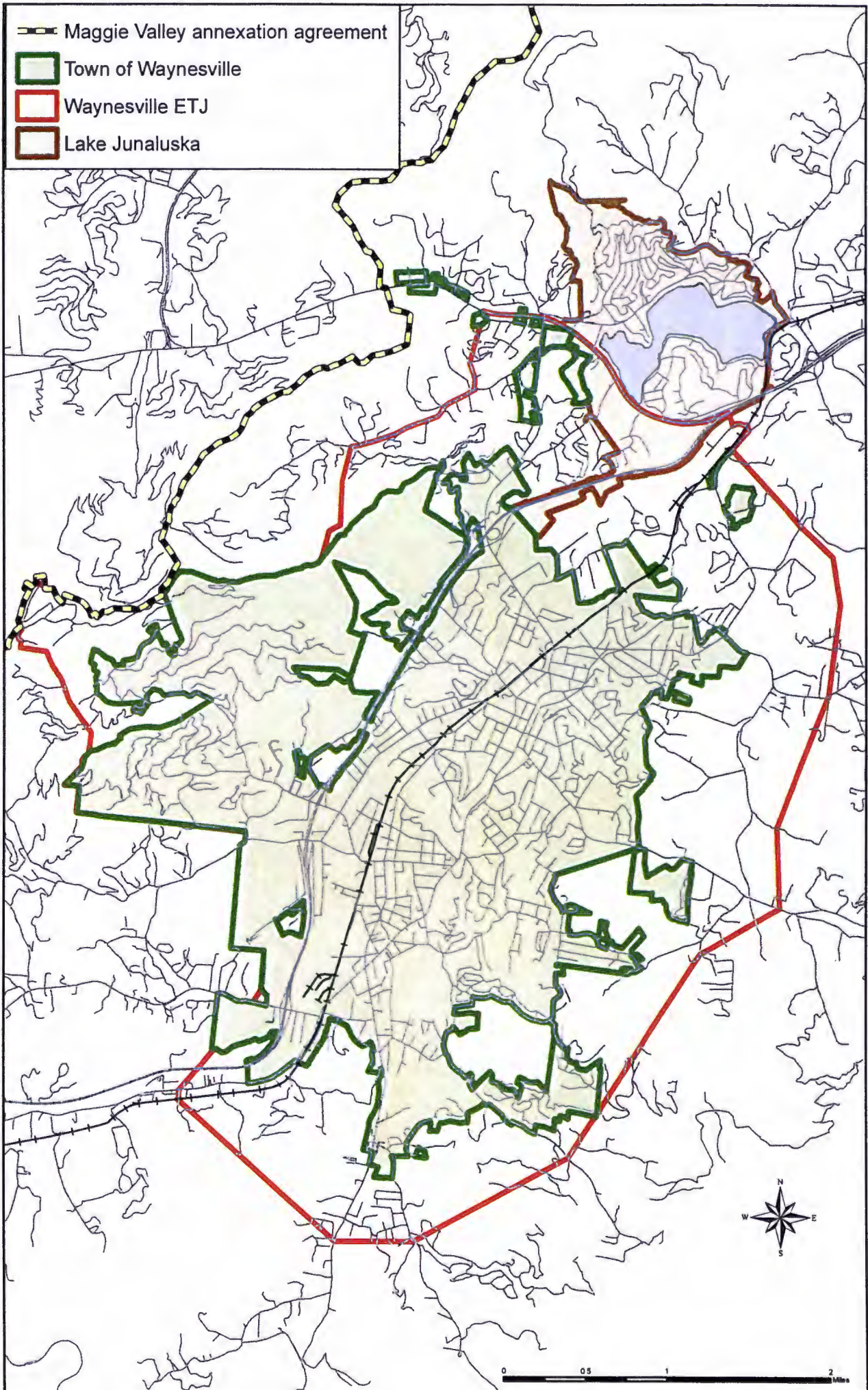

Jennifer Jacobson


Marty Prevost


Deanna Schleifer

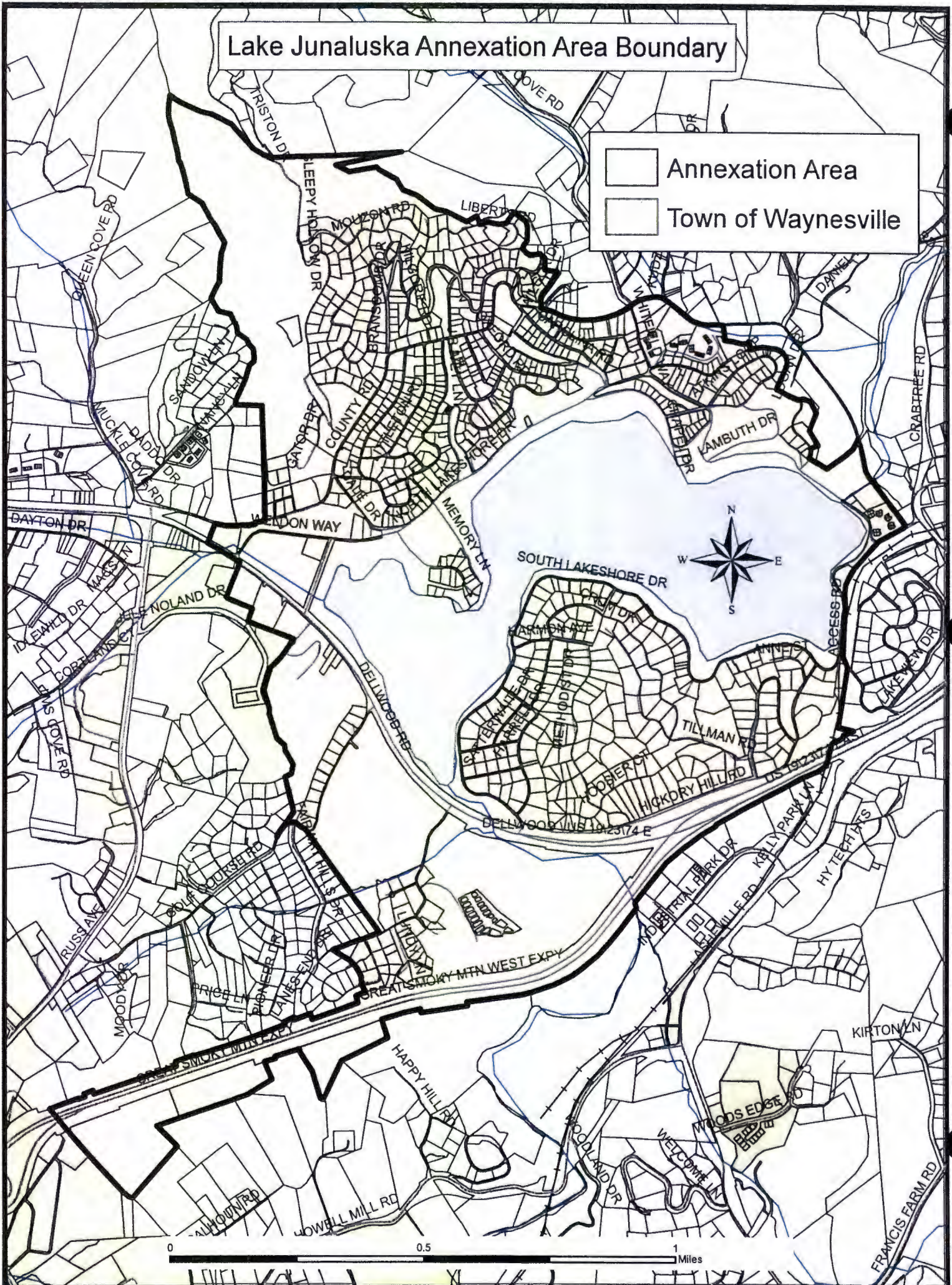

Buffy Phillips, Executive Director





Lake Junaluska Annexation Area Boundary

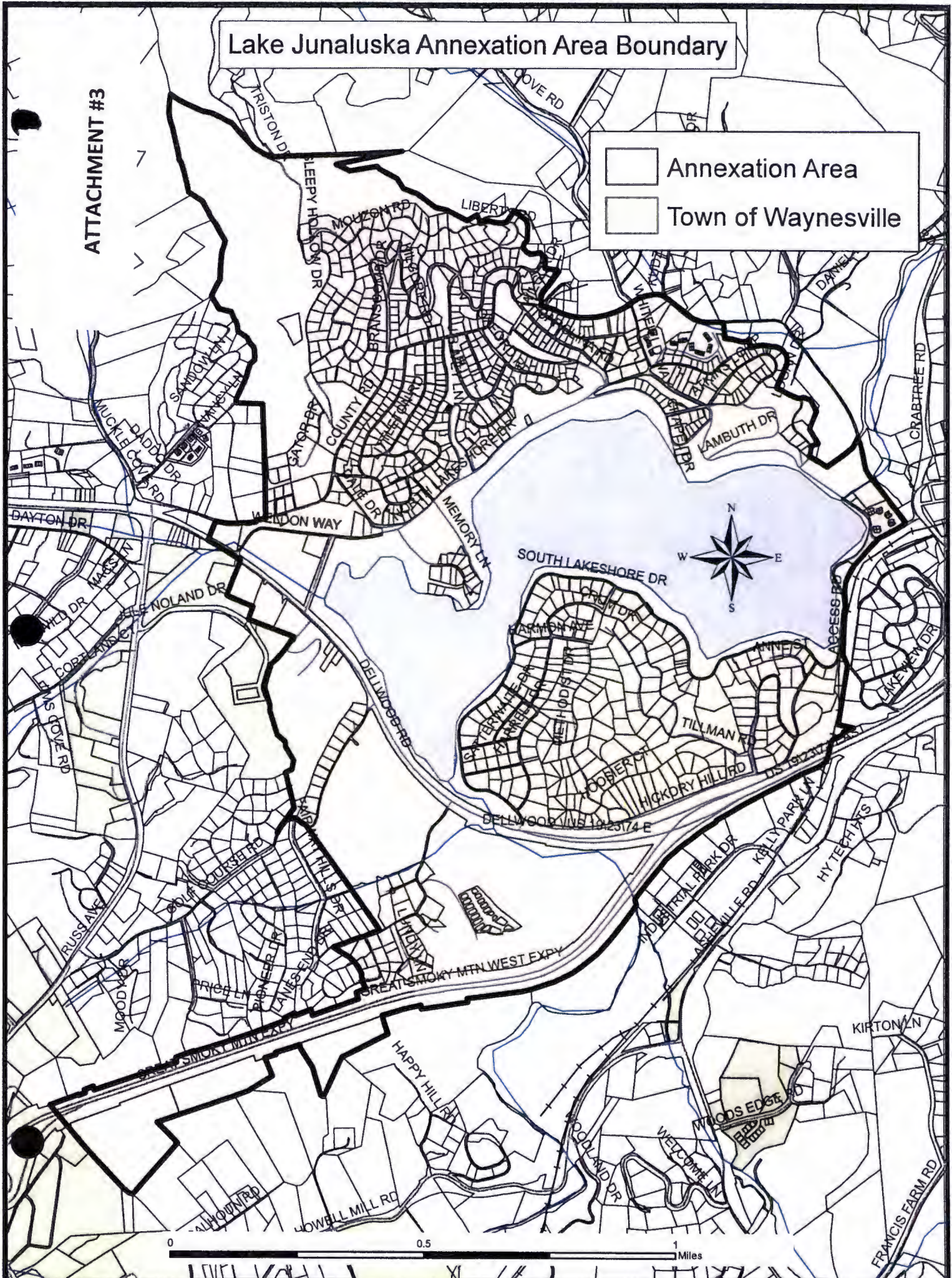
- Annexation Area
- Town of Waynesville

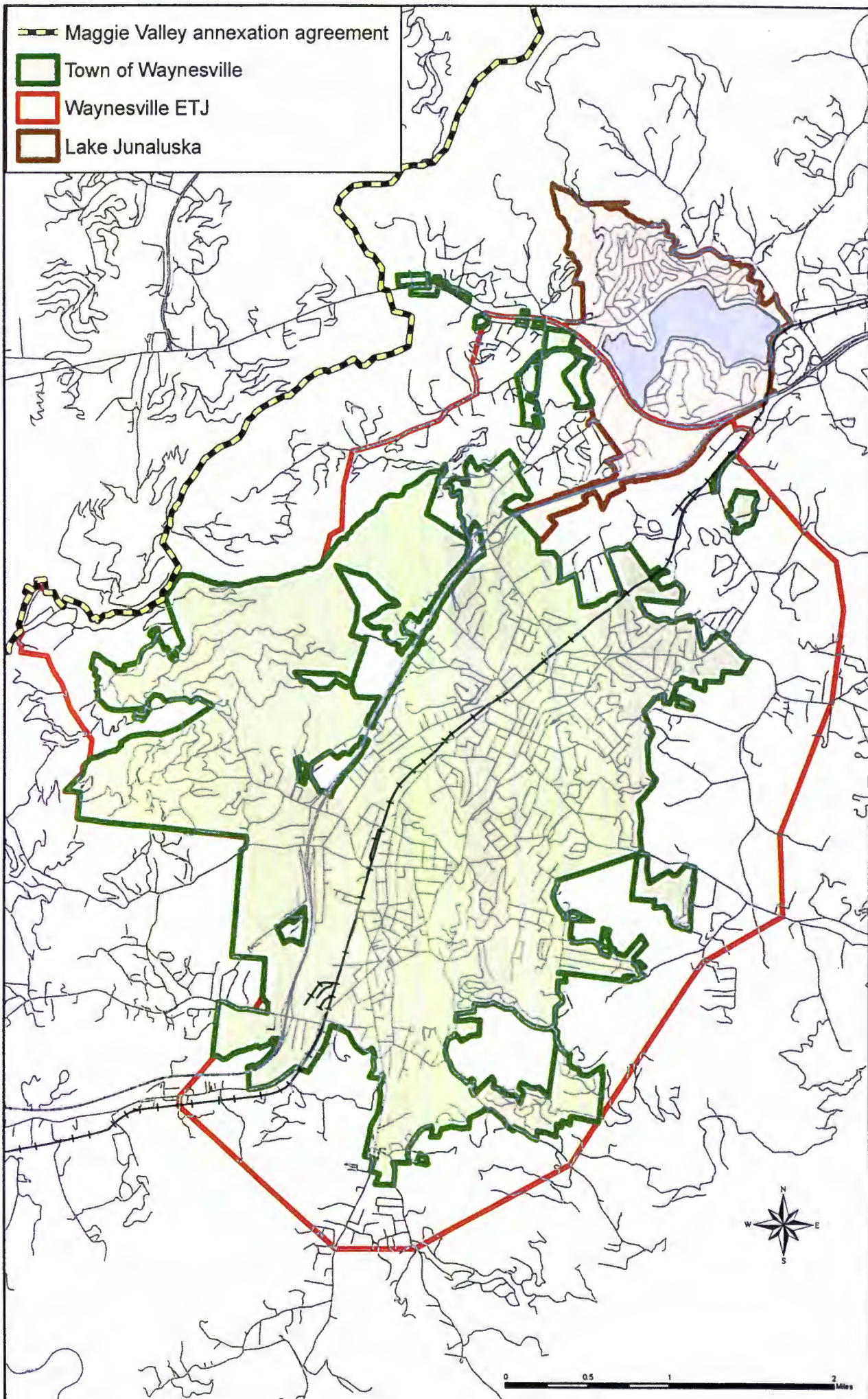


Lake Junaluska Annexation Area Boundary

ATTACHMENT #3

- Annexation Area
- Town of Waynesville







SENATE BILL 93: Yanceyville Annexation

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	May 12, 2015
Introduced by:	Sen. Woodard	Prepared by:	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: *Senate Bill 93 adds specific property to the Town of Yanceyville.*

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, 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 subject to a referendum. – 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: Senate Bill 93 adds specific property to the Town of Yanceyville.

EFFECTIVE DATE: The act becomes effective July 1, 2015.

BACKGROUND: According to the Town Manager for the Town of Yanceyville, the property is close to the Town of Milton and is on the Dan River. The land could be used for a future water intake site to provide water to other towns and counties.

Giles Perry, Staff Attorney for the Research Division, contributed to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 93

Short Title: Yanceyville Annexation. (Local)

Sponsors: Senator Woodard (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

February 19, 2015

A BILL TO BE ENTITLED

AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS
OF THE TOWN OF YANCEYVILLE.

The General Assembly of North Carolina enacts:

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

BEGINNING at a point in the centerline of N.C. Highway 62, a corner with Wells J. Barker; thence N 58° 39' 44" W 419.90 feet to an iron stake in the line of Wells J. Barker and a corner with David L. Barker; thence N 29° 12' 47" W 573.64 feet to an iron stake, corner with David L. Barker; thence N 64° 09' 40" W 69.64 feet to a point in a branch; thence S 64° 50' 49" W 57.51 feet to a point in a branch; thence S 26° 05' 50" W 50.00 feet to a point in a branch; thence S 47° 08' 57" W 184.60 feet to a point in a branch, corner with David L. Barker, in the line of Wells J. Barker; thence N 58° 39' 44" W 1000.67 feet to an iron stake corner with Wells J. Barker; thence N 03° 08' 12" W 50.00 feet to an iron stake in the center of an abandoned railroad track; thence S 86° 57' 28" W 705.17 feet to an iron stake in the center of the abandoned railroad track; thence N 07° 58' 45" W 83.05 feet to a point on the edge of the Dan River; thence with the edge of the Dan River the following nine courses and distances, S 82° 31' 25" E 225.30 feet, N 83° 37' 39" E 239.13 feet, N 78° 58' 03" E 400.54 feet, N 64° 13' 28" E 432.60 feet, N 53° 07' 53" E 297.30 feet, N 50° 42' 40" E 247.78 feet, N 30° 00' 23" E 269.07 feet, N 33° 01' 42" E 114.19 feet, N 17° 29' 23" E 95.32 feet to a point on the edge of the Dan River in the center of a drainageway; thence S 81° 26' 16" E 88.33 feet to a point in the center of a drainageway; thence N 75° 44' 23" E 40.46 feet to a point in the center of a drainageway; thence S 62° 02' 31" E 65.00 feet to a point in the center of a drainageway; thence S 80° 57' 30" E 57.79 feet to a point in the center of the drainageway; thence S 23° 39' 48" E 30.89 feet to an iron stake in the center of an abandoned railroad track; thence S 55° 45' 26" W 107.42 feet to an iron stake in the center of an abandoned railroad track; thence S 52° 21' 41" W 338.13 feet to an iron stake in the center of an abandoned railroad track; thence S 38° 33' 21" W 377.53 feet to an iron stake in the center of an abandoned railroad track; thence S 55° 39' 41" E 531.52 feet to a corner with David L. Barker in the center of a branch; thence S 34° 53' 30" W 38.63 feet to a point in the center of a branch; thence S 13° 20' 27" E 62.74 feet to a point in the center of a branch; thence S 39° 08' 15" W 128.92 feet to a point in the center of a branch; thence S 01° 02' 47" W 57.10 feet to a point in the center of a branch; thence S 19° 32' 06" E 51.77 feet to a point in the center of a branch; thence S 12° 20' 40" W 38.09 feet to a point in the center of a branch; thence S 20° 33' 09" W 40.00 feet to a point in the center of a branch; thence S 25° 16' 07" W 40.00 feet to a point in the center of the branch; thence S 01° 53' 45" E 82.32 feet to an iron stake, corner with David L. Barker; thence S 29° 12' 47" E 573.37 feet to



1 an iron stake, corner with David L. Barker; thence S 58° 39' 44" E 400.00 feet to a point in the
2 center of N.C. Highway 62, a corner with David L. Barker; thence S 27° 23' 43" W 60.14 feet
3 to the point and place of BEGINNING and containing 21.718 acres more or less and 0.034
4 square miles more or less.

5 **SECTION 2.** This act becomes effective July 1, 2015.

Kathy Voss (Sen. Norman Sanderson)

From: Paula Seamster <pseamster@caswellcountync.gov>
Sent: Tuesday, May 12, 2015 11:16 AM
To: Kathy Voss (Sen. Norman Sanderson)
Subject: Senate Bill 58 & 93
Attachments: SKM_C454e15051210220.pdf

Good morning,

Please distribute the attached letters to the committee in the Senate during the discussions of Senate Bill 93.

Paula P. Seamster
Clerk to the Board
PO Box 98
Yanceyville, NC 27379
(336) 694-4193 Ext. 201
(336) 694-1228 (Fax)



CASWELL COUNTY

Board of Commissioners

"Preserving the Past – Embracing the Future..."

March 17, 2015

The Honorable Mike Woodard
NC Senate
300 N. Salisbury Street, Room 518
Raleigh, NC 27603-5925

Dear Senator Woodard:

I am writing on behalf of the Caswell County Board of Commissioners to respectfully express the Board's opposition to the recently filed Senate Bill 93 of which you are the primary sponsor. The Board would like to respectfully request that you speak to the Milton Mayor and Commissioners before this objectionable legislation moves forward in the General Assembly.

Sincerely yours,

Kenneth D. Travis
Chairman

ATTACHMENT #4



ATTENDANCE

Committee: Senate Committee on State and Local Government[illegible]





SENATE SERGEANT-AT-ARMS

COMMITTEE: Senate: State and Local Government

DATE: 5-12-15 ROOM: 423/424

1. Ed Kesler
2. Matt Urban
3. Dale Huff
4. _____
5. _____
6. _____



SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 423

DATE: 5-12 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!.....or else!

	Page Name	Hometown	Sponsoring Senator
①.	Brenna Daniel	Morganton	Daniel
②.	Makayla Littlejohn	Durham NC	McKisack
③.	Andrew Hall	Windsorville Beach	Lee
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.



Lake Junaluska/Waynesville

Marcy Onieal	Waynesville, Town Manager
Jack Ewing	Lake Junaluska Assembly, Executive Director
Clifton Metcalf	Lake Junaluska Property Owner & Community Leader
Chip Killian	Waynesville Native
Chris McClure	Waynesville Native



VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE

May 12, 2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
JOHN EWING JR	LAKE JUNAHUSKA, NC
Marcy Onieal	Town of Waynesville
Clifton Metcalf	Lake Junaluska, NC
GERY WITEN	Nelson Mullins
Daniel Wubbler	Senate Intern
Chris McClure	Brooks Pierce
Sean Killian	Nelson Mullins
Sam Cogswell	NMR S
PD	MWC
Trafton Dinwiddie	Rep West office
Jenna Pollock	UNC Syst Govt
Susan Vee	Duke Energy
THOM GOODEBY	County Govt Relations
Kara Weishaar	SA
Marge Foreman	NCAE



VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE

May 12, 2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Marcy Onieal	Town of Waynesville
Jackson Cozart	NSSI
Jack Cozart	CARY
Lana Hlygh	Cary
Erin Wynia	NCLM
Peter Daniel	CCS
Alex Bowen	CCS
Gwen Hildy	NBSA
Adam Prudence	NCAST



Senate Committee on State and Local Government
Tuesday, May 19, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on May 19, 2015 in Room 423 of the Legislative Office Building. 13 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Jim Hamilton and Dale Huff, and Pages Lili Vitale, Franklin, sponsored by Senator Jim Davis; Daniel Haycox, Huntersville, sponsored by Senator Tarte; Hannah Styers, Franklinton, sponsored by Senator Barefoot; Kaleb Woods, Burlington, sponsored by Senator Woodard and Joe Mulligan, Huntersville, sponsored by Senator Tarte.

HB 99 Town of Polkton/Deannexation. (Representative Brody)

Representative Brody presented the bill. House Bill 99 would deannex 81.5 acres from the Town of Polkton. Senator Wade motioned for a favorable report. The motion passed.

HB 143 Charlotte/Civil Service Board. (Representatives Bishop, Cunningham, Cotharn, Bradford)

Representative Bishop presented the bill. House Bill 143 expands the Charlotte Civil Service Board from seven to nine members. In addition, the bill gives the Charlotte City Council the option of adding two additional members, for a total of 11. Representative Bishop responded to questions from Senator Don Davis. Senator Don Davis motioned for a favorable report. The motion passed. Senator Tarte will handle the bill in the Senate.

HB 147 Update Fire and Rescue Comm'n. Membership. (Representatives Ross, Saine, Boles, J. Bell)

Representative Ross presented the bill. House Bill 147 would update the membership of the State Fire and Rescue Commission and would clarify the powers of the Commission. Senator Foushee motioned for a favorable report.

HB 217 Clayton Deannexation/Annexation. (Representative Daughtry)

Representative Daughtry presented the bill. House Bill 217 would: Annex a parcel of land of approximately 3.964 acres into the corporate limits of the Town of Clayton. Deannex an adjacent parcel of land of approximately 3.964 acres from the corporate limits of the Town of Clayton. [As introduced, this bill was identical to S265, as introduced by Sen. Newton, which is currently in Senate Re-ref to State and Local Government. If fav, re-ref to Finance.] Representative Daughtry responded to a question from Senator Don Davis and Senator Jim Davis. Senator Wade motioned for an unfavorable report as to bill, favorable as to PCS. The motion passed. Senator Newton will handle the bill in the Senate.

HB 218 Clayton Annexation. (Representative Daughtry)

Representative Daughtry presented the bill. House Bill 218 would annex a 489.24 acre parcel, constituting the North Carolina State University Central Crops Research Center, into the Town of

Clayton. The bill also contains limitations on the Town's ability to impose land use regulation on the property. [As introduced, this bill was identical to S264, as introduced by Sen. Newton, which is currently in Senate Re-ref to State and Local Government. If fav, re-ref to Finance.] Representative Daughtry responded to a question from Senator Jackson. Senator Rabin motioned for a favorable report. The motion passed. Senator Newton will handle the bill in the Senate.

HB 313 Promotion Grievances/City of Statesville. (Representatives R. Turner, Fraley)

Representative Turner presented the bill. House Bill 313 is a local bill that would clarify that the Civil Service Board shall hear grievances related to the promotion of members of the fire and police departments in the City of Statesville. Representative Turner responded to a question from Senator Jim Davis. Senator Foushee motioned for a favorable report. The motion passed. Senator Curtis will handle the bill in the Senate.

HB 591 Cities/Public Trust Areas. (Representative Tine)

Representative Tine presented the bill. House Bill 591 would authorize cities to regulate, restrict, or prohibit the placement, maintenance, location or use of structures that are uninhabitable and without water and sewer service for more than 60 days on the State's ocean beaches, with a require notification to the owner of record by certified mail. Representative Tine responded to a question from Senator Sanderson. Senator Don Davis motioned for a favorable report. The motion passed. Senator Cook will handle the bill in the Senate.

HB 189 Rockingham Co. School Bd. (Representatives Jones, Holloway)

The proposed committee substitute for House Bill 189 would do all of the following:

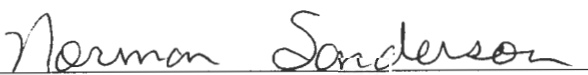
Reduce the membership of the Rockingham County Board Education by reducing the number of the members elected by district from six to four and reducing the number of at-large members from five to three, if these changes are approved by the voters in a referendum. The pcs would also provide for new districts from which the four members to be elected by district must reside and run. Change the method of election for the Rockingham County Board of Education from nonpartisan to partisan. Clarify the method of filling vacancies on the Rockingham County Board of Education.

Representative Jones responded to questions from Senator Waddell, Senator Don Davis and Senator J. Smith. Senator Don Davis motioned for an unfavorable report as to Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute. The motion passed. Senator Berger will handle the bill in the Senate.

HB 892 2015 Speaker and PPT Appointments. (Representative Lewis)

Representative David Lewis presented the bill. The PCS includes the President Pro Tempore appointments. There is a long title amendment. There being no questions, Senator Rabin motioned for an unfavorable report as to Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute. The motion passed. Senator Apodaca will handle the bill in the Senate.

There being no further business, the meeting adjourned at 12:31 PM.


Senator Norman W. Sanderson, Chair Presiding


Kathy Voss, Committee Clerk

**Senate Committee on State and Local Government
Tuesday, May 19, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Town of Polkton/Deannexation.	Representative Brody
HB 143	Charlotte/Civil Service Board.	Representative Bishop
		Representative Cunningham
		Representative Cotham
		Representative Bradford
HB 147	Update Fire and Rescue Comm'n. Membership.	Representative Ross
		Representative Saine
		Representative Boles
		Representative J. Bell
HB 217	Clayton Deannexation/Annexation.	Representative Daughtry
HB 218	Clayton Annexation.	Representative Daughtry
HB 313	Promotion Grievances/City of Statesville.	Representative R. Turner
		Representative Fraley
HB 591	Cities/Public Trust Areas.	Representative Tine
HB 189	Rockingham Co. School Bd.	Representative Jones
		Representative Holloway
HB 892	2015 Speaker's Appointments.	Representative Lewis

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

Corrected #2: Add HB 892

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 19, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Town of Polkton/Deannexation.	Representative Brody
HB 143	Charlotte/Civil Service Board.	Representative Bishop
		Representative Cunningham
		Representative Cotham
		Representative Bradford
HB 147	Update Fire and Rescue Comm'n. Membership.	Representative Ross
		Representative Saine
		Representative Boles
		Representative J. Bell
HB 217	Clayton Deannexation/Annexation.	Representative Daughtry
HB 218	Clayton Annexation.	Representative Daughtry
HB 313	Promotion Grievances/City of Statesville.	Representative R. Turner
		Representative Fraley
HB 591	Cities/Public Trust Areas.	Representative Tine
HB 189	Rockingham Co. School Bd.	Representative Jones
		Representative Holloway
HB 892	2015 Speaker and PPT Appointments.	Representative Lewis

Sen. Norman Sanderson will preside.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, May 19, 2015

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

FAVORABLE

HB 99 (CS#1)	Town of Polkton/Deannexation. Draft Number: None Sequential Referral: Finance Recommended Referral: None Long Title Amended: No
HB 143	Charlotte/Civil Service Board. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No
HB 147	Update Fire and Rescue Commn. Membership. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No
HB 218 (CS#1)	Clayton Annexation. Draft Number: None Sequential Referral: Finance Recommended Referral: None Long Title Amended: No
HB 313 (CS#1)	Promotion Grievances/City of Statesville. Draft Number: None Sequential Referral: None Recommended Referral: None Long Title Amended: No



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HB 591 (CS#1) Cities/Public Trust Areas.
Draft Number: None
Sequential Referral: Agriculture/Environment/Natural
Resources
Recommended Referral: None
Long Title Amended: No

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

HB 217 Clayton Deannexation/Annexation.
Draft Number: H217-PCS20357-THx-27
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: Yes

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO
SENATE COMMITTEE SUBSTITUTE BILL**

HB 189 (CS#1) Rockingham Co. School Bd.
Draft Number: H189-PCS20358-ST-49
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB 892 (CS#1) 2015 Speakers Appointments.
Draft Number: H892-PCS10383-LG-5
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 9

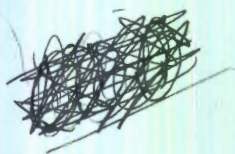
Committee Clerk Comments:

Report 1 of 1.

Senator Jeffery Tarte will handle HB 143
Senator E.S. Newton will handle HB 218
Senator David Curtis will handle HB 313
Senator Bill Cook will handle HB 591
Senator E.S. Newton will handle HB 217
Senator Philip Berger will handle HB 189
Senator Tom Apodaca will handle HB 892



* C M R 3 6 8 - V - 1 *





HOUSE BILL 99: Town of Polkton/Deannexation

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	May 18, 2015
Introduced by:	Rep. Brody	Prepared by:	Tawanda Foster
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 99 would deannex 81.5 acres from the Town of Polkton.*

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 99 would deannex 81.5 acres from the Town of Polkton in Anson County.

Property taxes and special assessments imposed by the Town of Polkton before the effective date are valid and may be collected as if the property were still in the Town of Polkton.

EFFECTIVE DATE: This act becomes effective June 30, 2015.

BACKGROUND: Pursuant to a Town ordinance dated December 2, 2002, the Town satellite annexed 81.5 acres of real property. On February 2, 2015, the Town of Polkton Board of Commissioners approved a resolution to request that the Town's legislative delegation deannex the property from the corporate limits of the Town. The real property owners in the area to be deannexed wrote letters in support of the resolution.

Kelly Tornow with the Research Division substantially contributed to this summary.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 591
Committee Substitute Favorable 4/27/15

Short Title: Cities/Public Trust Areas.

(Public)

Sponsors:

Referred to:

April 6, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CITIES TO REGULATE CERTAIN STRUCTURES THAT
3 UNREASONABLY RESTRICT THE PUBLIC'S RIGHTS TO USE THE STATE'S
4 OCEAN BEACHES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-205 reads as rewritten:

7 "§ 160A-205. Cities enforce ordinances within public trust areas.

8 (a) Notwithstanding the provisions of G.S. 113-131 or any other provision of law, a city
9 may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the
10 State's ocean beaches and prevent or abate any unreasonable restriction of the public's rights to
11 use the State's ocean beaches. In addition, a city may, in the interest of promoting the health,
12 safety, and welfare of the public, regulate, restrict, or prohibit the placement, maintenance,
13 location, or use of structures that are uninhabitable and without water and sewer services for
14 more than 60 days, as determined by the city with notice provided to the owner of record of the
15 determination by certified mail at the time of the determination, equipment, personal property,
16 or debris upon the State's ocean beaches. A city may enforce any ordinance adopted pursuant to
17 this section or any other provision of law upon the State's ocean beaches located within or
18 adjacent to the city's jurisdictional boundaries to the same extent that a city may enforce
19 ordinances within the city's jurisdictional boundaries. A city may enforce an ordinance adopted
20 pursuant to this section by any remedy provided for in G.S. 160A-175. For purposes of this
21 section, the term "ocean beaches" has the same meaning as in G.S. 77-20(e).

22 (b) Nothing in this section shall be construed to (i) limit the authority of the State or any
23 State agency to regulate the State's ocean beaches as authorized by G.S. 113-131, or common
24 law as interpreted and applied by the courts of this State; (ii) limit any other authority granted
25 to cities by the State to regulate the State's ocean beaches; (iii) deny the existence of the
26 authority recognized in this section prior to the date this section becomes effective; (iv) impair
27 the right of the people of this State to the customary free use and enjoyment of the State's ocean
28 beaches, which rights remain reserved to the people of this State as provided in G.S. 77-20(d);
29 (v) change or modify the riparian, littoral, or other ownership rights of owners of property
30 bounded by the Atlantic Ocean; or (vi) apply to the removal of permanent residential or
31 commercial structures and appurtenances thereto from the State's ocean ~~beaches~~beaches,
32 except as provided in subsection (a) of this section.

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







HOUSE BILL 143: Charlotte/Civil Service Board

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	May 19, 2015
Introduced by:	Reps. Bishop, Cunningham, Cotham, Bradford	Prepared by:	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: *House Bill 143 expands the Charlotte Civil Service Board from seven to nine members. In addition, the bill gives the Charlotte City Council the option of adding two additional members, for a total of 11.*

CURRENT LAW: The Charlotte Civil Service Board currently has seven members, four appointed by the City Council, and three appointed by the Mayor. The Civil Service Board's duties include establishing requirements for employment in the fire and police departments, and conducting hearings related to fire and police department employment actions.

BILL ANALYSIS: House Bill 143:

- Expands the Charlotte Civil Service Board to nine members, six appointed by the City Council, and three by the Mayor, with a five member quorum.
- Authorizes the City Council to add two additional members to the Board, seven appointed by the City Council, and four by the Mayor, with a six member quorum.

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

Giles Perry, Counsel to House Local Government, contributed substantially to this summary.

O. Walker Reagan
Director



★ H 1 4 3 - S M R N - 5 1 E 1 - V 2 ★

Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 143

Short Title: Charlotte/Civil Service Board. (Local)

Sponsors: Representatives Bishop, Cunningham, Cotham, and Bradford (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

March 4, 2015

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO INCREASE
THE NUMBER OF MEMBERS ON THE CIVIL SERVICE BOARD FROM SEVEN TO
NINE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.61 of Article III of Chapter 4 of the Charter of the City of
Charlotte, being S.L. 2000-26, as amended by S.L. 2006-124, reads as rewritten:

"Section 4.61. **Civil service board; Membership, Powers and Duties.** (a) Establishment.
There is hereby continued a Civil Service Board for the City of Charlotte, to consist of ~~seven~~
nine members; ~~four~~ six members to be appointed by the Council and three members to be
appointed by the Mayor. Each member shall serve for a term of three years. In case of a
vacancy on the Board, the Council or the Mayor, as the case may be, shall fill such vacancy for
the unexpired term of said member. ~~For the purposes of establishing a quorum of the Board,~~
~~any combination of Board members and alternates totaling three~~ Five members shall constitute a
quorum. All Board members shall attend regular meetings for the purposes of meeting
attendance policy and familiarity with Board business and procedures. Attendance at meetings
and continued service on the Board shall be governed by the attendance policies established by
the Council. Vacancies resulting from a member's failure to attend the required number of
meetings or hearings shall be filled as provided herein.

(a1) Council May Increase Board Membership. Notwithstanding the provisions of
subsection (a) of this section, the Council may, in its discretion, increase the number of Board
members from nine to 11; seven members to be appointed by the Council and four members to
be appointed by the Mayor. Six members shall constitute a quorum for the 11-member Board.
At any time after increasing the number of Board members as authorized in this subsection, the
Council may, in its discretion, reduce the number of members to nine, and those members shall
be appointed as provided in subsection (a) of this section.

...

(j) Appeal Hearings. Upon receipt of a citation for termination from either chief or
upon receipt of notice of appeal for a suspension from any civil service covered police officer
or firefighter, the Board shall hold a hearing not less than 15 days nor more than 30 days from
the date the notice of appeal, or the citation, is received by the Board, and shall promptly notify
the officer of the hearing date. Termination hearings shall be held with a panel of five ~~made up~~
~~of any combination of available members or alternates,~~ members, and suspension hearings shall
be held with a panel of three ~~made up of any combination of available members or~~

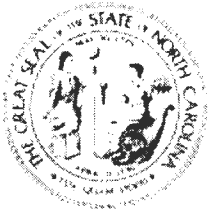


* H 1 4 3 - V - 1 *

1 ~~alternates members.~~ In the event an officer desires a hearing at a date other than that set by the
2 Board within the period set forth above, such officer may file a written request for a change of
3 hearing date setting forth the reasons for such request, and the Chair of the Board is empowered
4 to approve or disapprove such request; provided that such request must be received by the
5 Board at least seven days prior to the date set for the hearing. For good cause, the Chair of the
6 Board may set a hearing date other than within the period set forth above, or may continue the
7 hearing from time to time. In the conduct of its hearing, each member of the Board shall have
8 the power to subpoena witnesses, administer oaths, and compel the production of evidence. If a
9 person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may
10 apply to the General Court of Justice, Superior Court Division, for an order requiring that its
11 subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all
12 parties. If any person, while under oath at a hearing of the Board, willfully swears falsely, such
13 person shall be guilty of a Class 1 misdemeanor. Both the officer and the police or fire
14 department shall have the right to present relevant evidence to the Board at its hearing. The
15 officer must be furnished with a copy of the charges which have been brought against an officer
16 and which will be heard by the Board. The officer shall be required to answer questions from
17 members of the Board or the Board's counsel; however, the officer may refuse to answer any
18 question where the answer might incriminate the officer with respect to any criminal violation
19 of State or federal laws. The officer may be present at all evidentiary portions of the hearing,
20 may retain counsel to represent the officer at the hearing, and may cross-examine those
21 witnesses who testify against the officer. The officer will be given the right to an open or closed
22 hearing as he may elect. After the evidentiary portion of the hearing is concluded, the Board
23 will consider the evidence in closed session, and the Board will make findings of facts which
24 will be provided to the officer together with a statement of the action taken by the Board on the
25 basis of its findings of fact.

26"

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



HOUSE BILL 147: Update Fire and Rescue Comm'n. Membership

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Ross, Saine, Boles, J. Bell
Analysis of: First Edition

Date: May 19, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *House Bill 147 would update the membership of the State Fire and Rescue Commission and would clarify the powers of the Commission.*

CURRENT LAW: G.S. 58-78-1 creates the State Fire and Rescue Commission, which is housed in the Department of Insurance. There are 15 members on the Commission. The Commissioner of Insurance appoints 12 of those members from nominations submitted by: the North Carolina State Firemen's Association (2), the North Carolina Association of Fire Chiefs (1), the Professional Firefighters of North Carolina Society of Fire Instructors (1), the North Carolina Association of County Fire Marshals (1), the North Carolina Fire Marshal's Association (1), the North Carolina Association of Rescue and Emergency Medical Services, Inc. (2), one mayor or elected city official nominated by the President of the Association of County Commissioners, and one from the public at-large. The Governor appoints one member of the public, and the General Assembly appoints two members of the public, one upon the recommendation of the Speaker of the House of Representatives and the other upon the recommendation of the President Pro Tempore of the Senate.

Public members may not be employed in State government and may not be directly involved in firefighting or rescue services.

G.S. 58-78-5 establishes the Commission's powers and duties, including adopting a State Fire Education and Training Plan, assisting and participating in the improvement of fire prevention and control, increasing the professional skills of fire prevention and control and rescue services, and establishing voluntary minimum professional qualifications for all levels of fire service and rescue service personnel.

BILL ANALYSIS: Section 1 of House Bill 147 would change the membership of the Commission by removing the members appointed from nominations submitted by the North Carolina Association of County Fire Marshals and replacing that seat with an appointee from nominations submitted by the North Carolina Chapter of the International Association of Arson Investigators. Section 1 would also remove the language prohibiting public members of the Commission from being involved in firefighting or rescue services.

Section 2 of the bill would clarify that the Commission's powers include the authority to issue, deny, suspend, revoke, or take similar actions regarding certifications of minimal professional qualifications issued by the Commission.

Section 3 is technical in nature and would make the language referring to the chairman and vice-chairman gender neutral.

EFFECTIVE DATE: This act would become effective July 1, 2015.

O. Walker Reagan
Director



Research Division
(919) 733-2578

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 147

Short Title: Update Fire and Rescue Comm'n. Membership.

(Public)

Sponsors: Representatives Ross, Saine, Boles, and J. Bell (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Insurance.

March 4, 2015

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE MEMBERSHIP OF THE FIRE AND RESCUE COMMISSION
TO REFLECT THE MERGER OF TWO ORGANIZATIONS, TO ADD
REPRESENTATION FROM THE STATE CHAPTER OF THE INTERNATIONAL
ASSOCIATION OF ARSON INVESTIGATORS, AND TO CLARIFY THE POWERS OF
THE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-78-1 reads as rewritten:

"§ 58-78-1. State Fire and Rescue Commission created; membership.

(a) There is created the State Fire and Rescue Commission of the Department, which shall be composed of 15 voting members to be appointed as follows:

- (1) The Commissioner shall appoint 12 members, two from nominations submitted by the North Carolina State Firemen's Association, one from nominations submitted by the North Carolina Association of Fire Chiefs, one from nominations submitted by the Professional Firefighters of North Carolina Association, one from nominations submitted by the North Carolina Society of Fire Service Instructors, ~~one from nominations submitted by the North Carolina Association of County Fire Marshals,~~ one from nominations submitted by the North Carolina Fire Marshal's Association, two from nominations submitted by the North Carolina Association of Rescue and Emergency Medical Services, Inc., one from nominations submitted by the North Carolina Chapter of the International Association of Arson Investigators, one mayor or other elected city official nominated by the President of the League of Municipalities, one county commissioner nominated by the President of the Association of County Commissioners, and one from the public ~~at large; at large.~~
- (2) The Governor shall appoint one member from the public ~~at large; and at large.~~
- (3) The General Assembly shall appoint two members from the public at large, one upon the recommendation of the Speaker of the House of Representatives pursuant to G.S. 120-121, and one upon the recommendation of the President Pro Tempore of the Senate pursuant to G.S. 120-121.

Public members may not be employed in State ~~government and may not be directly involved in fire fighting or rescue services government.~~



(b) Of the members initially appointed by the Commissioner, the nominees of the North Carolina State Firemen's Association and the nominees of the North Carolina Association of Fire Chiefs and the nominees of the Professional Firefighters of North Carolina Association and of the North Carolina Association of Rescue and Emergency Medical Services, Inc., shall serve three-year terms; the nominees from the North Carolina Society of Fire Service Instructors, ~~the North Carolina Association of County Fire Marshals, the North Carolina Chapter of the International Association of Arson Investigators~~ and the North Carolina Fire Marshal's Association shall serve two-year terms; and the mayor or other elected city official, the county commissioner, and the member from the public at large shall serve one-year terms. The Governor's initial appointee shall serve a three-year term. The General Assembly's initial appointees shall serve two-year terms. Thereafter all terms shall be for three years.

...."

SECTION 2. G.S. 58-78-5(a)(14b) reads as rewritten:

"(14b) To establish voluntary minimum professional qualifications for all levels of fire service and rescue service ~~personnel~~; personnel, and to issue, deny, suspend, revoke or take similar actions with respect to certifications issued by the Commission of minimum professional qualifications established under this subdivision."

SECTION 3. G.S. 58-78-10 reads as rewritten:

"§ 58-78-10. State Fire and Rescue Commission – Organization; rules and regulations; meetings.

(a) Organization. -- The Commission shall elect from its voting members a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair to serve as provided by the rules adopted by the Commission.

...."

SECTION 4. Section 1 of this act becomes effective July 1, 2015, and applies to State Fire and Rescue Commission appointments made on or after that date. The remainder of this act is effective July 1, 2015.



HOUSE BILL 217: Clayton Deannexation/Annexation

2013-2014 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	May 19, 2015
Introduced by:	Rep. Daughtry	Prepared by:	Kelly Tornow
Analysis of:	PCS to First Edition H217-CSTHx-27		Committee Counsel

SUMMARY: *House Bill 217 would:*

- *Annex a parcel of land of approximately 3.964 acres into the corporate limits of the Town of Clayton.*
- *Deannex an adjacent parcel of land of approximately 3.964 acres from the corporate limits of the Town of Clayton.*

[As introduced, this bill was identical to S265, as introduced by Sen. Newton, which is currently in Senate Re-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:

Section 1 of the bill would annex a parcel of land of approximately 3.964 acres into the corporate limits of the Town of Clayton.

Section 2 of the bill would deannex an adjacent parcel of land of approximately 3.964 acres from the corporate limits of the Town of Clayton.

EFFECTIVE DATE: This act becomes effective June 30, 2015.

BACKGROUND: According to the Clayton Town Manager, adjoining landowners are exchanging equivalent tracts (3.964 acres). One tract is in the Town, and one tract is not. The landowners requested Clayton to facilitate the exchange by exchanging tracts within the Town's boundaries.

Giles S. Perry and Greg Roney with the Research Division substantially contributed to this summary.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 217*
PROPOSED SENATE COMMITTEE SUBSTITUTE H217-CSTHx-27 [v.1]

5/18/2015 10:38:27 AM

Short Title: Clayton Deannexation/Annexation.

(Local)

Sponsors:

Referred to:

March 12, 2015

A BILL TO BE ENTITLED

AN ACT TO DEANNEX A DESCRIBED PARCEL FROM THE TOWN OF CLAYTON,
AND TO ANNEX A DESCRIBED PARCEL TO THE TOWN OF CLAYTON.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Clayton are decreased by deannexing the following described tract: Tract 1, containing 3.964 acres, more or less, according to a plat prepared by True Line Surveying, P.C., and recorded November 21, 2014, in Plat Book 80, Page 389, Johnston County Register of Deeds.

SECTION 2. The corporate limits of the Town of Clayton are increased by annexing the following described tract: Tract 2, containing 3.964 acres, more or less, according to a plat prepared by True Line Surveying, P.C., and recorded November 21, 2014, in Plat Book 80, Page 389, Johnston County Register of Deeds.

SECTION 3. This act becomes effective June 30, 2015.



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 217*

Short Title: Clayton Deannexation/Annexation. (Local)

Sponsors: Representative Daughtry (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Finance.

March 12, 2015

A BILL TO BE ENTITLED

AN ACT TO DEANNEX A DESCRIBED PARCEL FROM THE TOWN OF CLAYTON,
AND TO ANNEX A DESCRIBED PARCEL TO THE TOWN OF CLAYTON.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Clayton are decreased by deannexing the following described tract: Tract 1, containing 3.964 acres, more or less, according to a plat prepared by True Line Surveying, P.C., and recorded November 21, 2014, in Plat Book 80, Page 389, Johnson County Register of Deeds.

SECTION 2. The corporate limits of the Town of Clayton are increased by annexing the following described tract: Tract 2, containing 3.964 acres, more or less, according to a plat prepared by True Line Surveying, P.C., and recorded November 21, 2014, in Plat Book 80, Page 389, Johnson County Register of Deeds.

SECTION 3. This act becomes effective June 30, 2015.



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HOUSE BILL 218: Clayton Annexation

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	May 19, 2015
Introduced by:	Rep. Daughtry	Prepared by:	Kelly Tornow
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 218 would annex a 489.24 acre parcel, constituting the North Carolina State University Central Crops Research Center, into the Town of Clayton. The bill also contains limitations on the Town's ability to impose land use regulation on the property.*

[As introduced, this bill was identical to S264, as introduced by Sen. Newton, which is currently in Senate Re-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. Annexation is the method by which municipalities expand the boundaries of the municipality, following certain 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 subject to a referendum. – 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:

Section 1 of the bill annexes a parcel of land, approximately 489.24 acres, constituting the North Carolina State University Central Crops Research Center, and adjoining US 70 and NC Railroad rights-of-way, into the corporate limits of the Town of Clayton.

Section 2 of the bill prohibits the Town from regulating the parcel under Article 19 of Chapter 160A (planning and regulation of development).

Section 3 restates the existing application of G.S. 106-701 to the parcel, which protects certain agricultural and forestry operations from nuisance claims.



House Bill 218

Page 2

Section 4 provides that the keeping of swine as part of a research or educational mission on the North Carolina State University Central Crops Research Station tract is exempt from any municipal ordinance governing the keeping of swine.

EFFECTIVE DATE: This act becomes effective June 30, 2015.

BACKGROUND: According to the Clayton Town Manager, the North Carolina State University Central Crops Research Center adjoins the Town's western boundary and creates a barrier to extension of services and economic development. The annexation and associated extension of services would allow development in the area towards the economic hub of Raleigh and RTP.

Giles S. Perry and Greg Roney with the Research Division substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 218*
Committee Substitute Favorable 4/9/15

Short Title: Clayton Annexation.

(Local)

Sponsors:

Referred to:

March 12, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF
3 CLAYTON.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The corporate limits of the Town of Clayton are increased by
6 annexing the following described property:

7 All those certain tracts, parcels, or pieces of land, commonly known as the North
8 Carolina State University Central Crops Research Station, lying and being in Johnston County
9 and Wake County, North Carolina, and being more particularly described as follows:

10 TRACT I: Being the following:

11 Parcel I of Tract I: Being all that certain tract or parcel of land, commonly known as
12 the Gower tract, containing approximately 261 acres, more or less, as conveyed to the State of
13 North Carolina in a Deed dated December 14, 1953, and recorded in Book 513, Page 283,
14 Johnston County Registry, and recorded in Book 4288, Page 661, Wake County Registry.

15 Parcel II of Tract I: Being all that certain tract or parcel of land containing
16 approximately 100 acres, more or less, as conveyed to the State of North Carolina in a Deed
17 dated December 14, 1953, and recorded in Book 513, Page 283, Johnston County Registry, and
18 recorded in Book 4288, Page 661, Wake County Registry.

19 TRACT II: Being all that certain tract or parcel of land containing approximately
20 120 acres, more or less, as conveyed to the State of North Carolina in a Deed dated December
21 18, 1953, and recorded in Book 519, Page 467, Johnston County Registry.

22 TRACT III: Being all that certain tract or parcel of land containing approximately
23 7.59 acres, more or less, as conveyed to the State of North Carolina, North Carolina State
24 College of Agriculture and Engineering in a Deed dated March 31, 1954, and recorded in Book
25 521, Page 45 in the Johnston County Registry.

26 TRACT IV: Being all that certain tract or parcel of land containing approximately
27 0.64 acres, more or less, as conveyed to the State of North Carolina in a Deed dated November
28 8, 1967, and recorded in Book 665, Page 173 in the Johnston County Registry.

29 TRACT V: Being all that certain tract or parcel of land, as described in the
30 unrecorded survey plat entitled "Boundary Line Agreement between Jim McLaurin and the
31 State of North Carolina," prepared by Southwind Surveying and Mapping, Inc., dated February
32 15, 1994, and containing approximately 0.01 acres, more or less, as conveyed to the State of
33 North Carolina in a Deed Establishing Boundary dated March 14, 1995, and recorded in Book
34 1436, Page 824 in the Johnston County Registry.

35 The above-described tracts contain a total of approximately 489.24 acres, more or
36 less.



1 TOGETHER WITH any right-of-way of US Highway 70 that adjoins one or more
2 of the above-described tracts.

3 TOGETHER WITH any right-of-way of the North Carolina Railroad Company that
4 adjoins one or more of the above-described tracts.

5 **SECTION 2.** The provisions of Article 19 of Chapter 160A of the General Statutes
6 shall not apply to the North Carolina State University Central Crops Research Station tract
7 described in Section 1 of this act.

8 **SECTION 3.** The provisions of G.S. 106-701 shall apply to the North Carolina
9 State University Central Crops Research Station tract described in Section 1 of this act.

10 **SECTION 4.** The keeping of swine as part of a research or educational mission on
11 the North Carolina State University Central Crops Research Station tract described in Section 1
12 of this act shall be exempt from any municipal ordinance governing the keeping of swine.

13 **SECTION 5.** This act becomes effective June 30, 2015.



HOUSE BILL 313: Promotion Grievances/City of Statesville

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. R. Turner, Fraley
Analysis of: Second Edition

Date: May 19, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 313 is a local bill that would clarify that the Civil Service Board shall hear grievances related to the promotion of members of the fire and police departments in the City of Statesville.*

CURRENT LAW: Article V of the Charter of the City of Statesville establishes the Civil Service Board, which hears grievances as to promotions, demotions, suspensions, and terminations of members of the fire and police departments. The Board is composed of five members who serve three-year staggered terms beginning on the first day of July and ending on the last day of June. Members are appointed by the Senior Resident Superior Court Judge in Judicial District 22A. Any person who is not a member of the City Council, an elected officer, a member or employee of the police or fire department, or a City employee, is eligible to serve on the Board.

The chiefs of the police and fire departments are authorized to hire, suspend, promote, demote, and fire members of their respective departments. The Board has the authority to sustain the disciplinary action imposed by the chief, vacate the chief's action, or impose its own disciplinary action, but the action does not become final unless the City Council concurs.

The following actions may be appealed to the Civil Service Board:

- Suspensions for an infraction of departmental rules and regulations of more than 15 days at any one time, or one which would make the total number of days exceed 25 during any six-month period.
- Demotions in rank and terminations.
- Any suspension, if authorized by the rules and regulations of that department.

All promotions are required to be by competitive examination.

BILL ANALYSIS: House Bill 313 is a local bill that would clarify that one of the duties of the Civil Service Board is to hear grievances as to promotions of members of the police and fire departments in the City of Statesville.

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

BACKGROUND: Statesville is one of five municipalities in North Carolina that has a Civil Service Board. The other municipalities are Asheville, Charlotte, Raleigh, and Wilmington.

Kelly Tornow, Counsel to House Local Government, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 313
Committee Substitute Favorable 4/1/15

Short Title: Promotion Grievances/City of Statesville.

(Local)

Sponsors:

Referred to:

March 23, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE CIVIL SERVICE BOARD SHALL HEAR
GRIEVANCES RELATED TO THE PROMOTION OF MEMBERS OF THE FIRE AND
POLICE DEPARTMENTS IN THE CITY OF STATESVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.14.1 of Article V of the Charter of the City of Statesville, being Chapter 289 of the 1977 Session Laws, as amended by Chapter 799 of the 1981 Session Laws, S.L. 1998-79 and Section 1 of S.L. 2007-238, reads as rewritten:

"**Sec. 5.14.1.** Hiring Members of Police and Fire Departments; Promotions. The Chiefs of the police and fire departments shall hire the members of their respective departments. All promotions shall be by competitive examination within the departments and shall be made by the respective Chiefs. In accordance with Section 5.5 of this Article, the Board shall hear grievances as to promotions of members of the police and fire departments."

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



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HOUSE BILL 591: Cities/Public Trust Areas

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government.	Date:	May 18, 2015
	If fav, re-ref to		
	Agriculture/Environment/Natural Resources		
Introduced by:	Rep. Tine	Prepared by:	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 591 would authorize cities to regulate, restrict, or prohibit the placement, maintenance, location or use of structures that are uninhabitable and without water and sewer service for more than 60 days on the State's ocean beaches, with a require notification to the owner of record by certified mail.*

CURRENT LAW: In 2013, the General Assembly enacted G.S. 160A-205, which authorizes cities to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches. This statute authorizes a city to regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris on the State's ocean beaches.¹

BILL ANALYSIS: House Bill 591 would amend G.S. 160A-205 to:

- Authorize a city to regulate, restrict, or prohibit the placement, maintenance, location or use of structures that are uninhabitable and without water and sewer service for more than 60 days on the State's ocean beaches.
- Require the city to make the determination that the structure has been uninhabitable and without water and sewer service for more than 60 days, and then notify the owner of record by certified mail.

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

Giles S. Perry substantially contributed to this summary.

¹ This statute was enacted following the decision in *Town of Nags Head v. Cherry*, 219 N.C.App. 66 (2012)

O. Walker Reagan
Director



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 591
Committee Substitute Favorable 4/27/15

Short Title: Cities/Public Trust Areas.

(Public)

Sponsors:

Referred to:

April 6, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CITIES TO REGULATE CERTAIN STRUCTURES THAT
3 UNREASONABLY RESTRICT THE PUBLIC'S RIGHTS TO USE THE STATE'S
4 OCEAN BEACHES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-205 reads as rewritten:

7 "§ 160A-205. Cities enforce ordinances within public trust areas.

8 (a) Notwithstanding the provisions of G.S. 113-131 or any other provision of law, a city
9 may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the
10 State's ocean beaches and prevent or abate any unreasonable restriction of the public's rights to
11 use the State's ocean beaches. In addition, a city may, in the interest of promoting the health,
12 safety, and welfare of the public, regulate, restrict, or prohibit the placement, maintenance,
13 location, or use of structures that are uninhabitable and without water and sewer services for
14 more than 60 days, as determined by the city with notice provided to the owner of record of the
15 determination by certified mail at the time of the determination, equipment, personal property,
16 or debris upon the State's ocean beaches. A city may enforce any ordinance adopted pursuant to
17 this section or any other provision of law upon the State's ocean beaches located within or
18 adjacent to the city's jurisdictional boundaries to the same extent that a city may enforce
19 ordinances within the city's jurisdictional boundaries. A city may enforce an ordinance adopted
20 pursuant to this section by any remedy provided for in G.S. 160A-175. For purposes of this
21 section, the term "ocean beaches" has the same meaning as in G.S. 77-20(e).

22 (b) Nothing in this section shall be construed to (i) limit the authority of the State or any
23 State agency to regulate the State's ocean beaches as authorized by G.S. 113-131, or common
24 law as interpreted and applied by the courts of this State; (ii) limit any other authority granted
25 to cities by the State to regulate the State's ocean beaches; (iii) deny the existence of the
26 authority recognized in this section prior to the date this section becomes effective; (iv) impair
27 the right of the people of this State to the customary free use and enjoyment of the State's ocean
28 beaches, which rights remain reserved to the people of this State as provided in G.S. 77-20(d);
29 (v) change or modify the riparian, littoral, or other ownership rights of owners of property
30 bounded by the Atlantic Ocean; or (vi) apply to the removal of permanent residential or
31 commercial structures and appurtenances thereto from the State's ocean ~~beaches~~beaches,
32 except as provided in subsection (a) of this section."

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







HOUSE BILL 189: Rockingham Co. School Bd

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Jones, Holloway
Analysis of: PCS to Second Edition
H189-CSST-49

Date: May 18, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute for House Bill 189 would do all of the following:*

- *Reduce the membership of the Rockingham County Board Education by reducing the number of the members elected by district from six to four and reducing the number of at-large members from five to three, if these changes are approved by the voters in a referendum. The pcs would also provide for new districts from which the four members to be elected by district must reside and run.*
- *Change the method of election for the Rockingham County Board of Education from nonpartisan to partisan.*
- *Clarify the method of filling vacancies on the Rockingham County Board of Education.*

PART I. REDUCTION IN THE NUMBER OF BOARD MEMBERS

CURRENT LAW: Currently, the Rockingham County Consolidated Board of Education consists of 11 members who serve staggered four-year terms. Five members are elected from the county at-large, and six members are each elected from single-member districts by the voters in that district. The five at-large members were elected in 2014, and their terms expire in 2018. The six members from districts were elected in 2012, and their terms expire in 2016.

BILL ANALYSIS: Section 1.1 would repeal the current law that applies to Rockingham County Consolidated Board of Education elections.

Effective from the first Monday in December of 2016, Section 1.2 would reduce the number of members on the Board of Education from eleven to nine. Four of the members would be elected from single-member districts by the voters in that district. Terms would still be for four years, and the five at-large members who were elected in 2014 would continue serving until the expiration of their terms in 2018.

Effective from the first Monday in December of 2018, Section 1.3 would reduce the number of members on the Board of Education from nine to seven. The four members who were elected from single-member districts in 2016 would continue to serve until the expiration of their terms in 2020, and those seats would be up for reelection in 2020 and every four years thereafter. Three at-large members would be elected in 2018 and every four years thereafter.

Section 1.4 would establish the new district boundaries beginning in 2016. Please see the map and statistical package, printed separately.

Until the 2018 election of at-large members, Section 1.5 would prohibit the Board of Commissioners from appointing a replacement for a vacancy of an at-large member of the Board of Education unless there are fewer than three at-large members serving.

O. Walker Reagan
Director



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House Bill 189

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Section 1.6 would require the qualified voters of Rockingham County to approve the changes in Part I of this bill in a referendum to be held on May 3, 2016.

EFFECTIVE DATE: Sections 1.1 through 1.5 of this act become effective upon ratification of the approval by the voters of the referendum set forth in Section 1.6 of this act. Section 1.6 is effective when it becomes law.

PART II. CHANGE IN THE MANNER OF ELECTION TO PARTISAN

CURRENT LAW: Elections for the Board of Education take place on the Tuesday after the first Monday in November of each even-numbered year. Elections are decided on a nonpartisan plurality basis under G.S. 163-292, and all the newly elected board members take office on the first Monday in December following their election.

BILL ANALYSIS: Sections 2.1 would repeal the current law regarding the manner of election.

Beginning in 2018, Section 2.2 would change the manner of election of members of the Board of Education from nonpartisan to partisan as terms expire. Candidates would be nominated at the same time and in the same manner as other county officers. Members who are elected to the Board of Education would take office and qualify on the first Monday in December of the year of their election. This section would not affect the terms of office of any person elected in 2014 or 2016.

EFFECTIVE DATE: Part II becomes effective January 1, 2018.

PART III. BOARD VACANCIES

CURRENT LAW: In the case of any vacancy on the Board of Education, the Board of Commissioners must appoint a replacement to serve the remainder of the unexpired term. The Board of Education nominates one or more persons for each vacancy, and the Board of Commissioners must pick from among those nominees.

BILL ANALYSIS: Section 3.1 would repeal the current law regarding vacancies on the Board of Education.

Section 3.2 would provide that for any vacancy on the Board of Education, the Rockingham County Board of Commissioners must appoint a replacement to serve the remainder of the unexpired term. The Board of Education would be able to nominate one or more persons for each vacancy to submit to the Board of Commissioners for consideration within 30 days from the date the seat becomes vacant, but the Board of Commissioners would not have to choose from among those nominees. If the vacating member was elected as a nominee of a political party, the Board of County Commissioners would need to select a replacement who is also a member of that political party.

EFFECTIVE DATE: Part III becomes effective when it becomes law and applies to vacancies occurring on or after that date.

Kelly Q. Tornow substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 189
Committee Substitute Favorable 3/30/15

Short Title: Rockingham Co. School Bd.

(Local)

Sponsors:

Referred to:

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO REDUCE THE SIZE OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION OVER FOUR YEARS FROM ELEVEN MEMBERS TO SEVEN BY REDRAWING THE ELECTION DISTRICTS TO REDUCE THE NUMBER OF DISTRICTS FROM SIX TO FOUR SO THAT FOUR MEMBERS ARE ELECTED BY DISTRICT AND BY REDUCING THE NUMBER OF MEMBERS ELECTED AT LARGE FROM FIVE TO THREE; TO CHANGE THE METHOD OF ELECTION OF THE BOARD TO PARTISAN; AND TO CLARIFY THE APPOINTMENT OF VACANCIES TO THE BOARD.

The General Assembly of North Carolina enacts:

PART I. REDUCTION IN THE NUMBER OF BOARD MEMBERS

SECTION 1.1. Chapter 15 of the 1993 Session Laws and S.L. 2005-307 are repealed.

SECTION 1.2. Notwithstanding the PLAN FOR MERGER OF THE PUBLIC SCHOOL SYSTEMS IN ROCKINGHAM COUNTY INTO ONE SYSTEM, as approved by the State Board of Education on July 2, 1992, under G.S. 115C-67, effective from the first Monday in December of 2016, the Rockingham County Consolidated Board of Education shall consist of nine members as follows:

(1) Four of the members shall be elected from districts, one each from a single-member district as described in Section 1.5 of this act, and shall serve four-year terms. The qualified voters of each district shall elect a person who has resided in that district for at least six months prior to filing for the seat apportioned to that district. Only the qualified voters of the district may vote in that election.

(2) Five of the members shall be members elected from the county at large in the 2014 election and shall serve four-year terms.

SECTION 1.3. Notwithstanding the PLAN FOR MERGER OF THE PUBLIC SCHOOL SYSTEMS IN ROCKINGHAM COUNTY INTO ONE SYSTEM, as approved by the State Board of Education on July 2, 1992, under G.S. 115C-67, effective from the first Monday in December of 2018, the Rockingham County Consolidated Board of Education shall consist of seven members as follows:

(1) Four of the members shall be members elected from districts beginning with the 2016 election and shall be elected quadrennially thereafter for four-year terms, one member elected each from a single-member district as described in Section 1.5 of this act. The qualified voters of each district shall elect a



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person who has resided in that district for at least six months prior to filing for the seat apportioned to that district. Only the qualified voters of the district may vote in that election.

- (2) Three of the members shall be members elected from the county at large beginning in the 2018 election and quadrennially thereafter for four-year terms.

SECTION 1.4. Beginning in 2016, the four districts are as follows:

District 1: Rockingham County: VTD: CO, VTD: MC: Block(s) 1570414001023, 1570414001026, 1570414001027, 1570414001029, 1570414001030, 1570414001031, 1570414002002, 1570414002003, 1570414002004, 1570414002005, 1570414002006, 1570414002007, 1570414002008, 1570414002009, 1570414002010, 1570414002016, 1570414002017, 1570414002018, 1570414002019, 1570414002020, 1570414002021, 1570414002022, 1570414002023, 1570414002024, 1570414002025, 1570414002026, 1570414002027, 1570414002040, 1570414002041, 1570414002042, 1570414002043, 1570415001000, 1570415001001, 1570415001002, 1570415001003, 1570415001004, 1570415001005, 1570415001006, 1570415001007, 1570415001008, 1570415001014, 1570415001015, 1570415001016, 1570415001017, 1570415001018, 1570415001019, 1570415001020, 1570415001021, 1570415001022, 1570415001023, 1570415002021, 1570415002022, 1570415002023, 1570415002024, 1570415002025, 1570415002026, 1570415002027, 1570415002029, 1570415002030, 1570415002031, 1570415002032, 1570415002033, 1570415002034, 1570415002035, 1570415002039, 1570415002040, 1570415003000, 1570415003001, 1570415003002, 1570415003003, 1570415003004, 1570415003005, 1570415003006, 1570415003007, 1570415003008, 1570415003009, 1570415003010, 1570415003011, 1570415003012, 1570415003013, 1570415003014, 1570415003015, 1570415003016, 1570415003017, 1570415003018, 1570415003019, 1570415003020, 1570415003021, 1570415003022, 1570415003023, 1570415003024, 1570415003025, 1570415003026, 1570415003027, 1570415003028, 1570415003029, 1570415003030, 1570415003031, 1570415003032, 1570415003033, 1570415004037, 1570415004038; VTD: RD-1, VTD: VA, VTD: WM.

District 2: Rockingham County: VTD: HO: Block(s) 1570410021000, 1570410021002, 1570410021003, 1570410021004, 1570410021005, 1570410021006, 1570410021007, 1570410021008, 1570410021010, 1570410021012, 1570410021013, 1570410021014, 1570410021015, 1570410021016, 1570410021017, 1570410021018, 1570410021019, 1570410021035, 1570410022002, 1570410022003, 1570411004035, 1570411004036; VTD: IR, VTD: LI, VTD: MC: Block(s) 1570414002033, 1570414002034, 1570414002038, 1570415004000, 1570415004001, 1570415004002, 1570415004003, 1570415004004, 1570415004005, 1570415004006, 1570415004007, 1570415004008, 1570415004009, 1570415004010, 1570415004011, 1570415004012, 1570415004014, 1570415004019, 1570415004020, 1570415004021, 1570415004024, 1570415004025, 1570415004026, 1570415004027, 1570415004028, 1570415004029, 1570415004030, 1570415004031, 1570415004032, 1570415004033, 1570415004034, 1570415004035, 1570415004036, 1570415004039, 1570415004040, 1570415004041, 1570415004042, 1570415004043, 1570415004044, 1570415004045, 1570415004046, 1570415004047, 1570415004048, 1570415004049, 1570415004050, 1570415004051, 1570415004052, 1570415004053, 1570415004054, 1570415004055, 1570415004056, 1570415004057, 1570415004058, 1570415004059, 1570415004060, 1570415004061, 1570415004062, 1570415004063, 1570415004064, 1570415004065, 1570415004066, 1570415004067, 1570415004068, 1570415004069, 1570415004070; VTD: NB, VTD: RC.

District 3: Rockingham County: VTD: DR, VTD: EC, VTD: ED-1, VTD: LK-2.

District 4: Rockingham County: VTD: AV, VTD: HO: Block(s) 1570410013031, 1570410013033, 1570410021020, 1570410021021, 1570410021022, 1570410021023,

1 1570410021024, 1570410021025, 1570410021026, 1570410021027, 1570410021028,
2 1570410021029, 1570410021030, 1570410021031, 1570410021032, 1570410021033,
3 1570410021034, 1570410021036, 1570410021037, 1570410021038, 1570410021039,
4 1570410021040, 1570410021041, 1570410022020, 1570410023000, 1570410023001,
5 1570410023009, 1570410023010, 1570410023011, 1570410023012, 1570410023013,
6 1570410023014, 1570410023015, 1570410023016, 1570410023017, 1570410023019,
7 1570410023020, 1570410023021, 1570410023022, 1570410023024; VTD: HU, VTD: MA,
8 VTD: MD.

9 **SECTION 1.5.** Notwithstanding Section 1.2 of this act, until the 2018 election of
10 at-large members as set forth in Section 1.3 of this act, the Rockingham County Board of
11 Commissioners shall not appoint a replacement for a vacancy of a member elected at large to
12 serve the remainder of the unexpired term unless there are less than three members who were
13 elected at large serving on the Rockingham County Board of Education.

14 **SECTION 1.6.** Sections 1.1 through 1.5 of this act become effective only if
15 approved by a majority of the qualified voters of the County of Rockingham in a referendum.
16 The election shall be conducted by the Rockingham County Board of Elections on May 3,
17 2016. The question on the ballot shall be:

18 "[] FOR [] AGAINST

19 Reducing the membership of the Rockingham County Board of Education from
20 eleven members to seven members over a four-year period by redrawing the districts and
21 reducing the number of the members elected by district from six to four and reducing the
22 number of at-large members from five to three, with all current members completing their
23 terms of office."

24 **PART II. CHANGE IN THE MANNER OF ELECTION TO PARTISAN**

25 **SECTION 2.1.** Section 2 of S.L. 1995-651 is repealed.

26 **SECTION 2.2.** Notwithstanding the PLAN FOR MERGER OF THE PUBLIC
27 SCHOOL SYSTEMS IN ROCKINGHAM COUNTY INTO ONE SYSTEM, as approved by
28 the State Board of Education on July 2, 1992, under G.S. 115C-67, beginning in 2018, the
29 election of members on the Rockingham County Consolidated Board of Education shall be on a
30 partisan basis at the time of the general election in each even-numbered year as terms expire.
31 Candidates for election to the Rockingham County Board of Education shall be nominated at
32 the same time and in the same manner as other county officers. Members elected shall take
33 office and qualify on the first Monday in December of the year of their election, and the terms
34 of their predecessors shall expire at that same time. This section does not affect the terms of
35 office of any person elected in 2014 and 2016 to the Rockingham County Board of Education.
36
37

38 **PART III. BOARD VACANCIES**

39 **SECTION 3.1.** Section 3 of S.L. 2005-307 reads as rewritten:

40 "SECTION 3. The five at-large members shall be elected in 2006 and quadrennially
41 thereafter for four-year terms. The six district members shall be elected in 2008 and
42 quadrennially thereafter for four-year terms. ~~In case of any vacancy, the Rockingham County~~
43 ~~Board of Commissioners shall appoint a replacement to serve the remainder of the unexpired~~
44 ~~term. The Rockingham County Board of Education shall nominate one or more persons for~~
45 ~~each vacancy, and the Board of Commissioners may not appoint someone not nominated by the~~
46 ~~Board of Education."~~

47 **SECTION 3.2.** In case of any vacancy on the Rockingham County Board of
48 Education, the Rockingham County Board of Commissioners shall appoint a replacement to
49 serve the remainder of the unexpired term. The Rockingham County Board of Education may
50 nominate one or more persons for each vacancy to submit to the Board of Commissioners for
51 its consideration within 30 days from the date the seat becomes vacant.

1
2 **PART IV. EFFECTIVE DATE**

3 **SECTION 4.** Sections 1.1 through 1.5 of this act become effective upon
4 ratification of the approval by the voters of the referendum set forth in Section 1.6 of this act.
5 Part II of this act becomes effective January 1, 2018. The remainder of this act is effective
6 when it becomes law and applies to vacancies occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 189
Committee Substitute Favorable 3/30/15

Short Title: Rockingham Co. School Bd.

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Sponsors:

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SECTION 1.5. Notwithstanding Section 1.2 of this act, until the 2018 election of at-large members as set forth in Section 1.3 of this act, the Rockingham County Board of Commissioners shall not appoint a replacement for a vacancy of a member elected at large to serve the remainder of the unexpired term unless there are less than three members who were elected at large serving on the Rockingham County Board of Education.

SECTION 1.6. Sections 1.1 through 1.5 of this act become effective only if approved by a majority of the qualified voters of the County of Rockingham in a referendum. The election shall be conducted by the Rockingham County Board of Elections on May 3, 2016. The question on the ballot shall be:

"[] FOR [] AGAINST

Reducing the membership of the Rockingham County Board of Education from eleven members to seven members over a four-year period by redrawing the districts and reducing the number of the members elected by district from six to four and reducing the number of at-large members from five to three, with all current members completing their terms of office."

PART II. CHANGE IN THE MANNER OF ELECTION TO PARTISAN

SECTION 2.1. Section 2 of S.L. 1995-651 is repealed.

SECTION 2.2. Notwithstanding the PLAN FOR MERGER OF THE PUBLIC SCHOOL SYSTEMS IN ROCKINGHAM COUNTY INTO ONE SYSTEM, as approved by the State Board of Education on July 2, 1992, under G.S. 115C-67, beginning in 2018, the election of members on the Rockingham County Consolidated Board of Education shall be on a partisan basis at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Rockingham County Board of Education shall be nominated at the same time and in the same manner as other county officers. Members elected shall take office and qualify on the first Monday in December of the year of their election, and the terms of their predecessors shall expire at that same time. This section does not affect the terms of office of any person elected in 2014 and 2016 to the Rockingham County Board of Education.

PART III. BOARD VACANCIES

SECTION 3.1. Section 3 of S.L. 2005-307 reads as rewritten:

"**SECTION 3.** The five at-large members shall be elected in 2006 and quadrennially thereafter for four-year terms. The six district members shall be elected in 2008 and quadrennially thereafter for four-year terms. ~~In case of any vacancy, the Rockingham County Board of Commissioners shall appoint a replacement to serve the remainder of the unexpired term. The Rockingham County Board of Education shall nominate one or more persons for each vacancy, and the Board of Commissioners may not appoint someone not nominated by the Board of Education.~~"

SECTION 3.2. In case of any vacancy on the Rockingham County Board of Education, the Rockingham County Board of Commissioners shall appoint a replacement to serve the remainder of the unexpired term. The Rockingham County Board of Education may nominate one or more persons for each vacancy to submit to the Board of Commissioners for its consideration within 30 days from the date the seat becomes vacant.

1
2 **PART IV. EFFECTIVE DATE**

3 **SECTION 4.** Sections 1.1 through 1.5 of this act become effective upon
4 ratification of the approval by the voters of the referendum set forth in Section 1.6 of this act.
5 Part II of this act becomes effective January 1, 2018. The remainder of this act is effective
6 when it becomes law and applies to vacancies occurring on or after that date.

HOUSE BILL 189: ROCKINGHAM CO. SCHOOL BOARD DISTRICTS

Legend

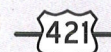
Districts

1

2

3

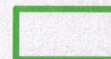
4



US Highway



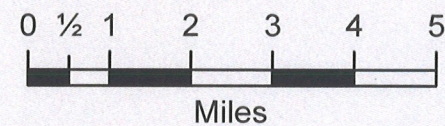
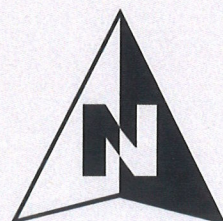
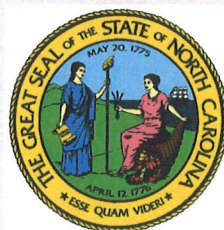
NC Highway



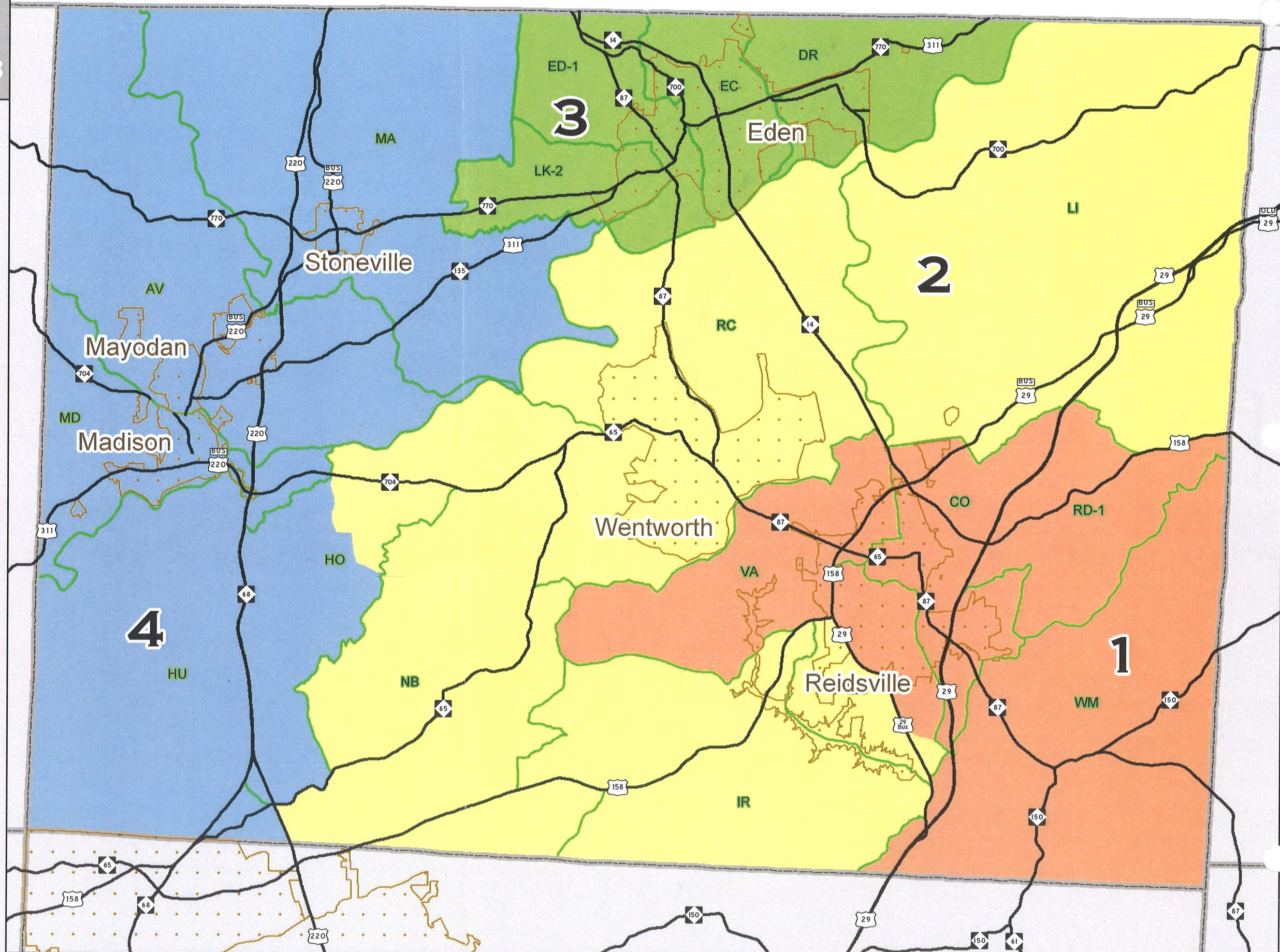
VTDs



City / Town



Produced by North Carolina General Assembly, March 24, 2015.



District	2010 Pop	Ideal Pop	Ideal +/-	% +/-
1	24,346	23,411	935	3.99%
2	22,793	23,411	-618	-2.64%
3	22,403	23,411	-1,008	-4.31%
4	24,101	23,411	690	2.95%

Total Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	Total % Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	24,346	14,507	59.59%	8,175	33.58%	88	0.36%	128	0.53%	953	3.91%	495	2.03%	327	1.34%	8,502	34.92%	1,736	7.13%	22,610	92.87%	13,863	56.94%
2	22,793	19,437	85.28%	2,490	10.92%	80	0.35%	112	0.49%	347	1.52%	327	1.43%	153	0.67%	2,643	11.60%	704	3.09%	22,089	96.91%	19,137	83.96%
3	22,403	16,805	75.01%	4,487	20.03%	93	0.42%	144	0.64%	461	2.06%	413	1.84%	243	1.08%	4,730	21.11%	1,154	5.15%	21,249	94.85%	16,226	72.43%
4	24,101	20,126	83.51%	2,503	10.39%	84	0.35%	106	0.44%	847	3.51%	435	1.80%	199	0.83%	2,702	11.21%	1,565	6.49%	22,536	93.51%	19,518	80.98%
Totals:	93,643	70,875	75.69%	17,655	18.85%	345	0.37%	490	0.52%	2,608	2.79%	1,670	1.78%	922	0.98%	18,577	19.84%	5,159	5.51%	88,484	94.49%	68,744	73.41%

Voting Age Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	18,928	11,762	62.14%	6,209	32.80%	57	0.30%	97	0.51%	593	3.13%	210	1.11%	102	0.54%	6,311	33.34%	1,038	5.48%	17,890	94.52%	11,390	60.18%
2	17,843	15,317	85.84%	2,002	11.22%	67	0.38%	76	0.43%	226	1.27%	155	0.87%	46	0.26%	2,048	11.48%	434	2.43%	17,409	97.57%	15,139	84.85%
3	17,334	13,392	77.26%	3,335	19.24%	65	0.37%	99	0.57%	284	1.64%	159	0.92%	64	0.37%	3,399	19.61%	643	3.71%	16,691	96.29%	13,093	75.53%
4	18,749	15,877	84.68%	2,012	10.73%	64	0.34%	75	0.40%	533	2.84%	188	1.00%	59	0.31%	2,071	11.05%	934	4.98%	17,815	95.02%	15,522	82.79%
Totals:	72,854	56,348	77.34%	13,558	18.61%	253	0.35%	347	0.48%	1,636	2.25%	712	0.98%	271	0.37%	13,829	18.98%	3,049	4.19%	69,805	95.81%	55,144	75.69%

Registration by Party																		Registration by Race Without Regard to Party			
District	VR Total	% D	Racial %s among D's				% R	Racial %s among R's				% U	Racial %s among U's				% L	% White	% Black	% NA	% Other
			White % of D	Black % of D	NA % of D	Other % of D		White % of R	Black % of R	NA % of R	Other % of R		White % of U	Black % of U	NA % of U	Other % of U					
1	14,927	56.49%	43.77%	53.95%	0.15%	2.12%	25.74%	94.64%	3.54%	0.18%	1.64%	17.67%	77.74%	16.42%	0.19%	5.65%	0.11%	62.89%	34.30%	0.17%	2.63%
2	14,820	42.74%	74.04%	24.71%	0.14%	1.11%	35.46%	98.02%	0.86%	0.19%	0.93%	21.70%	91.60%	4.51%	0.31%	3.58%	0.10%	86.36%	11.85%	0.20%	1.59%
3	14,162	46.57%	62.23%	36.19%	0.18%	1.39%	31.01%	96.56%	1.94%	0.14%	1.37%	22.32%	85.57%	11.01%	0.38%	3.04%	0.11%	78.10%	19.93%	0.21%	1.75%
4	14,296	43.41%	72.35%	26.06%	0.18%	1.42%	33.58%	97.63%	0.71%	0.13%	1.54%	22.89%	90.47%	4.83%	0.21%	4.49%	0.12%	85.01%	12.65%	0.17%	2.17%
Totals:	58,205	47.36%	61.58%	36.70%	0.16%	1.56%	31.42%	96.86%	1.64%	0.16%	1.35%	21.11%	86.77%	8.82%	0.28%	4.13%	0.11%	78.00%	19.77%	0.19%	2.04%

D=Democratic, R=Republican, U=Unaffiliated, L=Libertarian, NA=American Indian.
In this chart, the "Other" race categories also include multi-race voters and those voters for whom a race indicator was not present in the source data.

	Voter Registration by Gender							Voter Registration by Age								Voter Registration by Ethnicity							
District	Total	Male	Male %	Female	Female %	Undes.		Total	18-25	18-25 %	26-40	26-40 %	41-65	41-65 %	66+	66+ %	Total	Hispanic	Hisp %	Non-Hisp	Non H %	Undesign.	Undes. %
1	14,869	6,547	44.03%	8,321	55.96%	1	0.01%	14,889	1,473	9.91%	3,178	21.37%	6,960	46.81%	3,278	22.05%	14,869	118	0.79%	12,783	85.97%	1,968	13.24%
2	14,913	6,994	46.90%	7,919	53.10%	0	0.00%	14,880	1,308	8.77%	3,140	21.06%	7,525	50.46%	2,907	19.49%	14,912	49	0.33%	13,326	89.36%	1,537	10.31%
3	14,162	6,246	44.10%	7,916	55.90%	0	0.00%	14,162	1,363	9.62%	3,101	21.90%	6,414	45.29%	3,284	23.19%	14,162	67	0.47%	12,617	89.09%	1,478	10.44%
4	14,261	6,613	46.37%	7,648	53.63%	0	0.00%	14,274	1,303	9.14%	3,067	21.51%	6,833	47.91%	3,071	21.53%	14,262	89	0.62%	12,535	87.89%	1,638	11.49%
Totals:	58,205	26,400	45.36%	31,804	54.64%	1	0.00%	58,205	5,447	9.36%	12,486	21.45%	27,732	47.65%	12,540	21.54%	58,205	323	0.55%	51,261	88.07%	6,621	11.38%

	2004 Auditor Campbell-Merritt				2004 Governor Easley-Ballantine-Howe						2004 President Kerry-Bush-Badnarik								2004 US Senate Bowles-Burr-Bailey							
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %
1	3,311	56.00%	2,602	44.00%	4,002	63.94%	2,160	34.51%	97	1.55%	2,959	47.08%	3,307	52.62%	12	0.19%	7	0.11%	3,079	49.29%	3,088	49.43%	77	1.23%	3	0.05%
2	2,600	43.05%	3,439	56.95%	3,495	53.60%	2,913	44.68%	112	1.72%	2,046	31.11%	4,507	68.53%	19	0.29%	5	0.08%	2,289	35.12%	4,133	63.41%	96	1.47%	0	0.00%
3	3,075	48.27%	3,296	51.73%	3,899	57.75%	2,743	40.63%	110	1.63%	2,553	37.49%	4,236	62.20%	18	0.26%	3	0.04%	2,776	41.13%	3,876	57.43%	97	1.44%	0	0.00%
4	3,294	45.83%	3,894	54.17%	4,217	54.83%	3,322	43.19%	152	1.98%	2,751	35.68%	4,931	63.95%	20	0.26%	9	0.12%	2,985	38.83%	4,560	59.31%	142	1.85%	1	0.01%
Totals:	12,280	48.14%	13,231	51.86%	15,613	57.35%	11,138	40.92%	471	1.73%	10,309	37.65%	16,981	62.01%	69	0.25%	24	0.09%	11,129	40.91%	15,657	57.56%	412	1.51%	4	0.01%

	2008 A. G. Cooper-Crumley				2008 Comm. Ag Ansley-Troxler				2008 Comm. of Labor Donnan-Berry				2008 State Auditor Wood-Merrit				2008 Comm. of Insurance Goodwin-Odom								2008 Super.of P.I. Atkinson-Morgan			
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %
1	6,823	64.77%	3,712	35.23%	4,991	47.15%	5,594	52.85%	5,681	54.78%	4,689	45.22%	6,119	59.69%	4,132	40.31%	5,961	57.55%	4,026	38.87%	363	3.50%	8	0.08%	5,988	58.33%	4,278	41.67%
2	5,375	51.39%	5,084	48.61%	2,924	27.70%	7,633	72.30%	3,750	36.80%	6,439	63.20%	4,432	44.05%	5,629	55.95%	4,105	40.36%	5,556	54.62%	506	4.97%	5	0.05%	4,122	40.89%	5,959	59.11%
3	5,065	55.40%	4,078	44.60%	3,686	40.60%	5,392	59.40%	4,017	44.92%	4,926	55.08%	4,478	50.43%	4,401	49.57%	4,314	48.17%	4,271	47.69%	363	4.05%	7	0.08%	4,390	49.40%	4,497	50.60%
4	5,331	53.11%	4,707	46.89%	3,491	34.89%	6,516	65.11%	3,930	40.14%	5,861	59.86%	4,609	47.55%	5,083	52.45%	4,298	43.79%	5,013	51.08%	497	5.06%	6	0.06%	4,318	44.57%	5,370	55.43%
Totals:	22,594	56.24%	17,581	43.76%	15,092	37.52%	25,135	62.48%	17,378	44.23%	21,915	55.77%	19,638	50.51%	19,245	49.49%	18,678	47.53%	18,866	48.01%	1,729	4.40%	26	0.07%	18,818	48.35%	20,104	51.65%

	2008 Lt. Governor Dalton-Pittenger-Rhodes						2008 Governor Perdue-McCrory-Munger						2008 President Obama-McCain-Barr								2008 US Senate Hagan-Dole						2008 Straight Party					
District	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib.	Lib%
1	6,104	57.91%	4,152	39.39%	285	2.70%	6,304	58.55%	4,138	38.44%	324	3.01%	5,814	53.46%	4,968	45.68%	66	0.61%	28	0.26%	6,166	57.21%	4,234	39.29%	377	3.50%	3,862	67.56%	1,796	31.42%	58	1.01%
2	4,281	41.08%	5,731	55.00%	408	3.92%	4,613	42.94%	5,700	53.06%	430	4.00%	3,656	33.73%	7,079	65.31%	76	0.70%	28	0.26%	4,456	41.36%	5,844	54.25%	473	4.39%	1,919	44.03%	2,389	54.82%	50	1.15%
3	4,428	48.25%	4,398	47.92%	352	3.84%	4,761	50.71%	4,290	45.70%	337	3.59%	3,947	41.70%	5,413	57.19%	69	0.73%	36	0.38%	4,578	48.79%	4,440	47.32%	365	3.89%	2,523	54.57%	2,047	44.28%	53	1.15%
4	4,337	43.16%	5,283	52.58%	428	4.26%	4,750	45.99%	5,117	49.54%	461	4.46%	3,838	36.79%	6,439	61.72%	119	1.14%	36	0.35%	4,635	44.83%	5,211	50.41%	492	4.76%	2,253	47.06%	2,449	51.16%	85	1.78%
Totals:	19,150	47.65%	19,564	48.68%	1,473	3.67%	20,428	49.55%	19,245	46.68%	1,552	3.76%	17,255	41.47%	23,899	57.43%	330	0.79%	128	0.31%	19,835	48.06%	19,729	47.80%	1,707	4.14%	10,557	54.18%	8,681	44.55%	246	1.26%

2010 Straight Party							2010 US Senate Marshall-Burr					
District	Dem	Dem %	Rep	Rep %	Lib.	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %
1	1,409	59.83%	902	38.30%	44	1.87%	2,687	42.97%	3,401	54.39%	165	2.64%
2	742	34.80%	1,347	63.18%	43	2.02%	1,883	27.46%	4,740	69.13%	234	3.41%
3	862	48.62%	862	48.62%	49	2.76%	1,915	32.76%	3,739	63.97%	191	3.27%
4	846	35.16%	1,513	62.88%	47	1.95%	1,931	30.95%	4,099	65.70%	209	3.35%
Totals:	3,859	44.53%	4,624	53.36%	183	2.11%	8,416	33.40%	15,979	63.42%	799	3.17%

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 892
Committee Substitute Favorable 4/22/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H892-CSLG-5 [v.4]

5/15/2015 2:09:28 PM

Short Title: 2015 Speaker and PPT Appointments.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED
AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and the President Pro Tempore of the Senate have made recommendations; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. Effective January 15, 2015, the Honorable Charles Travis, III, of Mecklenburg County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2019.

SECTION 1.2. John D. "JD" Solomon of Johnston County is appointed to the Environmental Management Commission for a term expiring on June 30, 2017, to fill the unexpired term of Benne C. Hutson.

SECTION 1.3.(a) Representative Dan Bishop of Mecklenburg County is appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for a term expiring on June 30, 2015, to fill the unexpired term of Tom Murry.

SECTION 1.3.(b) Representative Larry Yarborough of Person County is appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for a term expiring on June 30, 2015, to fill the unexpired term of Mark Hollo.

PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS.

SECTION 2.1.(a) Daniel J. Zeller of Rockingham County is appointed to the State Ethics Commission for a term expiring on December 31, 2016, to fill the unexpired term of Francis X. DeLuca.

SECTION 2.1.(b) Effective January 1, 2105, Dr. Clarence G. Newsome of Mecklenburg County is reappointed to the State Ethics Commission for a term expiring on December 31, 2018.

SECTION 2.2.(a) James S. Stewart of Hoke County is appointed to the 911 Board for a term expiring on December 31, 2017.



1 **SECTION 2.2.(b)** Effective January 1, 2015, Jeffrey A. Shipp of Sampson County,
2 Richard A. Edwards of Mecklenburg County, and Slayton S. Stewart of Forsythe County are
3 appointed to the 911 Board for terms expiring on December 31, 2018.
4

5 **PART III. EFFECTIVE DATE**

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 892
Committee Substitute Favorable 4/22/15

Short Title: 2015 Speaker's Appointments. (Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
3 RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.
4 Whereas, G.S. 120-121 authorizes the General Assembly to make certain
5 appointments to public offices upon the recommendation of the Speaker of the House of
6 Representatives; and
7 Whereas, the Speaker of the House of Representatives has made recommendations;
8 Now, therefore,
9 The General Assembly of North Carolina enacts:
10 **SECTION 1.** Effective January 15, 2015, the Honorable Charles Travis, III, of
11 Mecklenburg County is appointed to the North Carolina Turnpike Authority for a term expiring
12 on January 14, 2019.
13 **SECTION 2.** John D. "JD" Solomon of Johnston County is appointed to the
14 Environmental Management Commission for a term expiring on June 30, 2017, to fill the
15 unexpired term of Benne C. Hutson.
16 **SECTION 3.(a)** Representative Dan Bishop of Mecklenburg County is appointed
17 to the Justus-Warren Heart Disease and Stroke Prevention Task Force for a term expiring on
18 June 30, 2015, to fill the unexpired term of Tom Murry.
19 **SECTION 3.(b)** Representative Larry Yarborough of Person County is appointed
20 to the Justus-Warren Heart Disease and Stroke Prevention Task Force for a term expiring on
21 June 30, 2015, to fill the unexpired term of Mark Hollo.
22 **SECTION 4.** This act is effective when it becomes law.



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Senate State
And
Local Government

May 19, 2015

Room 423, LOB

12:00 PM

Senate Sergeant at Arms:

~~**STEVE WILSON**~~

JIM HAMILTON

Dale Huff

SENATE PAGES ATTENDING

COMMITTEE: State & Local Govt ROOM: 423

DATE: 5-19 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!.....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Lili Vitale	Franklin	Mr. Jim Davis
2.	Daniel Haycox	Huntersville	Tarte
3.	Hannah Styers	Franklinton	Barefoot
4.	Kaleb Woods	Burlington	Woodard
5.	Joe Mulligan	Huntersville	Woodard Tarte
6.			
7.			
8.			
9.			
10.			

Do not add names below the grid.

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



VISITOR REGISTRATION SHEET

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE

DATE May 19, 2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Dana Fourn	City of Charlotte
Tim Bradley	NCSFA
TOM Coffe	NCSFA
Michelle L. L. L.	NCMMC
Sarah Collins	NCLM
James O'Leary	UNC Dept of Govt
Daniel Ferrell	VB
Becki Gray	GLF
Charles Logan	GLF
Phil Staley	VB
Joe Maynard	SPM & Assoc
Michael Potter	Appalachian State



**Senate Committee on State and Local Government
Tuesday, June 2, 2015 at 12:00 PM
Room 423 of the Legislative Office Building**

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 2, 2015 in Room 423 of the Legislative Office Building. Nine members were present.

Senator Jim Davis, Chair, presided.

Senator Davis welcomed members and visitors and thanked the Sergeant-at-Arms (Dale Huff, Hal Roach) and Pages (Scott Parnell, Parkton, Sen. Smith; Dalton Huston, Fayetteville, Sen. Meredith; Beau Nutler, Oxford, Sen. McKissick; Jordan Davis, Concord, Sen. Apodaca; Audrey Frye, Charlotte, Sen. Apodaca; Hayden White, Wilmington, Sen. Lee; Julian Leidy, Elizabeth City, Senator Cook; Delayah Griffith, Greensboro, Sen. Robinson).

HB 279 Wake Cty Local Board of Equalization/Review. (Representatives Pendleton, Malone, Dollar, Avila)

Representative Pendleton explained the bill. House Bill 279 would change the law governing the Board of Equalization and Review in Wake County, by:

- authorizing multiple Board panels in reappraisal years; and
- making other procedural changes.

There being no questions or comments, Senator Alexander's motion for a favorable report was passed.

HB 307 Zebulon Charter/Use of Certain Fees. (Representatives Malone, Jackson)

Representative Malone explained the bill. House Bill 307 would amend the charter of the Town of Zebulon to make the following changes for road or drainage projects fees, open space project fees, and recreation project fees:

- Add requirement that fee must be rationally related to and no greater than the amount roughly proportional to the impact reasonably expected to be generated by the new construction.
- Add requirement that all expenditures from the fund must be in accordance with the general laws of the State of North Carolina.
- Change deadline to use fees from 6/10 years to a uniform 10 years.
- Delete limitation that expenditures from each fund for any one project cannot exceed 50% of the cost of the project.

Representative Malone responded to comments from Senator Pate. There being no further comments or questions, Senator Pate's motion for a favorable report with a referral to Finance was carried.

HB 340 Weekend Burials/State Veterans Cemeteries. (Representatives Shepard, Cleveland, Boles, Whitmire)

Representative Shepard explained the bill. House Bill 340 would provide that burial services shall be conducted at all State veterans cemeteries every day of the week that is not a State or federal

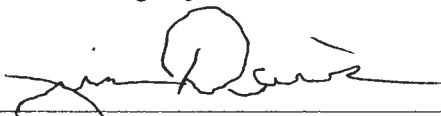


holiday. Senator Shepard and a VA Deputy Director responded to comments and questions from Senators Cleveland, Foushee, and Barringer. Senator Smith's motion for a favorable report was seconded by Senator Waddell and then passed.

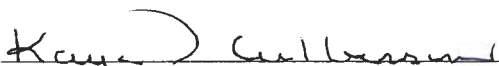
HB 346 Counties/Public Trust Areas. (Representative Steinburg)

Representative Steinberg explained the bill. House Bill 346 authorizes counties to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches. There being no comments or questions, Senator Tarte's motion for a favorable report was carried.

The meeting adjourned at 12:20 PM.



Senator Jim Davis, Chair
Presiding



Kaye Culberson, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, June 2, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks – Senator Jim Davis presiding

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 279	Wake Cty Local Board of Equalization/Review.	Representative Pendleton Representative Malone Representative Dollar Representative Avila
HB 307	Zebulon Charter/Use of Certain Fees.	Representative Malone Representative Jackson
HB 340	Weekend Burials/State Veterans Cemeteries.	Representative Shepard Representative Cleveland Representative Boles
HB 346	Counties/Public Trust Areas.	Representative Whitmire Representative Steinburg

Presentations

Other Business

Adjournment



Principal Clerk _____
Reading Clerk _____

Corrected #1: Bills added

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 2, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 279	Wake Cty Local Board of Equalization/Review.	Representative Pendleton Representative Malone Representative Dollar Representative Avila
HB 307	Zebulon Charter/Use of Certain Fees.	Representative Malone Representative Jackson
HB 340	Weekend Burials/State Veterans Cemeteries.	Representative Shepard Representative Cleveland Representative Boles
HB 346	Counties/Public Trust Areas.	Representative Whitmire Representative Steinburg

Senator Jim Davis will chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, June 02, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB 279 (CS#1)	Wake Cty Local Board of Equalization/Review.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No
HB 307	Zebulon Charter/Use of Certain Fees.
	Draft Number: None
	Sequential Referral: Finance
	Recommended Referral: None
	Long Title Amended: No
HB 340	Weekend Burials/State Veterans Cemeteries.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No
HB 346	Counties/Public Trust Areas.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 4

Senator Tamara Barringer will handle HB 279
Senator John Barefoot will handle HB 307
Senator David Curtis will handle HB 340
Senator Bill Cook will handle HB 346



* C M R 4 0 2 - V - 1 *





HOUSE BILL 279: Wake Cty Local Board of Equalization/Review

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Pendleton, Malone, Dollar, Avila
Analysis of: Second Edition

Date: June 2, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: House Bill 279 would change the law governing the Board of Equalization and Review in Wake County, by:

- authorizing multiple Board panels in reappraisal years; and
- making other procedural changes.

CURRENT LAW: A County Board of Equalization and Review reviews county property tax listings and hears property tax appeals. The Board of County Commissioners, or a Special Board of Equalization and Review appointed by it, functions as the Board of Equalization and Review. Real property is generally reappraised on an eight-year cycle. Wake County's next reappraisal will be effective January 1, 2016 (G.S. 105-286).

BILL ANALYSIS: House Bill 279 would change the law governing the Board of Equalization and Review in Wake County, by:

- Requiring any Special Board of Equalization and Review appointed by the Board of County Commissioners to have at least five members.
- Authorizing a designee of the Clerk of the Board of Equalization and Review to attend Board meetings.
- Authorizing, in general reappraisal years, the Chair of the Board of Equalization and Review to divide the board into two or more separate panels with at least three members each; and authorizing interchange of members among panels.
- Providing that a decision of a Board panel has the same effect as a decision by the entire Board.
- Authorizing the Board of Equalization and Review to make changes to the property tax records, as authorized by G.S. 105-325, such as giving effect to decisions made on appeals of the Board's decisions, and to making other corrections to the property tax records.
- Authorizing the Board of Equalization and Review to accept an application for a property tax exemption or exclusion that was filed after the statutory deadline, if good cause is shown.

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

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







HOUSE BILL 307: Zebulon Charter/Use of Certain Fees

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	June 2, 2015
Introduced by:	Reps. Malone, Jackson	Prepared by:	Brad Krehely Committee Counsel
Analysis of:	First Edition		

SUMMARY: *House Bill 307 would amend the charter of the Town of Zebulon to make the following changes for road or drainage projects fees, open space project fees, and recreation project fees:*

- *Add requirement that fee must be rationally related to and no greater than the amount roughly proportional to the impact reasonably expected to be generated by the new construction.*
- *Add requirement that all expenditures from the fund must be in accordance with the general laws of the State of North Carolina.*
- *Change deadline to use fees from 6/10 years to a uniform 10 years.*
- *Delete limitation that expenditures from each fund for any one project cannot exceed 50% of the cost of the project.*

CURRENT LAW AND BILL ANALYSIS:

House Bill 307 would amend the charter of the Town of Zebulon to change the imposition and use of fees collected in three areas: road or drainage projects fees, open space project fees, and recreation project fees.

The following sentences are added to each fee:

- "In addition, the fee shall be rationally related to and no greater than the amount roughly proportional to the impact reasonably expected to be generated by the new construction."
- "All expenditures from the trust fund for any ... project shall be in accordance with the general laws of the State of North Carolina."

The following sentence is deleted from each fee:

- "Expenditures from such trust fund for any one ... project shall not exceed fifty percent (50%) of the capital costs of such individual project."

The deadline for use of the fee is modified from 6 years (10 years if the Town provides the service in conjunction with other units of government) to 10 years.

EFFECTIVE DATE: House Bill 307 would be effective when it becomes law.

Greg Roney, Counsel to House Finance, contributed substantially to this summary.

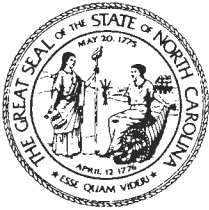
O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 3 0 7 - S M R N - 5 9 E 1 - V 1 *





HOUSE BILL 340: Weekend Burials/State Veterans Cemeteries

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	June 1, 2015
Introduced by:	Reps. Shepard, Cleveland, Boles, Whitmire	Prepared by:	Tawanda Foster
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 340 would provide that burial services shall be conducted at all State veterans cemeteries every day of the week that is not a State or federal holiday.*

CURRENT LAW: G.S. 65-44 provides that burial services shall be conducted at the Coastal Carolina State Veterans Cemetery and the Sandhills State Veterans Cemeteries every day of the week that is not a State holiday.

BILL ANALYSIS: House Bill 340 would amend G.S. 65-44 to provide that burial services shall be conducted every day of the week at all State veterans cemeteries. In addition, the bill would not require burial services to be conducted on federal holidays.

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

BACKGROUND: State veterans cemeteries were established in North Carolina in response to the shortage of spaces available in the four national veterans cemeteries located in North Carolina,¹ so that veterans could be buried in closer proximity to where their families and friends live.²

Under Article 8A of Chapter 65 of the General States, eligible North Carolina veterans and their legal spouses and dependents are provided free burial plots at State veterans cemeteries.

There are presently three State veterans cemeteries³:

- Coastal Carolina State Veterans Cemetery (Jacksonville)
- Sandhills State Veterans Cemetery (Spring Lake)
- Western Carolina State Veterans Cemetery (Black Mountain)

Each cemetery is staffed with an administrator, an administrative assistant, two maintenance mechanics, and a groundsman.

To cover the costs incurred as a result of weekend burial services required under G.S. 65-44, the Department of Administration was authorized in 2004 to use funds credited to the Veterans Burial Fund for the 2004-2005 fiscal year,⁴ and in 2005 the Department was authorized to cover these costs using funds credited to the Veterans Burial Fund for the 2005-2007 biennium.⁵ According to the Division of Veterans Affairs, however, weekend burial services have not been conducted pursuant to G.S. 65-44 because sufficient funds have not been available to pay the additional staff wages and expenses required to conduct such services on Saturdays and Sundays.

¹ There are four national cemeteries in North Carolina: New Bern, Raleigh, Salisbury and Wilmington National Cemeteries. Only the Salisbury National Cemetery is still accepting interments.

² S.L. 1987-183.

³ A fourth cemetery is under construction in Goldsboro and is expected to be open in late 2015.

⁴ S.L. 2004-124, s. 19.2(b).

⁵ S.L. 2005-276, s. 19.3.

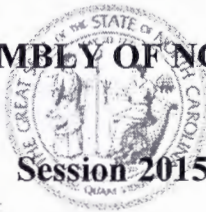


House Bill 340

Page 2

Bill Patterson, Staff Attorney, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA



FISCAL ANALYSIS MEMORANDUM

[This confidential fiscal memorandum is a fiscal analysis of a draft bill, amendment, committee substitute, or conference committee report that has not been formally introduced or adopted on the chamber floor or in committee. This is not an official fiscal note. If upon introduction of the bill you determine that a formal fiscal note is needed, please make a fiscal note request to the Fiscal Research Division, and one will be provided under the rules of the House and the Senate.]

DATE: 4/09/15
TO: Representative Shepard
FROM: Daniel Sater
 Fiscal Research Division
RE: Veterans Cemetery Weekend Burial

FISCAL IMPACT					
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Estimate Available		
State Impact					
General Fund Revenues:					
General Fund Expenditures:	\$314,611.0	\$314,767.0	\$318,487.0	\$322,671.0	\$326,495.0
State Positions:	7.2	7.2	7.2	7.2	7.2
NET STATE IMPACT	(\$314,611.0)	(\$314,767.0)	(\$318,487.0)	(\$322,671.0)	(\$326,495.0)
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Administration					
EFFECTIVE DATE: When the bill becomes law					
TECHNICAL CONSIDERATIONS: None					

BILL SUMMARY:

This bill would require all State Veterans Cemeteries to hold weekend burials.

ASSUMPTIONS AND METHODOLOGY:

This analysis assumes that each of the four veterans cemeteries will hire part time weekend staff to perform weekend burials. Each cemetery will need four positions including Maintenance Mechanic I, Maintenance Mechanic II, Grounds Worker, and Office Assistant. Salaries and benefits make up the majority of the costs with the remainder, approximately \$26,000, spent on additional maintenance and utilities cost associated with the weekend burials.



This analysis assumes full appropriation support for the new positions at the cemeteries. It is possible to defray some of the General Fund costs through receipt support. The Department of Administration receives \$734 for each veteran burial and \$400 for each dependent burial from the US Department of Veterans Affairs. The current fund balance of the receipts is \$547,034. The ending balance for the previous two fiscal years was \$465,602 for FY13-14 and \$282,831 for FY12-13.

SOURCES OF DATA: Department of Administration

TECHNICAL CONSIDERATIONS: None





HOUSE BILL 346: Counties/Public Trust Areas

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. Steinburg
Analysis of: First Edition

Date: June 2, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 346 authorizes counties to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches.*

CURRENT LAW: In 2013, the General Assembly enacted G.S. 160A-205, which authorizes *cities* to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches. This statute authorizes a city to regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris on the State's ocean beaches.¹

BILL ANALYSIS: House Bill 346 authorizes *counties* to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches.

The bill authorizes a *county* by ordinance to regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris on the State's ocean beaches.

The bill does not apply to the removal of permanent residential or commercial structures from the State's ocean beaches.

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

Giles Perry, Counsel to House Local Government, contributed substantially to this summary.

¹ This statute was enacted following the decision in *Town of Nags Head v. Cherry*, 219 N.C.App. 66 (2012)

O. Walker Reagan
Director



Research Division
(919) 733-2578

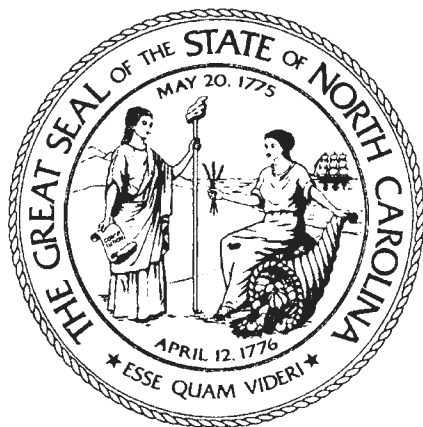
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SENATE STATE AND LOCAL GOVERNMENT
2015-2016 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
✓ DAVIS, Jim Chair	Kaye Culberson	3-5875	408-B	61
SANDERSON, Norman Chair	Kathy Voss	3-5706	406	18
WADE, Trudy Vice-Chair	Kathy Hartsell	3-5856	521	99
✓ ALEXANDER, John	Danielle Albert	3-5850	2115	89
✓ BARRINGER, Tamara	Gloria Whitehead	3-5653	620	81
✓ CURTIS, David	Lynn Tennant	5-3038	410	83
DAVIS, Don	Blinda Edwards	5-8363	519	63
FOUSHEE, Valerie	James Spivey	3-5804	517	119
HARTSELL, Fletcher	Gerry Johnson	3-7223	627	115
JACKSON, Brent	Ross Barnhardt	3-5705	2022	103
✓ PATE, Louis	Edna Pearce	3-5621	1028	88
RABIN, Ronald	Sheri Hood	3-5748	411	27
✓ SMITH, Jane	Cindy Davis	3-5651	520	47
✓ TARTE, Jeff	Lisa Kennedy	5-3050	2108	26
✓ VAN DUYN, Terry	Irma Avent-Hurst	5-3001	1025	38
✓ WADDELL, Joyce		3-5650	515	49





SENATE STATE AND LOCAL GOVERNMENT

COMMITTEE MEETING

JUNE 2, 2015

SENATE SERGEANT-AT-ARMS

DALE HUFF

HAL ROACH



SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 423

DATE: 6-2 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!.....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Scott Parnell	Parkton	Sen. Smith
2.	Hayden White	Wilmington	Sen. Lee
3.	Dalton Huston	Fayetteville	Sen. Meredith
4.	Beau Miller	Oxford	Sen. McKissick
5.	Jordan Davis	Concord	Apodaca
6.	Audrey Frye	Charlotte	Apodaca
7.	Beau Miller		
8.	Hayden White	Wilmington	Lee
9.	Julian Leidy	Elizabeth City	Cook
10.	Delayah Griffith	Greensboro	Robnison

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

06-02-2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Chris Agner	DOJ
Rhonda Todd	DOA
Glenn Batten	DOA
Ronan Menwald	WM
Vicki Baya	Self
Amanda Hraiker	TSS
Trabul Villa + Gracia	NCARZ
Julia Adams-Scheinich	Ave, MARC NCARF, LSNC



VISITOR REGISTRATION SHEET

Senate State and Local Government

06-02-2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Donna B. Clark	UNC Dept Gov.
SAN SKINNER	NCACC
Jonathan Hill	CTNC
Mia Hufsch	NCMMC
Julie Wore	NCMMC
CHRIS DILLON	WAVE
Michael Stover	-A
Courtney Lockamy	Randolph Clark & Assoc
Jay B. T.	
Sarah Collins	N - M



Senate Committee on State and Local Government
Tuesday, June 9, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 9, 2015 in Room 423 of the Legislative Office Building. 14 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Donna Blake and Hal Roach and Pages Autumn Fulton, Snellville, GA, sponsored by Senator Robinson; Jack Galida, Cornelius, sponsored by Senator Tarte; Jasmine Boykins, Greensboro, sponsored by Senator Robinson; Barbi Bunting, Newport, sponsored by Senator Sanderson; Cassidy Baker, N. Wilkesboro, sponsored by Senator Randleman and Savannah Strickland, Mt. Olive, sponsored by Senator Pate.

HB 337 Town of Cary/Release Unneeded Easements. (Representatives Dollar, Adcock, D. Hall)

Representative Dollar presented the bill. House Bill 337 is a local bill that would (1) allow the Town Council to authorize the City Manager or Deputy City Manager to dispose of water or sewer easements as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town; and (2) exempt the Town from the provisions of Article 12 of Chapter 160A for these dispositions of property. [As introduced, this bill was identical to S248, as introduced by Sens. Stein, Barringer, which received a favorable report in Senate State & Local Government on 3/31/15.] Senator Alexander moved to amend the bill to include the City of Raleigh. Representative Dollar responded to questions from Senator Pate, Senator Rabin motioned to approve the amendment. Staff answered a question from Senator Waddell. Senator Rabin motioned for unfavorable as to the bill, favorable as to PCS. Senator Barringer will handle the bill in the Senate.


HB 353 Wilson's Mills/Satellite Annexations. (Representatives Langdon, Daughtry)

Representative Langdon presented the bill. House Bill 353 would exempt the Town of Wilson's Mills from the 10% area cap on voluntary satellite annexations. Representative Langdon responded to a question from Senator Jim Davis. Senator Jim Davis motioned for a favorable report. The motion passed. Senator Newton will handle the bill in the Senate.

HB 415 Fontana Dam/Establish Electric Power Board. (Representative West)

Representative West presented the bill. House Bill 415 would amend the Town of Fontana Dam's charter to authorize the Town Council to establish an Electric Power Board to manage and control the Town's electric public enterprise service. The Proposed Committee Substitute (PCS) provides that three of the five members of the Board may reside outside the Town, but must be residents of the State. Representative West responded to questions from Senator Pate, Senator Tarte, Senator Smith, Senator Rabin, Senator D. Davis, and Senator Waddell. Senator Wade motioned for a favorable report. The motion passed. Senator Jim Davis will handle the bill in the Senate.

There being no further business, the meeting adjourned at 12:18 PM.


Senator Norman W. Sanderson, Chair Presiding


Kathy Voss, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, June 9, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 337	Town of Cary/Release Unneeded Easements.	Representative Dollar Representative Adcock Representative D. Hall
HB 353	Wilson's Mills/Satellite Annexations.	Representative Langdon Representative Daughtry
HB 415	Fontana Dam/Establish Electric Power Board.	Representative West

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

Corrected #1: Added Bills

**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 9, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 337	Town of Cary/Release Unneeded Easements.	Representative Dollar Representative Adcock Representative D. Hall
HB 353	Wilson's Mills/Satellite Annexations.	Representative Langdon Representative Daughtry
HB 415	Fontana Dam/Establish Electric Power Board.	Representative West

Agenda TBD

Sen. Sanderson will serve as Chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

CORRECTED REPORT #2

Tuesday, June 09, 2015

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

FAVORABLE

HB 353

Wilsons Mills/Satellite Annexations.

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 337

Town of Cary/Release Unneeded Easements.

Draft Number:	H337-PCS10393-TH-30
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator James Davis will handle HB 353
Senator Tamara Barringer will handle HB 337



★ C M R 4 2 4 - V - 3 ★

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, June 09, 2015

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

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

HB 415

Fontana Dam/Establish Electric Power Board.

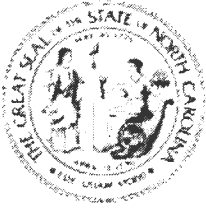
Draft Number: H415-PCS30391-LM-4
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 1

Senator E.S. Newton will handle HB 415



* C M R 4 2 8 - V - 1 *



HOUSE BILL 337: Town of Cary/Release Unneeded Easements

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Dollar, Adcock, D. Hall
Analysis of: First Edition

Date: June 9, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *House Bill 337 is a local bill that would (1) allow the Town Council to authorize the City Manager or Deputy City Manager to dispose of water or sewer easements as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town; and (2) exempt the Town from the provisions of Article 12 of Chapter 160A for these dispositions of property.*

[As introduced, this bill was identical to S248, as introduced by Sens. Stein, Barringer, which received a favorable report in Senate State & Local Government on 3/31/15.]

CURRENT LAW: City governments generally dispose of real and personal property in accordance with the procedures established by Article 12 of Chapter 160A. Subject to certain limitations, a city can dispose of real property belonging to the city using the following methods:

- Private negotiation and sale
- Advertisement for sealed bids
- Negotiated offer, advertisement, and upset bid
- Public auction
- Exchange

Real property of any value can be exchanged as permitted by G.S. 160A-271, which provides that a city can exchange real property belonging to the city for other real property if the city receives a full and fair consideration in exchange for its property. Property can only be exchanged pursuant to a resolution authorizing the exchange adopted at a regular meeting of the council upon 10 days' public notice.

The use and disposal of city property is generally subject to approval by the city council.

BILL ANALYSIS: House Bill 337 would amend the Charter of the Town of Cary to allow the Town Council to authorize the Town Manager or Deputy Town Manager to dispose of water or sewer easements, or similar interests in real property, as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town.

The bill would also exempt the Town from the general law provisions of Article 12 of Chapter 160A for these dispositions of property.

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





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 337*

Short Title: Town of Cary/Release Unneeded Easements. (Local)

Sponsors: Representatives Dollar, Adcock, and D. Hall (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

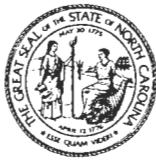
Referred to: Local Government.

March 25, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARY TO AUTHORIZE THE
3 TOWN COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO
4 DISPOSE OF EASEMENTS THAT ARE NO LONGER NEEDED BY THE TOWN.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** The Charter of the Town of Cary, being S.L. 2005-117, is amended
7 by adding a new Article to read as follows:
8 "ARTICLE XI. SALE, LEASE, AND DISPOSITION OF PROPERTY.
9 "Section 11.1. Disposition of Certain Property by Town Manager. (a) The Town Council
10 may authorize the City Manager or Deputy City Manager to dispose of all the following
11 property interests without obtaining Town Council approval for each disposition:
12 (1) Water or sewer easements, or similar interests in real property, as part of an
13 exchange for other water and sewer easements or similar interests in
14 property.
15 (2) Water or sewer easements, or similar interests in real property, when the
16 easement or similar interest in real property is no longer needed by the
17 Town.
18 (b) The provisions of Article 12 of Chapter 160A of the General Statutes shall not apply
19 to the disposition of property under this section."
20 **SECTION 2.** This act is effective when it becomes law.







NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 337*

H337-ATH-29 [v.2]

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

Page 1 of 1

Amends Title [YES]
First Edition

Date _____, 2015

Senator Alexander

1 moves to amend the bill on page 1, line 4, by rewriting the lines to read:

2 "DISPOSE OF EASEMENTS THAT ARE NO LONGER NEEDED BY THE TOWN, AND
3 TO AUTHORIZE THE RALEIGH CITY COUNCIL TO DELEGATE TO THE CITY
4 MANAGER THE AUTHORITY TO DISPOSE OF EASEMENTS THAT ARE NO
5 LONGER NEEDED BY THE CITY."
6

7 and on page 1, lines 19-20, by inserting the following between the lines:

8 "SECTION 1.5.(a) Notwithstanding the provisions of Article 12 of Chapter 160A
9 of the General Statutes, the City Council may authorize the City Manager or an Assistant City
10 Manager to dispose of all the following property interests without obtaining City Council
11 approval for each disposition:

- 12 (1) Water or sewer easements, or similar interests in real property, as part of an
13 exchange for other water and sewer easements or similar interests in
14 property.
15 (2) Water or sewer easements, or similar interests in real property, when the
16 easement or similar interest in real property is no longer needed by the City.

17 SECTION 1.5.(b) This section applies only to the City of Raleigh."

SIGNED _____
Amendment Sponsor

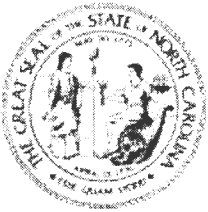
SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 3 3 7 - A T H - 2 9 - V - 2 *





HOUSE BILL 353: Wilson's Mills/Satellite Annexations

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Langdon, Daughtry
Analysis of: First Edition

Date: June 8, 2015
Prepared by: Tawanda Foster
Committee Counsel

SUMMARY: *House Bill 353 would exempt the Town of Wilson's Mills from the 10% area cap on voluntary satellite annexations.*

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (i.e., 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 the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 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 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: House Bill 353 would add the Town of Wilson's Mills to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

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

BACKGROUND: The Town of Wilson's Mills was incorporated in 1996 and is located in Johnston County.

Kelly Tornow and Greg Roney, Staff Attorneys substantially contributed to this summary.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 353

Short Title: Wilson's Mills/Satellite Annexations. (Local)

Sponsors: Representatives Langdon and Daughtry (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Finance.

March 26, 2015

1 A BILL TO BE ENTITLED
2 AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR
3 THE TOWN OF WILSON'S MILLS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-58.1 reads as rewritten:
6 "§ 160A-58.1. Petition for annexation; standards.

7 ...
8 (b) A noncontiguous area proposed for annexation must meet all of the following
9 standards:

10 ...
11 (5) The area within the proposed satellite corporate limits, when added to the
12 area within all other satellite corporate limits, may not exceed ten percent
13 (10%) of the area within the primary corporate limits of the annexing city.

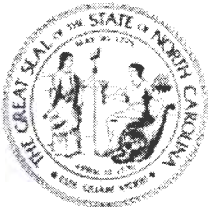
14 This subdivision does not apply to the Cities of Belmont, Claremont,
15 Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory,
16 Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton,
17 Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury,
18 Southport, Statesville, and Washington and the Towns of Ahoskie, Angier,
19 Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba,
20 Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four
21 Oaks, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level,
22 Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton,
23 Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland,
24 Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville,
25 Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville,
26 Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo,
27 Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem,
28 Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace,
29 Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor,
30 Yadkinville, and Zebulon.

31"

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







HOUSE BILL 415: Fontana Dam/Establish Electric Power Board

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. West
Analysis of: PCS to First Edition
H415-CSLM-4

Date: June 9, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 415 would amend the Town of Fontana Dam's charter to authorize the Town Council to establish an Electric Power Board to manage and control the Town's electric public enterprise service. The Proposed Committee Substitute (PCS) provides that three of the five members of the Board may reside outside the Town, but must be residents of the State.*

CURRENT LAW: The Town of Fontana Dam was incorporated in 2011 and its charter was enacted by S.L. 2011-110. The governing body of the Town consists of a Mayor and four Town Council members who are elected at large for two-year terms.

BILL ANALYSIS: The PCS for House Bill 415 would establish the Town of Fontana Dam Electric Power Board, consisting of five members appointed by the Town Council. Members of the Power Board would serve four-year staggered terms. The Power Board would have full control and complete jurisdiction over the management, operation, maintenance, and improvement of the electric utility system. The Power Board's powers and duties would include the following:

- Keeping the funds, books, and accounts of the electric utility system separate and apart from all other funds, books, and accounts of the Town or any departments of the Town.
- Making and filing financial statements with the Town Council twice per year.
- Exercising fiscal control related to all matters, including establishing and maintaining an accounting system and designating an official depository.
- Making and enforcing all necessary and desirable rules and regulations for the efficient use, operation, and management of the system.
- Extending its electrical system and selling electricity in any area permitted for public enterprises by general law.
- Fixing rates to be charged for services rendered by the system.
- Issuing revenue bonds for the acquisition, construction, improvement, or expansion of the electric system.
- Entering into contracts, leases, and agreements in conducting the operations of the system.
- Exercising the right of eminent domain for the purpose of acquiring any property necessary or useful in exercising its power and authority.

The Power Board would be established only if the Fontana Village Resort approves the transfer of the electric power grid under its ownership and control to the Town of Fontana Dam and the Town Council approves the operation of an electric utility system.

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

Kelly Tornow, Counsel to House Local Government, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 415
PROPOSED SENATE COMMITTEE SUBSTITUTE H415-CSLM-4 [v.2]

6/5/2015 11:12:34 AM

Short Title: Fontana Dam/Establish Electric Power Board.

(Local)

Sponsors:

Referred to:

April 1, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF FONTANA DAM TO
3 AUTHORIZE THE TOWN COUNCIL TO ESTABLISH AN ELECTRIC POWER
4 BOARD TO MANAGE AND CONTROL THE TOWN'S ELECTRIC PUBLIC
5 ENTERPRISE SERVICE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Charter of the Town of Fontana Dam, being Chapter 110 of the
8 2011 Session Laws, is amended by adding a new Article to read as follows:

9 "ARTICLE VIII. Electric Power Board.

10 "Section 8.1. Power Board Created. (a) For the purpose of providing electric power
11 generation, transmission, and distribution systems as authorized in Article 16 of Chapter 160A
12 of the General Statutes, there is hereby established an Electric Power Board for the Town of
13 Fontana Dam, to be known and designated as "The Town of Fontana Dam Electric Power
14 Board," hereinafter referred to as the "Power Board." The Power Board shall consist of five
15 members, who shall be appointed by the Town Council. Two of the members shall be residents
16 of the Town, and three shall be at-large members who may reside outside of the Town but must
17 be residents of the State of North Carolina. The members shall serve staggered terms of four
18 years each and shall be eligible for successive terms. If a member resigns, dies, or otherwise
19 becomes incapable of performing his or her duties, the Town Council shall appoint a person to
20 fill the remainder of the term. A member of the Town Council shall be eligible to serve as a
21 member of the Power Board.

22 (b) In order to stagger the terms as provided in subsection (a) of this section, the initial
23 Power Board members shall be appointed as follows: (i) two to serve for a term of four years,
24 (ii) two for a term of three years, and (iii) one for a term of two years. Upon the expiration of
25 the terms of the initial Power Board members, each member shall be appointed for a term of
26 four years and shall serve until his or her successor is appointed.

27 "Section 8.2. Independent Control. The Power Board, acting by itself or through its duly
28 authorized officers and employees, shall have and maintain full control and complete
29 jurisdiction over the management, operation, maintenance, and improvement of the electric
30 utility system and may do any and all acts and things that are necessary, convenient, or
31 desirable to the exercise of the control and jurisdiction and to the establishment, preservation,
32 and promotion of an orderly, economic, and businesslike administration of the system. Except
33 as expressly provided in this Article, the system shall be free from the jurisdiction, direction, or
34 control of Town officers, Town employees, and the Town Council.

35 "Section 8.3. Organization; Meetings. (a) The members of the Power Board shall meet as
36 soon after their appointment as possible and shall elect out of their number a chair and



* H 4 1 5 - C S L M - 4 - V - 2 *

secretary, each of whom shall be a different person. However, the Power Board may employ someone who is not a member to serve as secretary and may, in its discretion, elect a member to serve as vice-chair. The duties of each officer shall be as prescribed by the Power Board from time to time and shall be consistent with the provisions of this Article. Each member of the Power Board shall be entitled to vote on any question before the Power Board.

(b) The Power Board shall hold at least one public meeting every other month and as many special meetings as may be necessary or convenient at a time and place to be determined by the Power Board. The presence of three members of the Power Board shall constitute a quorum. The Power Board shall keep a written record of all regular and special meetings.

"Section 8.4. **Compensation.** The members of the Power Board shall each receive compensation from the funds under its control in a sum fixed by the Power Board in its annual budget.

"Section 8.5. **Surety Bonds.** The Power Board may, in its discretion, and in an amount it deems necessary, require surety bonds from any system officer or employee. Premiums for the bonds shall be paid out of the funds of the system.

"Section 8.6. **Duties.** The Power Board shall do the following:

- (1) Keep the funds, books, and accounts of the electric utility system separate and apart from all other funds, books, and accounts of the Town or any of the departments of the Town. All funds handled by the Power Board shall be paid over to the finance officer of the Power Board. The funds of the system, including revenues from the operation thereof, shall be deposited in the name of the Power Board. The funds shall be disbursed only on voucher signed by the chair or general manager of the system issued pursuant to resolution or order of the Power Board, a certified copy of which shall be filed in the office of the finance officer of the Power Board.
- (2) At the end of each fiscal year, cause the funds, books, and accounts of the Power Board to be audited by a certified public accountant or an accountant certified by the Local Government Commission as provided in G.S. 159-34. The Town Council shall select the auditor and the auditor shall report directly to the Town Council. Upon giving reasonable notice, the Town Council shall have full access to the books, accounts, and records of the Power Board.
- (3) Make and file with the Town Council on the first day of January and the first day of July of each year a financial statement showing the financial operations of the system during the preceding six months and the financial condition of the system.
- (4) Exercise fiscal control related to all matters, including establishing and maintaining an accounting system and designating an official depository, as provided in Part 3 of Article 3 of Subchapter III of Chapter 159 of the General Statutes.
- (5) Make and enforce all necessary and desirable rules and regulations for the efficient use, operation, and management of the system.

"Section 8.7. **Employment of Personnel.** The Power Board shall have the power to employ and fix the duties and compensation of its officers and employees as it deems necessary or convenient for the operation of the system. The Power Board may employ a general manager who shall be qualified by training and experience to supervise and manage the day-to-day operation of the electric utility system. The general manager shall serve under the direction and control of the Power Board and at the pleasure of the Power Board. The Power Board may delegate to the general manager, among other things, the following powers and duties:

- (1) To determine the number of employees necessary for the operation of the electric utility system and to establish their duties and compensation.

- (2) To control the construction and repairs of utility facilities.
- (3) To execute and enforce all rules, regulations, programs, plans, and decisions made or adopted by the Power Board.
- (4) To prepare plans and specifications, accept bids, and execute contracts, according to standards established by the Power Board.
- (5) To employ a finance officer who may be given the authority to handle the day-to-day financial operations of the Power Board, including billings and receiving payment for services provided by the Power Board. The finance officer shall conduct his or her duties as provided in Chapter 159 of the General Statutes.

"Section 8.8. **Sale of Electricity.** The Power Board is hereby authorized and empowered to extend its electric system and to sell electricity in any area permitted in G.S. 160A-312.

"Section 8.9. **Rates.** The Power Board shall fix rates to be charged for services rendered by the system. The rates shall be fair, reasonable, and uniform for all customers in the same class, but different rate schedules may be applied to different classes of customers, as determined by the Power Board.

"Section 8.10. **Revenue Bonds.** The Power Board is hereby authorized to provide for the issuance of revenue bonds for the acquisition, construction, improvement, or expansion of the electric system from time to time in the manner provided for in this section. The bonds shall be issued by the Town Council pursuant to Article 5 of Subchapter IV of Chapter 159 of the General Statutes, shall be issued in the amounts and at the times, and shall bear the maturity dates as the Power Board shall direct. It shall be the duty of the Town Council to provide for the issuance of the bonds pursuant to general law as directed by the Power Board. However, the Town Council shall not be required to issue any bonds under this section without its approval if the bonds to be issued are payable out of the Town's general revenue. It is the intention of this section that the Power Board be empowered to direct the issuance of bonds under this section only when the bonds are to be payable solely from the revenues of the electric system.

"Section 8.11. **Contracts, Negotiations, and Grants.** (a) The Power Board may enter into leases, contracts, and agreements as it deems necessary or desirable in conducting the business and operations of the system so long as they are in accordance with the general laws of the State of North Carolina. The authority given the Power Board by this section shall not be construed to mean that the Power Board has the authority to sell, lease, or otherwise dispose of all or a major part of the system, unless the transaction is approved by the Town Council by ordinance.

(b) The Power Board may apply for, accept, receive, and dispense funds or grants made available to it by the State or any of its agencies or political subdivisions, the United States, or any private entity.

"Section 8.12. **Eminent Domain.** The Power Board may exercise the right of eminent domain on behalf of and in the name of the Town of Fontana Dam for the purpose of acquiring any property, real, personal, or mixed, necessary or useful in exercising the power and authority conferred in this Article. The title to all property acquired by the Power Board either by contract or condemnation shall be taken in the name of the Town of Fontana Dam."

SECTION 2. Section 1 of this act becomes effective only if both of the following acts occur: (i) the Fontana Village Resort approves the transfer of the electric power grid under its ownership and control to the Town of Fontana Dam and (ii) the Town Council of the Town of Fontana Dam, in its discretion and by majority vote, approves the operation of an electric utility system as provided in Section 1 of this act. If both of these acts do not occur, Section 1 of this act shall have no force and effect.

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



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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 415

Short Title: Fontana Dam/Establish Electric Power Board. (Local)

Sponsors: Representative West (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

April 1, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE TOWN OF FONTANA DAM TO
3 AUTHORIZE THE TOWN COUNCIL TO ESTABLISH AN ELECTRIC POWER
4 BOARD TO MANAGE AND CONTROL THE TOWN'S ELECTRIC PUBLIC
5 ENTERPRISE SERVICE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Charter of the Town of Fontana Dam, being Chapter 110 of the
8 2011 Session Laws, is amended by adding a new Article to read as follows:

9 "ARTICLE VIII. Electric Power Board.

10 "Section 8.1. Power Board Created. (a) For the purpose of providing electric power
11 generation, transmission, and distribution systems as authorized in Article 16 of Chapter 160A
12 of the General Statutes, there is hereby established an Electric Power Board for the Town of
13 Fontana Dam, to be known and designated as "The Town of Fontana Dam Electric Power
14 Board," hereinafter referred to as the "Power Board." The Power Board shall consist of five
15 members, who shall be appointed by the Town Council. At least two of the members shall be
16 residents of the Town, and all of the members shall be residents of Graham County. The
17 members shall serve staggered terms of four years each and shall be eligible for successive
18 terms. If a member resigns, dies, or otherwise becomes incapable of performing his or her
19 duties, the Town Council shall appoint a person to fill the remainder of the term. A member of
20 the Town Council shall be eligible to serve as a member of the Power Board.

21 (b) In order to stagger the terms as provided in subsection (a) of this Section, the initial
22 Power Board members shall be appointed as follows: (i) two to serve for a term of four years,
23 (ii) two for a term of three years, and (iii) one for a term of two years. Upon the expiration of
24 the terms of the initial Power Board members, each member shall be appointed for a term of
25 four years and shall serve until his or her successor is appointed.

26 "Section 8.2. Independent Control. The Power Board, acting by itself or through its duly
27 authorized officers and employees, shall have and maintain full control and complete
28 jurisdiction over the management, operation, maintenance, and improvement of the electric
29 utility system and may do any and all acts and things that are necessary, convenient, or
30 desirable to the exercise of the control and jurisdiction and to the establishment, preservation,
31 and promotion of an orderly, economic, and businesslike administration of the system. Except
32 as expressly provided in this Article, the system shall be free from the jurisdiction, direction, or
33 control of Town officers, Town employees, and the Town Council.

34 "Section 8.3. Organization; Meetings. (a) The members of the Power Board shall meet as
35 soon after their appointment as possible and shall elect out of their number a chair and



1 secretary, each of whom shall be a different person. However, the Power Board may employ
2 someone who is not a member to serve as secretary and may, in its discretion, elect a member
3 to serve as vice-chair. The duties of each officer shall be as prescribed by the Power Board
4 from time to time and shall be consistent with the provisions of this Article. Each member of
5 the Power Board shall be entitled to vote on any question before the Power Board.

6 (b) The Power Board shall hold at least one public meeting every other month and as
7 many special meetings as may be necessary or convenient at a time and place to be determined
8 by the Power Board. The presence of three members of the Power Board shall constitute a
9 quorum. The Power Board shall keep a written record of all regular and special meetings.

10 "Section 8.4. **Compensation.** The members of the Power Board shall each receive
11 compensation from the funds under its control in a sum fixed by the Power Board in its annual
12 budget.

13 "Section 8.5. **Surety Bonds.** The Power Board may, in its discretion, and in an amount it
14 deems necessary, require surety bonds from any system officer or employee. Premiums for the
15 bonds shall be paid out of the funds of the system.

16 "Section 8.6. **Duties.** The Power Board shall do the following:

17 (1) Keep the funds, books, and accounts of the electric utility system separate
18 and apart from all other funds, books, and accounts of the Town or any of
19 the departments of the Town. All funds handled by the Power Board shall be
20 paid over to the finance officer of the Power Board. The funds of the system,
21 including revenues from the operation thereof, shall be deposited in the
22 name of the Power Board. The funds shall be disbursed only on voucher
23 signed by the chair or general manager of the system issued pursuant to
24 resolution or order of the Power Board, a certified copy of which shall be
25 filed in the office of the finance officer of the Power Board.

26 (2) At the end of each fiscal year, cause the funds, books, and accounts of the
27 Power Board to be audited by a certified public accountant or an accountant
28 certified by the Local Government Commission as provided in G.S. 159-34.
29 The Town Council shall select the auditor and the auditor shall report
30 directly to the Town Council. Upon giving reasonable notice, the Town
31 Council shall have full access to the books, accounts, and records of the
32 Power Board.

33 (3) Make and file with the Town Council on the first day of January and the first
34 day of July of each year a financial statement showing the financial
35 operations of the system during the preceding six months and the financial
36 condition of the system.

37 (4) Exercise fiscal control related to all matters, including establishing and
38 maintaining an accounting system and designating an official depository, as
39 provided in Part 3 of Article 3 of Subchapter III of Chapter 159 of the
40 General Statutes.

41 (5) Make and enforce all necessary and desirable rules and regulations for the
42 efficient use, operation, and management of the system.

43 "Section 8.7. **Employment of Personnel.** The Power Board shall have the power to employ
44 and fix the duties and compensation of its officers and employees as it deems necessary or
45 convenient for the operation of the system. The Power Board may employ a general manager
46 who shall be qualified by training and experience to supervise and manage the day-to-day
47 operation of the electric utility system. The general manager shall serve under the direction and
48 control of the Power Board and at the pleasure of the Power Board. The Power Board may
49 delegate to the general manager, among other things, the following powers and duties:

50 (1) To determine the number of employees necessary for the operation of the
51 electric utility system and to establish their duties and compensation.

- (2) To control the construction and repairs of utility facilities.
- (3) To execute and enforce all rules, regulations, programs, plans, and decisions made or adopted by the Power Board.
- (4) To prepare plans and specifications, accept bids, and execute contracts, according to standards established by the Power Board.
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"Section 8.10. **Revenue Bonds.** The Power Board is hereby authorized to provide for the issuance of revenue bonds for the acquisition, construction, improvement, or expansion of the electric system from time to time in the manner provided for in this section. The bonds shall be issued by the Town Council pursuant to Article 5 of Subchapter IV of Chapter 159 of the General Statutes, shall be issued in the amounts and at the times, and shall bear the maturity dates as the Power Board shall direct. It shall be the duty of the Town Council to provide for the issuance of the bonds pursuant to general law as directed by the Power Board. However, the Town Council shall not be required to issue any bonds under this section without its approval if the bonds to be issued are payable out of the Town's general revenue. It is the intention of this section that the Power Board be empowered to direct the issuance of bonds under this section only when the bonds are to be payable solely from the revenues of the electric system.

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(b) The Power Board may apply for, accept, receive, and dispense funds or grants made available to it by the State or any of its agencies or political subdivisions, the United States, or any private entity.

"Section 8.12. **Eminent Domain.** The Power Board may exercise the right of eminent domain on behalf of and in the name of the Town of Fontana Dam for the purpose of acquiring any property, real, personal, or mixed, necessary or useful in exercising the power and authority conferred in this Article. The title to all property acquired by the Power Board either by contract or condemnation shall be taken in the name of the Town of Fontana Dam."

SECTION 2. Section 1 of this act becomes effective only if both of the following acts occur: (i) the Fontana Village Resort approves the transfer of the electric power grid under its ownership and control to the Town of Fontana Dam and (ii) the Town Council of the Town of Fontana Dam, in its discretion and by majority vote, approves the operation of an electric utility system as provided in Section 1 of this act. If both of these acts do not occur, Section 1 of this act shall have no force and effect.

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





SENATE STATE AND LOCAL GOVERNMENT

COMMITTEE MEETING

JUNE 9, 2015

SENATE SERGEANT-AT-ARMS

DONNA BLAKE

HAL ROACH



Senate Pages Attending

COMMITTEE: State & Local Govt ROOM: 423LOB

DATE: 6-9 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!

	Page Name	Hometown	Sponsoring Senator
①	Autumn Fulton	Snellville, GA	Robinson
②	Jasmine Boykins	Greensboro, NC	Robinson
③	Barbi Bunting	Newport, NC	Sanderson
④	Cassidy Baker	North Wilkesboro, NC	Randleman
⑤	Jack Galila	Cornelius, NC	Talbot
⑥	Lena Brewer	Charlotte, NC	Rosetta
⑦	Savannah Strickland	Mount Olive, NC	Pate
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

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Jackson Corcoran	Cary
Lana Hygh	Cary
THOM GOOLSBY	GGR
David Heiten	NC Center for Nonprofits



VISITOR REGISTRATION SHEET

Senate State and Local Government

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Donna B. Cea.	UNE Dept. Gov
ANDY WALSH	SA
Courtney Larkany	Randolph Cloud & Assoc
Mia H. H. H. H.	NOMMC
W. W. W. W.	R. P. H. & Assoc.

Senate Committee on State and Local Government
Tuesday, June 23, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on June 23, 2015 in Room 423 of the Legislative Office Building. Eleven members were present.

Senator Jim Davis, Chair, presided.

Senator Davis welcomed members and visitors and thanked the Sergeants-at-Arms (Larry Hancock, Hal Roach, and Honorary Joel Alcock, grandson of Senator Sanderson), Pages (Elizabeth O'Donnell, Mills River, Senator Apodaca; Walter Maready, Sneads Ferry, Senator Brown; Christian Hodges, Matthews, Senator Tucker; Jacob Eller, Cary, Senator Barringer; Jesse Narron, Southport, Senator Rabon; Hannah Phillips, Hillsborough, Senator Foushee; Haleigh Connor, Proctorville, Senator Smith; Brittany Burnett, Lumberton, Senator Smith; Will Rogers, Winston Salem, Senator Krawiec; and Megan Evans, Princeton, Senator B. Jackson), and Honorary Intern Morgan Bielick, Maggie Valley, Senator Jim Davis).

HB 55 Public Exhibit of Fireworks/NCSU. (Representatives Dollar, Langdon, Ross, D. Hall)

Representative Dollar explained the bill. House Bill 55 exempts North Carolina State University (NCSU) from being required to obtain approval from the board of county commissioners to host pyrotechnic events on campus. Representative Dollar responded to questions and comments from Senators Pate, Tarte Alexander and J. Davis. Senator Smith's motion for a favorable report was approved with a referral to Finance. Senator Alexander will handle the bill in the Senate.

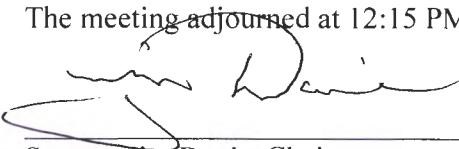
HB 322 Zoning/Recreational Land Req.-Morrisville. (Representatives Avila, Adcock, D. Hall)

Representative Avila explained the bill. House Bill 322 authorizes the Town of Morrisville to require developers of multifamily units to provide funds for the acquisition of recreational areas to serve the units, including the purchase of land that may be used to serve more than one multifamily development or residential subdivision within the immediate area. Tim Gauss, Senior Director, Town of Morrisville was asked to comment on the bill. Senator Foushee's motion for a favorable report was approved. Representative Avila will notify the clerk as to which member will handle the bill in the Senate.

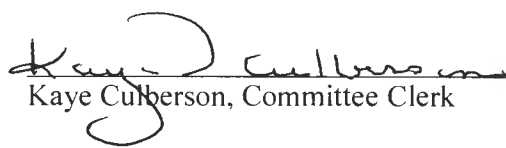
HB 469 Sunset Beach/Parking Meter Proceeds. (Representative Iler)

Representative Iler explained the bill. House Bill 469 would authorize the Town of Sunset Beach to use the proceeds from parking meters on public streets for the same purposes authorized by law for use of proceeds from off-street parking. Representative Iler responded to questions from Senator Pate. Senator Smith's motion for a favorable report was approved. Senator Rabon will handle the bill in the Senate.

The meeting adjourned at 12:15 PM.



Senator Jim Davis, Chair
Presiding



Kaye Culberson, Committee Clerk



Senate Committee on State and Local Government
Tuesday, June 23, 2015, 12:00 PM
423 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Public Exhibit of Fireworks/NCSU.	Representative Dollar Representative Langdon Representative Ross Representative D. Hall
HB 322	Zoning/Recreational Land Req.- Morrisville.	Representative Avila Representative Adcock Representative D. Hall
HB 469	Sunset Beach/Parking Meter Proceeds.	Representative Iler

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	June 23, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 55	Public Exhibit of Fireworks/NCSU.	Representative Dollar Representative Langdon Representative Ross
HB 322	Zoning/Recreational Land Req.- Morrisville.	Representative D. Hall Representative Avila Representative Adcock
HB 469	Sunset Beach/Parking Meter Proceeds.	Representative D. Hall Representative Iler

Senator Davis will serve as Chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

CORRECTED REPORT #1

Tuesday, June 23, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB 55

Public Exhibit of Fireworks/NCSU.

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

HB 469

Sunset Beach/Parking Meter Proceeds.

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

TOTAL REPORTED: 2

Committee Clerk Comments:

1 of 2 reports

Senator John Alexander will handle HB 55
Senator William Rabon will handle HB 469



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Thursday, June 25, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB 322

Zoning/Recreational Land Req.-Morrisville.

Draft Number: None

Sequential Referral: None

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

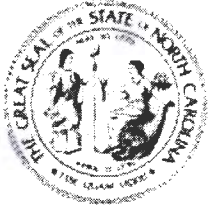
Committee Clerk Comments:

2nd and final of two reports from 6/23/15 committee meeting

Senator John Alexander will handle HB 322



★ C M R 4 7 4 - V - 1 ★



HOUSE BILL 55: Public Exhibit of Fireworks/NCSU

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Dollar, Langdon, Ross, D. Hall
Analysis of: First Edition

Date: June 23, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 55 exempts North Carolina State University (NCSU) from being required to obtain approval from the board of county commissioners to host pyrotechnic events on campus.*

CURRENT LAW: G.S. 14-410 prohibits the manufacture, sale, and use of pyrotechnics within the State except when all of the following apply:

- The exhibition, use, or discharge is at a concert or public exhibition.
- All individuals who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training required under the law by the Office of the State Fire Marshal and are present at the event and personally direct all aspects of the pyrotechnics exhibition.
- The local permitting requirements of G.S. 14-413 are met.

G.S. 14-413 authorizes the board of county commissioners of a county, or the governing board of a city if the board of commissioners adopts a resolution granting authority to the city, to issue permits for the use of pyrotechnics at concerts or public exhibitions. Permits issued by the board of county commissioners are not required if the exhibition is authorized by one of the following:

- The University of North Carolina (UNC) or UNC-Chapel Hill and conducted on lands or in buildings owned by UNC or UNC-Chapel Hill.
- The University of North Carolina School of the Arts and conducted on lands or in buildings owned by the State and used by the School of the Arts.

For any indoor use of pyrotechnics at a concert or public exhibition, the board of commissioners or the governing body of an authorized city may not issue a permit unless the local fire marshal has certified that (i) adequate fire suppression will be used at the site, (ii) the structure is safe for the use of the pyrotechnics with the type of fire suppression to be used, and (iii) adequate egress from the building is available based on the size of the expected crowd. For any indoor use of pyrotechnics at a concert or public exhibition at the University of North Carolina or the University of North Carolina at Chapel Hill, the State Fire Marshal must certify the same requirements.

BILL ANALYSIS: House Bill 55 provides that local government permitting authority does not apply to concerts or exhibitions authorized by UNC or NCSU and conducted on University-owned lands or in University-owned buildings in Wake County. NCSU's exemption is identical to UNC's exemption in current law for University-owned lands and buildings in Orange County. Just like UNC, NCSU would still be required to obtain a State permit from the State Fire Marshal for pyrotechnic events, as this bill only exempts NCSU from also having to get permission from the board of county commissioners to host a pyrotechnic event in Wake County.

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

Kelly Quick Tornow, Counsel to House Local Government, contributed substantially to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 55

Short Title: Public Exhibit of Fireworks/NCSU. (Public)

Sponsors: Representatives Dollar, Langdon, Ross, and D. Hall (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

February 9, 2015

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGARDING PYROTECHNIC EXHIBITIONS
AUTHORIZED BY NORTH CAROLINA STATE UNIVERSITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-410(a1) reads as rewritten:

"(a1) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State, provided all of the following apply:

(1) The exhibition, use, or discharge is at a concert or public exhibition.

(2) All individuals who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training and licensing required under Article 82A of Chapter 58 of the General Statutes. The display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the concert or public exhibition and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics. Notwithstanding this subdivision, the display operator for the University of North Carolina School of the Arts may appoint an on-site representative to supervise any performances that include a proximate audience display subsequent to the opening performance, provided that the representative (i) is a minimum of 21 years of age and (ii) is properly trained in the safe discharge of proximate audience displays.

(3) The display operator has secured written authority under G.S. 14-413 from the board of county commissioners of the county, or the city if authorized under G.S. 14-413(a1), in which the pyrotechnics are to be exhibited, used or discharged. Written authority from the board of commissioners or city is not required under this subdivision for a concert or public exhibition provided the display operator has secured written authority from (i) The University of North Carolina or the University of North Carolina at Chapel Hill under G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill or Hill, (ii) the University of North Carolina School of the Arts and pyrotechnics are exhibited on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts, or (iii) The University of North Carolina or North Carolina State University under G.S. 14-413, and pyrotechnics are exhibited on lands



or buildings in Wake County owned by The University of North Carolina or North Carolina State University."

SECTION 2. G.S. 14-413 reads as rewritten:

"§ 14-413. Permits for use at public exhibitions.

(a) For the purpose of enforcing the provisions of this Article, the board of county commissioners of any county, or the governing board of a city authorized pursuant to subsection (a1) of this section, may issue permits for use in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Provided that no such permit shall be required for a public exhibition under any of the following circumstances:

- (1) The exhibition is authorized by The University of North Carolina or the University of North Carolina at Chapel Hill and conducted on lands or in buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill.
- (2) The exhibition is authorized by the University of North Carolina School of the Arts and conducted on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts.
- (3) The exhibition is authorized by The University of North Carolina or North Carolina State University and conducted on lands or in buildings in Wake County owned by The University of North Carolina or North Carolina State University.

(a1) For the purpose of enforcing the provisions of this Article, a board of county commissioners may authorize the governing body of any city in the county to issue permits pursuant to the provisions of this Article for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the city for use in connection with the conduct of concerts or public exhibitions. The board of county commissioners shall adopt a resolution granting the authority to the city, and it shall remain in effect until withdrawn by the board of county commissioners adopting a subsequent resolution withdrawing the authority. If a city lies in more than one county, the board of county commissioners of each county in which the city lies must adopt an authorizing resolution. If any county in which the city lies withdraws the authority of the city to issue permits for the use of pyrotechnics, the authority of the city to issue permits for the use of pyrotechnics will end, and all counties within which the city lies must resume their authority to issue the permits.

(b) For any indoor use of pyrotechnics at a concert or public exhibition, the board of commissioners or the governing body of an authorized city may not issue any permit unless the local fire marshal or the State Fire Marshal (or in the case of The University of North Carolina ~~or Carolina~~, the University of North Carolina at Chapel Hill ~~Hill~~, or North Carolina State University) it may not authorize such concert or public exhibition unless the State Fire Marshal) has certified that:

- (1) Adequate fire suppression will be used at the site.
- (2) The structure is safe for the use of such pyrotechnics with the type of fire suppression to be used.
- (3) Adequate egress from the building is available based on the size of the expected crowd.

(c) The requirements of subsection (b) of this section also apply to any city authorized to grant pyrotechnic permits by local act and to the officer delegated the power to grant such permits by local act.

(d) A board of county commissioners or the governing board of a city shall not issue a permit under this section unless the display operator provides proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the

1 North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater. A board
2 of county commissioners or the governing board of a city may require proof of insurance that
3 exceeds these minimum requirements."

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





HOUSE BILL 322: Zoning/Recreational Land Req.-Morrisville

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Avila, Adcock, D. Hall
Analysis of: First Edition

Date: June 23, 2015
Prepared by: Kelly Tornow
Committee Counsel

SUMMARY: *House Bill 322 authorizes the Town of Morrisville to require developers of multifamily units to provide funds for the acquisition of recreational areas to serve the units, including the purchase of land that may be used to serve more than one multifamily development or residential subdivision within the immediate area.*

[As introduced, this bill was identical to S249, as introduced by Sen. Stein, which received a favorable report from this committee on March 31 and is currently in House Local Government, if favorable, Judiciary I.]

CURRENT LAW:

G.S. 160A-372 provides that a subdivision ordinance may provide for the provision of funds by a developer to be used by a municipality to acquire recreational areas to serve the residents of the subdivision or development, or more than one subdivision or development, within the immediate area. Funds received by a municipality may be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds to be provided by a developer shall be based upon the value of the development for property tax purposes. A combination of funds and partial dedication of land may be allowed when the municipality determines that this combination is in the best interests of the area residents.

BILL ANALYSIS: House Bill 322 would provide the Town of Morrisville with the same authority to require developers of multifamily units to provide funding for recreational areas to serve residents of the multifamily units and other residents in the immediate area, as is provided in G.S. 160A-372 for subdivision development.

Funds received from developers of multifamily units may be combined with funds received from residential subdivision developers under G.S. 160A-372. The use of the funds is limited to the acquisition or development of recreation, park, or open space sites. Any formula used to determine the amount of funds due shall be based upon a flat fee per unit. The ordinance may allow for a combination of funds and dedication of land, if the town council determines that this is in the best interests of the residents to be served.

EFFECTIVE DATE: The act is effective when it becomes law. It applies to the Town of Morrisville only.

BACKGROUND: The General Assembly gave this authority to the Town of Cary in 2007 (S.L. 2007-321).

Brad Krehely and Barbara Riley, former staff attorney with the Research Division, contributed substantially to this summary.





GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 322*

Short Title: Zoning/Recreational Land Req.-Morrisville. (Local)

Sponsors: Representatives Avila, Adcock, and D. Hall (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government.

March 24, 2015

A BILL TO BE ENTITLED

AN ACT GRANTING AUTHORITY TO THE TOWN OF MORRISVILLE TO REQUIRE
DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR
RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of S.L. 2007-321 reads as rewritten:

"**SECTION 1.** The ~~town~~ Towns of Cary and Morrisville may, by ordinance, provide that a developer of multifamily units that are not subject to the subdivision ordinance shall provide funds to the town whereby the town may acquire recreational land or areas to serve the multifamily development, including the purchase of land that may be used to serve more than one multifamily development or residential subdivision within the immediate area. All funds received by the town pursuant to this section may be combined with funds received from residential subdivisions under G.S. 160A-372, and shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this section shall be based on a flat fee per unit. The ordinance may allow a combination or partial payment of funds and partial dedication of land when the town council determines that this combination is in the best interests of the citizens of the area to be served."

SECTION 1.(b) Section 2 of S.L. 2007-321 reads as rewritten:

"**SECTION 2.** This act applies to the ~~town~~ Towns of Cary and Morrisville only."

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







HOUSE BILL 469: Sunset Beach/Parking Meter Proceeds

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	June 19, 2015
Introduced by:	Rep. Iler	Prepared by:	Erika Churchill & Tawanda Foster
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 469 would authorize the Town of Sunset Beach to use the proceeds from parking meters on public streets for the same purposes authorized by law for use of proceeds from off-street parking.*

CURRENT LAW: Under current law, G.S. 160A-301(a), proceeds from on-street parking meters can only be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations. Current G.S. 160A-301(b) provides that proceeds from off-street parking facilities may be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose.

BILL ANALYSIS: House Bill 469 amends the Charter of the Town of Sunset Beach to authorize use of proceeds from on-street parking for the same purposes as proceeds from off-street parking.

This change will allow the Town of Sunset Beach to use on-street parking meter proceeds to amortize bonds issued to finance parking facilities, or for any other public purpose.

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

BACKGROUND: Similar local acts have been enacted for the following municipalities:

- Atlantic Beach, Beaufort - S.L. 2011-79.
- Carolina Beach, Kure Beach, Wilmington, and Wrightsville Beach - S.L. 1998-86, as amended by S.L. 2001-9.

In addition, the municipalities of Durham, Chapel Hill, and Raleigh have been authorized to use the proceeds from on-street parking for operating their parking programs or to provide parking facilities. S.L. 2009-164, S.L. 2014-34.

Giles Perry and Trina Griffin of the Research Division substantially contributed to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 4 6 9 - S M T V - 4 8 E 1 - V 2 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 469

Short Title: Sunset Beach/Parking Meter Proceeds. (Local)

Sponsors: Representative Iler (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Finance.

April 2, 2015

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF SUNSET BEACH TO ALLOW
THE TOWN TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE
SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING
FACILITIES ARE USED.

The General Assembly of North Carolina enacts:

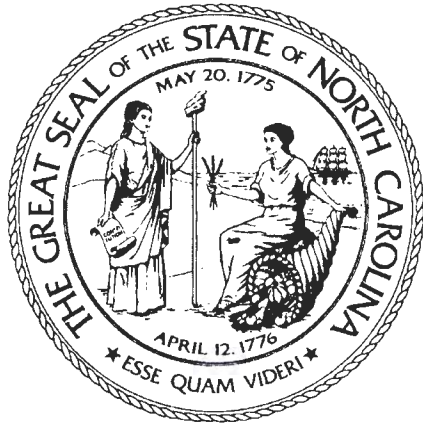
SECTION 1. The Charter of the Town of Sunset Beach, being Chapter 93 of the
1963 Session Laws, as amended by Chapter 362 of the 1965 Session Laws and Chapter 832 of
the 1973 Session Laws, is amended by adding a new section to read as follows:

"Sec. 6A. Notwithstanding the provisions of G.S. 160A-301(a), the Town may use the
proceeds from parking meters on public streets in the same manner in which proceeds from
off-street parking facilities are permitted under G.S. 160A-301(b)."

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







SENATE COMMITTEE

ON

STATE AND LOCAL GOVERNMENT

JUNE 23, 2015

SENATE SERGEANT-AT-ARMS

LARRY HANCOCK

HAL ROACH

Handwritten note with an arrow pointing to the Senate Sergeant-At-Arms section:
Honorary - Joel Alcock
Sen. Anderson
Grandson



SENATE PAGES ATTENDING

COMMITTEE: State & Local Gov't ROOM: 423

DATE: 6-23 TIME: Noon

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Elizabeth O'Donnell	Mills River	Apodaca
2.	Walter Maready	Sneads Ferry	Brown
3.	Christian Hodges	Matthews	Tucker
4.	Jacob Eller	Cary	Barringer
5.	Jesse Narren	Southport	Rabon
6.	Hannah Phillips	Hillsborough	Foushee
7.	Haleigh Connor	Proctorville	Smith
8.	Brittany Burnett	Lumberton	Smith
9.	Will Rogers	Winston-Salem	Krawiec
10.	Megan Evans	Princeton	B. Jackson

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 Committee on State and Local Government

6-23-2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Cory McKenna	UNC LAW
James Powers	UNC LAW
Will Norrell	UNC Law
Claude Close	UNC Law
Will Cox	UNC Law
Tim Gauss	Town of Morrisville tgauss@townofmorrisville.org
Nike Smellman	UNC SDB
Mio Bailey	Electricities.
Kiara Rayner	UNC Law
Austin Pruitt	Perrinson Law



VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

6-23-2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Rachel Jennings	UNC School of Law
Caleb Johnson	UNC Law School
Colleen Kocharek	KLG
Sarah Bales	Burlington ASSOC.
Martha Jenkins	DCR
Phil Esley	BWID
Dr. d. Armon	Pip Stamm
Barla King	Redman
TJ Cauley	Town of Morrisville.



Senate Committee on State and Local Government
Thursday, July 2, 2015 at 9:00 AM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 9:00 AM on July 2, 2015 in Room 423 of the Legislative Office Building. 13 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Terry Barnhardt, Steve McKaig and Larry Hancock and Pages Lauren Hardin, Clinton and Abbey Rouse, Clayton, both sponsored by Senator Jackson; Mary Allison Pace, Gibsonville, sponsored by Senator Krawiec; Lillie Rhodes, Farmville and Allison Gallagher, Grimesland, both sponsored by Senator D. Davis; Emily Cornelius, Fayetteville, sponsored by Senator Meredith; Blake Flincham, Dobson, sponsored by Senator Randleman and Julia Vaughan-Jones, Mocksville, sponsored by Senator Brock.

HB 544 County Sign Ordinance in Cities. (Representatives Brawley, Horn, Jeter)

Representative Brawley presented the bill. The PCS for House Bill 544 would allow a city to require a county ordinance to adhere to the city's sign ordinance when the city opts to enforce a county ordinance within the city. Senator Tarte motioned for an unfavorable report as to Committee Substitute Bill No. 1 but favorable as to the Senate Committee Substitute. The motion passed. Senator Tillman will handle the bill in the Senate.

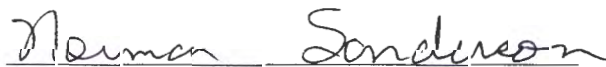
HB 613 Clarify Signs on Highways and Roads. (Representatives Brawley, Floyd)

Representative Brawley presented the bill. The proposed committee substitute for House Bill 613 would authorize a municipality to enforce State law concerning the placement of political signs in the right-of-way of those portions of the State Highway System that are located within the municipality, would allow a municipality to remove political signs that are in violation of G.S. 136-32, and would clarify that signs are not permitted in the median or on traffic islands. Representative Brawley responded to questions from Senator Curtis, Senator D. Davis, Senator Tarte, Senator Waddell, Senator Rabin, Senator Sanderson and Senator Pate. Senator Wade motioned for an unfavorable report as to the bill but favorable as to the PCS. The motion passed. Senator Tillman will handle the bill in the Senate.

HB 386 Hope Mills/Spring Lake/Satellite Annexations. (Representative Szoka)

Senator Meredith presented the bill. House Bill 386 would exempt the Towns of Hope Mills and Spring Lake from the 10% area cap on voluntary satellite annexations. Senator Meredith responded to questions from Senator Rabin, Senator Tarte and Senator Wade. Senator D. Davis motioned for a favorable report. The motion passed. Senator Meredith will handle the bill in the Senate.

There being no further business, the meeting adjourned at 12:18 PM.


Senator Norman W. Sanderson, Chair Presiding


Kathy Voss, Committee Clerk



**Senate Committee on State and Local Government
Thursday, July 2, 2015, 9:00 AM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 544	County Sign Ordinance in Municipal Parks.	Representative Brawley Representative Horn Representative Jeter
HB 613	Clarify Political Sign Ordinance Authority.	Representative Brawley Representative Floyd
HB 386	Hope Mills/Spring Lake/Satellite Annexations.	Representative Szoka

Presentations

Other Business

Adjournment



Principal Clerk _____

Reading Clerk _____

Corrected #1: Add HB 386

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	July 2, 2015	9:00 AM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 544	County Sign Ordinance in Cities.	Representative Brawley Representative Horn
HB 613	Clarify Signs on Highways and Roads.	Representative Jeter Representative Brawley
HB 386	Hope Mills/Spring Lake/Satellite Annexations.	Representative Floyd Representative Szoka

Senator Sanderson will Chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

Senator J. Davis, Co-Chair

Senator Sanderson, Co-Chair

Thursday, July 02, 2015

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

FAVORABLE

HB 386 (CS#1) Hope Mills/Spring Lake/Satellite Annexations.
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 613 Clarify Political Sign Ordinance Authority.
Draft Number: H613-PCS40481-ST-73
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO
SENATE COMMITTEE SUBSTITUTE BILL**

HB 544 (CS#1) County Sign Ordinance in Municipal Parks.
Draft Number: H544-PCS30401-ST-71
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

Report 1 of 1



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STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Thursday, July 02, 2015

PAGE 2

Senator Wesley Meredith will handle HB 386
Senator Jerry Tillman will handle HB 613
Senator Jerry Tillman will handle HB 544



* C M R 4 9 3 - V - 3 *



HOUSE BILL 544: County Sign Ordinance in Cities

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Brawley, Horn, Jeter
Analysis of: PCS to Second Edition
H544-CSST

Date: June 29, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *The PCS for House Bill 544 would allow a city to require a county ordinance to adhere to the city's sign ordinance when the city opts to enforce a county ordinance within the city.*

CURRENT LAW: G.S. 153A-122 provides that ordinances adopted by a board of county commissioners under Article 6 of Chapter 153A, Delegation and Exercise of the General Police Power, are applicable to any part of the county that is not within a city. However, a city may permit a county ordinance to be applicable within the city, by adopting a resolution to that affect. The city can, also by resolution, withdraw its permission. If the city determines the county ordinance will no longer apply within the city, the city must give written notice to the county of its withdrawal of permission.

By separate statute, G.S. 153A-22 applies to ordinances regulating smoking adopted under G.S. 130A-498, allowing a city to permit the county smoking regulation ordinance to apply within in the city's jurisdiction.

BILL ANALYSIS: The PCS for House Bill 544 would provide that if a city by resolution permits a county ordinance to be applicable within the city, the governing board of that city can specify that any signage required by the county ordinance must be in compliance with the city's ordinances.

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

O. Walker Reagan
Director



Research Division
(919) 733-2578

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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

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HOUSE BILL 544
Committee Substitute Favorable 4/27/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H544-CSST-71 [v.1]
6/29/2015 1:18:51 PM

Short Title: County Sign Ordinance in Cities.

(Public)

Sponsors:

Referred to:

April 6, 2015

A BILL TO BE ENTITLED
AN ACT TO REQUIRE SIGNS POSTED IN THE CITY WHEN A CITY OPTS TO
ENFORCE A COUNTY ORDINANCE TO CONFORM TO THE CITY SIGN
ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-122 reads as rewritten:

"§ 153A-122. Territorial jurisdiction of county ordinances.

(a) Except as otherwise provided in this Article, the board of commissioners may make any ordinance adopted pursuant to this Article applicable to any part of the county not within a city.

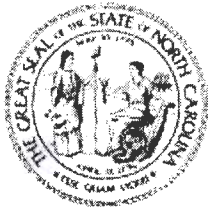
(b) ~~In addition, the~~ The governing board of a city may by resolution permit a county ordinance adopted pursuant to this Article to be applicable within the city. In the resolution permitting the county ordinance to be applicable within the city, the governing board of the city may specify that any signage required by the county ordinance be in compliance with city ordinances. The city may by resolution withdraw its permission to such an ordinance. If it does so, the city shall give written notice to the county of its withdrawal of permission; 30 days after the day the county receives this notice the county ordinance ceases to be applicable within the city."

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



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HOUSE BILL 613: Clarify Political Sign Ordinance Authority

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Brawley, Floyd
Analysis of: PCS to First Edition
H613-CSST-73

Date: July 1, 2015
Prepared by: R. Erika Churchill and
Brad Krehely,
Committee Counsel

SUMMARY: *The proposed committee substitute for House Bill 613 would authorize a municipality to enforce State law concerning the placement of political signs in the right-of-way of those portions of the State Highway System that are located within the municipality, would allow a municipality to remove political signs that are in violation of G.S. 136-32, and would clarify that signs are not permitted in the median or on traffic islands.*

CURRENT LAW: G.S. 136-32 prevents the placement of signs on highways, except as authorized in that statute. The statute allows for compliant political signs to be placed in the right-of-way during the period beginning on the 30th day before the beginning date of one-stop early voting and ending on the 10th day after the primary or election day.

To be compliant, a permittee must obtain permission from the property owner fronting the right-of-way where a sign would be erected. Signs must be placed according to the following requirements:

- No sign can be in the right-of-way of a fully controlled access highway.
- No sign can be closer than 3 feet from the edge of the pavement of the road.
- No sign can obstruct motorist visibility at an intersection.
- No sign can be higher than 42 inches above the edge of the pavement of the road.
- No sign can be larger than 864 square inches.
- No sign can obscure or replace another sign.

The statute also authorizes cities, by ordinance, to prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. If a city does not have such an ordinance, the provisions of G.S. 136-32 for placement of signs in the right-of-way of the State highway system apply.

It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a lawfully placed political sign.

BILL ANALYSIS: The proposed committee substitute for House Bill 613 would do all of the following:

- Clarify that "highway" includes medians and traffic islands, meaning that signage cannot be placed in the median or on a traffic island.
- Clarify that municipalities are authorized to enforce the provisions of G.S. 136-32 on rights-of-way of streets located within the corporate limits of a municipality and maintained by

O. Walker Reagan
Director



Research Division
(919) 733-2578

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House Bill 613

Page 2

the municipality, and authorizes municipalities to enforce the provisions of G.S. 136-32 on the rights-of-way of the portions of the State Highway System located within the municipality.

- Allow municipalities to remove any signs that do not comply with the law.

EFFECTIVE DATE: Effective when it becomes law.

Kelly Tornow, Counsel to House Local Government, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

H

D

HOUSE BILL 613

PROPOSED SENATE COMMITTEE SUBSTITUTE H613-CSST-73 [v.3]

7/1/2015 7:19:39 PM

Short Title: Clarify Signs on Highways and Roads.

(Public)

Sponsors:

Referred to:

April 13, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A MUNICIPALITY IS AUTHORIZED TO ENFORCE
STATE LAW CONCERNING PLACEMENT OF POLITICAL SIGNS ON THE STATE
HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY
AND TO SPECIFY THAT SIGNS ARE NOT TO BE PLACED ON A MEDIAN OR
TRAFFIC ISLAND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"§ 136-32. Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any ~~highway-highway, including any median or traffic island,~~ any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any ~~highway-highway, including any median or traffic island,~~ any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.



* H 6 1 3 - C S S T - 7 3 - V - 3 *

- 1 (2) No sign shall be closer than three feet from the edge of the pavement of the
2 road.
3 (3) No sign shall obscure motorist visibility at an intersection.
4 (4) No sign shall be higher than 42 inches above the edge of the pavement of the
5 road.
6 (5) No sign shall be larger than 864 square inches.
7 (6) No sign shall obscure or replace another sign.
8 (7) No sign shall be placed in any median or on any traffic island.

9 (e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a
10 person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed
11 under this section.

12 (f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the
13 General Statutes, a city may by ordinance prohibit or regulate the placement of political signs
14 on medians, traffic islands, and rights-of-way of streets located within the corporate limits of a
15 municipality and maintained by the municipality. In the absence of an ordinance prohibiting or
16 regulating the placement of political signs on the medians, traffic islands, and rights-of-way of
17 streets located within a municipality and maintained by the municipality, the provisions of
18 subsections (b) through (e) of this section shall apply. A municipality is authorized to enforce
19 the provisions of subsections (b) through (e) of this section on medians, traffic islands, and
20 rights-of-way of streets located within the corporate limits of a municipality and maintained by
21 the municipality and on the medians, traffic islands, and rights-of-way of those portions of the
22 State Highway System that are located within the municipality. A municipality is authorized to
23 remove any signs that violate the provisions of subsections (b) through (e) of this section."

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



HOUSE BILL 386: Hope Mills/Spring Lake/Satellite Annexations

2015-2016 General Assembly

Committee:	Senate Ref to State and Local Government. If fav, re-ref to Finance	Date:	July 2, 2015
Introduced by:	Rep. Szoka	Prepared by:	Kelly Tornow
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 386 would exempt the Towns of Hope Mills and Spring Lake from the 10% area cap on voluntary satellite annexations.*

CURRENT LAW: G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (i.e., 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 the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 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 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: House Bill 386 would add the Towns of Hope Mills and Spring Lake to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

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

BACKGROUND: The General Assembly has exempted at least 100 municipalities from the 10% area cap on voluntary satellite annexation.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 386
Committee Substitute Favorable 4/27/15

Short Title: Hope Mills/Spring Lake/Satellite Annexations.

(Local)

Sponsors:

Referred to:

March 31, 2015

A BILL TO BE ENTITLED
AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR
THE TOWNS OF HOPE MILLS AND SPRING LAKE.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 1997-151 as it applies to the Town of Hope Mills is repealed.

SECTION 2. G.S. 160A-58.1 reads as rewritten:

"§ 160A-58.1. Petition for annexation; standards.

...

(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, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, 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, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon.

...."

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



July 2, 2015

Senate State and Local Government

Sergeant at Arms

Terry Barnhardt

Steve McKaig

Larry Hancock



Senate Pages Attending

COMMITTEE: State & Local Gov't ROOM: 423

DATE: 7-2 TIME: 9 AM

PLEASE PRINT LEGIBLY!!!!!!!!!!!!!!....or else!

	Page Name	Hometown	Sponsoring Senator
1.	Lauren Hardin	Clinton	B. Jackson
2.	Mary Allison Page	Gibsonville	Krawiec
3.	Lillie Rhodes	Farmville	D. Davis
4.	Abbey Rouse	Clayton	B. Jackson
5.	Emily Cornelius	Fayetteville	Meredith
6.	Allison Gallagher	Grimesland	D. Davis
7.	Blake Flinchum	Dobson	Randlaman
8.	Julia Vaughan-Jones	Mocksville	Brock
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

DATE 7/2/2015

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Julie White	NMMA
Neil Hughes	NMMA
Dan Comford	NMMA
Elizabeth Bisc	BP



STATE AND LOCAL GOVERNMENT COMMITTEE

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

09-21-201



Senate Committee on State and Local Government
Tuesday, July 14, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on July 14, 2015 in Room 423 of the Legislative Office Building. Thirteen members were present.

Senator Jim Davis, Chair, presided.

Senator Davis welcomed members, visitors, Sergeants-at-Arms (Donna Blake, Larry Hancock, Jim Hamilton), and Pages (Kendall Gillespy, Clayton, Senator Smith; Alex Beroth, Pfafftown, Senator Krawiec; Dessislava Todorova, Morrisville, Senator Sanderson; Jenna Albert, Greensboro, Senator Alexander; Carolina Pulze, Raleigh, Senator Berger).

Senator Davis asked the Committee and bill sponsors if they would approve bundling the three bills on the agenda as they were identical except for counties impacted. The Committee and sponsors approved.

HB 58 Certain Counties Sheriff/Food Purchases. (Representatives Riddell, Ross)

Representative Riddell explained the bill and responded to questions from Senators Don Davis, Van Duyn, Curtis, and Waddell. House Bill 58 would permit the sheriffs in Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham, and Wake Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a). Senator Davis asked if Representatives Speciale and Presnell had anything to add. They did not. Senator Foushee's motion for a favorable report on the three bundled bills passed.

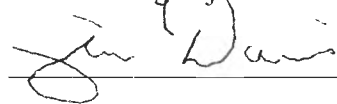
HB 236 Certain Counties/Purchasing Exemption. (Representative Speciale)

House Bill 236 would permit the sheriffs in Beaufort, Chowan, Currituck, Dare, Granville, Pasquotank, Stanly, and Washington Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a). This bill was bundled and reported favorable as described above.

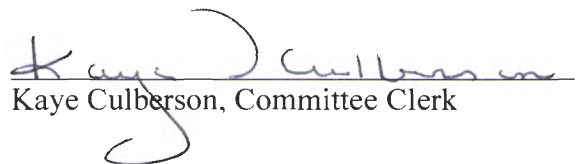
HB 312 Certain Counties Sheriff/Food Purchases. (Representative Presnell)

House Bill 312 would permit the sheriffs in Cherokee, Haywood, Iredell, Madison, Orange, and Yancey Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a). This bill was bundled and reported favorable as described above.

The meeting adjourned at 12:16 PM.



Senator Jim Davis, Chair Presiding



Kaye Culberson, Committee Clerk



**Senate Committee on State and Local Government
Tuesday, July 14, 2015, 12:00 PM
423 Legislative Office Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 58	Certain Counties Sheriff/Food Purchases.	Representative Riddell Representative Ross
HB 236	Certain Counties/Purchasing Exemption.	Representative Speciale
HB 312	Certain Counties Sheriff/Food Purchases.	Representative Presnell

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

DAY	DATE	TIME	ROOM
Tuesday	July 14, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 58	Certain Counties Sheriff/Food Purchases.	Representative Riddell
HB 236	Certain Counties/Purchasing Exemption.	Representative Ross Representative Speciale
HB 312	Certain Counties Sheriff/Food Purchases.	Representative Presnell

Senator Davis will Chair.

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, July 14, 2015

Senator J. Davis,
submits the following with recommendations as to passage:

FAVORABLE

HB 58 (CS#1) Certain Counties Sheriff/Food Purchases.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB 236 (CS#1) Certain Counties/Purchasing Exemption.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB 312 (CS#1) Certain Counties Sheriff/Food Purchases.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Senator Richard Gunn will handle HB 58
Senator Richard Gunn will handle HB 236
Senator Richard Gunn will handle HB 312



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HOUSE BILL 58: Certain Counties Sheriff/Food Purchases

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Riddell, Ross
Analysis of: Third Edition

Date: July 9, 2015
Prepared by: R. Erika Churchill,
Kelly Q. Tornow, and
Tawanda Foster,
Committee Counsel

SUMMARY: *House Bill 58 would permit the sheriffs in Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham, and Wake Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).*

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 formal bidding for public construction over \$500, 000 and goods over \$90,000.
- G.S. 143-131, regarding informal bidding procedures
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.

A public school is not required to comply with the requirement to purchase all supplies under Article 8 of Chapter 143 when purchasing supplies and food for such school food services. G.S. 115C-264(c)

BILL ANALYSIS: House Bill 58 would permit the sheriffs in Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham, and Wake Counties to purchase food and food supplies for the county's detention facility with complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: House Bill 236, Certain Counties/Purchasing Exemption, passed the House on 4/1/15, and is now in Senate State and Local Government: Beaufort, Chowan, Currituck, Dare, Granville, Pasquotank, Stanly, and Washington. House Bill 312, Certain Counties Sheriff/Food Purchases, granting the following counties the same authority, passed the House on 4/2/15, and is now in Senate State and Local Government: Cherokee, Haywood, Iredell, Madison, Orange, and Yancey.

O. Walker Reagan
Director



Research Division
(919) 733-2578

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

3

HOUSE BILL 58
Committee Substitute Favorable 3/9/15
Third Edition Engrossed 3/10/15

Short Title: Certain Counties Sheriff/Food Purchases.

(Local)

Sponsors:

Referred to:

February 9, 2015

- 1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT A COUNTY SHERIFF'S OFFICE MAY CONTRACT FOR
3 THE PURCHASE OF FOOD AND SUPPLIES FOR THE COUNTY'S DETENTION
4 FACILITY WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF CERTAIN
5 STATE PURCHASE AND CONTRACT LAWS.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** A county sheriff's office may contract for the purchase of food and
8 food services supplies for that county's detention facility without being subject to the
9 requirements of G.S. 143-129 and G.S. 143-131(a).
10 **SECTION 2.** This act applies only to the following counties: Alamance, Anson,
11 Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham,
12 and Wake.
13 **SECTION 3.** This act is effective when it becomes law.



★ H 5 8 - V - 3 ★





HOUSE BILL 236: Certain Counties/Purchasing Exemption

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. Speciale
Analysis of: Second Edition

Date: July 9, 2015
Prepared by: R. Erika Churchill,
Kelly Q. Tornow, and
Tawanda Foster,
Committee Counsel

SUMMARY: *House Bill 236 would permit the sheriffs in Beaufort, Chowan, Currituck, Dare, Granville, Pasquotank, Stanly, and Washington Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).*

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 formal bidding for public construction over \$500, 000 and goods over \$90,000.
- G.S. 143-131, regarding informal bidding procedures
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.

A public school is not required to comply with the requirement to purchase all supplies under Article 8 of Chapter 143 when purchasing supplies and food for such school food services. G.S. 115C-264(c)

BILL ANALYSIS: House Bill 236 would permit the sheriffs in Beaufort, Chowan, Currituck, Dare, Granville, Pasquotank, Stanly, and Washington Counties to purchase food and food supplies for the county's detention facility with complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: **House Bill 58**, Certain Counties Sheriff/Food Purchases, granting the following counties the same authority, passed the House on 3/16/15, and is now in Senate State and Local Government: Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham, and Wake. **House Bill 312**, Certain Counties Sheriff/Food Purchases, granting the following counties the same authority, passed the House on 4/2/15, and is now in Senate State and Local Government: Cherokee, Haywood, Iredell, Madison, Orange, and Yancey.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 236
Committee Substitute Favorable 4/1/15

Short Title: Certain Counties/Purchasing Exemption. (Local)

Sponsors:

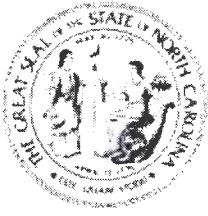
Referred to:

March 16, 2015

- 1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT A COUNTY SHERIFF'S OFFICE MAY CONTRACT FOR
3 THE PURCHASE OF FOOD AND FOOD SERVICES SUPPLIES FOR THE COUNTY'S
4 DETENTION FACILITY WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF
5 CERTAIN STATE PURCHASE AND CONTRACT LAWS.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** A county sheriff's office may contract for the purchase of food and
8 food services supplies for that county's detention facility without being subject to the
9 requirements of G.S. 143-129 and G.S. 143-131(a).
10 **SECTION 2.** This act applies only to the following counties: Beaufort, Chowan,
11 Currituck, Dare, Granville, Pasquotank, Stanly, and Washington.
12 **SECTION 3.** This act is effective when it becomes law.







HOUSE BILL 312: Certain Counties Sheriff/Food Purchases

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Rep. Presnell
Analysis of: Second Edition

Date: July 9, 2015
Prepared by: R. Erika Churchill,
Kelly Q. Tornow, and
Tawanda Foster,
Committee Counsel

SUMMARY: *House Bill 312 would permit the sheriffs in Cherokee, Haywood, Iredell, Madison, Orange, and Yancey Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).*

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 formal bidding for public construction over \$500, 000 and goods over \$90,000.
- G.S. 143-131, regarding informal bidding procedures
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.

A public school is not required to comply with the requirement to purchase all supplies under Article 8 of Chapter 143 when purchasing supplies and food for such school food services. G.S. 115C-264(c)

BILL ANALYSIS: House Bill 312 would permit the sheriffs in Cherokee, Haywood, Iredell, Madison, Orange, and Yancey Counties to purchase food and food supplies for the county's detention facility with complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: House Bill 58, Certain Counties Sheriff/Food Purchases, granting the following counties the same authority, passed the House on 3/16/15, and is now in Senate State and Local Government: Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham, and Wake. House Bill 236, Certain Counties/Purchasing Exemption, passed the House on 4/1/15, and is now in Senate State and Local Government: Beaufort, Chowan, Currituck, Dare, Granville, Pasquotank, Stanly, and Washington.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 312
Committee Substitute Favorable 4/1/15

Short Title: Certain Counties Sheriff/Food Purchases. (Local)

Sponsors:

Referred to:

March 23, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN COUNTY SHERIFF'S OFFICES TO CONTRACT FOR
3 THE PURCHASE OF FOOD AND FOOD SERVICES SUPPLIES FOR A COUNTY'S
4 DETENTION FACILITY WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF
5 CERTAIN STATE PURCHASE AND CONTRACT LAWS.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** A county sheriff's office may contract for the purchase of food and
8 food services supplies for that county's detention facility without being subject to the
9 requirements of G.S. 143-129 and G.S. 143-131(a).
10 **SECTION 2.** This act applies only to the following counties: Cherokee, Haywood,
11 Iredell, Madison, Orange, and Yancey.
12 **SECTION 3.** This act is effective when it becomes law.



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Senate

State And

Local Government

July 14, 2015

Room 423/424, LOB

12:00 PM

Senate Sergeant at Arms:

DONNA BLAKE

LARRY HANCOCK

JIM HAMILTON



Senate Pages Attending

COMMITTEE: State & Local Govt ROOM: 423

DATE: 7-14 TIME: Noon

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Page Name	Hometown	Sponsoring Senator
1. Kendall Gillespy	Clayton	Smith
2. Alex Berth	Pfafftown	Krawiec
3. Rachel Woods	Clayton	Newton
4. Dessislava Todorova	Morrisville	Sanderson
5. Jenna Albert	Greensboro	Alexander
6. Caroline Putze	Raleigh	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

Genesee State Local Gov.
(Committee Name)

7/14/15
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]



VISITOR REGISTRATION SHEET

Seminole State's Local Gov.
(Committee Name)

7/14/15
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

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Senate Committee on State and Local Government
Tuesday, July 21, 2015 at 12:00 PM
Room 423 of the Legislative Office Building

MINUTES

The Senate Committee on State and Local Government met at 12:00 PM on July 21, 2015 in Room 423 of the Legislative Office Building. 13 members were present.

Senator Norman W. Sanderson, Chair, presided.

Senator Sanderson welcomed Committee members and guests and thanked Sergeants-at-Arms Hal Roach and Steve McKaig and Pages Amber Avens, Roanoke Rapids, sponsored by Senator Bryant; Chase Cross, Denton, sponsored by Senator Sanderson; Tristan Beard, Goldsboro, sponsored by Senator Sanderson/Pate; Alex Bradley, Gastonia, sponsored by Senator Harrington; Joe Rodri, Raleigh, sponsored by Senator Newton and Anita Hallberg, Raleigh, sponsored by Senator Stein.

HB 185 Repeal DCR's Obsolete Comms & Language.-AB (Representatives R. Brown, Cleveland, Floyd, Riddell) Senator Sanderson presented the bill. House Bill 185 would repeal commissions within the Department of Cultural Resources that are obsolete and delete references to obsolete commissions from various statutes. It would also delete statutory language related to printing of government publications on alkaline paper. The proposed committee substitute (PCS) would make a technical correction to remove a reference to the John Motley Morehead Commission and would also allow the Department of Cultural Resources to be the successor in interest to the John Motley Morehead Commission upon its repeal. Senator Wade assumed the chair. Senator D. Davis motioned for an unfavorable report as to Senate Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute bill. The motion passed. Senator Sanderson will handle the bill in the Senate.

Senator Sanderson resumed as chair.

HB 389 Roanoke Island Fire District Changes. (Representative Tine)

Senator Cook presented the bill. House Bill 389 would clarify the process by which Dare County pays over fire protection tax funds for the Roanoke Island Fire District. Senator Hartsell motioned for a favorable report. The motion passed with a sequential referral to Finance.

HB 538 Water and Sewer Service Related Changes. (Representative Millis)

Representative Millis presented the bill. Erika Churchill explained "part two". The proposed committee substitute for House Bill 538 would do all of the following: Specifically authorize water and sewer authorities created under Article 1 of Chapter 162A to: Adopt ordinances concerning the regulation and control of water systems owned by the authority. Enter into reimbursement agreements with developers or property owners for design and construction of infrastructure. Offer and pay rewards up to \$5,000 for information leading to conviction of persons who willfully deface, damage, or destroy, or commits acts of vandalism or larceny of, authority property. Authorize a county or city to pledge a security interest in an escrow account to secure repayment of certain economic development loans. Allow the Local Government Commission to authorize loans of up to 30 year terms for certain water projects. Representative Millis responded to questions from Senator Pate. Senator Wade motioned for an unfavorable report as to Senate Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute bill. The motion passed with a sequential referral to Finance.

HB 478 Brunswick Cty/Navigable Waters. (Representative Iler)

Representative Iler presented the bill. House Bill 478 authorizes Brunswick County to regulate by ordinance the operation of boats and vessels in navigable waters within the County's jurisdictional boundaries. Senator Hartsell assumed the chair. Senator Sanderson proposed to amend the bill. Representative Iler responded to questions by Senator Tarte. Amendment passed. Senator Alexander motioned for an unfavorable as to bill, but favorable as to Senate Committee Substitute bill. The motion passed with a sequential referral to Transportation.

Senator Sanderson resumed as chair.

HB 721 Subdivision Ordinance/Land Develop. Changes. (Representatives Bryan, Stam, Bishop, Bradford) Representative Bryan presented the bill. House Bill 721 would amend and clarify the law regarding performance guarantees developers are required to provide to cities and counties to assure completion of required improvements to subdivided land. The bill requires the developer to demonstrate reasonable, good faith progress toward completion of any improvements that are the subject of a performance guarantee or any extension thereof and caps the amount of any extension of a performance guarantee at 125% of the reasonably estimated cost of completing the improvements that remain outstanding at the time the extension is obtained. The Proposed Committee Substitute (PCS) makes technical changes only.

Senator Hartsell motioned for an unfavorable report as to Senate Committee Substitute Bill No. 1, but favorable as to Senate Committee Substitute bill No. 2. The motion passed. Senator Wells will handle the bill in the Senate.

HB 199 Certain Cities/Donate Service Animals. (Representatives D. Hall, Holley, Jackson, Gill)

Senator Alexander presented the bill. The proposed committee substitute for House Bill 199 would amend the Charter of the City of Raleigh to allow the City to donate retired animals used by the Police Department or other City agency to the police officer or employee who had normal custody or control of the animal during the animal's service, and would authorize the municipalities in Mecklenburg County to do the same. [As introduced, this bill was identical to S247, as introduced by Sens. Stein, Alexander, Blue, which is currently in Senate State and Local Government.] Senator Alexander responded to questions from Senator Waddell. Senator Pate motioned for an unfavorable report as to bill, but favorable as to PCS. The motion passed. The long title was amended. Senator Alexander will handle the bill in the Senate.


SB 575 NC/SC Original Border Confirmation. (Senator Tucker)

Senator Sanderson presented the bill. SB 575 makes legislative changes to facilitate the work of the boundary commission in confirming and reestablishing the original boundary existing between the states of North and South Carolina. Senator Hartsell brought forth an amendment. Staff explained the amendment. The amendment passed. Senator Hartsell motioned for an unfavorable report as to the bill, but favorable as to the PCS. The motion passed with a sequential referral to Finance.

SB 168 \$5 Vehicle Tax For Greene Co Economic Dev. (Senator D. Davis)

Senator D. Davis presented the bill. The bill authorizes Greene County to levy a vehicle tax not to exceed five dollars for Economic Development. Senator Waddell motioned for a favorable report. The motion passed with a sequential referral to Finance.

There being no further business, the meeting adjourned at 12:33 PM.


Senator Norman W. Sanderson, Chair Presiding


Kathy Voss, Committee Clerk

Senate Committee on State and Local Government
Tuesday, July 21, 2015, 12:00 PM
423 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 185	Repeal DCR's Obsolete Comms & Language.-AB	Representative R. Brown Representative Cleveland Representative Floyd Representative Riddell
HB 389	Roanoke Island Fire District Changes.	Representative Tine
HB 538	Water and Sewer Service Related Changes.	Representative Millis
HB 478	Brunswick Cty/Navigable Waters.	Representative Iler
HB 721	Subdivision Ordinance/Land Develop. Changes.	Representative Bryan Representative Stam Representative Bishop Representative Bradford
HB 199	Certain Cities/Donate Service Animals.	Representative D. Hall Representative Holley Representative Jackson Representative Gill
SB 575	NC/SC Original Border Confirmation.	Senator Tucker
SB 168	\$5 Vehicle Tax For Greene Co Economic Dev.	Senator D. Davis

Presentations

Other Business

Adjournment



Principal Clerk
Reading Clerk

Corrected #6: Add SB 168

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

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

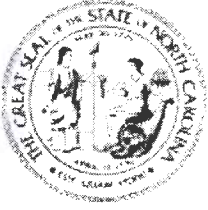
DAY	DATE	TIME	ROOM
Tuesday	July 21, 2015	12:00 PM	423 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 185	Repeal DCR's Obsolete Comms & Language.-AB	Representative R. Brown Representative Cleveland Representative Floyd Representative Riddell
HB 389	Roanoke Island Fire District Changes.	Representative Tine
HB 538	Water and Sewer Service Related Changes.	Representative Millis
HB 478	Brunswick Cty/Navigable Waters.	Representative Iler
HB 721	Subdivision Ordinance/Land Develop. Changes.	Representative Bryan Representative Stam Representative Bishop Representative Bradford
HB 199	Certain Cities/Donate Service Animals.	Representative D. Hall Representative Holley Representative Jackson Representative Gill
SB 575	NC/SC Original Border Confirmation.	Senator Tucker
SB 168	\$5 Vehicle Tax For Greene Co Economic Dev.	Senator D. Davis

Sen. Sanderson will chair

Senator Jim Davis, Co-Chair
Senator Norman W. Sanderson, Co-Chair



HOUSE BILL 478: Brunswick Cty/Navigable Waters

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Transportation	Date:	July 17, 2015
Introduced by:	Rep. Iler	Prepared by:	Erika Churchill and Tawanda Foster
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 478 would authorize Brunswick County to regulate by ordinance the operation of boats and vessels in navigable waters within the County's jurisdictional boundaries.*

CURRENT LAW: Operation of boats and vessels in navigable waters in the State is generally subject to regulation by the North Carolina Wildlife Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers, depending on the location.

BILL ANALYSIS: House Bill 478 would:

- Authorize Brunswick County to adopt and enforce ordinances for the navigable waters within the County's jurisdictional boundaries that relate to the operation of boats and vessels.
- Provide that if any rules or regulations of the North Carolina Wildlife Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers expressly conflict with ordinances adopted by the County under the authority granted by this act, then the State or federal rule or regulation shall prevail over the County ordinance to the extent of the conflict.

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

BACKGROUND: Similar legislation was enacted for the Town of Beaufort (S.L. 1981-710).

Giles Perry with the Research Division substantially contributed to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 478

Short Title: Brunswick Cty/Navigable Waters. (Local)

Sponsors: Representative Iler (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Transportation.

April 2, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING BRUNSWICK COUNTY TO REGULATE NAVIGABLE
3 WATERS WITHIN ITS BOUNDARIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Board of Commissioners of Brunswick County may adopt and
6 enforce ordinances for the navigable waters within the County's jurisdictional boundaries which
7 (i) relate to the operation of boats and vessels, including restrictions concerning the types of
8 activities conducted on the navigable waters within the jurisdictional limits of the County; (ii)
9 restrict the anchoring of boats and vessels as to location; and (iii) generally, regulate the
10 anchoring of vessels within its navigable waters. The Board may make all reasonable rules and
11 regulations as it deems necessary for the safe and proper use of the navigable waters within the
12 jurisdictional limits of the County for the occupants of boats and vessels, swimmers, fishermen,
13 and others using the navigable waters and may provide for enforcement of ordinances adopted
14 by the County under this act in accordance with G.S. 153A-123.

15 **SECTION 2.** If any rules or regulations of the North Carolina Wildlife
16 Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers expressly conflict
17 with ordinances adopted by the County under the authority granted by this act, then the State or
18 federal rule or regulation shall prevail over the County ordinance to the extent of the conflict.

19 **SECTION 3.** Brunswick County may appropriate funds to carry out the power and
20 authority granted by this act.

21 **SECTION 4.** If any part or parts of this act shall be held to be unconstitutional, the
22 unconstitutionality shall not affect the validity of the remaining parts of this act.

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





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 478

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

H478-AST-119 [v.4]

Page 1 of 1

Amends Title [NO]
First Edition

Date _____, 2015

Senator Sanderson

- 1 moves to amend the bill on page 1, line 16, by inserting "the Division of Marine Fisheries in
2 the Department of Environment and Natural Resources, the Marine Fisheries Commission,"
3 between the words "Commission, and the".
4

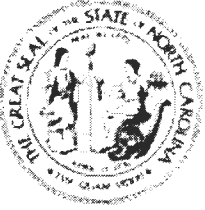
SIGNED Norma Sanderson
Amendment Sponsor

SIGNED Walter L. Hardee
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 4 7 8 - A S T - 1 1 9 - V - 4 *



HOUSE BILL 721: Subdivision Ordinance/Land Develop. Changes

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. Bryan, Stam, Bishop, Bradford
Analysis of: PCS to Third Edition
H721-CSRN-35

Date: July 21, 2015
Prepared by: Brad Krehely
Committee Counsel

SUMMARY: *House Bill 721 would amend and clarify the law regarding performance guarantees developers are required to provide to cities and counties to assure completion of required improvements to subdivided land. The bill requires the developer to demonstrate reasonable, good faith progress toward completion of any improvements that are the subject of a performance guarantee or any extension thereof and caps the amount of any extension of a performance guarantee at 125% of the reasonably estimated cost of completing the improvements that remain outstanding at the time the extension is obtained. The Proposed Committee Substitute (PCS) makes technical changes only.*

CURRENT LAW: Cities (Part 2 of Article 19 of Chapter 160A) and counties (Part 2 of Article 18 of Chapter 153A) are authorized to adopt ordinances to regulate the subdivision of land within their territorial jurisdiction. These statutes authorize subdivision ordinances to require the construction of "community service facilities". To assure compliance with these and other ordinance requirements, cities and counties are authorized to provide for performance guarantees to assure successful completion of required improvements. Performance guarantees are financial assurances that guarantee funds if the developer fails to complete the agreed-to improvements. If a guarantee is required, the developer can choose from a range of different types of assurance.

BILL ANALYSIS:

Section 1 would provide that a performance guarantee is required at the time the plat is recorded and that the type of performance guarantee would be at the election of the developer.

This section also would create a new subsection, G.S.160A-372(g), that applies to performance guarantees for both cities and counties. The new subsection would:

- Define "performance guarantee" as any of the following: a surety bond issued by any company authorized to do business in the state, a letter of credit issued by any financial institution licensed to do business in the state, or any other form of guarantee that provides equivalent security to a surety bond or letter of credit
- Require a performance guarantee to be returned in a timely manner when the city or county acknowledges that the improvements for which the guarantee is being required are complete
- Would require extension of the performance guarantee or issuance of a new performance guarantee if the improvements are not complete at the time the current performance guarantee is expiring
- Require the developer to demonstrate reasonable, good faith progress toward completion of the improvements that are the subject of the performance guarantee or any extension

O. Walker Reagan
Director



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House Bill 721

Page 2

- Cap the amount of a performance guarantee or extension thereof at 125% of the reasonably estimated cost of completion at the time the performance guarantee is issued or extension is obtained
- Clarify that the performance guarantee must only be used for completion of the required improvements and not for repairs or maintenance after completion

Section 2 would prohibit cities and counties from withholding issuance of a building permit or certificate of occupancy that otherwise would be eligible to be issued in order to compel completion of work for a separate permit or to compel compliance with land use regulations with respect to another property or parcel unless (1) otherwise authorized by law or (2) the city or county reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy.

EFFECTIVE DATE: This act becomes effective October 1, 2015, and applies to performance guarantees or extensions of performance guarantees issued on or after that date.

Kelly Tornow, Counsel to House Judiciary IV, and Bill Patterson, Counsel to Senate Judiciary II, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 721
Committee Substitute Favorable 4/22/15
Senate Judiciary II Committee Substitute Adopted 7/16/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H721-CSRN-35 [v.2]

7/20/2015 6:25:26 PM

Short Title: Subdivision Ordinance/Land Develop. Changes.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATED TO LAND DEVELOPMENT.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 160A-372 reads as rewritten:

5 **"§ 160A-372. Contents and requirements of ordinance.**

6 (a) A subdivision control ordinance may provide for the orderly growth and
7 development of the city; for the coordination of transportation networks and utilities within
8 proposed subdivisions with existing or planned streets and highways and with other public
9 facilities; for the dedication or reservation of recreation areas serving residents of the
10 immediate neighborhood within the subdivision or, alternatively, for provision of funds to be
11 used to acquire recreation areas serving residents of the development or subdivision or more
12 than one subdivision or development within the immediate area, and rights-of-way or
13 easements for street and utility purposes including the dedication of rights-of-way pursuant to
14 G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner
15 that will avoid congestion and overcrowding and will create conditions that substantially
16 promote public health, safety, and the general welfare.

17 (b) The ordinance may require a plat be prepared, approved, and recorded pursuant to
18 the provisions of the ordinance whenever any subdivision of land takes place. The ordinance
19 may include requirements that plats show sufficient data to determine readily and reproduce
20 accurately on the ground the location, bearing, and length of every street and alley line, lot line,
21 easement boundary line, and other property boundaries, including the radius and other data for
22 curved property lines, to an appropriate accuracy and in conformance with good surveying
23 practice.

24 (c) The ordinance may provide for the more orderly development of subdivisions by
25 requiring the construction of community service facilities in accordance with municipal plans,
26 policies, and standards. To assure compliance with these and other ordinance requirements, the
27 ordinance may provide for performance guarantees to assure successful completion of required
28 ~~improvements. If a performance guarantee is required, the city shall provide a range of options~~
29 ~~of types of performance guarantees, including, but not limited to, surety bonds or letters of~~
30 ~~credit, from which the developer may choose. improvements at the time the plat is recorded as~~
31 ~~provided in subsection (b) of this section. For any specific development, the type of~~
32 ~~performance guarantee from the range specified by the city shall be at the election of the~~
33 ~~developer.~~



* H 7 2 1 - C S R N - 3 5 - V - 2 *

(d) The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning board. In order for this authorization to become effective, before approving such plans the council or planning board and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning board shall immediately notify the board of education and the board of education shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning board and no site shall be reserved. If the board of education does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

(e) The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. The ordinance may allow a combination or partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served.

(f) The ordinance may provide that in lieu of required street construction, a developer may be required to provide funds that the city may use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this paragraph shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the city determines that a combination is in the best interests of the citizens of the area to be served.

(g) For purposes of this section, all of the following shall apply with respect to performance guarantees:

(1) The term "performance guarantee" shall mean any of the following forms of guarantee:

- a. Surety bond issued by any company authorized to do business in this State.
- b. Letter of credit issued by any financial institution licensed to do business in this State.
- c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

(2) The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the city or county that the

improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.

(3) The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

(4) The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion."

SECTION 1.(b) G.S. 153A-331 reads as rewritten:

"§ 153A-331. Contents and requirements of ordinance.

(a) A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

(b) The ordinance may require that a plat be prepared, approved, and recorded pursuant to the provisions of the ordinance whenever any subdivision of land takes place. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformity with good surveying practice.

(c) A subdivision control ordinance may provide that a developer may provide funds to the county whereby the county may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area.

(d) The ordinance may provide that in lieu of required street construction, a developer may provide funds to be used for the development of roads to serve the occupants, residents, or invitees of the subdivision or development. All funds received by the county under this section shall be transferred to the municipality to be used solely for the development of roads, including design, land acquisition, and construction. Any municipality receiving funds from a county under this section is authorized to expend such funds outside its corporate limits for the purposes specified in the agreement between the municipality and the county. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the county determines that a combination is in the best interest of the citizens of the area to be served.

(e) The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with county plans, policies, and standards. To assure compliance with these and other ordinance requirements, the ordinance may provide for performance guarantees to assure successful completion of required improvements. ~~If a performance guarantee is required, the county shall provide a range of options of types of performance guarantees, including, but not limited to, surety bonds or letters of credit, from which the developer may choose.~~ improvements at the time the plat is recorded as provided in subsection (b) of this section. For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer.

(f) The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the board of commissioners or the planning board. For the authorization to reserve school sites to be effective, the board of commissioners or planning board, before approving a comprehensive land use plan, shall determine jointly with the board of education with jurisdiction over the area the specific location and size of each school site to be reserved, and this information shall appear in the plan. Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the board of commissioners or the planning board shall immediately notify the board of education. The board of education shall promptly decide whether it still wishes the site to be reserved and shall notify the board of commissioners or planning board of its decision. If the board of education does not wish the site to be reserved, no site may be reserved. If the board of education does wish the site to be reserved, the subdivision may not be approved without the reservation. The board of education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the board of education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed of the reservation.

(g) Any performance guarantee shall comply with G.S. 160A-372(g)."

SECTION 1.(c) G.S. 160A-400.25 is amended by adding a new subsection to read:

"(e) Any performance guarantees under the development agreement shall comply with G.S. 160A-372(g)."

SECTION 1.(d) G.S. 153A-349.6 is amended by adding a new subsection to read:

"(e) Any performance guarantees under the development agreement shall comply with G.S. 160A-372(g)."

SECTION 2.(a) G.S. 160A-417 is amended by adding a new subsection to read:

"(e) No city may withhold issuing a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land use regulations under this Article unless otherwise authorized by law or unless the city reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy."

SECTION 2.(b) G.S. 153A-357 is amended by adding a new subsection to read:

"(f) No county may withhold issuing a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land use regulations under this Article unless otherwise authorized by law or unless the county reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy."

SECTION 3. This act becomes effective October 1, 2015, and applies to performance guarantees or extensions of performance guarantees issued on or after that date.



HOUSE BILL 199: Certain Cities/Donate Service Animals

2015-2016 General Assembly

Committee: Senate State and Local Government
Introduced by: Reps. D. Hall, Holley, Jackson, Gill
Analysis of: PCS to First Edition
H199-CSST-78

Date: July 20, 2015
Prepared by: R. Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute for House Bill 199 would amend the Charter of the City of Raleigh to allow the City to donate retired animals used by the Police Department or other City agency to the police officer or employee who had normal custody or control of the animal during the animal's service, and would authorize the municipalities in Mecklenburg County to do the same.*

[As introduced, this bill was identical to S247, as introduced by Sens. Stein, Alexander, Blue, which is currently in Senate State and Local Government.]

CURRENT LAW: City governments generally dispose of real and personal property in accordance with the procedures established by Article 12 of Chapter 160A. Subject to certain limitations, a city can dispose of real or personal property belonging to the city by:

- Private negotiation and sale
- Advertisement for sealed bids
- Negotiated offer, advertisement, and upset bid
- Public auction
- Exchange

Currently, there is not a provision in the Charter of the City of Raleigh that addresses the donation of retired animals used by the City.

BILL ANALYSIS: The PCS for House Bill 199 is a local act that would:

1. Amend the Charter of the City of Raleigh to provide that when a horse, dog, or other animal used by the Police Department or any other City agency is deemed no longer fit for public service, the City Council is authorized to donate the animal to the officer or employee who had normal custody and control of the animal during its service to the City.
2. Authorize all of the municipalities in Mecklenburg County to donate a horse, dog, or other animal used by that municipality to the officer or employee who had normal custody and control of the animal during its service to the municipality when the horse, dog, or other animal used by the Police Department or any other municipal agency is deemed no longer fit for public service.

EFFECTIVE DATE: Effective when it becomes law.

Kelly Q. Tornow substantially contributed to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

H

D

HOUSE BILL 199*

PROPOSED SENATE COMMITTEE SUBSTITUTE H199-CSST-78 [v.2]

7/20/2015 6:16:59 PM

Short Title: Certain Cities/Donate Service Animals.

(Local)

Sponsors:

Referred to:

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AND THE CITIES AND TOWNS IN MECKLENBURG COUNTY TO ALLOW THE CITY TO DONATE RETIRED ANIMALS USED BY THE POLICE DEPARTMENT OR ANY OTHER CITY AGENCY TO THE POLICE OFFICER OR EMPLOYEE WHO HAD NORMAL CUSTODY AND CONTROL OF THE ANIMAL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 33(c) of the Charter of the City of Raleigh, being Chapter 1184 of the 1949 Session Laws, as amended by S.L. 1991-312, S.L. 1993-649, S.L. 1995-323, and S.L. 2005-157, reads as rewritten:

"(c) Notwithstanding the provisions of subsection (a) of this ~~section~~, ~~nothing~~ section:

(1) Nothing herein shall be construed as preventing any official or employee covered by this section from purchasing a utility service offered to the general public at uniform rates, sludge generated at a wastewater treatment plant, farm products grown on City-owned or City-leased farms, and mulch produced at the City's yard waste processing center.

(2) In addition to the transactions authorized in this section, the City may sell items of personal uniforms and equipment, excluding weapons, to public safety employees upon their separation from the City's employment. The items may be sold by private sale at the prices and under the terms and conditions that the City Council may establish by resolution.

(3) When any horse, dog, or other animal used by the Police Department or any other City agency is deemed no longer fit for public service, the City Council may donate the animal to the officer or employee who had normal custody and control of the animal during its service to the City."

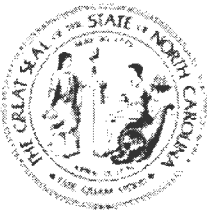
SECTION 2.(a) The governing body of a municipality may donate any horse, dog, or other animal used by the municipality's police department or any other municipal agency to the officer or employee who had normal custody and control of the animal during its service to the municipality when the animal is deemed no longer fit for public service.

SECTION 2.(b) This section applies only to the municipalities in Mecklenburg County.

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



* H 1 9 9 - C S S T - 7 8 - V - 2 *



HOUSE BILL 389: Roanoke Island Fire District Changes

2015-2016 General Assembly

Committee:	Senate Ref to State and Local Government. If fav. re-ref to Finance	Date:	July 17, 2015
Introduced by:	Rep. Tine	Prepared by:	Erika Churchill and Tawanda Foster
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 389 would clarify the process by which Dare County pays over fire protection tax funds for the Roanoke Island Fire District.*

CURRENT LAW: In 1937, the General Assembly created the Roanoke Island Fire District, which constitutes all of Roanoke Island in Dare County, except for the Town of Manteo (S.L. 1937-246). The act authorized Dare County to levy and collect a property tax for the District, and transfer the proceeds to the Town of Manteo, to provide fire protection in the District.

BILL ANALYSIS: House Bill 389 would amend the authorizing Session Law for the Roanoke Island Fire District to provide that the fire protection property tax levied and collected by Dare County on Roanoke Island outside of Manteo shall be paid over directly to the Roanoke Island Volunteer Fire Department, instead of first to the Town of Manteo, and then to the Department.

EFFECTIVE DATE: House Bill 389 would be effective when it becomes law and applies to taxes levied or collected on or after that date.

Giles Perry and Greg Roney with the Research Division substantially contributed to this summary.

O. Walker Reagan
Director



Research Division
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 389

Short Title: Roanoke Island Fire District Changes. (Local)

Sponsors: Representative Tine (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Finance.

March 31, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE AUTHORITY OF THE ROANOKE ISLAND VOLUNTEER
3 FIRE DEPARTMENT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 246 of the Public-Local Laws of 1937 reads as rewritten:

6 "AN ACT TO CREATE A FIRE DISTRICT FOR THE PURPOSE OF LEVYING TAXES
7 THEREIN CONSISTING OF ROANOKE ISLAND OUTSIDE OF MANTEO AND
8 AUTHORIZING COOPERATION WITH MANTEO IN FIRE PROTECTION.

9 ...
10 **SECTION 3.** That the Board of Commissioners of Dare County are authorized,
11 empowered and directed to cause to be paid over to the ~~governing authorities of the Town of~~
12 ~~Manteo~~ Roanoke Island Volunteer Fire Department or its successor all of the proceeds of taxes
13 so levied and collected under the authority of this Act, and said taxes so levied and collected
14 shall be used exclusively for said purpose.

15 **SECTION 4.** ~~That the governing authorities of the Town of Manteo are~~ That the Roanoke
16 Island Volunteer Fire Department or its successor is authorized and empowered to receive the
17 funds collected from taxes levied as aforesaid and use said funds exclusively for the purpose of
18 providing fire equipment, maintaining same, and providing fire protection within the fire
19 district herein organized, or using the same in conjunction with taxes levied and collected by
20 the Town of Manteo and used for maintaining the fire department. ~~The Town of~~
21 ~~Manteo~~ Roanoke Island Volunteer Fire Department or its successor is hereby fully authorized
22 and empowered to provide fire protection within the said fire district and make provision for
23 the purchase of suitable firefighting equipment, which may be necessary for providing
24 reasonable fire protection within said territory. Firefighting equipment purchased by funds from
25 taxation within said district shall remain the property of the said district and shall be plainly
26 designated by proper markings thereon indicating ownership thereof, but same shall be and
27 remain in the custody and control of the ~~Town of Manteo~~ Roanoke Island Volunteer Fire
28 Department or its successor for use by its fire department which shall serve jointly the Town of
29 Manteo and said fire district.

30 **SECTION 5.** ~~The governing authorities of the Town of Manteo~~ The Roanoke Island
31 Volunteer Fire Department or its successor shall annually on or before the first day of June in
32 each year, make a report to the Board of Commissioners of Dare County, giving full
33 information as to funds received from the taxes herein levied and the use and application
34 thereof, and shall at the same time furnish to the said Board of Commissioners of Dare County
35 a report covering the activities authorized by and under the provisions of this Act.



1"

2 **SECTION 2.** This act is effective when it becomes law and applies to taxes levied
3 or collected on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 168
PROPOSED COMMITTEE SUBSTITUTE S168-CSRBxr-38 [v.1]

7/21/2015 10:02:34 AM

Short Title: \$5 Vehicle Tax For Greene Co Economic Dev.

(Local)

Sponsors:

Referred to:

March 5, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING GREENE COUNTY TO LEVY A VEHICLE TAX NOT TO
3 EXCEED FIVE DOLLARS FOR ECONOMIC DEVELOPMENT.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** G.S. 20-97 is amended by adding a new subsection to read:
6 "(b1) County Vehicle Tax. – A county may levy a tax of not more than five dollars
7 (\$5.00) per year upon any vehicle resident in the county. The proceeds of the tax must be
8 accounted for separately and may be used only for economic development purposes."
9 **SECTION 2.** This act applies only to Greene County.
10 **SECTION 3.** This act is effective when it becomes law.



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HOUSE BILL 185: Repeal DCR's Obsolete Comms & Language.-AB

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	July 21, 2015
Introduced by:	Reps. R. Brown, Cleveland, Floyd, Riddell	Prepared by:	Kelly Tornow
Analysis of:	PCS to Second Edition H185-CSTH		Committee Counsel

SUMMARY: *House Bill 185 would repeal commissions within the Department of Cultural Resources that are obsolete and delete references to obsolete commissions from various statutes. It would also delete statutory language related to printing of government publications on alkaline paper.*

The proposed committee substitute (PCS) would make a technical correction to remove a reference to the John Motley Morehead Commission and would also allow the Department of Cultural Resources to be the successor in interest to the John Motley Morehead Commission upon its repeal.

BILL ANALYSIS: Section 1 of the bill would delete portions of statutes related to the printing of government publications on alkaline paper. Currently, the statutes set out a process for designation of titles for publication by the State Librarian and the University Librarian at the University of North Carolina at Chapel Hill, notification of State agencies responsible for publishing, and requirements for reporting to the Joint Legislative Commission on Governmental Operations. The bill would eliminate the detailed process and reporting requirement but leave the underlying requirement that publications that are of historical or enduring value must be designated and printed on alkaline paper.

Sections 2-8 of the bill would repeal the following commissions in the Department of Cultural Resources that have served their purposes and are obsolete:

- The First Flight Centennial Commission
- The North Carolina Postal History Commission
- The America's Four Hundredth Committee
- The John Motley Morehead Commission

The bill would also remove references to these commissions and other commissions that have previously been repealed from statutes in Chapter 143B.

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

BACKGROUND: House Bill 185 is an agency bill requested by the Department of Cultural Resources.

Wendy Graf Ray, counsel to House Rules, substantially contributed to this summary.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

H

D

HOUSE BILL 185

Committee Substitute Favorable 3/31/15

PROPOSED SENATE COMMITTEE SUBSTITUTE H185-CSTH-34 [v.2]

7/14/2015 5:42:44 PM

Short Title: Repeal DCR's Obsolete Comms & Language.-AB

(Public)

Sponsors:

Referred to:

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO REPEAL COMMISSIONS WITHIN THE DEPARTMENT OF CULTURAL RESOURCES THAT HAVE SERVED THEIR PURPOSE AND TO REPEAL THE STATUTORY LANGUAGE RELATING TO THE USE OF ALKALINE PAPER FOR PUBLIC DOCUMENTS AND PREVIOUSLY REPEALED COMMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 125-11.13 reads as rewritten:

"§ 125-11.13. Alkaline paper required for government publications.

(a) State publications that are of historical or enduring value and importance to the citizens of North Carolina shall be printed on alkaline (acid-free) paper. These publications shall be designated on an annual basis by the State Librarian and the University Librarian at the University of North Carolina at Chapel Hill and shall include publications of an historical, biographical, legal, or statistical nature relating to the State of North Carolina, past, present, or future. These publications shall identify thereon, adjacent to the name of the agency responsible for publication, a statement that the publication is printed on permanent paper.

~~(b) By November 1 of each year, the State Librarian and the University Librarian at the University of North Carolina at Chapel Hill shall designate the titles for publication on alkaline paper and shall notify each State agency that is responsible for the publication of a designated title. An agency so notified shall begin printing the designated title on alkaline paper within one year after receipt of the notification or at the awarding of the contract for the publication, whichever event occurs first. The Coordinator of the North Carolina State Publications Clearinghouse shall monitor compliance with this requirement and shall transmit a copy of the compliance report to the State Librarian and to the University Librarian at the University of North Carolina at Chapel Hill by October 1 of each year.~~

~~(c) The State Librarian and the University Librarian at the University of North Carolina at Chapel Hill shall report by November 1 of each year to the Joint Legislative Commission on Governmental Operations regarding the titles designated for printing on alkaline paper and shall include in the report the compliance report received from the Coordinator of the North Carolina State Publications Clearinghouse."~~

SECTION 1.(b) G.S. 143-170.5 reads as rewritten:

"§ 143-170.5. Designated public documents to be printed on alkaline paper.

~~The State Librarian and the University Librarian at the University of North Carolina at Chapel Hill shall designate annually as provided by G.S. 125-11.13 those State documents that must be printed on alkaline paper. Each agency publishing a State document designated by the~~



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State Librarian and the University Librarian at the University of North Carolina at Chapel Hill as one that must be printed on alkaline paper shall comply with that publication requirement."

SECTION 2. The First Flight Centennial Commission, Article 67 of Chapter 143 of the General Statutes, being G.S. 143-640 through G.S. 143-643, is repealed.

SECTION 3. The North Carolina Postal History Commission, Article 71 of Chapter 143 of the General Statutes, being G.S. 143-675 through G.S. 143-679, is repealed.

SECTION 4. The America's Four Hundredth Committee, Part 13 of Article 2 of Chapter 143B of the General Statutes, being G.S. 143B-85 and G.S. 143B-86, is repealed.

SECTION 5. The John Motley Morehead Commission, Part 23 of Article 2 of Chapter 143B of the General Statutes, being G.S. 143B-111 through G.S. 143B-115, is repealed. For any lawful purpose, the Department of Cultural Resources shall be the successor in interest to the John Motley Morehead Commission.

SECTION 6. G.S. 143B-51 reads as rewritten:

"§ 143B-51. Functions of the Department.

...

(b) All such functions, powers, duties, and obligations heretofore vested in any agency enumerated in Article 17 of Chapter 143A of the General Statutes are hereby transferred to and vested in the Department of Cultural Resources except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, the functions of:

...

(14) The Memorials Commission;

(15) ~~The Commission to Promote Plans for the Celebration of the Four Hundredth Anniversary of the Landing of Sir Walter Raleigh's Colony on Roanoke Island;~~

(16) The Executive Mansion Fine Arts Commission;

(17) ~~The North Carolina American Revolution Bicentennial Commission;~~

(18) The North Carolina Awards Commission;

(19) ~~The Tobacco Museum Board;~~

(20) The Roanoke Island Historical Association, Inc.;

(21) ~~The Sir Walter Raleigh Memorial Commission;~~

(22) ~~The Governor Richard Caswell Memorial Commission;~~

(23) ~~The Historic Swansboro Commission;~~

(24) The Edenton Historical Commission;

(25) The Historic Bath Commission;

(26) The Historic Hillsborough Commission;

(27) ~~The John Motley Morehead Memorial Commission;~~

(28) The Historic Murfreesboro Commission;

(29) ~~The Charles B. Aycock Memorial Commission;~~

(30) ~~The Frying Pan Lightship Marine Museum Commission;~~

(31) ~~The Guilford County Bicentennial Commission;~~

(32) ~~The Daniel Boone Memorial Commission;~~

(33) ~~The Bennett Place Memorial Commission;~~

(34) ~~The Durham-Orange Historical Commission;~~

(35) ~~The Pitt County Historical Commission;~~

(36) ~~The Transylvania County Historical Commission;~~

(37) ~~The Lenoir County Historical and Patriotic Commission;~~

(38) ~~The Raleigh Historic Sites Commission; and~~

(39) ~~The Stonewall Jackson Memorial Fund."~~

SECTION 7. G.S. 143B-53 reads as rewritten:

"§ 143B-53. Organization of the Department.

1 The Department of Cultural Resources shall be organized initially to include the Art
2 Commission, the Art Museum Building Commission, the North Carolina Historical
3 Commission, the Tryon Palace Commission, the U.S.S. North Carolina Battleship Commission,
4 ~~the Sir Walter Raleigh Commission, the Executive Mansion Fine Arts Committee, the~~
5 ~~American Revolution Bicentennial Committee, the North Carolina Awards Committee, the~~
6 ~~America's Four Hundredth Anniversary Committee, the North Carolina Arts Council, the~~
7 Public Librarian Certification Commission, the State Library Commission, the North Carolina
8 Symphony Society, Inc., and the Division of the State Library, the Division of Archives and
9 History, the Division of the Arts, and such other divisions as may be established under the
10 provisions of the Executive Organization Act of 1973."

11 **SECTION 8.** G.S. 143B-62 reads as rewritten:

12 **"§ 143B-62. North Carolina Historical Commission – creation, powers and duties.**

13 There is hereby created the North Carolina Historical Commission of the Department of
14 Cultural Resources to give advice and assistance to the Secretary of Cultural Resources and to
15 promulgate rules and regulations to be followed in the acquisition, disposition, preservation,
16 and use of records, artifacts, real and personal property, and other materials and properties of
17 historical, archaeological, architectural, or other cultural value, and in the extension of State aid
18 to other agencies, counties, municipalities, organizations, and individuals in the interest of
19 historic preservation.

20 ...

21 (3) The Commission shall adopt rules and regulations consistent with the
22 provisions of this section. All current rules and regulations heretofore
23 adopted by the Executive Board of the State Department of Archives and
24 History, the Historic Sites Advisory Committee, the North Carolina
25 Advisory Council on Historical Preservation, and the Executive Mansion
26 Fine Arts Commission, ~~and the Memorials Commission~~ shall remain in full
27 force and effect unless and until repealed or superseded by action of the
28 Historical Commission. All rules and regulations adopted by the
29 Commission shall be enforced by the Department of Cultural Resources."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 575

Short Title: NC/SC Original Border Confirmation. (Public)

Sponsors: Senator Tucker (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 30, 2015

A BILL TO BE ENTITLED
AN ACT TO MAKE LEGISLATIVE CHANGES TO FACILITATE THE WORK OF THE
BOUNDARY COMMISSION IN CONFIRMING AND REESTABLISHING THE
ORIGINAL BOUNDARY EXISTING BETWEEN THE STATES OF NORTH AND
SOUTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. GENERAL PROVISIONS

SECTION 1.(a) Findings. – The General Assembly finds that:

- (1) North Carolina and South Carolina were created as separate British colonies.
- (2) Surveys to determine the boundary between North Carolina and South Carolina began in 1735 and concluded in 1815.
- (3) Resurveys of three sections of the boundary between North Carolina and South Carolina were performed in 1813, 1905, and 1928.
- (4) The boundary between North Carolina and South Carolina has not changed; however, over the course of time from the original survey of the boundary, some of the markers denoting the boundary from the original surveys have been lost or destroyed by the elements.
- (5) The boundary commission authorized pursuant to Chapter 141 of the General Statutes has worked with commissioners appointed by South Carolina to reestablish the boundary between North and South Carolina.

SECTION 1.(b) Intent. – It is the intent of the General Assembly to address the effects on persons or land with a situs recognized, as a result of a border certification, to be in this State. This act does not apply to persons whose property, rights, and businesses are not affected by border certification. For purposes of this act, "border certification" means the certification by the General Assembly of the border between North Carolina and South Carolina, as provided for in Section 3 of this act.

SECTION 1.(c) Certification. – The General Assembly hereby certifies that, as of January 1, 2016, the boundary between North Carolina and South Carolina is the boundary that was established by the original survey and resurveys that were adopted through legislative and executive actions, and the reestablished boundary has been approved by the boundary commissions of North Carolina and South Carolina and proclaimed as the boundary by the Governor, pursuant to G.S. 141-5.

PART II. TAX LIABILITY



1 **SECTION 2.(a)** Taxes. – The following provisions apply to taxes affected by
2 border certification:

- 3 (1) Neither the State nor a subdivision of the State may assess a tax on a person
4 for activities occurring prior to the date of certification where the basis of the
5 assessment is the certification.
- 6 (2) The State and its subdivisions may assess a tax for activities occurring on or
7 after the date of certification subject to the following conditions:
- 8 a. For taxes imposed for a taxable period, the tax may not be imposed
9 for a period beginning prior to the date of certification.
- 10 b. For sales and use taxes for an item that is provided and billed on a
11 monthly or other periodic basis, the tax may not be assessed for
12 periods beginning prior to the date of certification.
- 13 c. For a person subject to taxes levied under Article 2A of Chapter 105
14 of the General Statutes who, on the date of the certification, has on
15 hand any tobacco products, the person must file a complete inventory
16 of the tobacco products within 20 days after date of certification and
17 must pay an additional tax to the Secretary of Revenue when filing
18 the inventory. The amount of the tax due is the amount due based on
19 the current tax rate less any tax paid on the inventory to another state.
- 20 d. For installments and carryforwards of tax benefits allowed by this
21 State at the time of border certification for activities with a situs in
22 South Carolina, a person may claim remaining installments and
23 carryforwards against State tax liability.
- 24 e. For land that is classified under G.S. 105-277.3 at the time of border
25 certification and that fails to meet the size requirements of
26 G.S. 105-277.3 solely because of border certification, (i) no deferred
27 taxes are due as a result of border certification, (ii) the deferred taxes
28 remain a lien on the land located in this State, and (iii) the deferred
29 taxes for the land in this State are otherwise payable in accordance
30 with G.S. 105-277.3. The tax benefit provided in this sub-subdivision
31 is forfeited if any portion of the land located in this State is sold.
- 32 f. For land receiving a property tax benefit other than classification
33 under G.S. 105-277.3 at the time of border certification that fails to
34 meet the requirements for the property tax benefit solely because of
35 border certification, the land is not entitled to receive the property tax
36 benefit after the time of border certification unless it meets the
37 statutory requirements, but the lien on the land for the deferred taxes
38 is extinguished as if it has been paid in full.
- 39 (3) A person may not seek a refund for activities occurring prior to the date of
40 certification where the basis of the refund is the certification.

41 **SECTION 2.(b)** An establishment to which permits may be issued pursuant to
42 G.S. 18B-1006(n1), as enacted by this act, is designated a special class of property under
43 Section 2(2) of Article V of the North Carolina Constitution, and the motor fuel sold by that
44 establishment is taxable in accordance with this section. Notwithstanding G.S. 105-449.80, the
45 motor fuel excise tax rate for the 2016 calendar year for an establishment to which permits may
46 be issued pursuant to G.S. 18B-1006(n1), as enacted by this act, is sixteen cents (16¢) a gallon.
47 The Revenue Laws Study Committee shall annually compare the motor fuel excise tax rate
48 imposed by this section with the rate levied by the State of South Carolina on motor fuels and
49 may recommend a change in the rate imposed by this section to an amount no greater than the
50 rate then in effect for the State of South Carolina. This subsection is effective until the

1 occurrence of a disqualifying event. A disqualifying event occurs when the establishment is
2 transferred to a new owner.

3 **SECTION 2.(c)** This Part is effective for taxable periods beginning on or after
4 January 1, 2016.

6 **PART III. INSTRUMENTS OF TITLE TO REAL PROPERTY**

7 **SECTION 3.** Title to real property previously treated as being subject to the
8 jurisdiction of the State of South Carolina, but that is recognized as being within the boundaries
9 of this State as a result of the certification of the boundary shall remain in full force, effect, and
10 priority as if the title had been originally registered in this State.

11 Notwithstanding G.S. 161-14, for any portion of real property that is recognized as
12 being within the boundaries of this State as a result of certification of the boundary, and that
13 previously has not been registered and indexed in this State, the register of deeds shall register,
14 index, and cross-index any instruments presented for registration retroactive to the effective
15 registration date and time, as reflected by an original or certified copy of an instrument duly
16 registered in South Carolina. In lieu of assigning a retroactive registration date and time in the
17 index, the register of deeds may affix a statement, on a separate sheet of paper, immediately
18 preceding the instrument presented for registration that cites this act and provides notice that
19 the instrument shall have full force and effect as of the date of registration assigned by the
20 South Carolina registry.

21 Notwithstanding any other provision of law, the register of deeds shall not collect
22 any fees or taxes for instruments registered, indexed, or cross-indexed pursuant to this act.

24 **PART IV. FORECLOSURE OF DEEDS OF TRUST AND MORTGAGES**

25 **SECTION 4.** Foreclosure actions initiated on real property encumbered by a lien
26 recorded in South Carolina wherein the real property is situated, in whole or in part, within the
27 certified North Carolina boundaries shall be governed by the terms of the security instrument
28 sought to be enforced. If the security instrument contains a power of sale clause, the party
29 seeking to enforce the terms of the security instrument may initiate a foreclosure action in the
30 county where the real property is situated pursuant to Chapter 45 of the General Statutes. A
31 party seeking to enforce the terms of the security instrument may also resort to judicial
32 foreclosure, pursuant to Article 29A of Chapter 1 of the General Statutes, in accordance with
33 the terms within the security interest. Judgments or orders of foreclosure entered by courts of
34 this State are binding and effective only with respect to the portion of real property situated
35 within this State. Prior to initiating an action to enforce a security instrument, the security
36 instrument shall be recorded in the office of the register of deeds for the county where the
37 subject property is situated.

39 **PART V. PUBLIC SCHOOL STUDENT ENROLLMENT**

40 **SECTION 5.(a)** Notwithstanding any other provision of law, a student who (i) was
41 eligible to enroll in a North Carolina local school administrative unit in accordance with
42 G.S. 115C-366 prior to the date of the certification and (ii) loses the eligibility to enroll in a
43 public school, including a charter school, as a result of certification may attend a North
44 Carolina public school located within the local school administrative unit or attend a North
45 Carolina charter school, without the payment of tuition, until that student:

- 46 (1) Reaches the age of 21.
- 47 (2) Obtains a high school diploma.
- 48 (3) No longer meets the requirements of G.S. 115C-366 that were the basis for
49 the student's eligibility for enrollment prior to the date of certification.
- 50 (4) Loses eligibility pursuant to subsection (b) of this section.

1 **SECTION 5.(b)** A student who attends a North Carolina public school or charter
2 school under subsection (a) of this section and the student's parent, legal guardian, or custodian
3 shall be subject to the laws and rules governing North Carolina public schools and charter
4 schools in accordance with Chapter 115C of the General Statutes, including meeting the
5 requirements of the compulsory attendance law under Part I, Article 26 of Chapter 115C of the
6 General Statutes.

7 Notwithstanding the enforcement provisions of G.S. 115C-378(f), 115C-380,
8 115C-381, and 115C-382, a parent, guardian, or custodian of a student enrolled in a North
9 Carolina public school or charter school under this section who is determined by the principal
10 of the student's public school or the charter school to be in violation of the compulsory
11 attendance laws shall no longer be eligible to enroll the student in a North Carolina public
12 school or charter school pursuant to subsection (a) of this section in a subsequent semester of
13 the school year. In addition, the local school administrative unit or charter school in which the
14 student is enrolled shall notify, based on the student's place of residence in South Carolina, the
15 juvenile court or such other court in the county that has jurisdiction of juveniles and, if
16 applicable, the attendance supervisor for that county.

17 **SECTION 5.(c)** The State Board of Education shall provide that a student enrolled
18 in a North Carolina public school or charter school in accordance with subsection (a) of this
19 section be included in calculations for average daily membership, reporting for the Uniform
20 Education Reporting System, and eligibility for State and federal funds.

21 **SECTION 5.(d)** Except as otherwise provided by this section or G.S. 115C-366, a
22 student who is a legal resident of South Carolina shall not be entitled to enroll in a North
23 Carolina public school.
24

25 **PART VI. DRIVER EDUCATION ELIGIBILITY/BEGINNER LICENSE**

26 **SECTION 6.(a)** Notwithstanding State Board of Education policy, GCS-R-004, or
27 any other provision of law, if a student enrolled in a North Carolina public school or charter
28 school under subsection (a) of Section 5(a) of this act obtains a beginner's permit in South
29 Carolina, the student shall be eligible to participate in behind-the-wheel instruction as part of a
30 driver education course offered by the local school administrative unit in which the student is
31 enrolled.

32 **SECTION 6.(b)** Notwithstanding G.S. 20-11(b)(1), a student who (i) as a result of
33 the certification, becomes a legal resident of North Carolina on the date of the certification and
34 (ii) is enrolled in a South Carolina school district in which his or her residence was located
35 prior to certification or in the South Carolina statewide public charter school district may meet
36 the requirement in G.S. 20-11(b)(1) for obtaining a limited learner's permit if the student passes
37 a course of driver education offered by the South Carolina high school in which the student is
38 enrolled.

39 **SECTION 6.(c)** The Department of Transportation, Division of Motor Vehicles, in
40 collaboration with the State Board of Education, shall develop a procedure for any North
41 Carolina resident who is a student enrolled in a South Carolina school pursuant to the
42 conditions described in subsection (b) of this section to satisfy the driver eligibility certificate
43 requirements of G.S. 20-11 to obtain and continue to hold a limited or full provisional license
44 under that section.
45

46 **PART VII. ELIGIBILITY FOR IN-STATE TUITION**

47 **SECTION 7.(a)** Notwithstanding any other provision of law, independent persons
48 and their dependents formerly domiciled in North Carolina counties who are domiciled in
49 South Carolina counties as a result of the North Carolina-South Carolina boundary certification
50 may be considered eligible for in-State tuition rates for a period of up to 10 years from the
51 effective date of the boundary change. To be eligible for in-State tuition rates, such persons

1 must have been domiciled and reside on property in North Carolina in accordance with
2 G.S. 116-143.1 immediately prior to the effective date of North Carolina legislation approving
3 the North Carolina-South Carolina boundary certification, and must maintain residence and
4 domicile on that same property within South Carolina.

5 **SECTION 7.(b)** Notwithstanding any other provision of law, independent persons
6 and their dependents previously domiciled on property in South Carolina which is located in
7 North Carolina as a result of the North Carolina-South Carolina boundary certification may, for
8 a period of two years from the effective date of the boundary certification, be eligible for
9 in-State rates without the requirement of residency and domicile for 12 months in this State
10 provided such independent persons have evidenced the intent to establish domicile in North
11 Carolina in accordance with this G.S. 116-143.1. To be eligible under this provision, such
12 persons must reside on the same property that was in South Carolina immediately prior to the
13 effective date of North Carolina legislation approving the certified North Carolina-South
14 Carolina boundary. To maintain eligibility for in-State tuition rates longer than the two years
15 permitted under this paragraph, the independent persons and their dependents must satisfy the
16 requirements of G.S. 116-143.1.

17 **SECTION 7.(c)** The provisions established under subsections (a) and (b) of this
18 section are not transferable to persons other than those independent persons and their
19 dependents falling within the scope of those provisions.

20 **SECTION 7.(d)** Should the domicile and residence of independent persons and
21 their dependents change from the property affected by the boundary certification, maintenance
22 of eligibility for in-State rates will be determined as provided in G.S. 116-143.1.
23

24 **PART VIII. ABC PERMITS**

25 **SECTION 8.** G.S. 18B-1006 is amended by adding a new subsection to read:

26 "(n1) State Border Certification. – The Commission may issue permits listed in
27 G.S. 18B-1001(2) and (4), without approval at an election, to qualified establishments defined
28 in G.S. 18B-1000(7) that meet all of the following requirements:

- 29 (1) The establishment is located in a county that borders on another state.
30 (2) The location of the establishment was reclassified from out-of-state to North
31 Carolina as a result of a State border certification.
32 (3) The establishment was licensed or permitted by the previous state of record
33 to sell malt beverages and unfortified wine."
34

35 **PART IX. TITLE, REGISTRATION, AND HIGHWAY USE TAX**

36 **SECTION 9.(a)** Definition. – For purposes of this section, "impacted person" shall
37 mean any person who is the owner of a motor vehicle titled and registered in South Carolina
38 and who has now been determined to be a resident of North Carolina as a result of a boundary
39 certification agreed to by the states of North Carolina and South Carolina.

40 **SECTION 9.(b)** The Division of Motor Vehicles of the Department of
41 Transportation shall require title, registration, and the payment of highway use tax from
42 impacted persons in the same manner as it currently uses for persons moving to North Carolina
43 from another state.
44

45 **PART X. ENVIRONMENTAL COMPLIANCE SCHEDULE**

46 **SECTION 10.(a)** Definition. – For purposes of this section, "impacted location"
47 shall mean any facility or property that has now been determined to be located in North
48 Carolina as a result of a boundary certification recognized by the states of North Carolina and
49 South Carolina, and, as a result, either of the following applies to the facility or property:

- 50 (1) It is required to obtain a permit, license, or approval from the North Carolina
51 Department of Environment and Natural Resources.

- (2) It is subject to a permit, license, or approval program that is operated by a local government and is delegated from or approved by the North Carolina Department of Environment and Natural Resources.

SECTION 10.(b) Notwithstanding any other provision of law to the contrary, the Department of Environment and Natural Resources, the Environmental Management Commission, or any local program delegated or approved by the Department or the Commission (collectively, the "permitting authorities"), in issuing any environmental permit, license, or approval to an impacted location, shall provide a schedule of compliance that allows the recipient of the permit, license, or approval a period of no less than five years to come into compliance with any North Carolina environmental rule or standard established by the permitting authorities that (i) has no corresponding rule or standard under South Carolina law or regulation; or (ii) is more stringent than the corresponding rule or standard established under South Carolina law or regulations. The permitting authorities may include increments of progress applicable in each year of the schedule established under this subsection. The owner or operator of an impacted location may waive the schedule of compliance required by this subsection.

PART XI. UTILITIES/EXTENSION OF RURAL FIRE PROTECTION DISTRICTS, COUNTY SERVICE DISTRICTS, AND WATER AND SEWER DISTRICTS

SECTION 11.(a) The owner or occupant of a dwelling unit or commercial establishment on improved property that shall be deemed located in whole or in part in the State of North Carolina as a result of the boundary certification described in this act may continue to receive utility services from the South Carolina utility or its successor that is providing service to the dwelling unit or commercial establishment on January 1, 2016. However, the owner or occupant may, within his or her discretion, elect to have one or more of the utility services being provided to the property by a South Carolina utility on January 1, 2016, be provided by a North Carolina utility as long as the property is located within the North Carolina utility's service area. A North Carolina utility that is a city or county may require the owner of the property to pay a periodic availability fee authorized by law only if the owner elects to have utility service provided to the dwelling unit or commercial establishment by the North Carolina utility. A South Carolina utility that provides service to the property as authorized in this section is not a public utility under G.S. 62-3(23), and is not subject to regulation by the North Carolina Utilities Commission as it relates to providing the particular utility service involved. For purposes of this subsection only, the term "South Carolina utility" has the same meaning as the term "utility" or "utilities" in the Code of Laws of South Carolina, and the term "North Carolina utility" has the same meaning as the term "public utility" which is defined in G.S. 62-3(23), and also includes a city or county that provides any of the services listed in G.S. 160A-311 or G.S. 153A-274, an authority organized under the North Carolina Water and Sewer Authorities Act, or an electric or telephone membership corporation.

SECTION 11.(b) The governing body of a county that gains territory as a result of the boundary certification described in this act shall meet as soon as practicable after the date this act becomes law to determine whether the residents of the territory (i) require the services provided by an existing rural fire protection district established under Article 3A of Chapter 69 of the General Statutes or a county service district established under Article 16 of Chapter 153A of the General Statutes, or (ii) would benefit from the services provided by an existing county water and sewer district established under Article 6 of Chapter 162A of the General Statutes. If the governing body finds that the residents of the territory require or would benefit from the services of the district, the governing body shall annex the territory to the district as provided in G.S. 69-25.11(1), G.S. 153A-303, and G.S. 162A-87.1.

PART XII. SEVERABILITY AND EFFECTIVE DATE.

1 **SECTION 12.** If any provision of this act or its application is held invalid, the
2 invalidity does not affect other provisions or applications of this act that can be given effect
3 without the invalid provisions or application, and to this end the provisions of this act are
4 severable.

5 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
6 law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 575

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

S575-AMC-88 [v.2]

Page 1 of 2

Amends Title [NO]
First Edition

Date _____, 2015

Senator Hartsell

1 moves to amend the bill on page 2, line 41, to page 3, line 2, by deleting the lines and
2 substituting the following language to read:

3 "SECTION 2.(b) An establishment to which permits may be issued pursuant to
4 G.S. 18B-1006(n1), as enacted by this act, is designated a special class of property under
5 Section 2(2) of Article V of the North Carolina Constitution, and the motor fuel sold by that
6 establishment is taxable in accordance with this section. Notwithstanding G.S. 105-449.80, the
7 motor fuel excise tax rate for the 2016 calendar year for an establishment to which permits may
8 be issued pursuant to G.S. 18B-1006(n1), as enacted by this act, is sixteen cents (16¢) a gallon.
9 The Revenue Laws Study Committee shall annually compare the motor fuel excise tax rate
10 imposed by this section with the rate levied by the State of South Carolina on motor fuels and
11 may recommend a change in the rate imposed by this section to an amount no greater than the
12 rate then in effect for the State of South Carolina. The Department shall calculate for each
13 calendar year the difference between the motor fuel excise tax that would have been imposed
14 under G.S. 105-449.80 on the motor fuel sold by an establishment classified by this section in
15 the absence of this classification and the motor fuel excise tax that was imposed on the motor
16 fuel sold by the establishment due to the classification. The difference in taxes, together with
17 any interest, penalties, or costs that may accrue thereon, are a lien on the real property of the
18 taxpayer as provided in G.S. 105-355(a). The difference in taxes shall be carried forward in the
19 records of the Department as deferred taxes. The deferred taxes for the preceding ~~X~~ calendar
20 years are due and payable on the day this subsection becomes ineffective due to the occurrence
21 of a disqualifying event. A disqualifying event occurs when the establishment is transferred to a
22 new owner. A lien for deferred taxes is extinguished when the taxes are paid.";

23
24 and on page 4, line 28, by deleting "5(a)" and substituting "(5)".



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10/25/81



10/25/81



NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 575

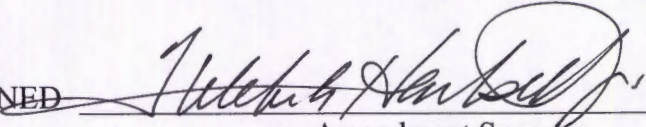
AMENDMENT NO. _____

(to be filled in by
Principal Clerk)

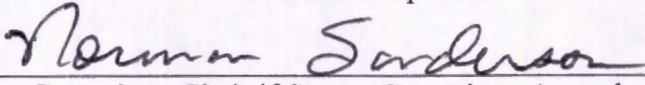
S575-AMC-88 [v.2]

Page 2 of 2

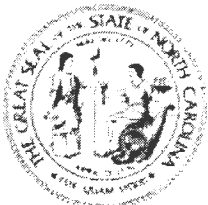
SIGNED


Amendment Sponsor

SIGNED


Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



HOUSE BILL 538: Clarify Water and Sewer Authority Powers

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Agriculture/Environment/Natural Resources	Date:	July 20, 2015
Introduced by:	Rep. Millis	Prepared by:	R. Erika Churchill
Analysis of:	PCS to Second Edition H538-CSST-77		Committee Counsel

SUMMARY: *The proposed committee substitute for House Bill 538 would do all of the following:*

- *Specifically authorize water and sewer authorities created under Article 1 of Chapter 162A to:*
 - *Adopt ordinances concerning the regulation and control of water systems owned by the authority.*
 - *Enter into reimbursement agreements with developers or property owners for design and construction of infrastructure.*
 - *Offer and pay rewards up to \$5,000 for information leading to conviction of persons who willfully deface, damage, or destroy, or commits acts of vandalism or larceny of, authority property.*
- *Authorize a county or city to pledge a security interest in an escrow account to secure repayment of certain economic development loans.*
- *Allow the Local Government Commission to authorize loans of up to 30 year terms for certain water projects.*

CURRENT LAW & BILL ANALYSIS:

Sections 1 and 2:

There are several different mechanisms a county and city can use to address water and sewer concerns. One such mechanism is the creation of a water and sewer authority. One or more counties, cities, sanitary districts, or any other political subdivision may create water and sewer authorities. The governing body of each political subdivision must adopt a resolution stating its intent to organize an authority. The resolution must be adopted after a public hearing is held on the issue and notice of the public hearing must be published. A political subdivision can withdraw from an authority at any time prior to the creation of any obligations by the authority.

Generally upon creation, each of the entities has a governing board appointed by the units of local government involved in the operation of the system, with specific authority to set rates and fees, power to sue and be sued, and authority to contract in the name of the entity, amongst other powers and duties. Additionally, a water and sewer authority may issue revenue bonds; impose rates, fees, and charges; and levy special assessments.

Section 1 would authorize a water and sewer authority to adopt an ordinance concerning the regulation and control of a water system owned or operated by the authority.

Section 2 would add two new powers and duties for water and sewer authorities as follows:

- To enter into reimbursements agreements to be paid by the authority to a property owner or private developer, in accordance with an ordinance setting out procedures for such actions

O. Walker Reagan
Director



Research Division
(919) 733-2578

adopted by the authority, for the design and construction of infrastructure that is included on the authority's capital improvement plan and serves the property owner or private developer. Such agreements are not subject to the public contracting provisions, except that the property owner or private developer shall solicit sealed bids or informal bids, if the authority would have had to do so for the project.

- Offer and pay a reward not to exceed \$5,000 for information leading to the arrest and conviction of any person who willfully defaces, damages, or destroys authority property, or any person who commits an act of vandalism or larceny of authority property.

Section 3:

G.S. 160A-20 sets out the parameters for a county or city, or other listed units of government, to provide security interests when purchasing, financing or refinancing the purchase of real or personal property by installment contracts, including construction or repair of fixtures or improvements on real property. There is no like statute for economic development incentives.

Section 3 would add a new statute to Article 1 of Chapter 158 of the General Statutes, Local Development Act of 125, to allow a county or city to pledge a security interest in an escrow account or certificate of deposit to secure repayment of an interest free loan in connection with economic development incentives entered into under Article 1 of Chapter 158 of the General Statutes.

Section 4:

For loans awarded from the Clean Water State Revolving Fund (CWSRF) or the Drinking Water State Revolving Fund (DWSRF) to a unit of local government, Local Government Commission must consider the loan as if it were a bond proposal and review the proposed loan in accordance with statute. The terms of those loans must be consistent with federal law, and must comply with the following for interest and maturity:

- Interest: The interest rate for the loan may not exceed the lesser of 4% or $\frac{1}{2}$ the prevailing national market rate for tax-exempt general obligation debt of similar maturities derived from a published indicator. When recommended by the DENR, the Local Government Commission may set an interest rate for a loan for a targeted interest rate project at a rate that is lower than the standard rate to achieve the purpose of the target. A "targeted interest rate project" is a project that is either one of the following:
 1. A high-unit-cost project that is awarded a loan.
 2. A project that is awarded a loan from the CWSRF or the DWSRF and is in a category for which federal law encourages a special focus. G.S. 159G-20(21).
- Maturity: A loan for a project that is not a high-unit-cost project may not exceed 20 years or the project's expected life, whichever is shorter, for the maximum maturity. A loan for a high-unit-cost project is 30 years or the project's expected life, whichever is shorter, for the maximum maturity. A "high-unit-cost project" is a "project that results in an estimated average household user fee for water and sewer service in the area served by the project in excess of the high-unit-cost threshold. The average household user fee is calculated for a continuous 12-month period." G.S. 159G-20(10).

Section 4 would allow the Local Government Commission to extend the maximum maturity date from 20 years to 30 years for a targeted interest rate loan if the project serves a system that is ranked as Tier I on the 2007-08 Tier Drought Vulnerability List developed by the Department and the loan amount is at least as great as 8 times the amount of the operating revenue of the unit's system for which the loan is being granted.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 538
Committee Substitute Favorable 4/16/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H538-CSSTxr-77 [v.3]
7/20/2015 7:40:20 PM

Short Title: Water and Sewer Service Related Changes.

(Public)

Sponsors:

Referred to:

April 6, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND AND CLARIFY THE POWERS OF WATER AND SEWER
AUTHORITIES, TO AUTHORIZE COUNTIES AND CITIES TO PLEDGE A
SECURITY INTEREST IN AN ESCROW ACCOUNT UNDER CERTAIN
CONDITIONS, AND TO ALLOW THE LOCAL GOVERNMENT COMMISSION TO
AUTHORIZE A THIRTY YEAR MATURITY DATE FOR THE FINANCING OF
CERTAIN WATER SYSTEM PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162A-6(a)(14c) reads as rewritten:

"(14c) To adopt ordinances concerning any of the following:

- a. ~~to regulate~~ The regulation and control of the discharge of sewage or stormwater into any sewerage system owned or operated by the authority, to adopt ordinances concerning stormwater authority.
- b. The regulation and control of a water system owned or operated by the authority.
- c. Stormwater management programs designed to protect water quality by controlling the level of pollutants in and the quantity and flow of stormwater, and to adopt ordinances to regulate stormwater.
- d. The regulation and control of structural and natural stormwater and drainage systems of all types.

Prior to the adoption of any such ordinance or any amendment to any such ordinance, the authority shall first pass a declaration of intent to adopt such ordinance or amendment. The declaration of intent shall describe the ordinance which it is proposed that the authority adopt. The declaration of intent shall be submitted to each governing body for review and comment. The authority shall consider any comment or suggestions offered by any governing body with respect to the proposed ordinance or amendment. Thereafter, the authority shall be authorized to adopt such ordinance or amendment to it at any time after 60 days following the submission of the declaration of intent to each governing body."

SECTION 2. G.S. 162A-6(a) is amended by adding two new subdivisions to read:

"(17) To enter into reimbursement agreements to be paid by the authority to a private developer or property owner for the design and construction of infrastructure that is included on the authority's capital improvement plan and serves the developer or property owner. An authority shall enact



* H 5 3 8 - C S S T X R - 7 7 - V - 3 *

ordinances setting forth procedures and terms under which such agreements may be approved. An authority may provide for such reimbursements to be paid from any lawful source. Reimbursement agreements authorized by this paragraph shall not be subject to Article 8 of Chapter 143 of the General Statutes, except as provided by this subsection. A developer or property owner who is party to a reimbursement agreement authorized under this paragraph shall solicit bids in accordance with Article 8 of Chapter 143 of the General Statutes when awarding contracts for work that would have required competitive bidding if the contract had been awarded by the authority. For the purpose of this subdivision, infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, water pump stations, stormwater lines, and other associated facilities.

(18) To offer and pay rewards in an amount not exceeding five thousand dollars (\$5,000) for information leading to the arrest and conviction of any person who willfully defaces, damages or destroys, or commits acts of vandalism or larceny of any authority property. The amount necessary to pay said rewards shall be an item in the current expense budget of the authority."

SECTION 3. Article 1 of Chapter 158 is amended to add a new section to read:

"§ 158-7.5. Security interests in rural economic development loans.

(a) A county or municipality that enters into an interest free loan agreement whereby the county or municipality borrows money in connection with an economic development incentive arrangement entered into under this Article may pledge a security interest in an escrow account to secure repayment or a certificate of deposit of the interest free loan.

(b) An interest free loan agreement entered into under this section is subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes, unless exempted in G.S. 159-148(b).

(c) No deficiency judgment may be rendered against any county or municipality in any action for breach of a contractual obligation authorized by this section. The taxing power of a county or municipality is not and may not be pledged directly or indirectly to secure any moneys due under a contract authorized by this section."

SECTION 4. G.S. 159G-40(b) reads as rewritten:

"(b) Interest Rate and Maturity. – The interest rate payable on and the maximum maturity of a loan are subject to the following limitations:

(1) Interest rate. – The interest rate for a loan may not exceed the lesser of four percent (4%) or one half the prevailing national market rate for tax-exempt general obligation debt of similar maturities derived from a published indicator. When recommended by the Department, the Local Government Commission may set an interest rate for a loan for a targeted interest rate project at a rate that is lower than the standard rate to achieve the purpose of the target.

(2) Maturity. – ~~The~~ Except as provided in this subsection, the maximum maturity for a loan for a project that is not a ~~high-unit-cost~~ targeted interest rate project may not exceed 20 years or the project's expected life, whichever is shorter. The maximum maturity for a loan for a high-unit-cost project is 30 years or the project's expected life, whichever is shorter. Upon approval of the Local Government Commission, the maximum maturity for a loan that is not a targeted interest rate project may extend to 30 years. Such approval is explicitly limited to local government units that meet all of the following criteria:

- 1 a. The project serves a system that is ranked as Tier I on the
2 2007-08 Tier Drought Vulnerability List developed by the
3 Department.
4 b. The loan amount is at least as great as eight (8) times the
5 amount of the operating revenue of the unit's system for
6 which the loan is being granted."

7 **SECTION 5.** 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 Sanderson, Co-Chair**

Tuesday, July 21, 2015

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

FAVORABLE

HB 389

Roanoke Island Fire District Changes.

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

TOTAL REPORTED: 1

Committee Clerk Comments:

Report 1 of multiple (Senate SLG)

Senator Bill Cook will handle HB 389



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, July 21, 2015

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

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

SB 168

5th Senatorial District Local Act-1.

Draft Number: S168-PCS35298-RBxr-38
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: Yes

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

HB 199

Raleigh/Donate Service Animals to Officers.

Draft Number: H199-PCS40489-ST-78
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

**UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1, BUT
FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2**

HB 721 (SCS#1)

Subdivision Ordinance/Land Develop. Changes.

Draft Number: H721-PCS40487-RN-35
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

Report 2 of multiple



* C M R 5 2 0 - V - 1 *

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT
Tuesday, July 21, 2015

PAGE 2

Senator Donald Davis will handle SB 168
Senator John Alexander will handle HB 199
Senator W. Wells will handle HB 721



★ C M R 5 2 0 - V - 1 ★



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, July 21, 2015

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

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

HB 478 Brunswick Cty/Navigable Waters.
Draft Number: H478-PCS40491-TV-25
Sequential Referral: Transportation
Recommended Referral: None
Long Title Amended: No

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO
SENATE COMMITTEE SUBSTITUTE BILL**

HB 185 (CS#1) Repeal DCRs Obsolete Comms & Language.-AB
Draft Number: H185-PCS40490-TH-34
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB 538 (CS#1) Clarify Water and Sewer Authority Powers.
Draft Number: H538-PCS40488-STxr-77
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

SLG Report 3 of multiple

Senator William Rabon will handle HB 478
Senator James Davis will handle HB 185
Senator Shirley Randleman will handle HB 538



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

STATE AND LOCAL GOVERNMENT COMMITTEE REPORT

**Senator J. Davis, Co-Chair
Senator Sanderson, Co-Chair**

Tuesday, July 21, 2015

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

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

SB 575

NC/SC Original Border Confirmation.

Draft Number:	S575-PCS25275-TV-26
Sequential Referral:	Finance
Recommended Referral:	Finance
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

SLG Report 4 of multiple

Senator Tommy Tucker will handle SB 575



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SENATE COMMITTEE

ON

STATE and LOCAL GOVERNMENT

JULY 21, 2015

SENATE SERGEANT-AT-ARMS:

HAL ROACH

STEVE MCKAIG



- Amber Avers
- Roanoke Rapids
- Bryant

Chase

Cross

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Tristian Beard

• Goldsboro

• Sanderson / Pate

+ Alex Bradley

- Gastonia
- Harrington

Joe Rodri.

- Raleigh
- Newton

Anita, Holcomb
• Raleigh
• Stone

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Senate Committee on State and Local Government

7-21-2015

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Henry Jones	Jordan Price, etc.
David Farrell	VB
Douglas Jackson	NC SBA
Matthew Docke	NC DENR
Grey with	Person / Miller
Evan Miller	Verdon / Miller
Daniel Washburn	Senate In
Danielle Albert	Sen. Alexander
Sohari	DSI
STARMS	DSI
Mea Angeli	NCMMC
Beards Child	Senate Intern



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Senate Committee on State and Local Government

7-21-2015

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Donna P. Cleaveland	UNC DG
Martha Jenkins	DCR
Jerry Schill	NCHFA
Jon Carr	NC Rural Water Assoc.



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Senate Committee on State and Local Government

7-21-2015

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Dawn Kerton	City of Charlotte

