

**2017-2018**

**HOUSE  
STATE & LOCAL  
GOVERNMENT I**

**MINUTES**



House Committee on State and Local Government I  
2017-2018

Representative Carl Ford, Chairman

Representative Michael Speciale, Vice-Chairman

Olivia Baumann, Committee Clerk





**HOUSE COMMITTEE ON STATE AND LOCAL GOVERNMENT I**  
**2017-2018 SESSION**

Clerk: Olivia Clapp



**Rep. Ford, Chair**



**Rep. Speciale, Vice-Chair**



**Rep. Ager**



**Rep. Belk**



**Rep. Brawley**



**Rep. Brody**



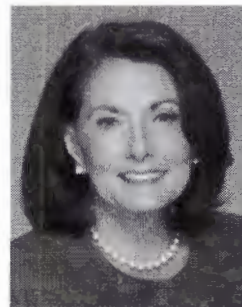
**Rep. Burr**



**Rep. Butler**



**Rep. Cleveland**



**Rep. Conrad**



**Rep. Corbin**



**Rep. Farmer-Butterfield**



**Rep. Fisher**



**Rep. Garrison**



**Rep. Gill**

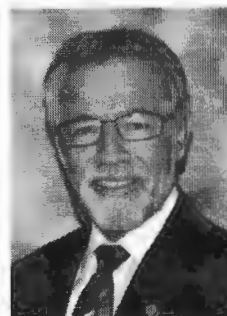


**Rep. Pittman**





**Rep. Strickland**



**Rep. Warren**



**HOUSE COMMITTEE ON STATE AND LOCAL GOVERNMENT I**  
**2017-2018 Session**

<b><u>MEMBER</u></b>	<b><u>ASSISTANT</u></b>	<b><u>PHONE</u></b>	<b><u>OFFICE</u></b>	<b><u>SEAT</u></b>
<b>Rep. Ford, Chair</b>	Olivia Clapp Committee Clerk	3-5881	608	64
<b>Rep. Speciale, Vice Chair</b>	Hazel Speciale	3-5853	1008	50
<b>Rep. Ager</b>	Meredith Graf	3-5746	1315	103
<b>Rep. Belk</b>	Ralph Belk	3-5607	1424	116
<b>Rep. Brawley</b>	Lynn Taylor	3-5800	534	19
<b>Rep. Brody</b>	Neva Helms	5-3029	2219	62
<b>Rep. Burr</b>	Dina Long	3-5908	307A	16
<b>Rep. Butler</b>	Ruth Merkle	3-5754	1424	60
<b>Rep. Cleveland</b>	Pamela Ahlin	5-6707	417A	8
<b>Rep. Conrad</b>	Danielle Brinton	3-5787	416B	44
<b>Rep. Corbin</b>	Cindy Hobbs	3-5859	2215	98
<b>Rep. Farmer-Butterfield</b>	Portia Bright	3-5898	1220	33
<b>Rep. Fisher</b>	Cindy Garrison	5-2013	504	69
<b>Rep. Garrison</b>	Anita Bennett	3-5824	1017	95
<b>Rep. Gill</b>	Lisa Ray	3-5880	1303	45
<b>Rep. Pittman</b>	Tammy Pittman	5-2009	1010	61
<b>Rep. Strickland</b>	KJ Stancil	3-5849	602	112
<b>Rep. Warren</b>	Cristy Yates	3-5784	611	56

**STAFF**

Giles Perry  
Billy Godwin  
Susan Barham  
Jessica Sammons

Lewis King, Speaker's Office



## ATTENDANCE

**House Committee on State and Local Government I**

2017-2018 SESSION

[illegible]





**House Committee on State and Local Government I**  
**Wednesday, February 15, 2017 at 10am**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on February 15, 2017 in Room 544 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brawley, Brody, Burr, Cleveland, Corbin, Farmer-Butterfield, Fisher, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The Committee considered HB 8, "Even Yr Municipal Election/Town of Troy/Star." Without objection, the Chair brought the PCS of HB 8 before the Committee for the purpose of discussion. The Chair recognized Representative Burr to present the bill. The Chair recognized Representative Cleveland, who moved that the Committee provide the PCS of HB 8 a favorable report and an unfavorable report as to the original bill and to refer the bill to the Committee on Elections and Ethics. The Chair called for a voice vote and the motion carried.


The Committee considered House Bill (HB) 4, "Fairmont/Voluntary Annexation." The chair motioned for the Proposed Committee Substitute (PCS) of HB 4 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Pierce was recognized to present the bill. The committee discussed the bill. Town of Fairmont Town Manager, Katrina Tatum spoke in support of the annexation. Commissioner Monte McCallum from Fairmont also spoke in favor for the annexation. Representative Warren motioned for the PCS of HB 4 to receive a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 25, "Randolph County Zoning Procedure Changes." Without objection, the Chair brought the PCS of HB 25 before the Committee for the purpose of discussion. The Chair recognized Rep. McNeill to present the bill. There was no discussion on the bill. The Chair recognized Representative Warren who moved that the Committee provide the PCS of HB 25 a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:15 AM.



Representative Carl Ford, Chair  
Presiding

  
Olivia Clapp, Committee Clerk



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, February 15, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 4	Fairmont/Voluntary Annexation.	Representative Pierce
HB 8	Even Yr Municipal Election/Towns of Troy/Star.	Representative Burr
HB 25	Randolph County Zoning Procedure Changes.	Representative McNeill Representative Hurley

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:44 AM on Monday, February 13, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 4 Fairmont/Voluntary Annexation.  
Draft Number: H4-PCS40070-RWx-1  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Pierce

HB 25 Randolph County Zoning Procedure Changes.  
Draft Number: H25-PCS10052-BD-1  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: McNeill

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 8 Even Yr Municipal Election/Towns of Troy/Star.  
Draft Number: H8-PCS30064-BK-1  
Serial Referral: ELECTIONS AND ETHICS LAW  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Burr

TOTAL REPORTED: 3



\* C M R 8 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, February 15, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 4	Fairmont/Voluntary Annexation.	Representative Pierce
HB 8	Even Yr Municipal Election/Towns of Troy/Star.	Representative Burr
HB 25	Randolph County Zoning Procedure Changes.	Representative McNeill Representative Hurley

**Presentations**

**Other Business**

**Adjournment**





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 8\*

Short Title: Even Yr Municipal Election/Towns of Troy/Star.

(Local)

Sponsors: Representative Burr.

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN BOTH THE TOWN OF TROY AND THE TOWN OF STAR SHALL BE HELD IN EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 125 of the 1957 Session Laws reads as rewritten:

"**Section 1.** ~~At the regular election for mayor and commissioners of the Town of Troy to be held May, 1957, there shall be elected a mayor and five commissioners. The Town Council for the~~ Town of Troy shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal elections shall be held in each even-numbered year. The mayor shall serve for a term of two years-years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve until his-the mayor's successor is elected and qualified. At said election the three candidates receiving the highest number of votes shall serve for terms of four years, and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and shall serve for terms of four years and until their successors are elected and qualified. At the biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and shall serve said term until his successor is elected and qualified. In 2017, three commissioners shall be elected for five-year terms, and the two commissioners whose terms expire in 2019 shall continue to serve until 2020. In 2020, and quadrennially thereafter, two commissioners shall be elected to serve four-year terms. In 2022, and quadrennially thereafter, three commissioners shall be elected to serve four-year terms. Commissioners shall serve until their successors are elected and qualified."

**SECTION 2.** Section 1 of Chapter 448 of the 1957 Session Laws reads as rewritten:

"**Section 1.** ~~At the regular election for Mayor and Commissioners of the Town of Star to be held May, 1957, there shall be elected a mayor and five commissioners. The officers for the Town~~ of Star shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal elections shall be held in each even-numbered year. The mayor shall serve for a term of two years years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve until his-the mayor's successor is elected and qualified. At said election the three candidates receiving the highest number of votes shall serve for terms of four years, and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and shall serve for terms of four years and until their successors are elected and qualified. At the





1 ~~biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and~~  
2 ~~shall serve said term until his successor is elected and qualified. In 2017, three commissioners shall~~  
3 ~~be elected for five-year terms, and the two commissioners whose terms expire in 2019 shall~~  
4 ~~continue to serve until 2020. In 2020, and quadrennially thereafter, two commissioners shall be~~  
5 ~~elected to serve four-year terms. In 2022, and quadrennially thereafter, three commissioners shall~~  
6 ~~be elected to serve four-year terms. Commissioners shall serve until their successors are elected~~  
7 ~~and qualified."~~

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





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

D

HOUSE BILL 8

PROPOSED COMMITTEE SUBSTITUTE H8-CSBK-1 [v.6]

02/13/2017 05:09:58 PM

Short Title: Even Yr Municipal Election/Towns of Troy/Star.

(Local)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN BOTH THE TOWN OF TROY AND THE TOWN OF STAR SHALL BE HELD IN EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 125 of the 1957 Session Laws reads as rewritten:

"**Section 1.** ~~At the regular election for mayor and commissioners of the Town of Troy to be held May, 1957, there shall be elected a mayor and five commissioners. The officers for the Town of Troy shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal elections shall be held in each even-numbered year. The mayor shall serve for a term of two years~~ years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve until his the mayor's successor is elected and qualified. ~~At said election the three candidates receiving the highest number of votes shall serve for terms of four years, and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and shall serve for terms of four years and until their successors are elected and qualified. At the biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and shall serve said term until his successor is elected and qualified. The three commissioners whose terms expire in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, as their terms of office expire, three commissioners shall be elected to fill the expired seats, and shall serve four-year terms. The two commissioners whose terms expire in 2019 shall continue to serve until 2020. In 2020, and quadrennially thereafter, as their terms of office expire, two commissioners shall be elected to fill the expired seats, and shall serve four-year terms. Commissioners shall serve until their successors are elected and qualified.~~"

**SECTION 2.** Section 1 of Chapter 448 of the 1957 Session Laws reads as rewritten:

"**Section 1.** ~~At the regular election for Mayor and Commissioners of the Town of Star to be held May, 1957, there shall be elected a mayor and five commissioners. The officers for the Town of Star shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal elections shall be held in each even-numbered year. The mayor shall serve for a term of two years~~ years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve until his the mayor's successor is elected and qualified. ~~At said election the three candidates receiving the highest number of votes shall serve for terms of four years, and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and~~





1 ~~shall serve for terms of four years and until their successors are elected and qualified. At the~~  
2 ~~biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and~~  
3 ~~shall serve said term until his successor is elected and qualified.~~The three commissioners whose  
4 terms expire in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, as  
5 their terms of office expire, three commissioners shall be elected to fill the expired seats, and shall  
6 serve four-year terms. The two commissioners whose terms expire in 2019 shall continue to serve  
7 until 2020. In 2020, and quadrennially thereafter, as their terms of office expire, two  
8 commissioners shall be elected to fill the expired seats, and shall serve four-year terms.  
9 Commissioners shall serve until their successors are elected and qualified."

10 **SECTION 3.** This act is effective when it becomes law, and applies to elections held  
11 on or after that date. No municipal elections shall occur in the towns of Troy and Star in 2017,  
12 and municipal elections shall next occur in Troy and Star in 2018.







## HOUSE BILL 8: Even Yr Municipal Election/Towns of Troy/Star.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	February 13, 2017
<b>Introduced by:</b>	Rep. Burr	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H8-CSBK-1		Jessica Sammons Committee Counsel

**OVERVIEW:** *House Bill 8 (PCS) changes the regular municipal election cycle from odd-numbered years to even-numbered years for the Town of Troy and the Town of Star, extending the terms of the current mayor and commissioners in both towns to implement the new election schedule.*

*The PCS changes the date of the next municipal election in Troy and Star to 2018, and extends the current commissioners' terms one year.*

[As introduced, this bill was identical to S19, as introduced by Sen. Dunn, which is currently in Senate State and Local Government.]

**CURRENT LAW:** Generally, municipal elections are held in odd-numbered years (G.S. 163-279). In both Troy and Star, officers consist of a mayor and five commissioners, with the mayor serving for a two-year term, and commissioners serving staggered four-year terms. Elections are conducted on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163-292. Nonpartisan elections that are determined by a simple plurality are held on the Tuesday after the first Monday in November (G.S. 163-279). Currently, in both towns, the mayor and three commissioners' terms expire in 2017, and the other two commissioners' terms expire in 2019.

### BILL ANALYSIS:

**Section 1:** Provides that, beginning in 2018, regular municipal elections for town officers for the Town of Troy must be held in even-numbered years.

To implement this change, municipal elections will not be conducted in 2017. The current mayor will serve until 2018. The next mayor will be elected in 2018, and biennially thereafter. Five town commissioners will be elected for staggered four-year terms. The current town commissioners whose terms would expire in 2017 will serve until 2018, and stand for election for a four-year term. The current town commissioners whose terms would expire in 2019 will serve until 2020, and stand for election for a four-year term.

**Section 2:** Provides that, beginning in 2018, regular municipal elections for town officers for the Town of Star must be held in even-numbered years.

To implement this change, municipal elections will not be conducted in 2017. Section 2 makes changes identical to those made in Section 1 for Troy for the election and term limits of Star's mayor and commissioners.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



# House PCS 8

Page 2

**EFFECTIVE DATE:** This bill would become effective when it becomes law, and applies to elections held on or after that day. The next municipal election in Troy and Star will occur in 2018.

**BACKGROUND:** Both towns are located in Montgomery County. Troy has a population of 3,304. Star has a population of 856. All municipal elections in Montgomery County are currently held in odd-numbered years. The municipalities located in Montgomery County are: Biscoe, Candor, Mount Gilead, Star, and Troy.

Regular municipal elections in most municipalities are held in odd-numbered years. The following municipalities hold regular municipal elections in even-numbered years:

- Albemarle, Badin, Locust, Misenheimer, New London, Norwood, Oakboro, Red Cross, Richfield, Stanfield (*all municipalities in Stanly County*) (S.L. 2015-253)
- Archdale (*Randolph, Guilford Counties*) (S.L. 2007-41)
- Dobson (*Surry County*) (S.L. 2012-47)
- Elkin (*Surry, Wilkes Counties*) (S.L. 2014-35)
- Pilot Mountain (*Surry County*) (S.L. 2012-47)
- Winston-Salem (*Forsyth County*) (S.L. 2011-141)
- High Point (*Guilford, Davidson, Randolph, Forsyth Counties*) (S.L. 2006-171) – However, S.L. 2013-261 changes the method of election for municipal elections back to odd-numbered years, beginning with the 2017 election.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 4

Short Title: Fairmont/Voluntary Annexation.

(Local)

Sponsors: Representative Pierce.

Referred to: State and Local Government I

January 26, 2017

A BILL TO BE ENTITLED  
AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF  
THE TOWN OF FAIRMONT.

The General Assembly of North Carolina enacts:

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

Lying and being about 5 3/4 miles northwest of the center of Fairmont, NC, adjacent to  
and on the southeast side of Interstate 95 and on the northeast and southwest side of SR 1003,  
Chicken Road and adjoining the lands of Elliotine Williams Floyd (1994/394) and James P.  
Thompson (1742/482) on the northwest, James P. Thompson (1742/482 and 1205/839) on the  
north and east, Florella Thompson Heirs (6-U/447) and Julius T. Singletary (12-Z/174) on the east,  
Charles E. Jackson, Jr. (1876/259) on the southeast and the Run of Old Field Swamp on the  
southwest and being more particularly described as follows: BEGINNING at a railroad spike  
found in the center of SR 1003, Chicken Road, at its intersection with a ditch (if extended) and  
Joe's Branch, the same being the south corner of the Winston P. Fox, Trustee, 193.93 acre tract  
shown in Map Book 35, Page 140, of which this is a part, also a corner of the fifth tract of the  
Luther and Kenneth Barnes tracts, shown in Deed Book 914, Page 736, also said railroad spike  
being a corner with Charles E. Jackson, Jr. (1876/259) and runs from said railroad spike and with  
the various courses of the center of the Run of Joe's Branch, a calculated tie line being South 45  
degrees 37 minutes 36 seconds West 1293.36 feet more or less to the intersection of the Run of  
Joe's Branch with the Run of Old Field Swamp; thence with the various courses of the center of  
the Run of Old Field Swamp, a calculated course and distance of North 41 degrees 26 minutes 30  
seconds West 5166.64 feet more or less to a point where the center of the Run of Old Field  
Swamp intersects the southeast right of way line at Interstate 95; thence with the southeast right of  
way line of Interstate 95, the following (4) calls, North 63 degrees 37 minutes 10 seconds East  
219.07 feet to an existing concrete right of way monument, North 74 degrees 39 minutes 47  
seconds East 502.47 feet to an existing concrete right of way monument, North 78 degrees 19  
minutes 36 seconds East 486.33 feet to an existing concrete right of way monument and South 53  
degrees 16 minutes 26 seconds East 338.42 feet to an existing concrete right of way monument;  
thence North 40 degrees 34 minutes 30 seconds East 50.38 feet to a mag nail set in the center of  
the pavement of SR 1003, Chicken Road; thence North 39 degrees 46 degrees 58 minutes 49.81  
feet to an existing concrete right of way monument; thence with the right of way of Interstate 95  
and SR 1003, Chicken Road, North 46 degrees 44 minutes 06 seconds West 373.26 feet to an  
existing concrete right of way monument in the southeast right of way line of Interstate 95; thence  
with the southeast right of way line of Interstate 95, North 35 degrees 54 minutes 41 seconds East  
468.61 feet to an existing concrete right of way monument, a corner with Elliotine Williams Floyd





1 (1994/394); thence with said Floyd's line and a ditch South 47 degrees 57 minutes 03 seconds East  
2 1226.55 feet to an iron pipe found; thence with said Floyd's line and to and with the James P.  
3 Thompson tract (1742/482), North 47 degrees 50 minutes 00 seconds East 1831.50 feet to an  
4 existing iron pipe, a corner with said Thompson; thence continuing with said Thompson's line  
5 South 37 degrees 55 minutes 00 seconds East 462.00 feet to an existing iron rod in a ditch; thence  
6 continuing with said Thompson tract and a ditch, South 13 degrees 55 minutes 20 seconds East  
7 312.84 feet to an existing iron pipe in said ditch; thence continuing with said Thompson line South  
8 69 degrees 17 minutes 54 seconds East 1014.06 feet to an existing nail, a corner of said James P.  
9 Thompson in (1742/482) and James P. Thompson in (1235/839); thence with said Thompson's line  
10 South 10 degrees 23 minutes 04 seconds East 1415.29 feet to an existing iron rod, a corner with  
11 said Thompson and Florella Thompson Heirs (6-U/447); thence with the Thompson Heirs line  
12 South 10 degrees 23 minutes 06 seconds East 202.26 feet to an existing iron rod, a corner with  
13 said Thompson and Julius T. Singletary (122/174); thence with Singletary's line South 10 degrees  
14 23 minutes 08 seconds East 1461.75 feet to an existing iron pipe in a ditch, a corner with said  
15 Singletary and Charles E. Jackson, Jr. (1876/259); thence with said ditch South 87 degrees 00  
16 minutes 00 seconds West 186.12 feet to an existing iron pipe in said ditch; thence continuing with  
17 said ditch South 82 degrees 14 minutes 23 seconds West 1107.38 feet to the beginning containing  
18 324.0 acres more or less, with 207.36 being the Winston P. Fox, Trustee, Map Book 35, Page 140  
19 and 116.64 acres being the Luther and Kenneth Barnes tracts, Deed Book 914, Page 736, Robeson  
20 County Registry. Bearings referenced to NC Grid, NAD 83 from Map Book 35, Page 140.

21 **SECTION 2.** This act becomes effective June 30, 2017.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 4  
PROPOSED COMMITTEE SUBSTITUTE H4-CSRWx-1 [v.1]

02/14/2017 10:31:36 AM

Short Title: Fairmont/Voluntary Annexation.

(Local)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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and on the southeast side of Interstate 95 and on the northeast and southwest side of SR 1003,  
Chicken Road and adjoining the lands of Elliotine Williams Floyd (1994/394) and James P.  
Thompson (1742/482) on the northwest, James P. Thompson (1742/482 and 1205/839) on the  
north and east, Florella Thompson Heirs (6-U/447) and Julius T. Singletary (12-Z/174) on the east,  
Charles E. Jackson, Jr. (1876/259) on the southeast and the Run of Old Field Swamp on the  
southwest and being more particularly described as follows: BEGINNING at a railroad spike  
found in the center of SR 1003, Chicken Road, at its intersection with a ditch (if extended) and  
Joe's Branch, the same being the south corner of the Winston P. Fox, Trustee, 193.93 acre tract  
shown in Map Book 35, Page 140, of which this is a part, also a corner of the fifth tract of the  
Luther and Kenneth Barnes tracts, shown in Deed Book 914, Page 736, also said railroad spike  
being a corner with Charles E. Jackson, Jr. (1876/259) and runs from said railroad spike and with  
the various courses of the center of the Run of Joe's Branch, a calculated tie line being South 45  
degrees 37 minutes 36 seconds West 1293.36 feet more or less to the intersection of the Run of  
Joe's Branch with the Run of Old Field Swamp; thence with the various courses of the center of  
the Run of Old Field Swamp, a calculated course and distance of North 41 degrees 26 minutes 30  
seconds West 5166.64 feet more or less to a point where the center of the Run of Old Field  
Swamp intersects the southeast right of way line at Interstate 95; thence with the southeast right of  
way line of Interstate 95, the following (4) calls, North 63 degrees 37 minutes 10 seconds East  
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seconds East 502.47 feet to an existing concrete right of way monument, North 78 degrees 19  
minutes 36 seconds East 486.33 feet to an existing concrete right of way monument and South 53  
degrees 16 minutes 26 seconds East 338.42 feet to an existing concrete right of way monument;  
thence North 40 degrees 34 minutes 30 seconds East 50.38 feet to a mag nail set in the center of  
the pavement of SR 1003, Chicken Road; thence North 39 degrees 46 degrees 58 minutes 49.81  
feet to an existing concrete right of way monument; thence with the right of way of Interstate 95  
and SR 1003, Chicken Road, North 46 degrees 44 minutes 06 seconds West 373.26 feet to an  
existing concrete right of way monument in the southeast right of way line of Interstate 95; thence  
with the southeast right of way line of Interstate 95, North 35 degrees 54 minutes 41 seconds East  
468.61 feet to an existing concrete right of way monument, a corner with Elliotine Williams Floyd

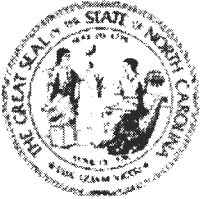




1 (1994/394); thence with said Floyd's line and a ditch South 47 degrees 57 minutes 03 seconds East  
2 1226.55 feet to an iron pipe found; thence with said Floyd's line and to and with the James P.  
3 Thompson tract (1742/482), North 47 degrees 50 minutes 00 seconds East 1831.50 feet to an  
4 existing iron pipe, a corner with said Thompson; thence continuing with said Thompson's line  
5 South 37 degrees 55 minutes 00 seconds East 462.00 feet to an existing iron rod in a ditch; thence  
6 continuing with said Thompson tract and a ditch, South 13 degrees 55 minutes 20 seconds East  
7 312.84 feet to an existing iron pipe in said ditch; thence continuing with said Thompson line South  
8 69 degrees 17 minutes 54 seconds East 1014.06 feet to an existing nail, a corner of said James P.  
9 Thompson in (1742/482) and James P. Thompson in (1235/839); thence with said Thompson's line  
10 South 10 degrees 23 minutes 04 seconds East 1415.29 feet to an existing iron rod, a corner with  
11 said Thompson and Florella Thompson Heirs (6-U/447); thence with the Thompson Heirs line  
12 South 10 degrees 23 minutes 06 seconds East 202.26 feet to an existing iron rod, a corner with  
13 said Thompson and Julius T. Singletary (122/174); thence with Singletary's line South 10 degrees  
14 23 minutes 08 seconds East 1461.75 feet to an existing iron pipe in a ditch, a corner with said  
15 Singletary and Charles E. Jackson, Jr. (1876/259); thence with said ditch South 87 degrees 00  
16 minutes 00 seconds West 186.12 feet to an existing iron pipe in said ditch; thence continuing with  
17 said ditch South 82 degrees 14 minutes 23 seconds West 1107.38 feet to the beginning containing  
18 324.0 acres more or less, with 207.36 being the Winston P. Fox, Trustee, Map Book 35, Page 140  
19 and 116.64 acres being the Luther and Kenneth Barnes tracts, Deed Book 914, Page 736, Robeson  
20 County Registry. Bearings referenced to NC Grid, NAD 83 from Map Book 35, Page 140.

21 **SECTION 2.** This act becomes effective June 30, 2017. Property in the territory  
22 described by Section 1 of this act as of January 1, 2017, is subject to municipal taxes for taxes  
23 imposed for taxable years beginning on or after July 1, 2017.





## HOUSE BILL 4: Fairmont/Voluntary Annexation.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Pierce  
**Analysis of:** PCS to First Edition  
H4-CSRWx-1

**Date:** February 14, 2017  
**Prepared by:** Giles Perry  
Staff Attorney

**OVERVIEW:** *House Bill 4 (proposed committee substitute) annexes two described non-contiguous satellite tracts of land to the Town of Fairmont.*

*The PCS makes a technical change to the effective date.*

**CURRENT LAW:** Under current law, municipalities may undertake a voluntary satellite annexation of noncontiguous property, if it meets the statutory standards of G.S. 160A-58.1.

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.

Satellite areas that do not meet the statutory standards above may be annexed by local act of the General Assembly.

**BILL ANALYSIS:** House Bill 4 annexes two described non-contiguous satellite tracts to the Town of Fairmont: (1) Fox Tract, 207.36 acres; and (2) Barnes Tract, 116.64 acres.

The Town of Fairmont reports: (1) The annexation is approved by the landowners, and is voluntary; (2) The two tracts, taken together, constitute approximately 20% of the current area of the Town; (3) The tracts are located approximately 4 miles from the current municipal boundary; (4) The Town Board unanimously approved the request for the annexation; and (5) the Town held a public hearing on the proposal, and has not received any written or verbal opposition.

**EFFECTIVE DATE:** This act would become effective June 30, 2017.

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 25

Short Title:    Randolph County Zoning Procedure Changes. (Local)

Sponsors:    Representatives McNeill and Hurley (Primary Sponsors).

Referred to:   State and Local Government I

January 30, 2017

A BILL TO BE ENTITLED  
AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE  
FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN RANDOLPH  
COUNTY AND MUNICIPALITIES LOCATED ENTIRELY OR PARTIALLY WITHIN  
RANDOLPH COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-343 reads as rewritten:

**"§ 153A-343. Method of procedure.**

(a) The board of commissioners shall, in accordance with the provisions of this Article, provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the board of commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the board of commissioners that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, a county may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearings required by G.S. 153A-323, but provided that each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.







(b1) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a county-initiated zoning map amendment.

...

(d) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(e) The board of commissioners may, by ordinance, delegate to the planning board the authority to conduct the public hearing required under this section and make the final decision on zoning map amendment proposals, including the adoption of a consistency statement pursuant to G.S. 153A-341. The board of commissioners may prescribe procedures for the public hearing that are not inconsistent with this Article. The planning board shall make its final decision by majority vote of the members of the planning board. Any person aggrieved by a final decision of the planning board pursuant to this subsection may appeal to the board of commissioners by providing written notice to the county manager within 15 days of the final decision. On appeal, the board of commissioners shall review the decision of the planning board de novo. The board of commissioners may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to this subsection."

**SECTION 2.** G.S. 160A-384 reads as rewritten:

**"§ 160A-384. Method of procedure.**

(a) The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a city-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the city council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the city council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice provided for in this subsection. In this instance, a city may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice.



1 Property owners who reside outside of the newspaper circulation area, according to the address  
2 listed on the most recent property tax listing for the affected property, shall be notified according  
3 to the provisions of subsection (a) of this section.

4 (b1) Actual notice of the proposed amendment and a copy of the notice of public hearing  
5 required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1,  
6 Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or  
7 certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2),  
8 notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies  
9 only to an application to request a zoning map amendment where the application is not made by  
10 the owner of the parcel of land to which the amendment would apply. This subsection does not  
11 apply to a city-initiated zoning map amendment.

12 (c) When a zoning map amendment is proposed, the city shall prominently post a notice of  
13 the public hearing on the site proposed for rezoning or on an adjacent public street or highway  
14 right-of-way. When multiple parcels are included within a proposed zoning map amendment, a  
15 posting on each individual parcel is not required, but the city shall post sufficient notices to  
16 provide reasonable notice to interested persons.

17 (d) The city council may, by ordinance, delegate to the planning board the authority to  
18 conduct the public hearing required under this section and make the final decision on zoning map  
19 amendment proposals, including the adoption of a consistency statement pursuant to  
20 G.S. 160A-383. The city council may prescribe procedures for the public hearing that are not  
21 inconsistent with this Article. The planning board shall make its final decision by majority vote of  
22 the members of the planning board. Any person aggrieved by a final decision of the planning  
23 board pursuant to this subsection may appeal to the city council by providing written notice to the  
24 city manager within 15 days of the final decision. On appeal, the city council shall review the  
25 decision of the planning board de novo. The city council may, by ordinance, rescind or modify any  
26 authority delegated to the planning board pursuant to this subsection."

27 **SECTION 3.(a)** Section 1 of this act applies to Randolph County. Section 2 of this act  
28 applies to municipalities located entirely or partially within Randolph County.

29 **SECTION 3.(b)** This act is effective when it becomes law.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 25  
PROPOSED COMMITTEE SUBSTITUTE H25-CSBD-1 [v.1]

02/09/2017 02:12:32 PM

Short Title: Randolph County Zoning Procedure Changes.

(Local)

Sponsors: Representatives McNeill and Hurley (Primary Sponsors).

Referred to:

January 30, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE  
3 FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN RANDOLPH  
4 COUNTY AND MUNICIPALITIES LOCATED ENTIRELY OR PARTIALLY WITHIN  
5 RANDOLPH COUNTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 153A-343 reads as rewritten:

8 **"§ 153A-343. Method of procedure.**

9 (a) The board of commissioners shall, in accordance with the provisions of this Article,  
10 provide for the manner in which zoning regulations and restrictions and the boundaries of zoning  
11 districts shall be determined, established, and enforced, and from time to time amended,  
12 supplemented, or changed. The procedures adopted pursuant to this section shall provide that  
13 whenever there is a zoning map amendment, the owner of that parcel of land as shown on the  
14 county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on  
15 the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by  
16 first class mail at the last addresses listed for such owners on the county tax abstracts. This notice  
17 must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public  
18 hearing. Except for a county-initiated zoning map amendment, when an application is filed to  
19 request a zoning map amendment and that application is not made by the owner of the parcel of  
20 land to which the amendment would apply, the applicant shall certify to the board of  
21 commissioners that the owner of the parcel of land as shown on the county tax listing has received  
22 actual notice of the proposed amendment and a copy of the notice of public hearing. The person or  
23 persons required to provide notice shall certify to the board of commissioners that proper notice  
24 has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

25 (b) The first class mail notice required under subsection (a) of this section shall not be  
26 required if the zoning map amendment directly affects more than 50 properties, owned by a total  
27 of at least 50 different property owners, and the county elects to use the expanded published notice  
28 provided for in this subsection. In this instance, a county may elect to either make the mailed  
29 notice provided for in subsection (a) of this section or may as an alternative elect to publish notice  
30 of the hearings required by G.S. 153A-323, but provided that each of the advertisements shall not  
31 be less than one-half of a newspaper page in size. The advertisement shall only be effective for  
32 property owners who reside in the area of general circulation of the newspaper which publishes  
33 the notice. Property owners who reside outside of the newspaper circulation area, according to the  
34 address listed on the most recent property tax listing for the affected property, shall be notified  
35 according to the provisions of subsection (a) of this section.





(b1) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a county-initiated zoning map amendment.

...  
(d) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(e) The board of commissioners may, by ordinance, delegate to the planning board the authority to conduct the public hearing required under this Article and make the final decision on zoning map amendment proposals, including the adoption of a consistency statement pursuant to G.S. 153A-341. The board of commissioners may prescribe procedures for the public hearing that are not inconsistent with this Article. The planning board shall make its final decision by majority vote of the members of the planning board. Any person aggrieved by a final decision of the planning board pursuant to this subsection may appeal to the board of commissioners by providing written notice to the county manager within 15 days of the final decision. On appeal, the board of commissioners shall review the decision of the planning board de novo. The board of commissioners may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to this subsection."

**SECTION 2.** G.S. 160A-384 reads as rewritten:

**"§ 160A-384. Method of procedure.**

(a) The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a city-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the city council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the city council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice provided for in this subsection. In this instance, a city may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice.





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3 to the provisions of subsection (a) of this section.

4 (b1) Actual notice of the proposed amendment and a copy of the notice of public hearing  
5 required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1,  
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16 provide reasonable notice to interested persons.

17 (d) The city council may, by ordinance, delegate to the planning board the authority to  
18 conduct the public hearing required under this Article and make the final decision on zoning map  
19 amendment proposals, including the adoption of a consistency statement pursuant to  
20 G.S. 160A-383. The city council may prescribe procedures for the public hearing that are not  
21 inconsistent with this Article. The planning board shall make its final decision by majority vote of  
22 the members of the planning board. Any person aggrieved by a final decision of the planning  
23 board pursuant to this subsection may appeal to the city council by providing written notice to the  
24 city manager within 15 days of the final decision. On appeal, the city council shall review the  
25 decision of the planning board de novo. The city council may, by ordinance, rescind or modify any  
26 authority delegated to the planning board pursuant to this subsection."

27 **SECTION 3.(a)** Section 1 of this act applies to Randolph County. Section 2 of this act  
28 applies to municipalities located entirely or partially within Randolph County.

29 **SECTION 3.(b)** This act is effective when it becomes law.





# HOUSE BILL 25: Randolph County Zoning Procedure Changes.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Reps. McNeill, Hurley  
**Analysis of:** PCS to First Edition  
H25-CSBD-1

**Date:** February 9, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 25 (proposed committee substitute) authorizes the Planning Boards of Randolph County and the municipalities located entirely or partially therein to make the final decisions on zoning amendments.*

*The PCS made a technical change by substituting the word "section" with the word "Article" in two places.*

**CURRENT LAW:** Article 18 of Chapter 153A (applicable to counties) and Article 19 of Chapter 160A (applicable to cities) establish the procedure under the General Statutes for the governing boards of counties and cities to adopt, amend, and repeal their zoning ordinances. For zoning amendments, the role of the county (G.S. 153A-341) and of the city (G.S. 160A- 383) planning board is limited to review and comment upon whether the proposed zoning amendment is consistent with any comprehensive plan and to provide written recommendations to the governing board addressing plan consistency. Final decisions on zoning amendments are made by the county board of commissioners (G.S. 153A-344) and the city council (G.S. 160A- 387) after a public hearing and adoption of a statement that the amendment is consistent with a comprehensive plan.

## **BILL ANALYSIS:**

**Section 1:** Adds a new subsection to G.S. 153A-343 *applicable only to Randolph County* that:

- Authorizes but does not require the Randolph County Board of Commissioners to pass an ordinance to:
  - (i) Delegate to its planning board the authority to conduct the required public hearing, to adopt the statement of plan consistency, and to make the final decision on the zoning map amendment.
  - (ii) Prescribe the planning board's public hearing procedures.
- Requires a majority vote of the planning board to pass the amendment.
- Provides that persons aggrieved by the final decision of the planning board may appeal to the Randolph County Board of Commissioners who shall then conduct a *de novo* review.
- Authorizes the Randolph County Board of Commissioners to pass an ordinance to rescind or modify the authority delegated to the Planning Board.

**Section 2:** Adds a new subsection to G.S. 160A-384 *applicable only to municipalities located entirely or partially within Randolph County* with identical provisions for those municipalities.

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



# House PCS 25

Page 2

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

**OTHER PLANNING BOARDS, AGENCIES, OR COMMISSIONS DELEGATED FINAL ZONING DECISION:** The following other local government planning boards, agencies, or commissions have been delegated by local act final zoning amendment decisions:

- City of Gastonia: SL 1993-247
- Cabarrus County & its various municipalities: SL 1993-247
- City of Greensboro: Session Laws of 1969, Chapter 142
- Guilford County: SL 1985-485
- City of Fayetteville: SL 1995-684
- City of Durham: SL 1993-264



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Government

DATE: 2/15/2017

Room: 544

House Sgt-At Arms:

1. Name: Warren Hawkins

2. Name: Doug Harris

3. Name: Malachi McCullough, Jr

4. Name: Thomas Terry

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

Senate Sgt-At Arms:

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

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

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

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

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





**House Pages  
Assignments  
Wednesday, February 15, 2017  
Session: 2:00 PM**

*PAGES*  
~~STAFF~~

Committee	Room	Time	<del>Staff</del>	Member
State and Local Government	544	10:00 AM	Maanasi Bulusu	Rep. Scott Stone
			Maraeh Carringer	Rep. Kevin Corbin



# VISITOR REGISTRATION SHEET

House Committee on State and Local Government I 2/15/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Josh Laine	SML
Michelle Frazier	SML
Susan Vick	Duke Energy
Steven Webb	NCHBA
Tim Minton	NCHBA
Mike Conner	NCHBA
DAVID BARNES	Electr. City
Fred Bone	Bone ASSD.
Jabbel Yimo-Syaka	NC REACTORS



## VISITOR REGISTRATION SHEET

House Committee on State and Local Government I 2/15/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David A Collins

SEANC

Resha Fortson

SEANC

Flint Benson

SEANC

Monte McCallum

Town of Fairmont

Katrina Y. Tatum

TOWN of FAIRMONT

Charles Townsend

Town of Fairmont

Dana Beck -

LINE Dtg



**House Committee on State and Local Government I**  
**Wednesday, March 1, 2017 at Immediately After 10 am Session**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at Immediately After 10 am Session on March 1, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Belk, Brawley, Brody, Burr, Butler, Cleveland, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered House Bill (HB) 151 Stanly Cty/Economic Development Commission (Representative Burr). The chair motioned for the Proposed Committee Substitute (PCS) of HB 151 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Burr was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for the PCS of HB 151 to receive a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 58 Charlotte Firefighters' Retirement System (Representatives Dulin, Autry, Belk, R. Moore). The chair motioned for the Proposed Committee Substitute (PCS) of HB 58 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representatives Belk, Moore and Dulin were recognized to present the bill. The committee discussed the bill. Representative Fisher motioned for the PCS of HB 58 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Pensions and Retirement. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:13 AM.



Select or Type Name of Presiding Chair  
Presiding



Olivia Clapp, Committee Clerk





**Corrected #1: Time Change to 10:10 am, rule waved**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, March 1, 2017  
**TIME:** Immediately After 10 am Session  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 58</u>	Charlotte Firefighters' Retirement System.	Representative Dulin Representative Autry Representative Belk Representative R. Moore Representative Burr
<u>HB 151</u>	Stanly Cty/Economic Development Commission.	

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:26 AM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL**

HB 151 Stanly Cty/Economic Development Commission.  
Draft Number: H151-PCS30102-BK-3  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Burr

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 58 Charlotte Firefighters' Retirement System.  
Draft Number: H58-PCS40135-BD-5  
**Serial Referral: PENSIONS AND RETIREMENT**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: R. Moore

TOTAL REPORTED: 2



\* C M R 3 3 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, March 1, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 58	Charlotte Firefighters' Retirement System.	Representative Dulin Representative Autry Representative Belk Representative R. Moore Representative Burr
HB 151	Stanly Cty/Economic Development Commission.	

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 151

Short Title: Stanly Cty/Economic Development Commission. (Local)

Sponsors: Representative Burr.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government II

February 22, 2017

A BILL TO BE ENTITLED

AN ACT CHANGING THE COMPOSITION OF THE STANLY COUNTY ECONOMIC  
DEVELOPMENT COMMISSION AND MAKING TECHNICAL CHANGES TO THE ACT  
THAT CREATED THE COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 141 of the Session Laws of 1961, as amended by Chapter 706 of the Session Laws of 1965, Chapter 355 of the Session Laws of 1975, Chapter 237 of the Session Laws of 1983, Chapter 185 of the Session Laws of 1987, Chapter 928 of the Session Laws of 1987, Chapter 595 of the Session Laws of 1995, S.L. 2009-253, and S.L. 2011-175, reads as rewritten:

"Section 1. Creation of Economic Development Commission. – The Board of County Commissioners of Stanly County (hereinafter "Board") is hereby authorized to create a commission to be known as the "Economic Development Commission" (hereinafter "Commission") for Stanly County for the purposes of aiding and encouraging the location in Stanly County of manufacturing, industrial, and commercial plants and enterprises, ~~of~~ aiding and encouraging the agricultural development of Stanly County, and for such other purposes as will, in the discretion of the County Commissioners, increase the population, taxable property, agricultural and business industries, and the general welfare of Stanly County, and for the further purpose of aiding and encouraging existing private enterprises in Stanly County.

~~"Sec. 2. Such commission Members Appointed. – The Commission shall be composed of 12 13 members to be appointed by the Board of County Commissioners for Stanly County. In making said appointments the board shall seek to achieve representation from the various geographic areas of the county. In the event a vacancy occurs in the membership of such commission because of death, resignation, or otherwise, the board of county commissioners shall fill such vacancy by appointing a member from the same section of the county as his predecessor. There is hereby imposed on such member of the board of county commissioners as said board may designate the duty to serve as chairman of the Economic Development Commission and such commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board of commissioners shall designate another member of said board as an alternate member to attend and vote if the original appointee as chairman is unable to attend or is unable to vote. Board as follows:~~

- (1) Two members representing business or industry from each of the county's five filing/voting districts.
- (2) Two county commissioners who shall serve at the pleasure of the Board, but only as long as they are serving as county commissioners.
- (3) The President of Stanly County Community College or the President's designee.



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





1       "Sec. 2.1. A designee of the Stanly County Chamber of Commerce and the President of the  
2 Stanly County Community Development Corporation shall serve as voting ex officio members of  
3 the Industrial Development Commission in addition to the 12 members to be appointed by the  
4 Board of Commissioners for Stanly County. Sec. 3. Ex Officio Members. – The Stanly County  
5 Manager and the Stanly County Attorney shall also, shall, by virtue of their respective offices,  
6 serve in a nonvoting ex officio capacity on the Economic Development Commission. The  
7 members of the Commission may appoint additional persons to serve in a nonvoting ex officio  
8 capacity if deemed advisable in order to help guide or assist the Commission in fulfilling its  
9 obligations as provided in this act.

10       "Sec. 3. Sec. 4. Terms. – The terms of office of the members of the commission, with the  
11 exception of the chairman of the commission, Commission shall be two years, with the exception  
12 of the initial years existence of the commission, in which one half shall be appointed to serve for a  
13 period of one year. years, except, in order to stagger the terms, one-half of the members appointed  
14 in 2017 shall serve for a term of one year and the remaining members appointed in 2017 shall  
15 serve for a term of two years. In appointing the initial members of the commission, the board of  
16 county commissioners The Board shall designate those members who are appointed for a period of  
17 two years and those who are appointed for a period of one year. Upon the expiration of the term of  
18 office of those members who are appointed for one year, the board of commissioners Board shall  
19 appoint their successors for a term of two years. All appointees shall serve until their successors  
20 have been appointed and qualified. Any member shall be eligible to reappointment. The board of  
21 commissioners shall designate the date on which the term of office of the initial members shall  
22 commence shall commence on April 1 and shall end on March 31. For clarification, two members  
23 from the following areas (voting precincts) of Stanly County are to be appointed by the Board of  
24 Commissioners: North (Almond, Ridenhour, Richfield, New London, and North Albemarle);  
25 South (East Center, West Center, Tyson, and Big Lick #1); East (South Albemarle, East  
26 Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and Endy); Central  
27 (Albemarle #1, Albemarle #2, Albemarle #6, Albemarle #7, Albemarle #8, Albemarle #10, and  
28 Albemarle #11); and two seats at large. The one- and two-year term limits provided for in this  
29 section shall not apply to members of the Board or the President of Stanly County Community  
30 College.

31       "Sec. 4. The chairman of the Economic Development Commission shall serve at the pleasure  
32 of the Stanly County Board of Commissioners, but only as long as still serving as a county  
33 commissioner.

34       "Sec. 5. Sec. 5. Election of Officers; Bylaws; Employees. – At the time of the holding of the  
35 first meeting of the Economic Development Commission, Commission following the appointment  
36 of members in 2017, the members shall, by a majority vote, name and select from their  
37 membership a vice chairman chair, vice-chair, and a secretary, and shall draw up and ratify their  
38 own bylaws and procedural rules and policies, subject to the approval of the board of county  
39 commissioners Board. Whenever necessary, members of the Economic Development Commission  
40 shall by a majority vote make necessary changes to their bylaws, procedural rules and policies  
41 subject to the approval of the county board of commissioners Board. All disbursements shall be  
42 made to the commission Commission by the county in the same way and manner provided by law  
43 for disbursing public funds of Stanly County, and no disbursements shall be made except upon  
44 approval of the county board of commissioners The Economic Board. Except for the executive  
45 officer, the Commission shall have authority to employ such personnel as it may deem necessary  
46 and within the budget for said commission the Commission to be prescribed by the board of  
47 county commissioners Board, and all such personnel shall be considered for all purposes  
48 employees of Stanly County.

49       "Sec. 5.1. Sec. 6. Additional Funds. – The Economic Development Commission may accept,  
50 receive and disburse in furtherance of its functions any funds, grants, and services made available





1 by the Federal Government and its agencies, the State Government and its agencies, any  
2 municipalities or counties, and by private and civic sources.

3 ~~"Sec. 5.2. Sec. 7. Executive Officer; Contracts; Board Supervision. – (a) The County Manager~~  
4 ~~shall have authority to appoint the executive officer of the Commission, upon consultation with~~  
5 ~~the Commission and with approval of the Board.~~

6 ~~(b) The Economic Development–~~With the approval of the Board, the Commission shall  
7 also have authority to enter into a contract with the Stanly County Chamber of Commerce  
8 pursuant to which ~~said–the~~ Chamber of Commerce will provide to the ~~Economic Development~~  
9 Commission and to the County of Stanly the services of an executive officer qualified in the field  
10 of economic development who shall be subject to the direction of the ~~Economic Development~~  
11 Commission in implementing the purposes for which the ~~Economic Development–Commission~~ is  
12 created. ~~Said–The~~ executive officer may be an employee of ~~said–the~~ Chamber of Commerce or the  
13 County of Stanly. The ~~Economic Development–Commission~~ is authorized to pay to ~~said–the~~  
14 Chamber of Commerce, out of funds appropriated to the ~~Economic Development–Commission~~ by  
15 the county commissioners, such amount as the ~~Economic Development–Commission and the~~  
16 Board deems proper for the services of ~~said–the~~ executive officer and for office space, supplies,  
17 record keeping and other necessary and proper expenses incurred in the implementation of the  
18 purposes for which the ~~Economic Development–Commission~~ is created.

19 ~~(c) In addition to the contract authority provided for in subsection (b) of this section, the~~  
20 ~~Commission may enter into contracts with the Stanly County Chamber of Commerce or another~~  
21 ~~entity to implement the purposes for which the Commission is created, with the approval of the~~  
22 ~~Board. Any contract awarded by the Commission without the approval of the Board shall be null~~  
23 ~~and void.~~

24 ~~(d) The Board shall, at all times, have authority to supervise the Commission and its~~  
25 ~~activities. The Commission shall not enter into any contract or agreement of any kind with the~~  
26 ~~Stanly County Chamber of Commerce or any other entity that interferes with, restricts, or~~  
27 ~~otherwise limits the Board's ability to exercise its authority to supervise the Commission and its~~  
28 ~~activities.~~

29 ~~"Sec. 6. Sec. 8. Use of Nontax Funds. – The Board of County Commissioners for Stanly~~  
30 ~~County is hereby authorized, in its discretion, to expend any nontax funds, regardless of the source~~  
31 ~~from which said–the nontax funds are received, in order to implement the purposes for which the~~  
32 ~~Economic Development–Commission is created.~~

33 ~~"Sec. 6.1. Sec. 9. Special Election. – The Board of County Commissioners of Stanly County is~~  
34 hereby authorized and empowered to call a special election to determine whether it be the will of  
35 the qualified voters of Stanly County that they levy and cause to be collected annually, at the same  
36 time and in the same manner as the general county taxes are levied and collected, a special tax at a  
37 rate not to exceed five cents (5¢) on each one hundred dollars (\$100.00) valuation of property in  
38 ~~said–the~~ county, to be known as an "Economic Development Tax", the funds therefrom, if the levy  
39 be authorized by the voters of ~~said–the~~ county, to be used by the ~~board of county~~  
40 ~~commissioners~~ Board in its discretion and as it may deem expedient and wise for the purposes for  
41 which the ~~Economic Development–Commission for Stanly County~~ is created. ~~Said–The~~ election, if  
42 called, shall be under the control and supervision of the Stanly County Board of Elections.

43 If a majority of those voting in ~~such–the~~ election favor the levying of ~~such–a~~ tax, the Board of  
44 ~~County Commissioners of Stanly County are~~ is authorized to levy a special tax at a rate not to  
45 exceed five cents (5¢) on each one hundred dollars (\$100.00) of assessed value of real and  
46 personal property taxable in ~~said–the~~ county, and the General Assembly does hereby give its  
47 special approval for the levy of such special tax.

48 ~~"Sec. 7. Sec. 10. If any provision of this Act or the application thereof to any person or~~  
49 circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
50 the Act which can be given effect without the invalid provision or application, and to this end the  
51 provisions of this Act are declared to be severable. Nothing herein contained shall limit the



1 authority of the Board of County Commissioners for Stanly County from utilizing the provisions  
2 of Articles 2 and 3 of Chapter 158 of the North Carolina General Statutes as amended relating to  
3 economic development commissions.

4 "~~Sec. 8.~~Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

5 "~~Sec. 9.~~Sec. 12. This Act shall become effective upon its ratification."

6 **SECTION 2.** The terms of all members serving on the Stanly County Economic  
7 Development Commission, including members of the Stanly County Board of Commissioners,  
8 shall expire on March 31, 2017. The Stanly County Board of Commissioners shall appoint 13  
9 members to serve on the Stanly County Economic Development Commission as provided in  
10 Section 1 of this act. The terms of the 13 members appointed by the Stanly County Board of  
11 Commissioners shall be for one and two years, as provided in Section 1 of this act, and shall begin  
12 on April 1, 2017.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 151  
PROPOSED COMMITTEE SUBSTITUTE H151-CSBK-3 [v.2]

02/28/2017 05:49:02 PM

Short Title: Stanly Cty/Economic Development Commission.

(Local)

Sponsors:

Referred to:

February 22, 2017

A BILL TO BE ENTITLED

AN ACT CHANGING THE COMPOSITION OF THE STANLY COUNTY ECONOMIC  
DEVELOPMENT COMMISSION AND MAKING TECHNICAL CHANGES TO THE ACT  
THAT CREATED THE COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 141 of the Session Laws of 1961, as amended by Chapter 706  
of the Session Laws of 1965, Chapter 355 of the Session Laws of 1975, Chapter 237 of the  
Session Laws of 1983, Chapter 185 of the Session Laws of 1987, and S.L. 2011-175, reads as  
rewritten:

"Section 1. Creation of Economic Development Commission. – The Board of County  
Commissioners of Stanly County (hereinafter "Board") is hereby authorized to create a  
commission to be known as the "Economic Development Commission" (hereinafter  
"Commission") for Stanly County for the purposes of aiding and encouraging the location in  
Stanly County of manufacturing, industrial, and commercial plants and enterprises, ~~of~~ aiding and  
encouraging the agricultural development of Stanly County, and for such other purposes as will, in  
the discretion of the County Commissioners, increase the population, taxable property, agricultural  
and business industries, and the general welfare of Stanly County, and for the further purpose of  
aiding and encouraging existing private enterprises in Stanly County.

"~~Sec. 2. Such commission Members Appointed.~~ – (a) The Commission shall be composed of  
12-13 members to be appointed by the Board of County Commissioners for Stanly County. In  
making said appointments the board shall seek to achieve representation from the various  
geographic areas of the county. In the event a vacancy occurs in the membership of such  
commission because of death, resignation, or otherwise, the board of county commissioners shall  
fill such vacancy by appointing a member from the same section of the county as his predecessor.  
There is hereby imposed on such member of the board of county commissioners as said board may  
designate the duty to serve as chairman of the Economic Development Commission and such  
commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board  
of commissioners shall designate another member of said board as an alternate member to attend  
and vote if the original appointee as chairman is unable to attend or is unable to vote.Board as  
follows:

- (1) Two members representing business or industry from each of the Board's five  
electoral districts.
- (2) Two county commissioners who shall serve at the pleasure of the Board, but  
only as long as they are serving as county commissioners.
- (3) The President of Stanly County Community College or the President's designee.



\* H 1 5 1 - C S B K - 3 \*





(b) In the event a vacancy occurs in the membership of the Commission because of death, resignation, or otherwise, the Board shall fill such vacancy. If the member who vacated the seat represented business or industry from one of the Board's five electoral districts, the vacancy shall be filled by a person representing the same filing district as the member being replaced.

~~"Sec. 2.1. A designee of the Stanly County Chamber of Commerce and the President of the Stanly County Community Development Corporation shall serve as voting ex officio members of the Industrial Development Commission in addition to the 12 members to be appointed by the Board of Commissioners for Stanly County.~~ Sec. 3. Ex Officio Members. – The Stanly County Manager and the Stanly County Attorney shall also, shall, by virtue of their respective offices, serve in a nonvoting ex officio capacity on the Economic Development Commission. The members of the Commission may appoint additional persons to serve in a nonvoting ex officio capacity if deemed advisable in order to help guide or assist the Commission in fulfilling its obligations as provided in this act.

~~"Sec. 3. Sec. 4. Terms. – The terms of office of the members of the commission, with the exception of the chairman of the commission, Commission shall be two years, with the exception of the initial years existence of the commission, in which one-half shall be appointed to serve for a period of one year.~~ years, except, in order to stagger the terms, one-half of the members appointed in 2017 shall serve for a term of one year and the remaining members appointed in 2017 shall serve for a term of two years. In appointing the initial members of the commission, the board of county commissioners. The Board shall designate those members who are appointed for a period of two years and those who are appointed for a period of one year. Upon the expiration of the term of office of those members who are appointed for one year, the board of commissioners. Board shall appoint their successors for a term of two years. All appointees shall serve until their successors have been appointed and qualified. Any member shall be eligible to reappointment. The board of commissioners shall designate the date on which the term of office of the initial members shall commence. shall commence on April 1 and shall end on March 31. For clarification, two members from the following areas (voting precincts) of Stanly County are to be appointed by the Board of Commissioners: North (Almond, Ridenhour, Richfield, New London, and North Albemarle); South (East Center, West Center, Tyson, and Big Lick #1); East (South Albemarle, East Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and Endy); Central (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8, Albemarle #10, and Albemarle #11); and two seats at large. The one- and two-year term limits provided for in this section shall not apply to members of the Board or the President of Stanly County Community College.

~~"Sec. 4. The chairman of the Economic Development Commission shall serve at the pleasure of the Stanly County Board of Commissioners, but only as long as still serving as a county commissioner.~~

~~"Sec. 5. Sec. 5. Election of Officers; Bylaws; Employees. – At the time of the holding of the first meeting of the Economic Development Commission, Commission following the appointment of members in 2017, the members shall, by a majority vote, name and select from their membership a vice-chairman chair, vice-chair, and a secretary, and shall draw up and ratify their own bylaws and procedural rules and policies, subject to the approval of the board of county commissioners.~~ Board. Whenever necessary, members of the Economic Development Commission shall by a majority vote make necessary changes to their bylaws, procedural rules and policies subject to the approval of the county board of commissioners. Board. All disbursements shall be made to the commission. Commission by the county in the same way and manner provided by law for disbursing public funds of Stanly County, and no disbursements shall be made except upon approval of the county board of commissioners. The Economic Board. Except for the executive officer appointed under Section 7, the Commission shall have authority to employ such personnel as it may deem necessary and within the budget for said commission. the Commission to be





1 prescribed by the ~~board of county commissioners, Board,~~ and all such personnel shall be  
2 considered for all purposes employees of Stanly County.

3 ~~"Sec. 5.1. Sec. 6. Additional Funds. –~~ The Economic Development Commission may accept,  
4 receive and disburse in furtherance of its functions any funds, grants, and services made available  
5 by the Federal Government and its agencies, the State Government and its agencies, any  
6 municipalities or counties, and by private and civic sources.

7 ~~"Sec. 5.2. Sec. 7. Executive Officer; Contracts; Board Supervision. – (a) With the approval of~~  
8 ~~the Board, the County Manager shall have authority to appoint the executive officer of the~~  
9 ~~Commission, upon consultation with the Commission.~~

10 ~~(b) The Economic Development~~ In lieu of appointing an executive officer under  
11 subsection (a) of this section, with the approval of the Board, the Commission shall ~~also have~~  
12 authority to enter into a contract with the Stanly County Chamber of Commerce pursuant to which  
13 ~~said the~~ Chamber of Commerce will provide to the Economic Development Commission and to  
14 the County of Stanly the services of an executive officer qualified in the field of economic  
15 development who shall be subject to the direction of the Economic Development Commission in  
16 implementing the purposes for which the Economic Development Commission is created. ~~Said~~  
17 ~~The~~ executive officer may be an employee of ~~said the~~ Chamber of Commerce or the County of  
18 Stanly. The Economic Development Commission is authorized to pay to ~~said the~~ Chamber of  
19 Commerce, out of funds appropriated to the Economic Development Commission by the ~~county~~  
20 ~~commissioners~~ Board, such amount as the Economic Development Commission and the Board  
21 deems proper for the services of ~~said the~~ executive officer and for office space, supplies, record  
22 keeping and other necessary and proper expenses incurred in the implementation of the purposes  
23 for which the Economic Development Commission is created.

24 ~~(c) In addition to the contract authority provided for in subsection (b) of this section, the~~  
25 ~~Commission may enter into contracts with the Stanly County Chamber of Commerce or another~~  
26 ~~entity to implement the purposes for which the Commission is created, with the approval of the~~  
27 ~~Board. Any contract awarded by the Commission without the approval of the Board shall be null~~  
28 ~~and void.~~

29 ~~(d) The Board shall, at all times, have authority to supervise the Commission and its~~  
30 ~~activities. The Commission shall not enter into any contract or agreement of any kind with the~~  
31 ~~Stanly County Chamber of Commerce or any other entity that interferes with, restricts, or~~  
32 ~~otherwise limits the Board's ability to exercise its authority to supervise the Commission and its~~  
33 ~~activities.~~

34 ~~"Sec. 6. Sec. 8. Use of Nontax Funds. –~~ The Board of County Commissioners for Stanly  
35 County is hereby authorized, in its discretion, to expend any nontax funds, regardless of the source  
36 from which ~~said the~~ nontax funds are received, in order to implement the purposes for which the  
37 Economic Development Commission is created.

38 ~~"Sec. 6.1. The Board of County Commissioners of Stanly County is hereby authorized and~~  
39 ~~empowered to call a special election to determine whether it be the will of the qualified voters of~~  
40 ~~Stanly County that they levy and cause to be collected annually, at the same time and in the same~~  
41 ~~manner as the general county taxes are levied and collected, a special tax at a rate not to exceed~~  
42 ~~five cents (5¢) on each one hundred dollars (\$100.00) valuation of property in said county, to be~~  
43 ~~known as an "Economic Development Tax", the funds therefrom, if the levy be authorized by the~~  
44 ~~voters of said county, to be used by the board of county commissioners in its discretion and as it~~  
45 ~~may deem expedient and wise for the purposes for which the Economic Development Commission~~  
46 ~~for Stanly County is created. Said election, if called, shall be under the control and supervision of~~  
47 ~~the Stanly County Board of Elections.~~

48 ~~If a majority of those voting in such election favor the levying of such a tax, the Board of~~  
49 ~~County Commissioners of Stanly County are authorized to levy a special tax at a rate not to~~  
50 ~~exceed five cents (5¢) on each one hundred dollars (\$100.00) of assessed value of real and~~



1 ~~personal property taxable in said county, and the General Assembly does hereby give its special~~  
2 ~~approval for the levy of such special tax.~~

3 ~~"Sec. 7. Sec. 9. If any provision of this Act or the application thereof to any person or~~  
4 ~~circumstances is held invalid, such invalidity shall not affect other provisions or applications of~~  
5 ~~the Act which can be given effect without the invalid provision or application, and to this end the~~  
6 ~~provisions of this Act are declared to be severable. Nothing herein contained shall limit the~~  
7 ~~authority of the Board of County Commissioners for Stanly County from utilizing the provisions~~  
8 ~~of Articles 2 and 3 of Chapter 158 of the North Carolina General Statutes as amended relating to~~  
9 ~~economic development commissions.~~

10 ~~"Sec. 8. Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.~~

11 ~~"Sec. 9. Sec. 11. This Act shall become effective upon its ratification."~~

12 **SECTION 2.** The terms of all members serving on the Stanly County Economic  
13 Development Commission, including members of the Stanly County Board of Commissioners,  
14 shall expire on March 31, 2017. The Stanly County Board of Commissioners shall appoint 13  
15 members to serve on the Stanly County Economic Development Commission as provided in  
16 Section 1 of this act. The terms of the 13 members appointed by the Stanly County Board of  
17 Commissioners shall be for one and two years, as provided in Section 1 of this act, and shall begin  
18 on April 1, 2017.

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







# HOUSE BILL 151: Stanly Cty/Economic Development Commission.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	February 28, 2017
<b>Introduced by:</b>	Rep. Burr	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H151-CSBK-3		Jessica Sammons Committee Counsel

**OVERVIEW:** *House Bill 151 (proposed committee substitute) changes the composition of the Stanly County Economic Development Commission, and makes changes to the terms of office, the selection of officers, and its authority to enter contracts. This act is effective when it becomes law.*

*The PCS clarifies that two Commission members will be appointed from each of the Board's five electoral districts, provides for the filling of vacancies, clarifies the provisions for selection of an executive officer, and repeals the Board's authority to call a special election to approve the levy of an Economic Development Tax.*

**CURRENT LAW:** The Board of County Commissioners of Stanly County ("Board") is authorized to create an Economic Development Commission ("Commission"), which serves to aid and encourage new manufacturing, industrial, commercial, and agricultural development, increase the population and taxable property, promote the general welfare, and aid existing private enterprises in the county.

The Commission consists of 14 voting members, plus a chairman, who votes in the case of a tie.

- The Board appoints 12 members—two members from each of five areas of Stanly County (North, South, East, West, and Central) and two at-large members. Vacancies are filled by the Board, which appoints a new member from the same section of the county as the departing member. Members serve staggered two-year terms. Any member is eligible to reappointment.
- A designee of the Stanly County Chamber of Commerce and the President of the Stanly County Community Development Corporation serve as voting ex officio members.
- The Board designates a county commissioner to serve as chairman. The Board also designates an alternate, who attends and votes if the chairman is unable to do so. The chairman and alternate serve at the pleasure of the Board, as long as they remain a county commissioner.

The Stanly County Manager and Stanly County Attorney serve in a nonvoting ex officio capacity.

The members of the Commission, by a majority vote, select a vice-chairman and secretary. The Commission ratifies its own bylaws and procedural rules and policies, and makes changes to these bylaws and rules by a majority vote, subject to Board approval.

In order to fulfill the purposes for which it was created, the Commission may:

- Employ necessary personnel, as funds prescribed by the Board allow.
- Accept, receive, and disburse funds, grants, and services made available by the Federal or State government, any municipalities or counties, and private and civic sources.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





# House PCS 151

Page 2

- Receive disbursements from the County, subject to Board approval.
- Enter into a contract with the Stanly County Chamber of Commerce for an executive officer qualified in the field of economic development to be in charge of implementing its purposes. The executive officer may be an employee of the Chamber of Commerce or the County of Stanly.
- Expend any nontax funds, regardless of the source from which the funds are received.

The Board is authorized to call a special election to determine whether the qualified voters of Stanly County approve of an "Economic Development Tax", at a rate not to exceed five cents (5¢) on each \$100.00 valuation of property in the county, collected annually. If approved by a majority of voters and levied, these funds are to be used in the Board's discretion to fulfill the Commission's purposes.

**BILL ANALYSIS:** House Bill 151 (PCS) makes various changes to the Commission:

- Appointing of Members:
  - The number of voting members on the Commission will decrease to 13, consisting of:
    1. Two members representing business or industry from each of the Board's five electoral districts, appointed by the Board.
    2. Two county commissioners serving at the pleasure of the Board, provided they remain county commissioners.
    3. The President of the Stanly County Community College or the President's designee.
  - Vacancies will be filled by the Board. If the departing member represented one of the Board's filing districts, the vacancy will be filled by a person from the same electoral district.
- Terms of Office: The term of office is two years, beginning April 1 through March 31, for all members appointed to serve from an electoral district. The one-year and two-year term limits do not apply to county commissioners or the President of Stanly County Community College.
- Function & Authority:
  - At the Commission's first meeting after the appointment of members in 2017, the members will select, by a majority vote, a chair, vice-chair, and secretary.
  - An executive officer of the Commission is provided for in one of the following ways:
    - The County Manager has authority to appoint an executive officer, upon consultation with the Commission and approval of the Board.
    - The Commission has authority to enter into a contract with the Stanly County Chamber of Commerce for an executive officer, subject to Board approval.
  - The Commission may enter into contracts with the Stanly County Chamber of Commerce or another entity to implement the purposes of the Commission, subject to Board approval. Any contract awarded by the Commission without Board approval is null and void.
  - The Board has the authority to supervise the Commission at all times, and the Commission is prohibited from enter into any contract or agreement that restricts the Board's ability to do so.
- Economic Development Tax: The provision authorizing the Board to call a special election for qualified voters to approve an "Economic Development Tax" would be repealed, as separate statewide authority under G.S. 153A-149 exists.

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 58\*

Short Title: Charlotte Firefighters' Retirement System. (Local)

Sponsors: Representatives Dulin, Autry, Belk, and R. Moore (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

February 9, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS'  
3 RETIREMENT SYSTEM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Subdivision (11) of Section 2 of Chapter 926 of the 1947 Session Laws,  
6 as amended by Chapter 506 of the 1987 Session Laws, Chapter 1033 of the 1987 Session Laws,  
7 Chapter 248 of the 1989 Session Laws, Chapter 830 of the 1991 Session Laws, S.L. 1999-100, and  
8 S.L. 2001-22, reads as rewritten:

9 "(11) 'Final Average Salary' ~~means~~—means, effective with respect to Plan Years  
10 beginning on and after July 1, 2001, the higher amount of (i) the monthly  
11 average Compensation received by a Member during any the two highest  
12 consecutive Plan Years of the Member's last five years of Membership Service  
13 which produces the highest average and is contained within the Member's last  
14 five years of or (ii) the monthly average Compensation received during the 104  
15 weeks preceding the end of the Member's Membership Service. If a Member  
16 has less than two years of Membership Service, his Final Average Salary shall  
17 mean the monthly average Compensation for his total Membership Service. For  
18 the purpose of calculating a Member's Final Average Salary, (i) payments for  
19 unused sick and vacation days shall be included as Compensation to the extent  
20 that the vacation and sick days for which payments are made could have  
21 accrued during two Plan Years of the Member's last five years of Membership  
22 Service, and (ii) payments for longevity shall be included as Compensation to  
23 the extent such payments were made during two Plan Years of the Member's  
24 last five years of Membership Service."

25 **SECTION 2.** This act applies only to the City of Charlotte.

26 **SECTION 3.** This act becomes effective July 1, 2017.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 58  
PROPOSED COMMITTEE SUBSTITUTE H58-CSBD-5 [v.1]

02/23/2017 10:29:18 AM

Short Title: Charlotte Firefighters' Retirement System.

(Local)

Sponsors:

Referred to:

February 9, 2017

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS'  
RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subdivision (11) of Chapter 926 of the 1947 Session Laws, as amended by Chapter 506 of the 1987 Session Laws, Chapter 248 of the 1989 Session Laws, Chapter 830 of the 1991 Session Laws, S.L. 1999-100, and S.L. 2001-22, reads as rewritten:

"(11) 'Final Average Salary' ~~means—means,~~ effective with respect to Plan Years beginning on and after July 1, 2001, the higher amount of (i) the monthly average Compensation received by a Member during any the two highest consecutive Plan Years of the Member's last five years of Membership Service which produces the highest average and is contained within the Member's last five years of or (ii) the monthly average Compensation received during the 104 weeks preceding the end of the Member's Membership Service. If a Member has less than two years of Membership Service, his Final Average Salary shall mean the monthly average Compensation for his total Membership Service. For the purpose of calculating a Member's Final Average Salary, (i) payments for unused sick and vacation days shall be included as Compensation to the extent that the vacation and sick days for which payments are made could have accrued during two Plan Years of the Member's last five years of Membership Service, and (ii) payments for longevity shall be included as Compensation to the extent such payments were made during two Plan Years of the Member's last five years of Membership Service."

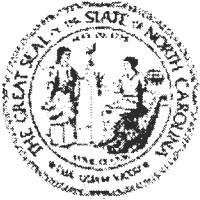
**SECTION 2.** This act applies only to the City of Charlotte.

**SECTION 3.** This act becomes effective July 1, 2017.



\* H 5 8 - C S B D - 5 \*





# HOUSE BILL 58: Charlotte Firefighters' Retirement System.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Reps. Dulin, Autry, Belk, R. Moore  
**Analysis of:** PCS to First Edition  
H58-CSBD-5

**Date:** February 23, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 58 (proposed committee substitute) amends the definition of "final average salary" under the Charlotte Firefighters' Retirement System for purposes of calculating retirement benefits for entitled uniformed employees of the Charlotte Fire Department.*

*The PCS made technical changes in Section 1 of the bill to clarify citations to prior amendments.*

[As introduced, this bill was identical to S54, as introduced by Sens. Waddell, Tarte, Bishop, which is currently in Senate Appropriations on Pensions, Compensation, and Benefits.]

**CURRENT LAW:** The Charlotte Firefighters Retirement System was established by Chapter 926 of the 1947 Session Laws (The Charlotte Firefighters Retirement System Act) as amended. Under Section 2(11) of S.L. 2001-22, the Act's most recent amendment, "final average salary" for calculating an eligible member's retirement benefit was defined as the monthly average compensation received by an eligible member during any two consecutive plan years of service which produced the highest average within the member's last five years of service. Those with less than two years of service used the average of their monthly salary.

**BILL ANALYSIS:** House Bill 59 (proposed committee substitute), applicable only to the City of Charlotte, amends the definition of "final average salary" under Section 2(11) of S.L. 2001-22, the *Charlotte Firefighters Retirement System Act*, to define "final average salary" with respect to Plan Years beginning on and after July 1, 2001, as *the higher amount of*:

- (i) the monthly average compensation received during the two highest consecutive plan years of the Member's last five years of Membership Service; or
- (ii) the monthly average compensation received during the 104 weeks preceding the end of the Member's membership service.

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

**BACKGROUND:** This legislation is supported by the City of Charlotte and is included within the City's 2017-18 State Legislative Agenda.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

## Legislative Retirement Note

**BILL NUMBER:** House Bill 58 (First Edition)

**SHORT TITLE:** Charlotte Firefighters' Retirement System.

**SPONSOR(S):** Representatives Lehman and R. Moore

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**FUNDS AFFECTED:** City of Charlotte funds

**SYSTEM OR PROGRAM AFFECTED:** Charlotte Firefighters' Retirement System (CFRS)

**BILL SUMMARY:** The First Edition amends the definition of the final average salary used in calculating benefits under the CFRS. Under current law final average salary means the monthly average compensation received by a member during any two consecutive Plan Years of Membership Service which produces the highest average and is contained within the Members' last five years of Membership Service. Amends the definition to now define final average salary to be, effective with respect to Plan Years beginning on or after July 1, 2001, the higher of: (1) the monthly average compensation received during the two highest consecutive Plan Years of the Member's (defined as a uniformed employee of the Charlotte Fire Department) last five years of Membership Service, or (2) the monthly average compensation received during the 104 weeks preceding the end of the Member's Membership Service. The System has been administered according to the amended definition, so this change simply conforms the statute to past and future practice.

**EFFECTIVE DATE:** July 1, 2017

### ESTIMATED IMPACT ON STATE:

There is no impact on the State as the CFRS is funded entirely by contributions from the City of Charlotte and the members of the CFRS.

The CFRS's actuary, Cavanaugh Macdonald, estimates that the changes will not have any impact on the cost of the CFRS to the City.

Hartman & Associates, the actuary for the General Assembly, does not have sufficient data to estimate the impact of the changes.

### ASSUMPTIONS AND METHODOLOGY:

Significant membership and financial statistics, assumptions, and methods used by the CFRS actuary in preparing the July 1, 2015 valuation are shown in the following tables:



Membership Statistics (as of 7/1/2015 unless otherwise noted, M = millions)	
Active Members	
Count	1,029
Valuation Compensation	\$65.8M
Average Age	40
Average Service	13.3
Inactive Members	
Count	13
Retired Members	
Count	615
Annual Benefits	\$27.4M

Financial Statistics (as of 7/1/2015 unless otherwise noted, M = millions)	
Accrued Liability (AL)	\$504M
Actuarial Value of Assets (AVA)	\$468M
Market Value of Assets (MVA)	\$485M
Unfunded Accrued Liability (AL - AVA)	\$37M
Funded Status (AVA / AL)	93%
Required Employer Contribution for FY 2016-17 (as % of pay)	13.25%
Assumed Rate of Investment Return	7.75%
Salary Increase Assumption (includes 3.50% inflation and productivity)	4.25% - 11.25%
Mortality	RP-2000
Cost Method	Entry Age Normal
Amortization	49 year, open, level % of pay

Benefit Provisions	
Formula	2.6% x Service x 2 Year Avg Pay
Unreduced retirement age/service	Any/30; 50/25; 60/5
Employee contribution (as % of pay)	12.65%
Social Security	Members do not participate in Social Security

Further detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from David Vanderweide.

#### SOURCES OF DATA:

Cavanaugh Macdonald Consulting, LLC, "Proposed Amendment", October 18, 2016, copy of which is on file in the General Assembly's Fiscal Research Division.



Cavanaugh Macdonald Consulting, LLC, "Report of the Actuary on the Annual Valuation of the Charlotte Firefighters' Retirement System Prepared as of July 1, 2015", October 22, 2015, copy of which is on file in the General Assembly's Fiscal Research Division.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION: (919) 733-4910.**

The above information is provided in accordance with North Carolina General Statute 120-114 and applicable rules of the North Carolina Senate and House of Representatives.

**PREPARED BY:** David Vanderweide

**APPROVED BY:**

Mark Trogon, Director  
Fiscal Research Division

**DATE: February 24, 2017**



**Signed Copy Located in the NCGA Principal Clerk's Offices**



Committee Sergeants at Arms

NAME OF COMMITTEE STATE AND LOCAL GOVERNMENT I

DATE: 3-1-17 Room: 544

House Sgt-At Arms:

1. Name: MARVIN LEE
2. Name: DAVID LEIGHTON
3. Name: THOMAS TERRY
4. Name: REGGIE SILLS
5. Name:

Senate Sgt-At Arms:

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





**House Committee on State and Local Government I**  
**Wednesday, March 15, 2017 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on March 15, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Ager, Brawley, Brody, Burr, Butler, Cleveland, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Gill, and Warren attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered House Bill (HB) 198 Repeal Centerville Charter (Representative B. Richardson). The chair motioned for the Proposed Committee Substitute (PCS) of HB 198 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Richardson was recognized to present the bill. The committee discussed the bill. Representative Farmer-Butterfield motioned for the PCS of HB 198 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 45 Roanoke Island Fire District Changes (Representative Boswell). The chair motioned for the Proposed Committee Substitute (PCS) of HB 45 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Boswell was recognized to present the bill. The committee discussed the bill. Representative Burr motioned for the PCS of HB 45 to receive a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 111 Winston-Salem/Service by Publication Cost (Representatives Conrad, Lambeth, Terry, Hanes). The chair motioned for the Proposed Committee Substitute (PCS) of HB 111 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Conrad was recognized to present the bill. The committee discussed the bill. Representative Warren motioned for the PCS of HB 111 to receive a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 153 Filling Vacancy/Onslow County Board of Comm (Representatives Cleveland, Shepard, Millis). Representative Cleveland was recognized to present the bill; there was no discussion on the bill. Representative Brawley motioned for HB 153 to receive a favorable report. The Chair called for a voice vote and the motion carried.

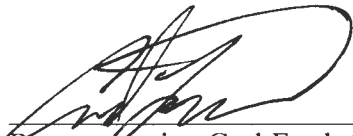
The Committee considered House Bill (HB) 154 Gastonia Charter Revisions (Representative Bumgardner). Representative Bumgardner was recognized to present the bill. The committee



discussed the bill. Representative Warren motioned for HB 154 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 184 Certain Towns/Sewer Fee Collections (Representatives C. Graham, Brisson, Pierce, G. Graham). Representative Graham was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for HB 184 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:15 AM.



Representative Carl Ford, Chair  
Presiding



Olivia Clapp, Committee Clerk



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, March 15, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 45</u>	Roanoke Island Fire District Changes.	Representative Boswell
<u>HB 111</u>	Winston-Salem/Service by Publication Cost.	Representative Conrad
		Representative Lambeth
		Representative Terry
		Representative Hanes
<u>HB 245</u>	Amend W-S Charter/Certain Candidates.	Representative Conrad
		Representative Terry
		Representative Lambeth
		Representative Hanes
<u>HB 153</u>	Filling Vacancy/Onslow County Board of Comm.	Representative Cleveland
		Representative Shepard
		Representative Millis
<u>HB 154</u>	Gastonia Charter Revisions.	Representative Bumgardner
<u>HB 184</u>	Certain Towns/Sewer Fee Collections.	Representative C. Graham
		Representative Brisson
		Representative Pierce
		Representative G. Graham
<u>HB 198</u>	City & County Authority.	Representative B. Richardson





Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:31 AM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

HB 153                      Filling Vacancy/Onslow County Board of Comm.  
Draft Number:              None  
Serial Referral:            None  
Recommended Referral:    None  
Long Title Amended:      No  
Floor Manager:            Cleveland

**FAVORABLE AND RE-REFERRED**

HB 154                      Gastonia Charter Revisions.  
Draft Number:              None  
**Serial Referral:            FINANCE**  
Recommended Referral:    None  
Long Title Amended:      No  
Floor Manager:            Bumgardner

HB 184                      Certain Towns/Sewer Fee Collections.  
Draft Number:              None  
**Serial Referral:            FINANCE**  
Recommended Referral:    None  
Long Title Amended:      No  
Floor Manager:            C. Graham

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL**

HB 45                        Roanoke Island Fire District Changes.  
Draft Number:              H45-PCS10130-BDx-4  
Serial Referral:            None  
Recommended Referral:    None  
Long Title Amended:      No  
Floor Manager:            Boswell

HB 111                      Winston-Salem/Service by Publication Cost.  
Draft Number:              H111-PCS30160-BK-5  
Serial Referral:            None  
Recommended Referral:    None  
Long Title Amended:      No  
Floor Manager:            Conrad



\* C M R 7 8 - V - 1 \*



## FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 198

Repeal Centerville Charter.

Draft Number: H198-PCS30161-RW-4

Serial Referral: None

**Recommended Referral: FINANCE**

Long Title Amended: No

Floor Manager: B. Richardson

TOTAL REPORTED: 6



\* C M R 7 8 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, March 15, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 198	Repeal Centerville Charter	Representative B. Richardson
HB 45	Roanoke Island Fire District Changes.	Representative Boswell
HB 111	Winston-Salem/Service by Publication Cost.	Representative Conrad
		Representative Lambeth
		Representative Terry
		Representative Hanes
HB 153	Filling Vacancy/Onslow County Board of Comm.	Representative Cleveland
		Representative Shepard
		Representative Millis
HB 154	Gastonia Charter Revisions.	Representative Bumgardner
HB 184	Certain Towns/Sewer Fee Collections.	Representative C. Graham
		Representative Brisson
		Representative Pierce
		Representative G. Graham

**Presentations**

**Other Business**

**Adjournment**





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 198\*

Short Title: Repeal Centerville Charter. (Local)

Sponsors: Representative B. Richardson.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

February 28, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE CHARTER OF THE TOWN OF CENTERVILLE IN FRANKLIN  
3 COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Chapter 695 of the Session Laws of 1965 is repealed.  
6 SECTION 2. This act is effective when it becomes law, except that the governing  
7 board of the Town of Centerville as of the date this act becomes law is continued in office for 30  
8 days thereafter for the sole purpose of liquidating the assets and liabilities of the Town and filing  
9 any financial reports that may be required by law. Any net assets of the Town shall be paid over to  
10 Centerville Fire Department, which shall use those funds for some public purpose.



\* H 1 9 8 - V - 1 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 198  
PROPOSED COMMITTEE SUBSTITUTE H198-CSRW-4 [v.2]  
03/14/2017 02:28:14 PM

Short Title: Repeal Centerville Charter. (Local)

Sponsors:

Referred to:

February 28, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE CHARTER OF THE TOWN OF CENTERVILLE IN  
3 FRANKLIN COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Chapter 695 of the Session Laws of 1965 is repealed.  
6 **SECTION 2.** The governing board of the Town of Centerville as of the date this  
7 act becomes law is continued in office for 30 days after the date it completes liquidation of the  
8 Town's assets and liabilities, and submits its final audit to the Department of State Treasurer  
9 and any other financial reports that may be required by law.  
10 **SECTION 3.** Any net assets of the Town shall be paid over to Fire and Rescue  
11 Association, Inc. of Centerville, North Carolina, which shall use those funds for some public  
12 purpose.  
13 **SECTION 4.** This act is effective when it becomes law.



\* H 1 9 8 - C S R W - 4 \*





## HOUSE BILL 198: Repeal Centerville Charter.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. B. Richardson  
**Analysis of:** PCS to First Edition  
H198-CSRW-4

**Date:** March 14, 2017  
**Prepared by:** Giles Perry  
Staff Attorney

**OVERVIEW:** *House Bill 198 (proposed committee substitute) repeals the Charter of the Town of Centerville.*

*The proposed committee substitute makes two changes: it clarifies that the Town governing board continues in office for 30 days after the date it submits its final audit to the Department of State Treasurer, and specifies the legal name of the Centerville Fire Department.*

[As introduced, this bill was identical to S122, as introduced by Sen. Barefoot, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** The Town of Centerville in Franklin County was established by act of General Assembly in 1965. The Town had a population of 89 persons according to the 2010 Census. The Town has no outstanding debt, according to the Local Government Commission of the Office of State Treasurer.

**BILL ANALYSIS:** House Bill 198 (PCS):

- Repeals the Charter of the Town of Centerville.
- Provides that that the Town governing board continues in office for 30 days after the date it completes liquidation of the Town's assets and liabilities, and submits its final audit to the Department of State Treasurer and any other financial reports that may be required by law.
- Provides that any remaining assets of the Town will be transferred to the Fire and Rescue Association, Inc. of Centerville, North Carolina, and requires them to use the funds for a public purpose.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 45\*

Short Title: Roanoke Island Fire District Changes.

(Local)

Sponsors: Representative Boswell.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

February 8, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE ROANOKE ISLAND VOLUNTEER FIRE  
DEPARTMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 246 of the Public-Local Laws of 1937 reads as rewritten:

"AN ACT TO CREATE A FIRE DISTRICT FOR THE PURPOSE OF LEVYING TAXES  
THEREIN CONSISTING OF ROANOKE ISLAND OUTSIDE OF MANTEO AND  
AUTHORIZING COOPERATION WITH MANTEO IN FIRE PROTECTION.

...

**"SECTION 3.** That the Board of Commissioners of Dare County are authorized, empowered  
and directed to cause to be paid over to the ~~governing authorities of the Town of Manteo~~ Roanoke  
Island Volunteer Fire Department or its successor all of the proceeds of taxes so levied and  
collected under the authority of this Act, and said taxes so levied and collected shall be used  
exclusively for said purpose.

**"SECTION 4.** ~~That the governing authorities of the Town of Manteo are~~ That the Roanoke  
Island Volunteer Fire Department or its successor is authorized and empowered to receive the  
funds collected from taxes levied as aforesaid and use said funds exclusively for the purpose of  
providing fire equipment, maintaining same, and providing fire protection within the fire district  
herein organized, or using the same in conjunction with taxes levied and collected by the Town of  
Manteo and used for maintaining the fire department. ~~The Town of Manteo~~ Roanoke Island  
Volunteer Fire Department or its successor is hereby fully authorized and empowered to provide  
fire protection within the said fire district and make provision for the purchase of suitable  
firefighting equipment, which may be necessary for providing reasonable fire protection within  
said territory. Firefighting equipment purchased by funds from taxation within said district shall  
remain the property of the said district and shall be plainly designated by proper markings thereon  
indicating ownership thereof, but same shall be and remain in the custody and control of the ~~Town  
of Manteo~~ Roanoke Island Volunteer Fire Department or its successor for use by its fire  
department which shall serve jointly the Town of Manteo and said fire district.

**"SECTION 5.** ~~The governing authorities of the Town of Manteo~~ The Roanoke Island  
Volunteer Fire Department or its successor shall annually on or before the first day of June in each  
year, make a report to the Board of Commissioners of Dare County, giving full information as to  
funds received from the taxes herein levied and the use and application thereof, and shall at the  
same time furnish to the said Board of Commissioners of Dare County a report covering the  
activities authorized by and under the provisions of this Act.

...."



\* H 4 5 - V - 1 \*





1           **SECTION 2.** This act is effective when it becomes law and applies to taxes levied or  
2 collected on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 45  
PROPOSED COMMITTEE SUBSTITUTE H45-CSBDx-4 [v.1]

02/22/2017 09:39:48 AM

Short Title: Roanoke Island Fire District Changes.

(Local)

Sponsors:

Referred to:

February 8, 2017

A BILL TO BE ENTITLED  
AN ACT TO CLARIFY THE AUTHORITY OF THE ROANOKE ISLAND VOLUNTEER FIRE  
DEPARTMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 246 of the Public-Local Laws of 1937 reads as rewritten:

"AN ACT TO CREATE A FIRE DISTRICT FOR THE PURPOSE OF LEVYING TAXES  
THEREIN CONSISTING OF ROANOKE ISLAND OUTSIDE OF MANTEO AND  
AUTHORIZING COOPERATION WITH MANTEO IN FIRE PROTECTION.

...  
"SECTION 3. That the Board of Commissioners of Dare County are authorized, empowered  
and directed to cause to be paid over to the ~~governing authorities of the Town of Manteo~~ Roanoke  
Island Volunteer Fire Department or its successor all of the proceeds of taxes so levied and  
collected under the authority of this Act, and said taxes so levied and collected shall be used  
exclusively for said purpose.

"SECTION 4. ~~That the governing authorities of the Town of Manteo are~~ That the Roanoke  
Island Volunteer Fire Department or its successor is authorized and empowered to receive the  
funds collected from taxes levied as aforesaid and use said funds exclusively for the purpose of  
providing fire equipment, maintaining same, and providing fire protection within the fire district  
herein organized, or using the same in conjunction with taxes levied and collected by the Town of  
Manteo and used for maintaining its fire department. The ~~Town of Manteo~~ Roanoke Island  
Volunteer Fire Department or its successor is hereby fully authorized and empowered to provide  
fire protection within the said fire district and make provision for the purchase of suitable  
firefighting equipment, which may be necessary for providing reasonable fire protection within  
said territory. Firefighting equipment purchased by funds from taxation within said district shall  
remain the property of the said district and shall be plainly designated by proper markings thereon  
indicating ownership thereof, but same shall be and remain in the custody and control of the ~~Town  
of Manteo~~ Roanoke Island Volunteer Fire Department or its successor for use by ~~its~~ the fire  
department which shall serve jointly the Town of Manteo and said fire district.

"SECTION 5. ~~The governing authorities of the Town of Manteo~~ The Roanoke Island  
Volunteer Fire Department or its successor shall annually on or before the first day of June in each  
year, make a report to the Board of Commissioners of Dare County, giving full information as to  
funds received from the taxes herein levied and the use and application thereof, and shall at the  
same time furnish to the said Board of Commissioners of Dare County a report covering the  
activities authorized by and under the provisions of this Act.

...."





1           **SECTION 2.** This act is effective when it becomes law and applies to taxes levied or  
2 collected on or after that date.





## HOUSE BILL 45: Roanoke Island Fire District Changes.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Boswell  
**Analysis of:** PCS to First Edition  
H45-CSBDx-4

**Date:** March 14, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 45 (proposed committee substitute) clarifies the authority of the Dare County Board of Commissioners to pay, and the Roanoke Island Volunteer Fire Department (RIVFD) to receive, taxes collected from the Roanoke Island Fire District.*

*The PCS made two technical changes namely (i) to conform a word in one place to the original language of S.L. 1937-246, and (ii) to change the word "its" to the word "the" in one location.*

*The bill is effective when it becomes law and applies to taxes levied or collected after that date.*

*[As introduced, this bill was identical to S37, as introduced by Sen. Cook, which is currently in the Senate Committee on Finance.]*

**CURRENT LAW:** The Roanoke Island Fire District, consisting of all of Roanoke Island except the corporate limits of the Town of Manteo, was created in 1937 by S.L. 1937-246 to provide fire protection for the district funded by a district tax levied by the Dare County Board of Commissioners. Fire protection was originally provided by the Town of Manteo and it was authorized to receive the tax funds for use in providing and maintaining fire equipment and providing fire protection within the district.

**BILL ANALYSIS:** House Bill 45 (proposed committee substitute) amends S.L. 1937-246 to clarify that the Dare County Board of Commissioners is authorized to pay over to the RIVFD, or its successor, the proceeds of the district fire tax with the tax collected to be used exclusively for that purpose. The bill clarifies that the RIVFD, or its successor, is empowered to receive the funds which are to be used exclusively for providing and maintaining fire equipment and providing fire protection within the district. Firefighting equipment purchased by district tax funds is property of the fire district but under the custody and control of the RIVFD, or its successor. The bill requires the RIVFD, or its successor, to provide an annual accounting of the use and application of the funds to the Dare County Board of Commissioners.

**EFFECTIVE DATE:** The bill is effective when it becomes law and applies to taxes levied or collected after that date.

**BACKGROUND:** In 1974 the Manteo Fire Department and the Wanchese Fire Department merged to form the Roanoke Island Volunteer Fire Department, Inc., a North Carolina non-profit corporation.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 111\*

Short Title: Winston-Salem/Service by Publication Cost. (Local)

Sponsors: Representatives Conrad, Lambeth, Terry, and Hanes (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

February 16, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT THE CITY OF WINSTON-SALEM MAY RECOVER THE  
3 COST OF SERVING COMPLAINTS AND ORDERS BY PUBLICATION IN HOUSING  
4 CODE ENFORCEMENT CASES.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.** G.S. 160A-443 reads as rewritten:  
7 "**§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of public**  
8 **officer.**  
9 ...  
10 (6) Liens. —  
11 a. That the amount of the cost of service of complaints and orders by  
12 publication, repairs, alterations or improvements, or vacating and  
13 closing, or removal or demolition by the public officer shall be a lien  
14 against the real property upon which the cost was incurred, which lien  
15 shall be filed, have the same priority, and be collected as the lien for  
16 special assessment provided in Article 10 of this Chapter.  
17 ...."  
18 **SECTION 2.** This act applies to the City of Winston-Salem only.  
19 **SECTION 3.** This act is effective when it becomes law.



\* H 1 1 1 - V - 1 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 111  
PROPOSED COMMITTEE SUBSTITUTE H111-CSBK-5 [v.1]

03/10/2017 09:55:37 AM

Short Title: Winston-Salem/Service by Publication Cost.

(Local)

Sponsors:

Referred to:

February 16, 2017

A BILL TO BE ENTITLED  
AN ACT PROVIDING THAT THE CITY OF WINSTON-SALEM MAY RECOVER THE  
COST OF SERVING COMPLAINTS AND ORDERS BY PUBLICATION IN HOUSING  
CODE ENFORCEMENT CASES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-443 reads as rewritten:

**"§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of public officer.**

...

(6) Liens. —

a. That the amount of the actual cost of service of complaints and orders by publication, repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of this Chapter.

...."

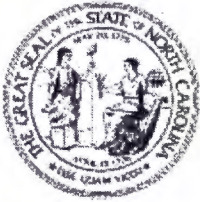
**SECTION 2.** This act applies to the City of Winston-Salem only.

**SECTION 3.** This act is effective when it becomes law, and applies to complaints or orders pursuant to Part 6 of Article 19 of Chapter 160A issued on or after that date.



★ H 1 1 1 - C S B K - 5 ★





# HOUSE BILL 111: Winston-Salem/Service by Publication Cost.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	March 15, 2017
<b>Introduced by:</b>	Reps. Conrad, Lambeth, Terry, Hanes	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H111-CSBK-5		Jessica Sammons Committee Co-Counsel

**OVERVIEW:** *House Bill 111 (Proposed Committee Substitute) allows the City of Winston-Salem to include the amount of cost of service of complaints and orders by publication to the list of costs that may be a lien against the property when enforcing its minimum housing ordinance.*

*The PCS specifies that the amount that may be a lien against the property is the actual amount of cost incurred, and clarifies that the act is effective when it becomes law, and applies to complaints or orders issued on or after that date.*

[As introduced, this bill was identical to S51, as introduced by Sens. Lowe, Krawiec, which is currently in Senate State and Local Government.]

**CURRENT LAW:** Part 6 of Article 19 of Chapter 160A, Minimum Housing Standards, authorizes cities and counties to exercise its police power to repair, close, or demolish dwellings found to be unfit for human habitation, and to provide by ordinance for the repair, closing or demolition of any abandoned structure found to be a health or safety hazard.

If a county or city opts to adopt a minimum housing standard ordinance, enforcement may be triggered by any of the following:

- A public authority, meaning any housing authority or officer who is in charge of any department related to health, fire, building regulations, or other activities concerning dwellings, may file a petition charging that the dwelling is unfit for human habitation.
- Five or more residents may file a petition charging that the dwelling is unfit for human habitation.
- It appears to the public officer, on his or her own motion, that the dwelling is unfit of human habitation.

If the designated public officer's preliminary investigation discloses a basis for a charge that the dwelling is unfit for human habitation, the public officer must issue and serve a complaint. The property owner and parties in interest then have an opportunity for notice and hearing in a proceeding before the county or city, not in the court system.

If, after notice and hearing, the public officer determines that the dwelling is unfit for human habitation, the public officer must order the property owner to do one of the following:

- (1) Repair, alter, or improve the dwelling if it can be done at a reasonable cost in relation to the value of the dwelling within a specified time.

Karen Cochrane-Brown  
Director



Legislative Analysis  
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919-733-2578



# House PCS 111

Page 2

- (2) Remove or demolish the dwelling if the repair, alteration, or improvement cannot be made at a reasonable cost in relation to the value of the dwelling within the specified time. If the dwelling is located within a historic district of a city, additional input as to the outcome is granted to the Historic District Commission of the county or city.

If the owner fails to comply with the public officer's order, the public officer may cause the dwelling to be repaired, altered, improved, closed, demolished, or removed, depending on the order issued. G.S. 160A-443.

By function of the statute, the amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition become a lien against the property. The lien is collected in the same manner, and same priority, as a lien for a special assessment, meaning:

- It may be foreclosed as a tax lien.
- The county or city is not entitled to a deficiency judgment in an action to foreclose the lien.
- The lien is inferior to all prior and subsequent liens for State, local, and federal taxes and superior to all other liens. G.S. 160A-233 and G.S. 160A-443.

With respect to service, the complaints and all notices and orders are to be served personally or by registered or certified mail. If the identities of the owners or their whereabouts are unknown, and cannot be ascertained by the exercise of due diligence, the public officer may serve by publication in a newspaper having general circulation in the county/city at least once no later than the time at which personal service would be required. If service is made by publication, a notice of the pending proceedings must be posted in a conspicuous place on the premises at issue. G.S. 160A-445.

**BILL ANALYSIS:** House Bill 111 (Proposed Committee Substitute) allows the City of Winston-Salem, in cases enforcing its minimum housing ordinance, to include the amount of cost of service of complaints and orders by publication to the list of costs that may be a lien against the property under G.S. 160A-443(6), in addition to the amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition of the property.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 153

Short Title: Filling Vacancy/Onslow County Board of Comm. (Local)

Sponsors: Representatives Cleveland, Shepard, and Millis (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

February 22, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT VACANCIES ON THE ONSLOW COUNTY BOARD OF  
3 COMMISSIONERS ARE FILLED IN ACCORDANCE WITH G.S. 153A-27.1.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** G.S. 153A-27.1(h) reads as rewritten:  
6 "(h) This section shall apply only in the following counties: Alamance, Alexander,  
7 Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay,  
8 Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood,  
9 Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore,  
10 Onslow, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes,  
11 Transylvania, and Yancey."  
12 **SECTION 2.** This act applies to Onslow County only.  
13 **SECTION 3.** This act is effective when it becomes law and applies to vacancies filled  
14 on or after that date.



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# House Bill 153

Page 2

nominee of the executive committee of the relevant political party if the recommendation is made within 30 days after the seat becomes vacant.

The main difference between the two processes is that for those counties subject to G.S. 153A-27.1, the appointing authority is bound by the recommendation of the relevant political party, if that recommendation is made within 30 days of the vacancy.<sup>1</sup>

## Length of Appointee's Term:

Both G.S. 153A-27 and G.S. 153A-27.1 have the same rules regarding the length of the appointee's term, regardless of who selects the appointee. How long the appointed commissioner will serve depends on the term of the vacating member and when the vacancy occurs during that term, summarized in the following chart:

Term of Vacating Member:	Term of Appointee:
Departing member was serving 2 year term and vacates office during the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4 year term and vacates office later than 60 days before the next general election held after the first two years of the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4 year term and vacates office more than 60 days before the next general election.	Appointee will serve until first Monday in December following the next general election. Person elected at next general election will serve for the remainder of the unexpired term.

**BILL ANALYSIS:** House Bill 153 adds Onslow County to the list of counties in which G.S. 153A-27.1 applies, meaning that when a member who was elected as a nominee of a political party vacates their board of commissioners' seat in Onslow County, the appointing authority is bound by the recommendation of the relevant political party, if that recommendation is made within 30 days of the vacancy.

**EFFECTIVE DATE:** Effective when it becomes law and applies to vacancies filled on or after that date.

**BACKGROUND:** House Bill 119, which has been ratified and presented to the Governor for signature, would clarify that, in the event of a vacancy during a four-year county board of commissioners' term, the length of the appointment to fill the vacancy is determined by the date of the next general election for county commissioner, not just a general election in which all precincts are open on election day.

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<sup>1</sup>G.S. 153A-27.1 applies in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 154

Short Title: Gastonia Charter Revisions.

(Local)

Sponsors: Representative Bumgardner.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

February 22, 2017

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF GASTONIA.  
The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the City of Gastonia is revised and consolidated to read:

"THE CHARTER OF THE CITY OF GASTONIA.

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

"Section 1.1. **Incorporation.** The City of Gastonia, North Carolina, in Gaston County and its inhabitants shall continue to be a municipal body politic and corporate, under the name of the "City of Gastonia," hereinafter also referred to as the "City."

"Sec. 1.2. **Powers.** The City has and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Gastonia 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.

"Sec. 1.3. **Corporate Limits.** The corporate limits are those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current boundaries, is maintained permanently in the office of the City Clerk and is available for public inspection. Within a reasonable time upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made and copies of the changes shall be filed in the Office of the Secretary of State, the Gaston County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **Mayor and City Council.** The Mayor and the City Council comprise the governing body of the City. The City Council is referred to hereinafter as the "Council."

"Sec. 2.2. **City Council Composition; Terms of Office.** The Council is composed of six members who reside in the respective wards as provided in Article III of this Charter, but who are elected by all the qualified voters of the City for terms of four years or until their successors are elected and qualified. The three Council members elected from Wards 1, 2, and 5 in 2017 shall serve for terms of four years, and the three Council members elected from Wards 3, 4, and 6 in 2019 shall serve for terms of four years.

"Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the qualified voters of the City for a term of two years or until a successor is elected and qualified. The Mayor is the official head of the City government and presides at meetings of the Council, has the right to vote on all matters before the Council, but is not required to vote except when the Mayor's vote is necessary for determinative action. The Mayor exercises powers and duties conferred by law or as







1 directed by the Council. Failure of the Mayor to vote when present, or when the Mayor has not  
2 been excused, on any such matter when the Mayor's vote is required by this section, is deemed an  
3 affirmative vote and shall be so recorded.

4 "Sec. 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as Mayor Pro  
5 Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in  
6 accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure  
7 of the other members of the Council.

8 "Sec. 2.5. **Meetings.** In accordance with general law, the Council shall establish a suitable time  
9 and place for its regular meetings. Special and emergency meetings may be held as provided by  
10 general law.

11 "Sec. 2.6. **Voting Requirements; Quorum.** Unless otherwise stated herein, official actions of  
12 the Council and all votes are taken in accordance with the applicable provisions of general law,  
13 particularly G.S. 160A-75. A quorum is as provided in G.S. 160A-74.

14 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and  
15 qualifications of the Mayor and Council are in accordance with general law. Vacancies that occur  
16 in any elective office of the City are filled as provided in G.S. 160A-63.

17 "ARTICLE III. ELECTIONS.

18 "Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each  
19 odd-numbered year in accordance with the uniform municipal election laws of North Carolina.  
20 Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan  
21 plurality method as provided in G.S. 163-292. For purpose of election of Council members, the  
22 City is divided into six geographical subdivisions known as wards, provided that all qualified  
23 voters of the City may cast a vote for each seat. The wards are numbered from one to six and are  
24 as shown on the existing official map of the City or of the election wards, as they may be revised  
25 from time to time.

26 "Sec. 3.2. **Election of Council.** All Council members elected shall serve for terms of four  
27 years as elected in staggered biennial elections. The three Council members elected from Wards 1,  
28 2, and 5 in 2017 shall serve for terms of four years, and the three Council members elected from  
29 Wards 3, 4, and 6 in 2019 shall serve for terms of four years. Each Council member shall be a  
30 resident of the ward he or she represents.

31 "Sec. 3.3. **Election of Mayor.** A Mayor shall be elected every two years, beginning in  
32 November 2017, in each regular municipal election.

33 "Sec. 3.4. **Special Elections and Referendums.** Special elections and referendums may be  
34 held only as provided by general law or applicable local acts of the General Assembly.

35 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION, CITY MANAGER.

36 "Sec. 4.1. **Form of Government.** The City operates under the council-manager form of  
37 government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

38 "Sec. 4.2. **City Manager.** The Council appoints a City Manager who is responsible for the  
39 administration of all departments of the City government. The City Manager has all the powers  
40 and duties conferred by general law, except as expressly limited by the provisions of this Charter,  
41 and the additional powers and duties conferred by the Council, so far as authorized by general law.  
42 The Council shall hold the City Manager responsible for the proper management of the affairs of  
43 the City, and the City Manager shall keep the Council informed of the needs and conditions of the  
44 City and shall make such reports and recommendations as may be requested by the Council or as  
45 the City Manager deems necessary. Neither the Mayor, the City Council, or any member of the  
46 City Council shall publicly or privately direct the conduct or activities of any City employee,  
47 either directly or indirectly, except through the City Manager.

48 "Sec. 4.3. **Approval and Execution of Contracts.** The Council may adopt an ordinance that  
49 delegates to the City Manager the authority to award, approve, and execute certain contracts, as  
50 reviewed by the City Attorney, on behalf of the City. This authority of the City Manager to award,  
51 approve, and execute certain contracts shall be subject to the terms, conditions, and limitations as





1 set forth by the Council in the ordinance, and the ordinance shall require that all contracts  
2 awarded, approved, and executed pursuant to that authority be reported by the City Manager to the  
3 Council in a timely manner.

4 "Sec. 4.4. **Settlement of Claims.** The City Manager may, upon written recommendation of the  
5 City Attorney, execute releases of persons, firms, and corporations for damages to personal  
6 property belonging to the City, when the full amount of damages to the property has been  
7 ascertained and that amount has been paid in full to the City.

8 The Council may adopt an ordinance that delegates to the City Manager the authority, upon  
9 written recommendation from the City Attorney, to approve settlements on behalf of the City in all  
10 claims or lawsuits of any kind or nature involving the City, including land condemnation lawsuits,  
11 and to execute any and all documents necessary for the settlement of those claims or lawsuits,  
12 when the monetary amount involved does not exceed an amount set forth by the Council in the  
13 ordinance. All such settlements shall be reported to the City Council in a timely manner and shall  
14 be subject to the applicable provisions of the Public Records law as set forth in Chapter 132 of the  
15 General Statutes.

16 "ARTICLE V. OTHER OFFICES AND POSITIONS.

17 "Sec. 5.1. **City Attorney.** The Council shall appoint a City Attorney licensed to practice law in  
18 North Carolina. It is the duty of the City Attorney to represent the City, advise City officials, and  
19 perform other duties required by law, or as the Council may direct. The Council may appoint or  
20 provide for one or more associate or assistant city attorneys who shall receive such compensation  
21 as may be fixed by the Council and who shall have full authority to exercise and perform any of  
22 the powers and duties of the City Attorney that may be specified by the Council or the City  
23 Attorney.

24 "Sec. 5.2. **City Clerk.** The Council shall appoint a City Clerk to keep a journal of the  
25 proceedings of the Council, to maintain official records and documents, to give notice of meetings,  
26 and to perform such other duties required by law, or as the City Manager may direct. The City  
27 Clerk shall report to the City Manager.

28 "Sec. 5.3. **Tax Collector.** The Council shall appoint a Tax Collector pursuant to G.S. 105-349  
29 to collect all taxes owed to the City, subject to general law, this Charter, and City ordinances.  
30 Pursuant to an interlocal agreement as authorized by general law, the Council may appoint the Tax  
31 Collector of Gaston County as the City's Tax Collector.

32 "Sec. 5.4. **Other Administrative Officers and Employees.** The Council may authorize other  
33 positions to be filled by appointment by the City Manager, and may organize the City government  
34 as deemed appropriate, subject to the requirements of general law.

35 "ARTICLE VI. PUBLIC IMPROVEMENTS.

36 "Sec. 6.1. **Planting Strip and Driveway Maintenance.** It is the responsibility of the abutting  
37 property owner to maintain any property or driveway between the property line and the edge of the  
38 pavement or the curb of a paved street.

39 "ARTICLE VII. HOUSING MATTERS.

40 "Sec. 7.1. **Gastonia Fair Housing Act.** The Gastonia Fair Housing Act shall continue as  
41 authorized by Chapter 902, Session Laws of 1985, as amended by Chapter 931, Session Laws of  
42 1987, and Chapter 510, Session Laws of 1989.

43 "Sec. 7.2. **Designation of Rental Property Owner's Agent for Service of Process.** The City  
44 Council may, by ordinance, require that each owner of rental property within the city authorize a  
45 person residing in Gaston County to serve as the owner's agent for the purpose of accepting  
46 service of process in an action involving a violation of an ordinance adopted under Part 5 or 6 of  
47 Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form supplied  
48 by the City, the authorized agent's name, address, and phone number and shall notify the City of  
49 any changes in the information provided not more than 10 days after such changes occur. Nothing  
50 in this section shall require an owner to designate an agent to accept service of process where the  
51 owner of the rental property resides within Gaston County.



1 "ARTICLE VIII. MISCELLANEOUS PROVISIONS.

2 "Sec. 8.1. **Alcoholic Beverages.** The City of Gastonia Board of Alcoholic Beverage Control  
3 shall consist of five members appointed for three-year overlapping terms as originally authorized  
4 by Chapter 910, Session Laws of 1971, before the effective date of Chapter 18B of the General  
5 Statutes. Otherwise, the City of Gastonia Board of Alcoholic Beverage Control shall be subject to  
6 the provisions of Article 7 of Chapter 18B of the General Statutes of North Carolina.

7 "Sec. 8.2. **Lease of City Property.** As originally authorized by Chapter 910, Session Laws of  
8 1971, notwithstanding the provisions of G.S. 160A-272, the Council may lease property owned by  
9 the City for a period not to exceed 15 years without following the procedures authorized for the  
10 sale of real property.

11 "Sec. 8.3. **Organization, Operation, and Dissolution of Municipal Bodies.** The Council  
12 shall have the authority to provide for the organization, operation, and dissolution of all  
13 governmental bodies of the City, except as limited by law.

14 "Sec. 8.4. **Annexation Agreements.** In addition to the authority contained in general law, the  
15 City may enter into annexation agreements with other municipalities as authorized by Chapter  
16 204, Session Laws of 1987. To that end, the two shall be considered concurrent sources of  
17 authority."

18 **SECTION 2.** The purpose of this act is to revise the Charter of the City of Gastonia  
19 and to consolidate certain acts concerning the property, affairs, and government of the City. It is  
20 intended to continue without interruption those provisions of prior acts that are expressly  
21 consolidated into this act, so that all rights and liabilities that have accrued are preserved and may  
22 be enforced.

23 **SECTION 3.** The following acts, having served the purposes for which they were  
24 enacted or having been consolidated into this act, are expressly repealed:

25 Section 1 of Chapter 557 of the Session Laws of 1991.

26 Section 2 of Chapter 320 of the Session Laws of 1995.

27 **SECTION 4.** This act does not affect any rights or interests that arose under any  
28 provisions repealed by this act.

29 **SECTION 5.** All existing ordinances, resolutions, and other provisions of the City of  
30 Gastonia, not inconsistent with the provisions of this act, shall continue in effect until expressly  
31 repealed or amended.

32 **SECTION 6.** No action or proceeding pending on the effective date of this act, by or  
33 against the City or any of its departments or agencies, is abated or otherwise affected by this act.

34 **SECTION 7.** If any provision or application of this act is held invalid, such invalidity  
35 shall not affect other provisions or applications of this act that can be given effect without the  
36 invalid provision or application, and to this end, the provisions of this act are declared to be  
37 severable.

38 **SECTION 8.** Whenever a reference is made in this act to a particular provision of the  
39 General Statutes, and such provision is later amended, superseded, or recodified, the reference  
40 shall be deemed amended to refer to the amended General Statute, or to the General Statute that  
41 most clearly corresponds to the statutory provision that is superseded or recodified.

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





# HOUSE BILL 154: Gastonia Charter Revisions.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	March 13, 2017
<b>Introduced by:</b>	Rep. Bumgardner	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 154 revises and consolidates the Charter of the City of Gastonia.*

**CURRENT LAW:** The Charter of the City of Gastonia was last revised and consolidated in 1991.

**BILL ANALYSIS:** House Bill 154 revises and consolidates the Charter of the City of Gastonia, to conform the Charter to State law changes made since 1991, to include various changes to the Charter made by Session Law and by action of the City Council since 1991, and by making technical changes.

Specifically, the bill makes the following changes to the Charter:

- Section 2.6 – an obsolete reference to protest petitions is removed.
- Section 4.3 – language is added providing for general review authority of City contracts by the City Attorney, and delete repetitive language concerning City Manager review.
- Section 5.2 – language is added specifying that the City Clerk reports to the City Manager.
- Section 5.3 – a technical update, to add language setting out the current interlocal agreement appointing the tax collector of Gaston County as the City's tax collector
- Several Sections, Article 6 – several sections that previously set out a unique procedure for assessing, waiving, and providing exemptions for special assessments are repealed. As a result, the general State law procedure applicable for assessments will apply to Gastonia.
- Section 7.2 – sets out in the Charter an existing law applicable to Gastonia concerning designation of a rental property owner's agent for service of process.
- Article 8 – two obsolete sections concerning two previously abolished City employee retirement funds are repealed.
- Section 9.1 – public enterprise fee and charge lien authority is repealed.
- Section 9.4 – obsolete protest petition language is repealed.
- Section 9.5 – obsolete motor vehicle tax language is repealed. Superseded by G.S. 20-97.
- Section 9.7 – obsolete language about city offering rewards for criminal convictions is repealed.
- Section 9.8 – obsolete language concerning building setback lines is repealed.

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

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 184

Short Title: Certain Towns/Sewer Fee Collections. (Local)

Sponsors: Representatives C. Graham, Brisson, Pierce, and G. Graham (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

February 27, 2017

A BILL TO BE ENTITLED  
AN ACT AUTHORIZING THE TOWNS OF LA GRANGE, FAIRMONT, PROCTORVILLE,  
AND ST. PAULS TO BILL AND COLLECT FEES FOR SEWER SERVICES AS  
PROPERTY TAXES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-314 reads as rewritten:

**"§ 160A-314. Authority to fix and enforce rates.**

...

(a1) ...

(4) A city may adopt an ordinance providing that any fee imposed under this subsection may be billed with property taxes, may be payable in the same manner as property taxes, and, in the case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected. If an ordinance states that delinquent fees can be collected in the same manner as delinquent real property taxes, the fees are a lien on the real property described on the bill that includes the fee.

This subdivision applies only to the Cities of Creedmoor, Durham and Winston-Salem, the Towns of Butner, Fairmont, Garner, Kernersville, Knightdale, La Grange, Morrisville, Proctorville, St. Pauls, Stem, Wendell, and Zebulon, and the Village of Clemmons.

...."

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



\* H 1 8 4 - V - 1 \*







## HOUSE BILL 184: Certain Towns/Sewer Fee Collections.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	March 15, 2017
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Reps. C. Graham, Brisson, Pierce, G. Graham	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Jessica Sammons
			Committee Co-Counsel

---

**OVERVIEW:** *House Bill 184 authorizes the Towns of Fairmont, La Grange, Proctorville, and St. Pauls to collect delinquent fees for sewer services in the same manner that property taxes are collected. The act is effective when it becomes law.*

**CURRENT LAW:** Municipalities are authorized to acquire, construct, establish, maintain, own, operate, and contract for the operation of a "public enterprise," which includes wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities. G.S. 160A-311, G.S. 160A-312. Municipalities are authorized to establish a schedule of rates and fees for the use of or the services furnished by any public enterprise. G.S. 160A-314.

A municipality has the authority to collect delinquent accounts by any remedy provided by law for collecting and enforcing private debts. G.S. 160A-314(b). A municipality may discontinue service to any customer whose account remains delinquent for more than 10 days. G.S. 160A-314(b). A municipality may also use the debt set-off collection process to collect taxes, assessments, fees, fines, or any obligation owed to the city that is more than \$50.00. Chapter 105A.

Property taxes may be collected in the following ways:

- Placement of a lien on real and personal property, which is superior to all other liens.
- Sale of real or personal property.
- Attachment and garnishment of wages and bank accounts.

**BILL ANALYSIS:** House Bill 184 would authorize the Towns of Fairmont, La Grange, Proctorville, and St. Pauls to adopt an ordinance providing that any water fee, sewer fee, or stormwater management fee imposed by that Town may be billed and collected in the same manner as property taxes. If the ordinance adopted by the Town provides that delinquent fees may be collected in the same manner as delinquent real property taxes, then the delinquent fees are a lien on the real property described on the delinquent bill.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



# House Bill 184

Page 2

**BACKGROUND:** In addition, the following local legislation regarding delinquent water and sewer fees has been enacted:

- S.L. 1993-768: Authorizes City of Durham to collect delinquent water and sewer fees resulting from leaking or broken pipes of the real property owner in the same manner as property taxes.
- S.L. 2003-270: Authorizes Davie, Duplin, and Lenoir Counties, the municipalities in these counties, and in Columbus County, and water and wastewater authorities in Davie, Duplin, and Lenoir Counties to collect delinquent water and sewer fees in the same manner as delinquent property taxes.
- S.L. 2005-441: Authorizes the Village of Clemmons and the Town of Kernersville to collect delinquent stormwater utility fees in the same manner as delinquent property taxes.
- S.L. 2009-402: Authorizes Montgomery County to collect delinquent water and sewer fees in the same manner as delinquent property taxes.
- S.L. 2010-59: Authorizes the City of Locust and the Towns of New London and Stanfield to collect delinquent sewer fees in the same manner as delinquent property taxes.
- S.L. 2011-109: Authorizes the Towns of Garner, Knightdale, Morrisville, Wendell, and Zebulon and the Cities of Durham and Winton-Salem to collect delinquent stormwater utility fees in the same manner as delinquent property taxes.
- S.L. 2012-55: Authorizes Granville County, Person County, the City of Creedmoor, and the Towns of Butner and Stem to collect delinquent stormwater utility fees in the same manner as delinquent property taxes.
- S.L. 2013-253: Authorizes Camden County to collect delinquent stormwater utility fees in the same manner as delinquent property taxes.
- S.L. 2014-98: Authorizes the Town of Spindale and the Cape Fear Public Utility Authority to collect an unpaid sewer availability fee in the same manner as delinquent property taxes.

\*Erika Churchill, Attorney with the Legislative Analysis Division, substantially contributed to this summary.



Committee Sergeants at Arms

NAME OF COMMITTEE \_\_\_\_\_

DATE: \_\_\_\_\_ Room: \_\_\_\_\_

House Sgt-At Arms:

1. Name: REGGIE Sills
2. Name: MARVIN LEE
3. Name: TERRY McCRAW
4. Name: THOMAS TERRY
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_



1

**House Pages  
Assignments  
Wednesday, March 15, 2017  
Session: 2:00 PM**

Committee	Room	Time	Staff	Comments	Member
Health Care	643	10:00 AM	Eliza Hilton		Rep. Speaker Tim Moore
			Wilson Moore		Rep. Speaker Tim Moore
			Emily Pennington		Rep. Speaker Tim Moore
State and Local Government	544	10:00 AM	Jasmine Jones		Rep. Speaker Tim Moore
			Emily Kornegay		Rep. Speaker Tim Moore
			Hannah Lewis		Rep. Speaker Tim Moore





## VISITOR REGISTRATION SHEET

State of Local Gov.  
(Committee Name)

03-15-2017

Date \_\_\_\_\_

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

[illegible]



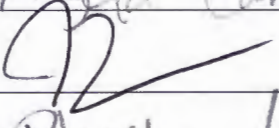
# VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government

~~6-14-2016~~

3/15/17

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

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Starnes	OST
Angela Cannon	City of WS
	MC
Phoebe Landon	MWG
GERY COHEN	NM



**House Committee on State and Local Government I**  
**Wednesday, March 29, 2017 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on March 29, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Ager, Brawley, Butler, Cleveland, Conrad, Farmer-Butterfield, Fisher, Gill, Pittman and Warren attended.

Select or Type Name of Presiding Chair, presided.

The following bills were considered:

The Committee considered House Bill (HB) 268 City of Belmont Charter Revisions (Representative Bumgardner). Representative Bumgardner was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for HB 268 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 290 Abolish Columbus County Coroner (Representative Brenden Jones). Representative Jones was recognized to present the bill. The committee discussed the bill. Representative Warren motioned for HB 290 to receive a favorable report and referral to the committee on Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 245 Amend W-S Charter/Certain Candidates (Representatives Conrad, Terry, Lambeth, Hanes). The chair motioned for the Proposed Committee Substitute (PCS) of HB 245 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Conrad was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for the PCS of HB 245 to receive a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 255 Cornelius Annexation (Representative Bradford). The chair motioned for the Proposed Committee Substitute (PCS) of HB 255 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Bradford was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for the PCS of HB 255 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 342 Creedmoor Charter Revised & Consolidated (Representative Yarborough). The chair motioned for the Proposed Committee Substitute (PCS) of HB 342 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Yarborough was recognized to present the bill; there



a favorable report and an unfavorable report as to the original bill with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 378 Bertie/Gates County/Ambulance Service (Representative Hunter). Representative Hunter was recognized to present the bill. The committee discussed the bill. Representative Farmer-Butterfield motioned for HB 378 to receive a favorable report. The Chair called for a voice vote and the motion carried.

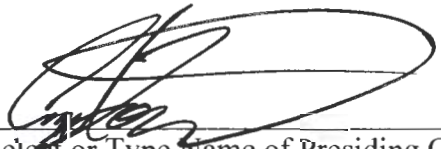
The Committee considered House Bill (HB) 397 Carolina Shores Deannexation (Representative Iler). Representative Iler was recognized to present the bill; there was no discussion on the bill. Representative Pittman motioned for HB 397 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

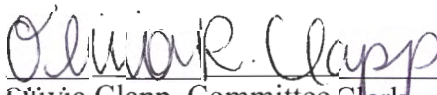
The Committee considered House Bill (HB) 293 Onslow/Pender Bd. Ed. Partisan/Swain Clarify (Representatives Cleveland, Shepard, Millis, Clampitt). The chair motioned for the Proposed Committee Substitute (PCS) of HB 293 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representatives Cleveland, Millis and Clampitt were recognized to present the bill. The committee discussed the bill. Representative Pittman motioned for the PCS of HB 293 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 265 Partisan Elections/Certain School Boards (Representatives Boswell, Presnell, Cleveland). Representatives Cleveland, Boswell and Presnell were recognized to present the bill. The committee discussed the bill. Representative Warren motioned for HB 265 to receive a favorable report with a referral to the committee on Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 262 Kannapolis Deannexation (Representative Ford). Vice-chairman Speciale presided over the remainder of the meeting. The chair motioned for the Proposed Committee Substitute (PCS) of HB 262 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Ford was recognized to present the bill; there was no discussion on the bill. Representative Pittman motioned for the PCS of HB 262 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:37 AM.

  
\_\_\_\_\_  
Select or Type Name of Presiding Chair  
Presiding

  
\_\_\_\_\_  
Olivia Clapp, Committee Clerk





**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, March 29, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 245	Amend W-S Charter/Certain Candidates.	Representative Conrad Representative Terry Representative Lambeth Representative Hanes Representative Bradford
HB 255	Cornelius Annexation.	Representative Bumgardner
HB 268	City of Belmont Charter Revisions.	Representative Brenden Jones
HB 290	Abolish Columbus County Coroner.	Representative Yarborough
HB 342	Creedmoor Charter Revised & Consolidated.	
HB 378	Bertie/Gates County/Ambulance Service.	Representative Hunter
HB 393	Mebane Charter Revised & Consolidated.	Representative Ross Representative Riddell
HB 397	Carolina Shores Deannexation.	Representative Iler
HB 293	Onslow Bd. Ed. Partisan/Swain Clarify Elect.	Representative Cleveland Representative Shepard Representative Millis Representative Clampitt
HB 265	Partisan Elections/Certain School Boards.	Representative Boswell Representative Presnell Representative Cleveland
HB 262	Kannapolis Deannexation.	Representative Ford



Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:20 AM on Monday, March 27, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

FAVORABLE

HB 378 Bertie/Gates County/Ambulance Service.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Hunter

FAVORABLE AND RE-REFERRED

HB 265 Partisan Elections/Certain School Boards.  
Draft Number: None  
**Serial Referral: ELECTIONS AND ETHICS LAW**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Boswell

HB 268 City of Belmont Charter Revisions.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Bumgardner

HB 290 Abolish Columbus County Coroner.  
Draft Number: None  
**Serial Referral: ELECTIONS AND ETHICS LAW**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Brenden Jones

HB 397 Carolina Shores Deannexation.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Iler



\* C M R 1 2 2 - V - 1 \*



## FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 245 Amend W-S Charter/Certain Candidates.  
Draft Number: H245-PCS10178-ST-5  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Conrad

## FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 255 Cornelius Annexation.  
Draft Number: H255-PCS10180-BDxr-10  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Bradford

HB 262 Kannapolis Deannexation.  
Draft Number: H262-PCS10181-BDx-14  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Ford

HB 293 Onslow Bd. Ed. Partisan/Swain Clarify Elect.  
Draft Number: H293-PCS10179-BK-9  
**Serial Referral: ELECTIONS AND ETHICS LAW**  
Recommended Referral: None  
Long Title Amended: Yes  
Floor Manager: Cleveland

HB 342 Creedmoor Charter Revised & Consolidated.  
Draft Number: H342-PCS10182-BDx-15  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Yarborough

TOTAL REPORTED: 10



\* C M R 1 2 2 - V - 1 \*





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 393

Mebane Charter Revised & Consolidated.

Draft Number: H393-PCS10183-BDx-12

**Serial Referral:** **FINANCE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Ross

TOTAL REPORTED: 1



\* C M R 1 2 7 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, March 29, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 268	City of Belmont Charter Revisions.	Representative Bumgardner
HB 245	Amend W-S Charter/Certain Candidates.	Representative Conrad Representative Terry Representative Lambeth Representative Hanes Representative Bradford Representative Brenden Jones Representative Yarborough
HB 255	Cornelius Annexation.	
HB 290	Abolish Columbus County Coroner.	
HB 342	Creedmoor Charter Revised & Consolidated.	
HB 378	Bertie/Gates County/Ambulance Service.	Representative Hunter
HB 393	Mebane Charter Revised & Consolidated.	Representative Ross Representative Riddell
HB 397	Carolina Shores Deannexation.	Representative Iler
HB 293	Onslow Bd. Ed. Partisan/Swain Clarify Elect.	Representative Cleveland Representative Shepard Representative Millis Representative Clampitt Representative Boswell Representative Presnell Representative Cleveland Representative Ford
HB 265	Partisan Elections/Certain School Boards.	
HB 262	Kannapolis Deannexation.	

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

1

HOUSE BILL 268

Short Title: City of Belmont Charter Revisions.

(Local)

Sponsors: Representative Bumgardner.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

March 8, 2017

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF BELMONT.  
The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the City of Belmont is revised and consolidated to read:

"THE CHARTER OF THE CITY OF BELMONT.

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

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

"Section 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Belmont 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 City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current municipal boundaries, shall be maintained permanently in the office of the City 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 Gaston County Register of Deeds, and the Gaston County Board of Elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **City Governing Body; Composition.** The City Council, hereinafter referred to as the "Council," and the Mayor shall be the governing body of the City.

"Section 2.2. **City Council; Composition; Terms of Office.** The Council shall be composed of five members, to be elected by all the qualified voters of the City, 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 City for a term of four years or until his or her successor is elected and qualified. The Mayor shall be the official head of the City government and preside at meetings of the Council, shall have the right to vote only when there is an equal division on any question or matter before the Council except as provided in Section 4.2 of this Charter, and shall exercise the powers and duties conferred by law or as directed by the Council.

"Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance





1 with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the  
2 Council.

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

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

9 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and  
10 qualifications of the Mayor and Council shall be in accordance with general law. Vacancies that  
11 occur in any elective office of the City shall be filled by majority vote of the remaining members  
12 of the Council and shall be filled in accordance with the provisions of G.S. 160A-63.

13 "ARTICLE III. ELECTIONS.

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

18 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal election in  
19 2017 and every four years thereafter.

20 "Section 3.3. **Election of Council.** In the regular municipal election in 2017 and quadrennially  
21 thereafter, two Council members shall be elected for four-year terms in those positions whose  
22 terms are then expiring. In the regular municipal election in 2019 and quadrennially thereafter,  
23 three Council members shall be elected for four-year terms in those positions whose terms are then  
24 expiring.

25 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda may be held  
26 only as provided by general law or applicable local acts of the General Assembly.

27 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

28 "Section 4.1. **Form of Government.** The City shall operate under the council-manager form  
29 of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

30 "Section 4.2. **City Manager; Appointment; Removal.** The Mayor and Council shall appoint  
31 a City Manager who shall be responsible for the administration of all departments of the City  
32 government. No person who has served as an elected official of the City shall be eligible for  
33 appointment as City Manager until at least one year has elapsed following the expiration of his or  
34 her term in the elective City office. In the selection of a City Manager, the Mayor and each  
35 Council member shall have one vote, with a tie vote to be deemed a vote against the proposed  
36 appointment. Likewise, the Mayor and each Council member shall have one vote in the removal of  
37 a City Manager, with a tie vote to be deemed a vote against the proposed removal.

38 "Section 4.3. **City Manager; Powers and Duties.** The City Manager shall have all the powers  
39 and duties conferred by general law, except as expressly limited by the provisions of this Charter,  
40 and the additional powers and duties conferred by the Council, so far as authorized by general law.

41 "Section 4.4. **Manager's Personnel Authority; Role of Elected Officials.** As chief  
42 administrator, the City Manager shall have the power to appoint, suspend, and remove all  
43 nonelected officers, department heads, and employees of the City, with the exception of the City  
44 Attorney and any other official whose appointment or removal is specifically vested in the Council  
45 by this Charter or by general law. Neither the Mayor nor the Council nor any of its committees or  
46 members shall take part in the appointment or removal of nonelected officers, department heads,  
47 or employees in the administrative service of the City, except as provided by this Charter. Except  
48 for the purpose of inquiry, or for consultation with the City Attorney, the Mayor and the Council  
49 and its members shall deal with officers and employees in the administrative service only through  
50 the Manager, Acting Manager, or Interim Manager, and neither the Mayor nor the Council nor any





of its members shall give orders or directions to any subordinate of the Manager, Acting Manager, or Interim Manager, either publicly or privately.

"Section 4.5. **City Attorney.** The Council shall appoint a City Attorney licensed to practice law in North Carolina. It shall be the duty of the City Attorney to represent the City, advise City officials, and perform other duties required by law or as the Council may direct.

"Section 4.6. **City Clerk.** The Manager shall appoint a City Clerk to keep a journal of the proceedings of the Board, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Manager may direct.

"Section 4.7. **Other Administrative Officers and Employees.** The Council may authorize other positions to be filled by appointment by the City Manager, and may organize the City government as deemed appropriate, subject to the requirements of general law.

"ARTICLE V. ADDITIONAL AUTHORITY.

"Section 5.1. **Special Assessments.** In addition to any authority granted by general law in Article 10 of Chapter 160A of the General Statutes, the City may continue to levy special assessments in accordance with the following acts of the General Assembly and any subsequent acts: Chapter 341 of the 1995 Session Laws, regarding assessments for water and sewer outside city limits by petition, and Session Laws 2005-111, regarding assessments for street lighting by petition.

"Section 5.2. **Occupancy Tax.** The City may continue to levy an occupancy tax as provided in Session Laws 2005-220 and any subsequent acts.

"Section 5.3. **Satellite Annexation.** With regard to voluntary noncontiguous annexations, the City shall continue to be exempt from the percentage area limitation contained in G.S. 160A-58.1(b)(5), as provided by Session Laws 2009-111, and any subsequent acts.

"Section 5.4. **Extraterritorial Jurisdiction.** The city may continue to exercise extraterritorial jurisdiction as provided in Chapter 596 of the 1991 Session Laws and any subsequent acts."

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

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

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

Chapter 97 of the Private Laws of 1895, except Section 2

Chapter 178 of the Private Laws of 1903, except Section 1

Chapter 189 of the Private Laws of 1913

Chapter 172 of the Private Laws of 1915

Chapter 184 of the Private Laws of 1925

Chapter 52 of the Private Laws of 1933

Chapter 38 of the 1945 Session Laws

Chapter 568 of the 1945 Session Laws

Chapter 419 of the 1967 Session Laws

Chapter 930 of the 1969 Session Laws

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

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



1           **SECTION 7.** All existing ordinances, resolutions, and other provisions of the City of  
2 Belmont not inconsistent with the provisions of this act shall continue in effect until repealed or  
3 amended.

4           **SECTION 8.** No action or proceeding pending on the effective date of this act by or  
5 against the City or any of its departments or agencies shall be abated or otherwise affected by this  
6 act.

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

11           **SECTION 10.** Whenever a reference is made in this act to a particular provision of  
12 the General Statutes, and such provision is later amended, superseded, or recodified, the reference  
13 shall be deemed amended to refer to the amended General Statute or to the General Statute that  
14 most clearly corresponds to the statutory provision that is superseded or recodified.

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





## HOUSE BILL 268: City of Belmont Charter Revisions.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government 1. If favorable, re-refer to Finance	<b>Date:</b>	March 24, 2017
<b>Introduced by:</b>	Rep. Bumgardner	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 268 revises and consolidates the City of Belmont Charter.*

**CURRENT LAW:** The City of Belmont was incorporated in 1895. Since that time, the Charter has been modified by three dozen acts of the General Assembly. The Charter has not been consolidated and updated into one document since 1895.

**BILL ANALYSIS:** House Bill 268 consolidates and updates the Charter of the City of Belmont.

Specifically, the Bill:

- Repeals the initial Charter, and replaces it with standard modern Charter provisions setting out the City's basic powers and name.
- Repeals street and sidewalk improvement and assessment Charter provisions unique to Belmont, substituting general State law.
- Repeals a force account limit in the Charter, substituting general State law.
- Repeals unique Charter provisions concerning implementation of the council-manager form of government.
- Incorporates by reference in the Charter *existing City powers* granted by various session laws concerning: the City's ETJ boundary, water and sewer and street lighting special assessment procedure, the City's occupancy tax, and its exemption from the 10% area limitation on voluntary satellite annexation.
- Repeals local acts on elections, police authority, and boxing that have been superseded by State law.
- Repeals obsolete local acts describing the City's boundaries.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 245\*

Short Title: Amend W-S Charter/Certain Candidates. (Local)

Sponsors: Representatives Conrad, Terry, Lambeth, and Hanes (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

March 6, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM TO  
ESTABLISH A UNIFORM PROCESS FOR THE ELECTION OF INDEPENDENT OR  
NONPARTISAN CANDIDATES IN MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Paragraph 6 of Section 12A of the Charter of the City of  
Winston-Salem, being Chapter 232 of the Private Laws of 1927, as amended by Chapter 13 of the  
1965 Session Laws, and by Ordinance dated January 6, 2003, reads as rewritten:

"Sec. 12A. Generally.

...

6. Independent or nonpartisan candidates; petition; affidavit of candidates; filing of petition;  
rules and regulations governing petitions. The Forsyth County Board of Elections shall include  
among the candidates for municipal office, as independent or nonpartisan candidates, the name of  
any qualified voter who has been requested to be a candidate for office ~~by written petitions signed  
by at least twenty five percent (25%) of those entitled to vote for a candidate for such office  
according to the vote cast in the last municipal election for the particular office, when such  
petition is accompanied by an affidavit from such proposed candidate that he seeks to become an  
independent or nonpartisan candidate and does not affiliate with any political party; provided, such  
petition is filed with the secretary of the board of elections on or before twelve o'clock Noon on  
the third Friday preceding the general municipal election for such office in accordance with the  
uniform municipal election laws under Subchapter IX of Chapter 163 of the General Statutes.~~

The board of elections may prescribe rules and regulations covering the information that shall  
be set out in the petition to be signed by the voters requesting a person to be a candidate for any  
such office, such as the giving of the full name of every such voter, the street address of such voter  
and any other pertinent information required to facilitate the checking of such petition against the  
registration books.

...."

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



\* H 2 4 5 - V - 1 \*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 245  
PROPOSED COMMITTEE SUBSTITUTE H245-CSST-5 [v.2]

03/28/2017 04:30:58 PM

Short Title: Amend W-S Charter/Certain Candidates.

(Local)

Sponsors:

Referred to:

March 6, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM TO  
ESTABLISH A UNIFORM PROCESS FOR THE ELECTION OF INDEPENDENT OR  
NONPARTISAN CANDIDATES IN MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Paragraph 6 of Section 12A of the Charter of the City of  
Winston-Salem, being Chapter 232 of the Private Laws of 1927, as amended by Chapter 13 of  
the 1965 Session Laws, and by Ordinance dated January 6, 2003, reads as rewritten:

"Sec. 12A. Generally.

...

6. Independent or nonpartisan candidates; petition; affidavit of candidates; filing of petition;  
rules and regulations governing petitions. ~~The Forsyth County Board of Elections shall include  
among the candidates for municipal office, as independent or nonpartisan candidates, the name  
of any qualified voter who has been requested to be a candidate for office by written petitions  
signed by at least twenty-five percent (25%) of those entitled to vote for a candidate for such  
office according to the vote cast in the last municipal election for the particular office, when  
such petition is accompanied by an affidavit from such proposed candidate that he seeks to  
become an independent or nonpartisan candidate and does not affiliate with any political party;  
provided, such petition is filed with the secretary of the board of elections on or before twelve  
o'clock Noon on the third Friday preceding the general municipal election for such office. Any  
candidate seeking nomination by petition for municipal office shall comply with the  
requirements of Article 11 of Chapter 163, provided -The the Forsyth County board of elections  
may prescribe rules and regulations governing the following:~~

(1) Setting the date and time completed petitions must be timely submitted for  
verification.

(2) ~~covering~~ Stating the information that shall be set out in the petition to be  
signed by the voters requesting a person to be a candidate for any such  
office, such as the giving of the full name of every such voter, the street  
address of such voter and any other pertinent information required to  
facilitate the checking of such petition against the registration books.

...."

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







# HOUSE BILL 245: Amend W-S Charter/Certain Candidates.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	March 29, 2017
<b>Introduced by:</b>	Reps. Conrad, Terry, Lambeth, Hanes	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
	H245-CSST-5		Committee Co-Counsel

**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 245 would change the process for unaffiliated candidates to petition to be listed on the ballot for a municipal office in the City of Winston-Salem, including the deadline to submit a written petition and the number of signatures required on that petition.*

*The PCS would allow the Forsyth County board of elections to set the date and time completed petitions must be submitted by unaffiliated candidates in advance of the Winston-Salem municipal election.*

[As introduced, this bill was identical to S181, as introduced by Sen. Lowe, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Officers for the City of Winston-Salem consist of a mayor and eight city council members, each elected on a partisan basis for a four-year term at the general election for county officers. City council members are elected from single-member wards by the voters in that ward. The next primaries and elections for mayor and city council members will occur in 2020, and every four years thereafter. The newly-elected mayor and city council members take office the first Monday in December following the election.

Paragraph 6 of Section 12A of the Charter of Winston-Salem provides the process for the Forsyth County Board of Elections to include an individual as an unaffiliated candidate on the ballot for a Winston-Salem municipal office. A qualified voter may be listed on the ballot as an unaffiliated candidate among the partisan candidates for Winston-Salem municipal office, provided he or she:

- Submits a written petition signed by at least 25% of all eligible voters for that office according to the vote cast in the last municipal election for that office (either county-wide for the mayor, or from the ward the individual seeks to represent for a city council member).
- Files the petition and accompanying affidavit with the secretary of the Forsyth County Board of Elections on or before noon on the third Friday preceding the general municipal election for that office. In 2016, this was Friday, October 21st. *For the 2016 general election, early one-stop voting began Thursday, October 20th, and absentee ballots had to be ready to mail out on Friday, September 9th.*

**BILL ANALYSIS:** The PCS for House Bill 245 would change the petition requirements in Winston-Salem for individuals who are not affiliated with a party or do not wish to be the party nominee of their political party and who seek to be included as a candidate for Winston-Salem municipal office to be in accordance with Article 11 of Chapter 163 of the General Statutes.

Karen Cochrane-Brown  
Director



Legislative Analysis  
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919-733-2578



## House PCS 245

*Page 2*

Because Winston-Salem conducts partisan municipal elections, G.S. 163-296 would dictate the general requirements for an individual to be listed on the ballot for a municipal office as an unaffiliated candidate. The Forsyth County board of elections would be able to set the date and time completed petitions must be submitted for verification.

For an individual to be listed on the ballot as an unaffiliated candidate in Winston-Salem, a written petition indicating support the individual's candidacy for a specified municipal office must signed by at least 4% of all voters qualified to vote in the municipal election according to the voter registration records of the State Board of Elections as of January 1 of the year the general municipal election is held. The petition should follow the form provided in G.S. 163-122(b), and must include any voter information required by the Forsyth County board of elections.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 255\*

Short Title: Cornelius Annexation. (Local)

Sponsors: Representative Bradford.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

March 7, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF  
3 THE TOWN OF CORNELIUS.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** The following described property, referenced by the Mecklenburg  
6 County Tax Office Parcel Identification Number, is added to the corporate limits of the Town of  
7 Cornelius:  
8 00513121 00541108 00502104  
9 00513126 00541102 00502127  
10 00513125 00541105 00502115  
11 00513202 00507104 00502103  
12 00502102 00541101 00533104  
13 00502122 00511105 00533105  
14 00504226 00507197 00533106  
15 00504C99 00507166 00533124  
16 00504225 00507118 00533102  
17 00504C98 00507116 00502109  
18 00504230 00507112 00502114  
19 00504C96 00503214 00502113  
20 00513122 00503206 00502111  
21 00513117 00503201 00502112  
22 00541107 00538386 00506102  
23 00502105 00503204 00502117  
24 00502106 00538385 00502125  
25 00502129 00503288 00502108  
26 00503211 00503209 00502118  
27 00114509 00507115 00513124  
28 00114522 00507114 00513107  
29 00511106 00507109 00513205  
30 00503208 00542301 00502116  
31 00538387 00507110 00182123  
32 00538388 00507119 00182124  
33 00513106 00506101 00182122  
34 00513120 00507117 00182121  
35 00513105 00506110 00182120



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





1	00513129	00506111	00182125
2	00513119	00502124	00182119
3	00513118	00502126	00182118.

4       **SECTION 2.** This act becomes effective June 30, 2017.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 255  
PROPOSED COMMITTEE SUBSTITUTE H255-CSBDxr-10 [v.1]  
03/21/2017 06:31:55 PM

Short Title: Cornelius Annexation.

(Local)

Sponsors:

Referred to:

March 7, 2017

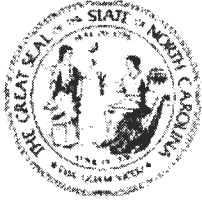
1 A BILL TO BE ENTITLED  
2 AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS  
3 OF THE TOWN OF CORNELIUS.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** The following described property, referenced by the Mecklenburg  
6 County Tax Office Parcel Identification Number, is added to the corporate limits of the Town  
7 of Cornelius:  
8 00513121 00541108 00502104  
9 00513126 00541102 00502127  
10 00513125 00541105 00502115  
11 00513202 00507104 00502103  
12 00502102 00541101 00533104  
13 00502122 00511105 00533105  
14 00504226 00507197 00533106  
15 00504C99 00507166 00533124  
16 00504225 00507118 00533102  
17 00504C98 00507116 00502109  
18 00504230 00507112 00502114  
19 00504C96 00503214 00502113  
20 00513122 00503206 00502111  
21 00513117 00503201 00502112  
22 00541107 00538386 00506102  
23 00502105 00503204 00502117  
24 00502106 00538385 00502125  
25 00502129 00503288 00502108  
26 00503211 00503209 00502118  
27 00114509 00507115 00513124  
28 00114522 00507114 00513107  
29 00511106 00507109 00513205  
30 00503208 00542301 00502116  
31 00538387 00507110 00182123  
32 00538388 00507119 00182124  
33 00513106 00506101 00182122  
34 00513120 00507117 00182121  
35 00513105 00506110 00182120  
36 00513129 00506111 00182125





1	00513119	00502124	00182119
2	00513118	00502126	00182118.
3	<b>SECTION 2.</b> This act becomes effective June 30, 2017. Property in the territory described by		
4	Section 1 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for		
5	taxable years beginning on or after July 1, 2017.		





## HOUSE BILL 255: Cornelius Annexation.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	March 28, 2017
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. Bradford	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	PCS to First Edition		Staff Attorney
	H255-CSBDxr-10		

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**OVERVIEW:** *House Bill 255 (proposed committee substitute) would add certain properties to the corporate limits of the Town of Cornelius and would become effective June 30, 2017.*

*The Proposed Committee Substitute (PCS) makes a technical change to the effective date clarifying that the property being annexed would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.*

[As introduced, this bill was identical to S6, as introduced by Sen. Tarte, which passed its 3rd Reading in the Senate on March 28, 2017.]

**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 an annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

**BILL ANALYSIS:** The PCS to House Bill 255 would annex the described property into the corporate limits of the Town of Cornelius.

**EFFECTIVE DATE:** The act would become effective June 30, 2017. The property annexed as of January 1, 2017, would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 290\*

Short Title: Abolish Columbus County Coroner. (Local)

Sponsors: Representative Brenden Jones.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 9, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN COLUMBUS COUNTY.  
3 The General Assembly of North Carolina enacts:  
4 **SECTION 1.** The office of coroner in Columbus County is abolished.  
5 **SECTION 2.** Chapter 152 of the General Statutes is not applicable to Columbus  
6 County.  
7 **SECTION 3.** This act is effective when it becomes law.



\* H 2 9 0 - V - 1 \*





## HOUSE BILL 290: Abolish Columbus County Coroner.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	March 24, 2017
<b>Introduced by:</b>	Rep. Brenden Jones	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 290 abolishes the office of coroner in Columbus County.*

[As introduced, this bill was identical to S185, as introduced by Sen. Britt, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Chapter 152 of the General Statutes sets out the duties of elected county coroners in the State.

**BILL ANALYSIS:** House Bill 290 abolishes the office of coroner in Columbus County.

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

**BACKGROUND:**

- From 1965-67, several local laws were enacted providing for the appointment of medical doctors as county medical examiners, and abolishing the office of coroner in several counties.
- In 1967, the General Assembly enacted S.L. 1967-1154, which established the State Office of Chief Medical Examiner, to provide for a Statewide system for postmortem examinations of deaths related to crimes, suicide, prison confinement, or other specified circumstances.
- Since the 1960s, the office of elected county coroner has been abolished in most counties.
- There are currently six counties in which the office of county coroner has not been abolished: Avery, Bladen, Cleveland, Columbus, Hoke, and Yadkin.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 342\*

Short Title:   Creedmoor Charter Revised & Consolidated. (Local)

Sponsors:   Representative Yarborough.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to:   State and Local Government I, if favorable, Finance

March 15, 2017

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF  
CREEDMOOR.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the City of Creedmoor is revised and consolidated to  
read as follows:

"THE CHARTER OF THE CITY OF CREEDMOOR

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES

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

"Section 1.2. Powers. The City shall have and may exercise all of the powers, duties, rights,  
privileges, and immunities conferred upon the City of Creedmoor 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 City and as they may be altered  
from time to time in accordance with law. An official map of the City, showing the current  
municipal boundaries, shall be maintained permanently in the Office of the City 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 Granville County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY

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

"Section 2.2. Composition; Terms of Office. The Board of Commissioners shall be composed  
of five members, to be elected by all the qualified voters of the City voting at large in the manner  
provided in Article III of this Charter. The members shall serve four-year staggered terms as  
provided in Section 3.3 of this Charter 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 City voting at large in the manner provided in Article III of this Charter for a term of  
two years or until a successor is elected and qualified. The Mayor shall be the official head of the  
City government and 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. In accordance with general law, the Board shall elect from  
2 among its members a Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's  
3 absence or disability.

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

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

10 "Section 2.7. Vacancies. Vacancies that occur in any elective office of the City shall be filled  
11 in accordance with the applicable provisions of general law.

#### 12 "ARTICLE III. ELECTIONS

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

17 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election in  
18 2017 and every two years thereafter.

19 "Section 3.3. Election of Commissioners. The Commissioners serving on the date of  
20 ratification of this Charter shall serve until the expiration of their terms or until their successors are  
21 elected and qualified. In the regular municipal election in 2017, and quadrennially thereafter, two  
22 Commissioners shall be elected to serve four-year terms in those positions whose terms are then  
23 expiring. In the regular municipal election in 2019, and quadrennially thereafter, three  
24 Commissioners shall be elected to serve four-year terms in those positions whose terms are then  
25 expiring.

26 "Section 3.4. Special Elections and Referenda. Special elections and referenda may be held  
27 only as provided by general law or applicable local acts enacted by the General Assembly.

#### 28 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

29 "Section 4.1. Form of Government. The City shall operate under the council-manager form of  
30 government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

31 "Section 4.2. City Manager; Appointment; Powers and Duties. The Board shall appoint a City  
32 Manager who shall be responsible for the administration of all departments of the City  
33 government. The City Manager shall have all the powers and duties conferred by general law,  
34 except as expressly limited by the provisions of this Charter, and shall have the additional powers  
35 and duties conferred by the Board as authorized by general or local law.

36 "Section 4.3. City Attorney. The Board shall appoint a City Attorney to represent the City,  
37 advise City officials, and perform other duties required by law or directed by the Board.

38 "Section 4.4. City Clerk. The City Manager shall appoint a City Clerk, subject to confirmation  
39 by a majority vote of the Board. The City Manager shall direct and supervise the City Clerk and  
40 shall have authority to take disciplinary action regarding the City Clerk, including removal, in  
41 accordance with general personnel rules, regulations, policies, or ordinances adopted by the Board.  
42 The City Clerk shall keep a journal of the proceedings of the Board, maintain official records and  
43 documents, give notice of meetings, and perform other duties required by general or local law or  
44 directed by the City Manager.

45 "Section 4.5. Finance Director. The City Manager shall appoint a Finance Director to perform  
46 the duties prescribed in G.S. 159-25 and to perform other duties required by law or assigned by the  
47 City Manager.

48 "Section 4.6. Tax Collector. The Board shall appoint a Tax Collector as provided in  
49 G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in  
50 G.S. 105-350 and any other duties prescribed by general or local law.





1 "Section 4.7. Other Administrative Officers and Employees. The Board may authorize other  
2 positions to be filled by appointment by the City Manager and may organize the City government  
3 as deemed appropriate, subject to the requirements of general or local law.

4 "ARTICLE V. ORDINANCES

5 "Section 5.1. Adoption and Effective Date. The adoption, amendment, repeal, pleading, or  
6 proving of ordinances shall be in accordance with general law unless otherwise provided for by  
7 this Charter. All ordinances and resolutions shall take effect upon adoption unless otherwise  
8 provided for by general or local law or this Charter.

9 "Section 5.2. Effect of Ordinances on City Property. All applicable ordinances of the City shall  
10 have full force and effect upon and within all property and facilities owned by the City, whether  
11 located within or outside the corporate limits."

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

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

20 **SECTION 4.** The following act, having served the purposes for which it was enacted  
21 or having been consolidated into this act, is expressly repealed:

22 Chapter 826 of the 1969 Session Laws, except Section 4.

23 **SECTION 5.** Notwithstanding any other provision of this act, the following acts  
24 (including any amendments thereto) are not repealed, and the provisions of these acts remain  
25 effective as to the City of Creedmoor as if this act had not been enacted:

26 Chapter 610 of the 1987 Session Laws.

27 S.L. 2012-55.

28 **SECTION 6.** The Mayor and Commissioners serving on the date of ratification of this  
29 act shall serve until the expiration of their terms or until their successors are elected and qualified.  
30 Thereafter, those offices shall be filled as provided in Articles II and III of the Charter of the City  
31 of Creedmoor, as enacted in Section I of this act.

32 **SECTION 7.** This act does not affect any rights or interests that arose under any  
33 provisions repealed by this act.

34 **SECTION 8.** All existing ordinances, resolutions, and other provisions of the City of  
35 Creedmoor not inconsistent with the provisions of this act shall continue in effect until repealed or  
36 amended.

37 **SECTION 9.** No action or proceeding pending on the effective date of this act by or  
38 against the City or any of its departments or agencies shall be abated or otherwise affected by this  
39 act.

40 **SECTION 10.** If any provision of this act or application thereof is held invalid, such  
41 invalidity shall not affect other provisions or applications of this act that can be given effect  
42 without the invalid provision or application, and to this end, the provisions of this act are declared  
43 to be severable.

44 **SECTION 11.** Whenever a reference is made in this act to a particular provision of  
45 the General Statutes, and that provision is later amended, superseded, or recodified, the reference  
46 shall be deemed amended to refer to the amended General Statute, or to the General Statute that  
47 most clearly corresponds to the statutory provision which is superseded or recodified.

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





# HOUSE BILL 342: Creedmoor Charter Revised & Consolidated.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government 1. If favorable, re-refer to Finance	<b>Date:</b>	March 28, 2017
<b>Introduced by:</b>	Rep. Yarborough	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	PCS to First Edition H342-CSBDx-15		Staff Attorney

**OVERVIEW:** *House Bill 342 (proposed committee substitute - PCS) would revise and consolidate the Charter of the City of Creedmoor and would become effective when it becomes law.*

*The PCS would amend Section 4 of the bill to clarify that the bill:*

- *Does not revive prior charter provisions that have already been repealed.*
- *Does repeal prior charter amendments that have been consolidated into the bill.*

[As introduced, this bill was identical to S265, as introduced by Sen. McKissick, which is currently in Senate Rules and Operations of the Senate.]

**BILL ANALYSIS:** The PCS to House Bill 342 repeals the 1969 Charter except where otherwise noted and makes additional general Charter revisions. Specifically, the Bill:

- Eliminates the metes and bounds description of the corporate boundaries and defines the corporate limits as those existing at the time the Bill is ratified as shown on the official map as from time to altered.
- Specifies action to be taken regarding the official map of the City upon alteration of corporate boundaries.
- Updates the provisions pertaining to the organization and administration of government and formally establishes the council-manager form of government in the Charter.
- Preserves the authority of the City to collect a motor vehicle tax.
- Preserves the authority of the City to collect delinquent stormwater fees in the same manner as delinquent property taxes.
- Makes other conforming changes regarding the impact of the bill on prior acts, laws, or ordinances.
- Contains a severability clause providing that the invalidity of one provision of this act shall not affect the remaining provisions otherwise valid.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 342  
PROPOSED COMMITTEE SUBSTITUTE H342-CSBDx-15 [v.1]

03/28/2017 05:58:59 PM

Short Title: Creedmoor Charter Revised & Consolidated.

(Local)

Sponsors:

Referred to:

March 15, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF  
3 CREEDMOOR.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the City of Creedmoor is revised and consolidated to  
6 read as follows:

7 "THE CHARTER OF THE CITY OF CREEDMOOR

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

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

12 "Section 1.2. Powers. The City shall have and may exercise all of the powers, duties, rights,  
13 privileges, and immunities conferred upon the City of Creedmoor specifically by this Charter or  
14 upon municipal corporations by general law. The term "general law" is employed herein as  
15 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 City and as they may be  
18 altered from time to time in accordance with law. An official map of the City, showing the  
19 current municipal boundaries, shall be maintained permanently in the Office of the City 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 Granville County Register of Deeds, and the appropriate  
23 board of elections.

24 "ARTICLE II. GOVERNING BODY

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

27 "Section 2.2. Composition; Terms of Office. The Board of Commissioners shall be  
28 composed of five members, to be elected by all the qualified voters of the City voting at large  
29 in the manner provided in Article III of this Charter. The members shall serve four-year  
30 staggered terms as provided in Section 3.3 of this Charter or until their successors are elected  
31 and qualified.

32 "Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the  
33 qualified voters of the City voting at large in the manner provided in Article III of this Charter  
34 for a term of two years or until a successor is elected and qualified. The Mayor shall be the  
35 official head of the City government and shall preside at meetings of the Board, shall have the



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1 right to vote only when there is an equal division on any question or matter before the Board,  
2 and shall exercise the powers and duties conferred by law or as directed by the Board.

3 "Section 2.4. Mayor Pro Tempore. In accordance with general law, the Board shall elect  
4 from among its members a Mayor Pro Tempore to perform the duties of the Mayor during the  
5 Mayor's absence or disability.

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

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

12 "Section 2.7. Vacancies. Vacancies that occur in any elective office of the City shall be  
13 filled in accordance with the applicable provisions of general law.

#### 14 "ARTICLE III. ELECTIONS

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

19 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election  
20 in 2017 and every two years thereafter.

21 "Section 3.3. Election of Commissioners. The Commissioners serving on the date of  
22 ratification of this Charter shall serve until the expiration of their terms or until their successors  
23 are elected and qualified. In the regular municipal election in 2017, and quadrennially  
24 thereafter, two Commissioners shall be elected to serve four-year terms in those positions  
25 whose terms are then expiring. In the regular municipal election in 2019, and quadrennially  
26 thereafter, three Commissioners shall be elected to serve four-year terms in those positions  
27 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 enacted by the General Assembly.

#### 30 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

31 "Section 4.1. Form of Government. The City shall operate under the council-manager form  
32 of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

33 "Section 4.2. City Manager; Appointment; Powers and Duties. The Board shall appoint a  
34 City Manager who shall be responsible for the administration of all departments of the City  
35 government. The City Manager shall have all the powers and duties conferred by general law,  
36 except as expressly limited by the provisions of this Charter, and shall have the additional  
37 powers and duties conferred by the Board as authorized by general or local law.

38 "Section 4.3. City Attorney. The Board shall appoint a City Attorney to represent the City,  
39 advise City officials, and perform other duties required by law or directed by the Board.

40 "Section 4.4. City Clerk. The City Manager shall appoint a City Clerk, subject to  
41 confirmation by a majority vote of the Board. The City Manager shall direct and supervise the  
42 City Clerk and shall have authority to take disciplinary action regarding the City Clerk,  
43 including removal, in accordance with general personnel rules, regulations, policies, or  
44 ordinances adopted by the Board. The City Clerk shall keep a journal of the proceedings of the  
45 Board, maintain official records and documents, give notice of meetings, and perform other  
46 duties required by general or local law or directed by the City Manager.

47 "Section 4.5. Finance Director. The City Manager shall appoint a Finance Director to  
48 perform the duties prescribed in G.S. 159-25 and to perform other duties required by law or  
49 assigned by the City Manager.





1 "Section 4.6. Tax Collector. The Board shall appoint a Tax Collector as provided in  
2 G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in  
3 G.S. 105-350 and any other duties prescribed by general or local law.

4 "Section 4.7. Other Administrative Officers and Employees. The Board may authorize other  
5 positions to be filled by appointment by the City Manager and may organize the City  
6 government as deemed appropriate, subject to the requirements of general or local law.

7 "ARTICLE V. ORDINANCES

8 "Section 5.1. Adoption and Effective Date. The adoption, amendment, repeal, pleading, or  
9 proving of ordinances shall be in accordance with general law unless otherwise provided for by  
10 this Charter. All ordinances and resolutions shall take effect upon adoption unless otherwise  
11 provided for by general or local law or this Charter.

12 "Section 5.2. Effect of Ordinances on City Property. All applicable ordinances of the City  
13 shall have full force and effect upon and within all property and facilities owned by the City,  
14 whether located within or outside the corporate limits."

15 **SECTION 2.** The purpose of this act is to revise the Charter of the City of  
16 Creedmoor and to consolidate certain acts concerning the property, affairs, and government of  
17 the City. It is intended to continue without interruption those provisions of prior acts that are  
18 expressly consolidated into this act, so that all rights and liabilities which have accrued are  
19 preserved and may be enforced.

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

23 **SECTION 4.** Section 1 of Chapter 826 of the 1969 Session Laws having served the  
24 purpose for which it was enacted or having been consolidated into this act, is expressly  
25 repealed.

26 **SECTION 5.** Notwithstanding any other provision of this act, the following acts  
27 (including any amendments thereto) are not repealed, and the provisions of these acts remain  
28 effective as to the City of Creedmoor as if this act had not been enacted:

29 Chapter 610 of the 1987 Session Laws.

30 S.L. 2012-55.

31 **SECTION 6.** The Mayor and Commissioners serving on the date of ratification of  
32 this act shall serve until the expiration of their terms or until their successors are elected and  
33 qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the  
34 Charter of the City of Creedmoor, as enacted in Section 1 of this act.

35 **SECTION 7.** This act does not affect any rights or interests that arose under any  
36 provisions repealed by this act.

37 **SECTION 8.** All existing ordinances, resolutions, and other provisions of the City  
38 of Creedmoor not inconsistent with the provisions of this act shall continue in effect until  
39 repealed or amended.

40 **SECTION 9.** No action or proceeding pending on the effective date of this act by  
41 or against the City or any of its departments or agencies shall be abated or otherwise affected  
42 by this act.

43 **SECTION 10.** If any provision of this act or application thereof is held invalid,  
44 such invalidity shall not affect other provisions or applications of this act that can be given  
45 effect without the invalid provision or application, and to this end, the provisions of this act are  
46 declared to be severable.

47 **SECTION 11.** Whenever a reference is made in this act to a particular provision of  
48 the General Statutes, and that provision is later amended, superseded, or recodified, the  
49 reference shall be deemed amended to refer to the amended General Statute, or to the General  
50 Statute that most clearly corresponds to the statutory provision which is superseded or  
51 recodified.



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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 378

Short Title: Bertie/Gates County/Ambulance Service. (Local)

Sponsors: Representative Hunter.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

March 16, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING BERTIE AND GATES COUNTIES TO USE ATTACHMENT OR  
3 GARNISHMENT AND LIEN FOR AMBULANCE SERVICE.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** G.S. 44-51.8 reads as rewritten:  
6 **"§ 44-51.8. Counties to which Article applies.**  
7 The provisions of this Article shall apply only to Alamance, Alexander, Alleghany, Anson,  
8 Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden,  
9 Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Cleveland, Columbus, Craven,  
10 Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston,  
11 Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford,  
12 Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison,  
13 Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange,  
14 Pasquotank, Pender, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan,  
15 Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union,  
16 Vance, Wake, Warren, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey Counties."  
17 **SECTION 2.** This act is effective when it becomes law.







## HOUSE BILL 378: Bertie/Gates County/Ambulance Service.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	March 24, 2017
<b>Introduced by:</b>	Rep. Hunter	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 378 adds Bertie and Gates Counties to the list of counties where attachment and garnishment, and filing of liens, is authorized to collect past due ambulance charges.*

**CURRENT LAW:** Article 9B of Chapter 44 of the General Statutes authorizes 89 counties, and the municipalities in those counties, to treat past due charges for ambulance services as if they were a tax, and collect them through the use of attachment and garnishment proceedings, and by filing liens.

**BILL ANALYSIS:** House Bill 378 adds Bertie and Gates Counties to the list of counties where attachment and garnishment, and filing of liens, is authorized to collect past due ambulance charges.

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

Karen Cochrane-Brown  
Director



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Legislative Analysis  
Division  
919-733-2578





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**H**

**1**

**HOUSE BILL 393**

Short Title:   Mebane Charter Revised & Consolidated. (Local)

Sponsors:   Representatives Ross and Riddell (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to:   State and Local Government I, if favorable, Finance

March 20, 2017

A BILL TO BE ENTITLED  
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MEBANE  
AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the City of Mebane is revised and consolidated to read as follows:

**"CHARTER OF THE CITY OF MEBANE**

**"ARTICLE I. INCORPORATION AND GENERAL POWERS**

"Section 1.1. Incorporation and General Powers. The City of Mebane shall continue to be a body politic and corporate under the name and style of the "City of Mebane" and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to it or otherwise acquired by it and may, from time to time, hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with the provisions of this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Mebane shall have and may exercise all powers which are granted to cities by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

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

**"ARTICLE II. GOVERNING BODY**

"Section 2.1. City Governing Body. The City Council, hereinafter referred to as the "Council," and the Mayor shall be the governing body of the City.





1 "Section 2.2. Composition; Terms of Office. The City Council shall be composed of five  
2 members who shall be elected by all the qualified voters of the City voting at large in the  
3 manner provided for in Article III of this Charter. The members shall serve four-year staggered  
4 terms as provided in Section 3.3 of this Charter or until their successors are elected and  
5 qualified.

6 "Section 2.3. Mayor; Duties. The Mayor of the City shall be elected at large by and from  
7 the qualified voters of the City in the manner provided in Article III of this Charter for a term  
8 of four years or until a successor is elected and qualified. The Mayor shall be the official head  
9 of the City government and shall preside at all meetings of the Council, shall have the right to  
10 vote only when there is an equal division on any question or matter before the Council, and  
11 shall exercise the powers and duties conferred by law or as directed by the Council.

12 "Section 2.4. Mayor Pro Tempore. At the organizational meeting following each municipal  
13 election, the Council shall elect from among its members a Mayor Pro Tempore who shall  
14 perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore  
15 shall serve for a term of two years.

16 "Section 2.5. Organization of the Council. The Council shall meet at the next regularly  
17 scheduled meeting following its election for the purpose of executing the oath of office and  
18 electing a Mayor Pro Tempore as provided for in Section 2.4 of this Charter. The meeting shall  
19 be presided over by the City Clerk, who shall certify to the incumbent Mayor the results of the  
20 election and shall cause the same to be entered in the minutes of the Council. After receiving  
21 the oath of office, the newly elected Mayor shall preside over the organizational meeting. The  
22 organization of the Council shall take place notwithstanding the absence, death, refusal to  
23 serve, failure to qualify, or nonelection of one or more members, but a quorum of the members  
24 must be present. Any member entitled to make the oath provided for in this section who is not  
25 present at the time fixed therefor may make the oath at any time thereafter.

26 "Section 2.6. Meetings. In accordance with general law, the Council shall have authority to  
27 determine the time and place of Council meetings within or outside Alamance County; to make  
28 provisions as it may deem wise relative to regular, special, emergency, adjourned, and  
29 continued meetings; to adopt rules of procedure; and generally to regulate the time, place,  
30 manner, and method of the exercise of its powers.

31 "Section 2.7. Quorum and General Procedures. A majority of the members of the Council  
32 shall constitute a quorum. In accordance with general law, meetings of the Council shall be  
33 public and the Mayor shall, if present, preside. In the absence of the Mayor, the Mayor Pro  
34 Tempore shall preside, and in the absence of both, a Chair Pro Tempore shall be chosen. The  
35 City Clerk shall be the ex officio clerk of the City Council and shall keep records of its  
36 proceedings, but in case of the Clerk's temporary absence or a vacancy in the office, the City  
37 Council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of  
38 the duties of the office and may act as Clerk of the City Council until a City Clerk is chosen  
39 and qualified. On request of one member, the vote shall be by yeas and nays and shall be  
40 entered upon the records.

41 "Section 2.8. Voting. At least three affirmative votes shall be necessary for the passage of  
42 any order, ordinance, resolution, or vote. Notwithstanding the provisions of G.S. 160A-75, an  
43 ordinance may be finally passed on first reading with the assent of a majority of the Council.

44 "Section 2.9. Vacancies. Vacancies that occur in any elective office of the City shall be  
45 filled in accordance with the provisions of G.S. 160A-63.

46 "Section 2.10. Compensation. In accordance with G.S. 160A-64, the Council may fix its  
47 own compensation and the compensation of the Mayor and any other elected officers of the  
48 City.

### 49 "ARTICLE III. ELECTIONS

50 "Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in  
51 each odd-numbered year in accordance with the uniform municipal election laws of North



1 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using  
2 the nonpartisan plurality method as provided in G.S. 163-292. Absentee voting shall be  
3 permitted in municipal elections as provided in G.S. 163-302.

4 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election  
5 in 2019 and every four years thereafter.

6 "Section 3.3. Election of Council. The Council members serving on the date of ratification  
7 of this Charter shall serve until the expiration of their terms or until their successors are elected  
8 and qualified. In the regular municipal election in 2017 and quadrennially thereafter, three  
9 Council members shall be elected to serve four-year terms in those positions whose terms are  
10 then expiring. In the regular municipal election in 2019 and quadrennially thereafter, two  
11 Council members shall be elected to serve four-year terms in those positions whose terms are  
12 then expiring.

13 "Section 3.4. Special Elections and Referenda. Special elections and referenda may be held  
14 only as provided by general law or applicable local acts enacted by the General Assembly.

#### 15 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

16 "Section 4.1. Form of Government. The City shall operate under the council-manager form  
17 of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

18 "Section 4.2. City Manager. The Council shall appoint a City Manager, who shall be the  
19 administrative head of City government and shall be responsible for the administration of all  
20 departments of City government. The City Manager shall be appointed with regard to executive  
21 and administrative abilities only and does not have to be a resident of the City when appointed.  
22 The City Manager shall hold office at the pleasure of the Council and shall receive the  
23 compensation established by the Council from time to time. The City Manager shall have all  
24 the powers and duties conferred by general law, except as expressly limited by the provisions  
25 of this Charter, and shall have the additional powers and duties conferred by the Board as  
26 authorized by general or local law.

27 "Section 4.3. City Attorney. The Council shall appoint a City Attorney to represent the  
28 City, advise City officials, and perform other duties required by law or directed by the Board.

29 "Section 4.4. City Clerk. The Council shall appoint a City Clerk, who shall keep a journal  
30 of the proceedings of the Board, maintain official records and documents, give notice of  
31 meetings, and perform other duties required by general or local law or directed by the Council.

32 "Section 4.5. Finance Director. The Council shall appoint a Finance Director to perform  
33 the duties prescribed in G.S. 159-25 and to perform other duties required by law or assigned by  
34 the Council.

35 "Section 4.6. Tax Collector. The Council shall appoint a Tax Collector as provided in  
36 G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in  
37 G.S. 105-350 and any other duties prescribed by general or local law.

38 "Section 4.7. Other Administrative Officers and Employees. The Council may authorize  
39 other positions to be filled by appointment and may organize the City government as it deems  
40 appropriate, subject to the requirements of general or local law.

41 "Section 4.8. Position Classification; Employee Salary. The Council shall approve position  
42 classifications and pay plans for all employees.

#### 43 "ARTICLE V. FINANCE AND TAXATION

44 "Section 5.1. In General. The fiscal affairs of the City shall be governed by the provisions  
45 of Chapter 159 of the General Statutes.

#### 46 "ARTICLE VI. STREET AND SIDEWALK IMPROVEMENTS

47 "Section 6.1. Street Improvements; Assessment of Cost. In addition to any authority which  
48 is now or may hereafter be granted by general law to the City for making street improvements,  
49 the Council is hereby authorized to make street improvements and to assess the cost thereof  
50 against abutting property owners in accordance with the provisions of this Article. For purpose  
51 of this Article, the term "street improvement" includes grading, regrading, surfacing,





1 resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or  
2 reconstruction of curb, gutters, and street drainage facilities.

3 "Section 6.2. Street Improvements; When Petition Unnecessary. The Council may order  
4 street improvements and assess the cost thereof exclusive of the cost incurred at street  
5 intersections against the abutting property owners at an equal rate per front foot, without the  
6 necessity of a petition, upon the finding by the Council of any of the following:

- 7 (1) That the street or part thereof is unsafe for vehicular traffic and that it is in  
8 the public interest to make the improvement.
- 9 (2) That it is in the public interest to connect two streets, or portions of a street,  
10 already improved.
- 11 (3) That it is in the public interest to widen a street, or part thereof, which is  
12 already improved, provided that assessments for widening any street or  
13 portions of a street without petition shall be limited to the cost of widening  
14 and otherwise improving the street in accordance with the street  
15 classification and improvement standards established by the City's  
16 thoroughfare or major street plan for the particular street or part thereof to be  
17 widened and improved under the authority granted by this Article.

18 "Section 6.3. Sidewalks; When Assessment Unnecessary; Assessment of Cost. In addition  
19 to any authority which is now or may hereafter be granted by general law to the City for  
20 making sidewalk improvements, the Council is hereby authorized, without the necessity of a  
21 petition, to make or to order to be made sidewalk improvements or repairs according to  
22 standards and specifications of the City and to assess the total cost thereof against abutting  
23 property owners, according to one or more of the assessment bases set forth in Article 10 of  
24 Chapter 160A of the General Statutes. If a sidewalk is constructed on only one side of a street  
25 in a residential zone, the cost thereof may be assessed against property abutting on both sides of  
26 the street, unless there already exists a sidewalk on the other side of the street, the total cost of  
27 which has been assessed against the abutting property.

28 "Section 6.4. Assessment Procedure. In ordering street and sidewalk improvements without  
29 a petition and assessing the cost thereof under authority of this Article, the Council shall  
30 comply with the procedure provided by Article 10 of Chapter 160A of the General Statutes,  
31 except those provisions relating to the petition of property owners and the sufficiency thereof.

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45 by uniform rule classify the lines for assessment as in its judgment will represent the benefits  
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47 land uses (residential, business, commercial, industrial, office and institutional, agricultural, or  
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49 of exemptions may provide for exemption of more than seventy-five percent (75%) of the  
50 frontage of any side of a corner lot or 150 feet, whichever is greater.





1 "Section 7.3. Assessments and Connection Fees. The Council may establish and collect  
2 connection fees and assessments for water and sewer extensions both within and outside the  
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4 services to inhabitants that are sufficient to address expansion and needs of the water and sewer  
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20 "Section 8.2. Underground Utilities. In addition to the powers now or hereafter granted to  
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25 "Section 8.3. Annexations. Extensions of the City's corporate boundaries and filings of  
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29 "Section 9.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against  
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34 the claim or demand is so presented within 90 days after the cause of action accrues and unless  
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36 (b) No action shall be instituted against the City on account of damages to or  
37 compensation for real property taken or used by the City for any public purpose, or for the  
38 ejectment of the City therefrom, or to remove a cloud upon the title thereof unless, within two  
39 years after the alleged use, the owner, the owner's executor, administrator, guardian, or next  
40 friend shall have given notice in writing to the Council of the claim, stating in the notice the  
41 date that the alleged use commenced, a description of property alleged to have been used, and  
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43 "Section 9.2. Settlement of Claims by City Manager. The Council may, by ordinance,  
44 authorize the City Manager to settle claims against the City."

45 **SECTION 2.** The purpose of this act is to revise the Charter of the City of Mebane  
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47 is intended to continue without interruption those provisions of prior acts that are expressly  
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49 may be enforced.



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

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

6           Chapter 514 of the Session Laws of 1973

7           S.L. 2006-10.

8           **SECTION 5.** The Mayor and Council members serving on the date of ratification  
9       of this act shall serve until the expiration of their terms or until their successors are elected and  
10      qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the  
11      Charter of the City of Mebane, as enacted in Section 1 of this act.

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

14          **SECTION 7.** All existing ordinances, resolutions, and other provisions of the City  
15      of Mebane not inconsistent with the provisions of this act shall continue in effect until repealed  
16      or amended.

17          **SECTION 8.** No action or proceeding pending on the effective date of this act by  
18      or against the City of Mebane or any of its departments or agencies shall be abated or otherwise  
19      affected by this act.

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

24          **SECTION 10.** Whenever a reference is made in this act to a particular provision of  
25      the General Statutes, and that provision is later amended, superseded, or recodified, the  
26      reference shall be deemed amended to refer to the amended General Statute or to the General  
27      Statute that most clearly corresponds to the statutory provision which is superseded or  
28      recodified.

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 393  
PROPOSED COMMITTEE SUBSTITUTE H393-CSBDx-12 [v.1]

03/27/2017 09:22:48 PM

Short Title: Mebane Charter Revised & Consolidated.

(Local)

Sponsors:

Referred to:

March 20, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MEBANE  
3 AND TO REPEAL PRIOR CHARTER ACTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the City of Mebane is revised and consolidated to  
6 read as follows:

7 "CHARTER OF THE CITY OF MEBANE

8 "ARTICLE I. INCORPORATION AND GENERAL POWERS

9 "Section 1.1. Incorporation and General Powers. The City of Mebane shall continue to be a  
10 body politic and corporate under the name and style of the "City of Mebane" and shall continue  
11 to be vested with all property and rights which now belong to the City; shall have perpetual  
12 succession; may have a common seal and alter and renew the same at pleasure; may sue and be  
13 sued; may contract; may acquire and hold all such property, real and personal, as may be  
14 devised, bequeathed, sold, or in any manner conveyed or dedicated to it or otherwise acquired  
15 by it and may, from time to time, hold or invest, sell, or dispose of the same; and shall have and  
16 may exercise in conformity with the provisions of this Charter all municipal powers, functions,  
17 rights, privileges, and immunities of every name and nature.

18 "Section 1.2. Enumerated Powers Not Exclusive. The enumeration of particular powers by  
19 this Charter shall not be held or deemed to be exclusive but, in addition to the powers  
20 enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the  
21 City of Mebane shall have and may exercise all powers which are granted to cities by the  
22 general laws of North Carolina and all powers which, under the Constitution of North Carolina,  
23 it would be competent for this Charter specifically to enumerate.

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

32 "ARTICLE II. GOVERNING BODY

33 "Section 2.1. City Governing Body. The City Council, hereinafter referred to as the  
34 "Council," and the Mayor shall be the governing body of the City.

35 "Section 2.2. Composition; Terms of Office. The City Council shall be composed of five  
36 members who shall be elected by all the qualified voters of the City voting at large in the





1 manner provided for in Article III of this Charter. The members shall serve four-year staggered  
2 terms as provided in Section 3.3 of this Charter or until their successors are elected and  
3 qualified.

4 "Section 2.3. Mayor; Duties. The Mayor of the City shall be elected at large by and from  
5 the qualified voters of the City in the manner provided in Article III of this Charter for a term  
6 of four years or until a successor is elected and qualified. The Mayor shall be the official head  
7 of the City government and shall preside at all meetings of the Council, shall have the right to  
8 vote only when there is an equal division on any question or matter before the Council, and  
9 shall exercise the powers and duties conferred by law or as directed by the Council.

10 "Section 2.4. Mayor Pro Tempore. At the organizational meeting following each municipal  
11 election, the Council shall elect from among its members a Mayor Pro Tempore who shall  
12 perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore  
13 shall serve for a term of two years.

14 "Section 2.5. Organization of the Council. The Council shall meet at the next regularly  
15 scheduled meeting following its election for the purpose of executing the oath of office and  
16 electing a Mayor Pro Tempore as provided for in Section 2.4 of this Charter. The meeting shall  
17 be presided over by the City Clerk, who shall certify to the incumbent Mayor the results of the  
18 election and shall cause the same to be entered in the minutes of the Council. After receiving  
19 the oath of office, the newly elected Mayor shall preside over the organizational meeting. The  
20 organization of the Council shall take place notwithstanding the absence, death, refusal to  
21 serve, failure to qualify, or nonelection of one or more members, but a quorum of the members  
22 must be present. Any member entitled to make the oath provided for in this section who is not  
23 present at the time fixed therefor may make the oath at any time thereafter.

24 "Section 2.6. Meetings. In accordance with general law, the Council shall have authority to  
25 determine the time and place of Council meetings within or outside Alamance County; to make  
26 provisions as it may deem wise relative to regular, special, emergency, adjourned, and  
27 continued meetings; to adopt rules of procedure; and generally to regulate the time, place,  
28 manner, and method of the exercise of its powers.

29 "Section 2.7. Quorum and General Procedures. A majority of the members of the Council  
30 shall constitute a quorum. In accordance with general law, meetings of the Council shall be  
31 public and the Mayor shall, if present, preside. In the absence of the Mayor, the Mayor Pro  
32 Tempore shall preside, and in the absence of both, a Chair Pro Tempore shall be chosen. The  
33 City Clerk shall be the ex officio clerk of the City Council and shall keep records of its  
34 proceedings, but in case of the Clerk's temporary absence or a vacancy in the office, the City  
35 Council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of  
36 the duties of the office and may act as Clerk of the City Council until a City Clerk is chosen  
37 and qualified. On request of one member, the vote shall be by yeas and nays and shall be  
38 entered upon the records.

39 "Section 2.8. Voting. At least three affirmative votes shall be necessary for the passage of  
40 any order, ordinance, resolution, or vote. Notwithstanding the provisions of G.S. 160A-75, an  
41 ordinance may be finally passed on first reading with the assent of a majority of the Council.

42 "Section 2.9. Vacancies. Vacancies that occur in any elective office of the City shall be  
43 filled in accordance with the provisions of G.S. 160A-63.

44 "Section 2.10. Compensation. In accordance with G.S. 160A-64, the Council may fix its  
45 own compensation and the compensation of the Mayor and any other elected officers of the  
46 City.

#### 47 "ARTICLE III. ELECTIONS

48 "Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in  
49 each odd-numbered year in accordance with the uniform municipal election laws of North  
50 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using





1 the nonpartisan plurality method as provided in G.S. 163-292. Absentee voting shall be  
2 permitted in municipal elections as provided in G.S. 163-302.

3 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election  
4 in 2019 and every four years thereafter.

5 "Section 3.3. Election of Council. The Council members serving on the date of ratification  
6 of this Charter shall serve until the expiration of their terms or until their successors are elected  
7 and qualified. In the regular municipal election in 2017 and quadrennially thereafter, three  
8 Council members shall be elected to serve four-year terms in those positions whose terms are  
9 then expiring. In the regular municipal election in 2019 and quadrennially thereafter, two  
10 Council members shall be elected to serve four-year terms in those positions whose terms are  
11 then expiring.

12 "Section 3.4. Special Elections and Referenda. Special elections and referenda may be held  
13 only as provided by general law or applicable local acts enacted by the General Assembly.

#### 14 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

15 "Section 4.1. Form of Government. The City shall operate under the council-manager form  
16 of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

17 "Section 4.2. City Manager. The Council shall appoint a City Manager, who shall be the  
18 administrative head of City government and shall be responsible for the administration of all  
19 departments of City government. The City Manager shall be appointed with regard to executive  
20 and administrative abilities only and does not have to be a resident of the City when appointed.  
21 The City Manager shall hold office at the pleasure of the Council and shall receive the  
22 compensation established by the Council from time to time. The City Manager shall have all  
23 the powers and duties conferred by general law, except as expressly limited by the provisions  
24 of this Charter, and shall have the additional powers and duties conferred by the Board as  
25 authorized by general or local law.

26 "Section 4.3. City Attorney. The Council shall appoint a City Attorney to represent the  
27 City, advise City officials, and perform other duties required by law or directed by the Board.

28 "Section 4.4. City Clerk. The Council shall appoint a City Clerk, who shall keep a journal  
29 of the proceedings of the Board, maintain official records and documents, give notice of  
30 meetings, and perform other duties required by general or local law or directed by the Council.

31 "Section 4.5. Finance Director. The Council shall appoint a Finance Director to perform the  
32 duties prescribed in G.S. 159-25 and to perform other duties required by law or assigned by the  
33 Council.

34 "Section 4.6. Tax Collector. The Council shall appoint a Tax Collector as provided in  
35 G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in  
36 G.S. 105-350 and any other duties prescribed by general or local law.

37 "Section 4.7. Other Administrative Officers and Employees. The Council may authorize  
38 other positions to be filled by appointment and may organize the City government as it deems  
39 appropriate, subject to the requirements of general or local law.

40 "Section 4.8. Position Classification; Employee Salary. The Council shall approve position  
41 classifications and pay plans for all employees.

#### 42 "ARTICLE V. FINANCE AND TAXATION

43 "Section 5.1. In General. The fiscal affairs of the City shall be governed by the provisions  
44 of Chapter 159 of the General Statutes.

#### 45 "ARTICLE VI. STREET AND SIDEWALK IMPROVEMENTS

46 "Section 6.1. Street Improvements; Assessment of Cost. In addition to any authority which  
47 is now or may hereafter be granted by general law to the City for making street improvements,  
48 the Council is hereby authorized to make street improvements and to assess the cost thereof  
49 against abutting property owners in accordance with the provisions of this Article. For purpose  
50 of this Article, the term "street improvement" includes grading, regrading, surfacing,



1 resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or  
2 reconstruction of curb, gutters, and street drainage facilities.

3 "Section 6.2. Street Improvements; When Petition Unnecessary. The Council may order  
4 street improvements and assess the cost thereof exclusive of the cost incurred at street  
5 intersections against the abutting property owners at an equal rate per front foot, without the  
6 necessity of a petition, upon the finding by the Council of any of the following:

- 7 (1) That the street or part thereof is unsafe for vehicular traffic and that it is in  
8 the public interest to make the improvement.
- 9 (2) That it is in the public interest to connect two streets, or portions of a street,  
10 already improved.
- 11 (3) That it is in the public interest to widen a street, or part thereof, which is  
12 already improved, provided that assessments for widening any street or  
13 portions of a street without petition shall be limited to the cost of widening  
14 and otherwise improving the street in accordance with the street  
15 classification and improvement standards established by the City's  
16 thoroughfare or major street plan for the particular street or part thereof to be  
17 widened and improved under the authority granted by this Article.

18 "Section 6.3. Sidewalks; When Assessment Unnecessary; Assessment of Cost. In addition  
19 to any authority which is now or may hereafter be granted by general law to the City for  
20 making sidewalk improvements, the Council is hereby authorized, without the necessity of a  
21 petition, to make or to order to be made sidewalk improvements or repairs according to  
22 standards and specifications of the City and to assess the total cost thereof against abutting  
23 property owners, according to one or more of the assessment bases set forth in Article 10 of  
24 Chapter 160A of the General Statutes. If a sidewalk is constructed on only one side of a street  
25 in a residential zone, the cost thereof may be assessed against property abutting on both sides of  
26 the street, unless there already exists a sidewalk on the other side of the street, the total cost of  
27 which has been assessed against the abutting property.

28 "Section 6.4. Assessment Procedure. In ordering street and sidewalk improvements without  
29 a petition and assessing the cost thereof under authority of this Article, the Council shall  
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33 after the expiration of 12 months from the time said claim or demand is so presented. Unless  
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35 suit is brought within 12 months thereafter, any action thereon is barred.

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37 compensation for real property taken or used by the City for any public purpose, or for the  
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39 years after the alleged use, the owner, the owner's executor, administrator, guardian, or next  
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2           affairs, or government of public schools or any acts validating official actions, proceedings,  
3           contracts, or obligations of any kind.

4           **SECTION 4.** Section 1 of Chapter 514 of the Session Laws of 1973 and S.L.  
5           2006-10, having served the purposes for which they were enacted or having been consolidated  
6           into this act, are expressly repealed.

7           **SECTION 5.** The Mayor and Council members serving on the date of ratification  
8           of this act shall serve until the expiration of their terms or until their successors are elected and  
9           qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the  
10          Charter of the City of Mebane, as enacted in Section 1 of this act.

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

13          **SECTION 7.** All existing ordinances, resolutions, and other provisions of the City  
14          of Mebane not inconsistent with the provisions of this act shall continue in effect until repealed  
15          or amended.

16          **SECTION 8.** No action or proceeding pending on the effective date of this act by  
17          or against the City of Mebane or any of its departments or agencies shall be abated or otherwise  
18          affected by this act.

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

23          **SECTION 10.** Whenever a reference is made in this act to a particular provision of  
24          the General Statutes, and that provision is later amended, superseded, or recodified, the  
25          reference shall be deemed amended to refer to the amended General Statute or to the General  
26          Statute that most clearly corresponds to the statutory provision which is superseded or  
27          recodified.

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







# HOUSE BILL 393: Mebane Charter Revised & Consolidated.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	March 27, 2017
<b>Introduced by:</b>	Reps. Ross, Riddell	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	PCS to First Edition H393-CSBDx-12		Staff Attorney

**OVERVIEW:** *House Bill 393 (proposed committee substitute - PCS) would revise and consolidate the City of Mebane Charter and would become effective when it becomes law.*

*The PCS would amend Section 4 of the bill to clarify that the bill:*

- *Does not revive prior charter provisions that have already been repealed.*
- *Does repeal prior charter amendments that have been consolidated into the bill.*

**CURRENT LAW:** The City of Mebane, located partly in Alamance and partly in Orange County, was incorporated as a town by the General Assembly in 1883. The City uses a council-manager form of government with a Mayor and five Council members elected at large during odd numbered years using the nonpartisan plurality method of G.S. 163-292 to serve four year, staggered terms. In 2017, three Council members will be elected and in 2019, a Mayor and two Council members will be elected. In 1907 and again in 1973, various intervening Session Laws applicable to the City of Mebane were consolidated into a revised Charter. In 1987 the town amended its charter pursuant to G.S. 160A-101 to change the style of the corporate name from "Town" of Mebane to "City" of Mebane. In 2006, the General Assembly granted the City authority to maintain sidewalks located in its ETJ.

**BILL ANALYSIS:** The PCS to House Bill 393 consolidates into the Charter prior Session Laws pertaining to the City of Mebane and makes additional general revisions to the Charter. Specifically the Bill:

- Incorporates into the revised Charter the style of the corporate name "City" of Mebane.
- Specified action to be taken regarding the official map of the City upon alteration of corporate boundaries.
- Incorporates into the revised Charter the ETJ sidewalk authority.
- Updated language in the Charter pertaining to Water and Sewer Improvements.
- Exempts the City from G.S. 160A-58.1(b)(5) which requires satellite annexations to be no more than 10% of an annexing city's primary corporate limits.
- Allows the City Council to, by ordinance, authorize the City Manager to settle claims against the City.
- Makes other conforming changes regarding the impact of the bill on prior acts, laws, or ordinances.
- Contains a severability clause providing that the invalidity of one provision of this act shall not affect the remaining provisions otherwise valid.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 397

Short Title: Carolina Shores Deannexation. (Local)

Sponsors: Representative Iler.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

March 20, 2017

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE TOWN OF CAROLINA SHORES.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate limits  
of the Town of Carolina Shores:

For that certain parcel of land lying and being in Shallotte Township, Brunswick  
County, North Carolina, identified on a plat created by Thomas & Hutton entitled  
"DE-ANNEXATION EXHIBIT OF THE CHERYL G. BENNETT & L.E. BENNETT PARCEL  
TOTALING 0.04 AC.±," dated 3/1/17, bounded on the North, South, East, and West by lands of  
Cheryl G. Bennett, and being more particularly described as follows: BEGINNING at a point in  
the Cheryl G. Bennett property line, said point have a NC Grid Coordinate value of N: 64,877.50,  
E: 2,132,373.59, and runs thence with the existing Cheryl G. Bennett property line, 5 01' 38' 59"  
W – 64.96' to a point; thence continuing with the Bennett property line, S 18' 28' 50" W – 51.56' to  
a point; thence with a proposed property line to be identified as the new Town Limit Line, N 71'  
20' 40" W – 19.95' to a point, a new property corner having a NC Grid Coordinate value of N:  
64,770.05, E: 2,132,336.48; thence with a proposed property line to be identified as the new Town  
Limit Line, N 19' 03' 19" E – 113.68' to the BEGINNING, containing 0.04 Acres±.

**SECTION 2.** This act becomes effective June 30, 2017. Property in the territory  
described in Section 1 of this act as of January 1, 2017, is no longer subject to municipal taxes for  
taxes imposed for taxable years beginning on or after July 1, 2017.



\* H 3 9 7 - V - 1 \*





## HOUSE BILL 397: Carolina Shores Deannexation.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government	<b>I. If</b>	<b>Date:</b>	March 26, 2017
	favorable, re-refer to Finance			
<b>Introduced by:</b>	Rep. Iler	<b>Prepared by:</b>	Giles Perry	
<b>Analysis of:</b>	First Edition		Staff Attorney	

**OVERVIEW:** *House Bill 397 removes a small (0.04 acre) tract from the Town of Carolina Shores.*

**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. In addition, the General Assembly may annex property by local act. The General Assembly has not enacted any method for municipalities to *deannex* property; that power remains with the General Assembly.

**BILL ANALYSIS:** House Bill 397 removes a small (0.04 acre) tract from the Town of Carolina Shores. The bill includes standard language preserving any outstanding property tax liens or special assessments of the Town on the deannexed property.

**EFFECTIVE DATE:** This act becomes effective July 1, 2017.

Karen Cochrane-Brown  
Director



H 3 9 7 - S M R W - 1 9 E 1 - V - 1

Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 293

Short Title: Onslow Bd. Ed. Partisan/Swain Clarify Elect. (Local)

Sponsors: Representatives Cleveland, Shepard, Millis, and Clampitt (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 9, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE ONSLOW COUNTY  
3 BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN AND TO CLARIFY  
4 THE ELECTION METHOD FOR THE SWAIN COUNTY BOARD OF EDUCATION.  
5 The General Assembly of North Carolina enacts:

6  
7 **PART I. ONSLOW COUNTY BOARD OF EDUCATION CHANGE ELECTION**  
8 **METHOD TO PARTISAN**

9 **SECTION 1.1.** Section 1(a) of Chapter 583 of the 1993 Session Laws reads as  
10 rewritten:

11 "Section 1. (a) Beginning in ~~1996~~ 2018, the members of the Onslow County Board of  
12 Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the ~~primary election for~~  
13 ~~county officers. The general election in each even-numbered year as terms expire. Except as~~  
14 ~~provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of~~  
15 ~~the General Statutes. The results of the election shall be determined by the plurality method under~~  
16 ~~G.S. 163-292. Candidates for election to the Onslow County Board of Education shall be~~  
17 ~~nominated at the same time and manner as other county officers. Vacancies on the Board of~~  
18 ~~Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in~~  
19 ~~accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions elected on a~~  
20 ~~partisan basis in 1992 or 1994 beginning in 2018 shall be filled in accordance with~~  
21 ~~G.S. 115C-37.1. This section does not affect the terms of office of any person elected in 1992 or~~  
22 ~~1994 2014 or 2016 to the Onslow County Board of Education. Beginning in 2000, 2018, members~~  
23 ~~elected shall take office and qualify on July 1 the first Monday in December of the year of their~~  
24 ~~election, and the terms of their predecessors shall expire at that same time."~~

25 **SECTION 1.2.** The members of the Onslow County Board of Education elected in  
26 2014 and 2016, or any member appointed to fill a vacancy for the remainder of an unexpired term  
27 for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.  
28

29 **PART II. SWAIN COUNTY BOARD OF EDUCATION CLARIFY ELECTION METHOD**

30 **SECTION 2.1.** Chapter 1174 of the 1967 Session Laws is repealed.

31 **SECTION 2.2.** The Swain County Board of Education shall consist of five members  
32 to be nominated and elected on a partisan basis by the qualified voters of the entire county at the  
33 time of the general election in each even-numbered year as terms expire. Except as provided by  
34 this act, elections shall be conducted in accordance with Chapters 115C and 163 of the General  
35 Statutes. Candidates for election to the Swain County Board of Education shall be nominated at







1 the same time and manner as other county officers. If the number of candidates of a political party  
2 filing notice of candidacy is less or equal to the number of offices to be filled, then such  
3 candidates shall be declared the nominees for such political party and no primary election shall be  
4 held for such candidates or party, and such nominees' names shall appear on the general election  
5 ballot. In 2018, and quadrennially thereafter, two members shall be elected for four-year terms. In  
6 2020, and quadrennially thereafter, three members shall be elected for four-year terms.

7 **SECTION 2.3.** Members elected to the Swain County Board of Education shall take  
8 office and qualify on the first Monday in December of the year of their election, and the terms of  
9 their predecessors shall expire at that same time. Members shall serve until a successor has been  
10 elected and qualified.

11 **SECTION 2.4.** Vacancies on the Swain County Board of Education for positions  
12 elected on a partisan basis beginning in 2018 shall be filled in accordance with G.S. 115C-37.1.

13 **SECTION 2.5.** The Swain County Board of Education shall hold its organizational  
14 meeting on the first Monday in December, and biennially thereafter, and shall elect a chair and  
15 such other officers as it deems necessary.

16 **SECTION 2.6.** This part does not affect the terms of office of any person elected in  
17 2014 or 2016 to the Swain County Board of Education. The members of the Swain County Board  
18 of Education elected in 2014 or 2016, or any member appointed by the remaining members of the  
19 Board to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been  
20 elected and qualified.

### 21 **PART III. CONFORMING STATUTORY CHANGES**

22 **SECTION 3.** Effective on the first Monday in December of 2018, G.S. 115C-37.1(d)  
23 reads as rewritten:  
24

25 "(d) This section shall apply only in the following counties: Alleghany, Brunswick,  
26 Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Onslow,  
27 Rutherford, Stanly, Swain, Vance, and Washington."  
28

### 29 **PART IV. EFFECTIVE DATE**

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 293  
PROPOSED COMMITTEE SUBSTITUTE H293-CSBK-9 [v.4]

03/28/2017 01:25:21 PM

Short Title: Onslow/Pender Bd. Ed. Partisan/Swain Clarify.

(Local)

Sponsors:

Referred to:

March 9, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE ONSLOW COUNTY  
3 BOARD OF EDUCATION AND THE PENDER COUNTY BOARD OF EDUCATION  
4 FROM NONPARTISAN TO PARTISAN AND TO CLARIFY THE ELECTION  
5 METHOD FOR THE SWAIN COUNTY BOARD OF EDUCATION.

6 The General Assembly of North Carolina enacts:

7  
8 **PART I. ONSLOW COUNTY BOARD OF EDUCATION CHANGE ELECTION**  
9 **METHOD TO PARTISAN**

10 **SECTION 1.1.** Section 1(a) of Chapter 583 of the 1993 Session Laws reads as  
11 rewritten:

12 "Section 1. (a) Beginning in ~~1996-2018~~, the members of the Onslow County Board of  
13 Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time of the ~~primary election for~~  
14 ~~county officers. The general election in each even-numbered year as terms expire. Except as~~  
15 ~~provided by this act, elections shall be conducted in accordance with Chapters 115C and 163 of~~  
16 ~~the General Statutes. The results of the election shall be determined by the plurality method~~  
17 ~~under G.S. 163-292. Candidates for election to the Onslow County Board of Education shall be~~  
18 ~~nominated at the same time and manner as other county officers. Vacancies on the Board of~~  
19 ~~Education for positions elected on a nonpartisan basis in 2014 or 2016 shall be filled in~~  
20 ~~accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions elected on~~  
21 ~~a partisan basis in 1992 or 1994 beginning in 2018 shall be filled in accordance with~~  
22 ~~G.S. 115C-37.1. This section does not affect the terms of office of any person elected in 1992~~  
23 ~~or 1994-2014 or 2016 to the Onslow County Board of Education. Beginning in 2000, 2018,~~  
24 ~~members elected shall take office and qualify on July 1 the first Monday in December of the~~  
25 ~~year of their election, and the terms of their predecessors shall expire at that same time."~~

26 **SECTION 1.2.** The members of the Onslow County Board of Education elected in  
27 2014 and 2016, or any member appointed to fill a vacancy for the remainder of an unexpired  
28 term for a member elected in 2014 or 2016, shall serve until a successor has been elected and  
29 qualified.

30  
31 **PART II. PENDER COUNTY BOARD OF EDUCATION CHANGE ELECTION**  
32 **METHOD TO PARTISAN.**

33 **SECTION 2.1.** Section 2 of Chapter 976 of the 1973 Session Laws reads as  
34 rewritten:

35 "Sec. 2. Beginning in ~~1976, 2018~~, members of the Board of Education shall be elected on a  
36 ~~non-partisan-partisan~~ basis at the time of the ~~primary election. general election in each even-~~





1 numbered year as terms expire. The primary and election shall be held and conducted in  
2 accordance with the general laws governing primaries and elections for county officers, except  
3 as otherwise provided herein. The names of the candidates shall be printed on the ballots  
4 without reference to any party affiliation and any Any qualified voter residing in the County  
5 shall be entitled to vote."

6 **SECTION 2.2.** Section 5 of Chapter 976 of the 1973 Session Laws reads as  
7 rewritten:

8 "Sec. 5. Members of the Board of Education representing Districts 3 and 5 shall be elected  
9 at the time of the ~~primary-general~~ elections in ~~1976-2020~~ for a term of four years. Members of  
10 the Board of Education representing Districts 1, 2 and 4 shall be elected at the ~~primary-general~~  
11 election in ~~1978-2018~~ for a term of four years. Thereafter, as their terms expire, all members  
12 shall be elected for terms of four years. Beginning in 2018, members elected shall take office  
13 and qualify the first Monday of December immediately following their election and the terms  
14 of their predecessors shall expire at the same time. Members shall serve until a successor has  
15 been elected and qualified."

16 **SECTION 2.3.** Section 6 of Chapter 976 of the 1973 Session Laws reads as  
17 rewritten:

18 "Sec. 6. Vacancies on the Board of Education for positions elected on a nonpartisan basis in  
19 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f). Beginning in 2018, vacancies  
20 on the Board of Education for seats elected on a partisan basis shall be filled in accordance with  
21 G.S. 115C-37.1. Any person appointed must be at the time of the appointment and must remain  
22 a resident of the district for which he or she is appointed. Except as herein provided, the  
23 provisions of North Carolina General Statutes Section 115-19 shall govern the election of the  
24 Board of Education of Pender County."

25 **SECTION 2.4.** This part does not affect the terms of office of any person elected in  
26 2014 or 2016 to the Board of Education of Pender County. The members of the Board of  
27 Education elected in 2014 or 2016, or any member appointed to fill a vacancy for a member  
28 elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

29 **SECTION 2.5.** Chapter 546 of the 1949 Session Laws, as amended by Chapter 796  
30 of the 1955 Session Laws and Chapter 328 of the 1965 Session Laws, is repealed.

### 31 32 **PART III. SWAIN COUNTY BOARD OF EDUCATION CLARIFY ELECTION** 33 **METHOD**

34 **SECTION 3.1.** Chapter 1174 of the 1967 Session Laws is repealed.

35 **SECTION 3.2.** The Swain County Board of Education shall consist of five  
36 members to be nominated and elected on a partisan basis by the qualified voters of the entire  
37 county at the time of the general election in each even-numbered year as terms expire. Except  
38 as provided by this act, elections shall be conducted in accordance with Chapters 115C and 163  
39 of the General Statutes. Candidates for election to the Swain County Board of Education shall  
40 be nominated at the same time and manner as other county officers. If the number of candidates  
41 of a political party filing notice of candidacy is less or equal to the number of offices to be  
42 filled, then such candidates shall be declared the nominees for such political party and no  
43 primary election shall be held for such candidates or party, and such nominees' names shall  
44 appear on the general election ballot. In 2018, and quadrennially thereafter, two members shall  
45 be elected for four-year terms. In 2020, and quadrennially thereafter, three members shall be  
46 elected for four-year terms.

47 **SECTION 3.3.** Members elected to the Swain County Board of Education shall  
48 take office and qualify on the first Monday in December of the year of their election, and the  
49 terms of their predecessors shall expire at that same time. Members shall serve until a successor  
50 has been elected and qualified.





1       **SECTION 3.4.** Vacancies on the Swain County Board of Education for positions  
2 elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-  
3 37(f). Vacancies on the Swain County Board of Education for positions elected on a partisan  
4 basis beginning in 2018 shall be filled in accordance with G.S. 115C-37.1.

5       **SECTION 3.5.** The Swain County Board of Education shall hold its organizational  
6 meeting on the first Monday in December, and biennially thereafter, and shall elect a chair and  
7 such other officers as it deems necessary.

8       **SECTION 3.6.** This part does not affect the terms of office of any person elected in  
9 2014 or 2016 to the Swain County Board of Education. The members of the Swain County  
10 Board of Education elected in 2014 or 2016, or any member appointed by the remaining  
11 members of the Board to fill a vacancy of a member elected in 2014 or 2016, shall serve until a  
12 successor has been elected and qualified.

13  
14 **PART IV. CONFORMING STATUTORY CHANGES**

15       **SECTION 4.** Effective on the first Monday in December of 2018,  
16 G.S. 115C-37.1(d) reads as rewritten:

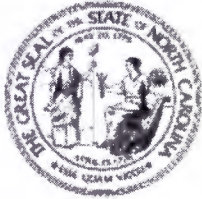
17       "(d) This section shall apply only in the following counties: Alleghany, Brunswick,  
18 Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Onslow,  
19 Pender, Rutherford, Stanly, Swain, Vance, and Washington."

20  
21 **PART V. EFFECTIVE DATE**

22       **SECTION 5.** This act is effective when it becomes law, and applies to elections  
23 held on or after that date.







# HOUSE BILL 293: Onslow/Pender Bd. Ed. Partisan/Swain Clarify.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	March 29, 2017
<b>Introduced by:</b>	Reps. Cleveland, Shepard, Millis, Clampitt	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H293-CSBK-9		Jessica Sammons Committee Co-Counsel

**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 293 would change the election method of the Board of Education in Onslow and Pender Counties from nonpartisan to partisan, and would alter the date members take office and the process for filling vacancies on the Board of Education in Onslow, Pender, and Swain Counties.*

*The PCS would amend the election method from nonpartisan to partisan, alter the date members take office, and modify the process of filling vacancies on the Board of Education in Pender County.*

**CURRENT LAW:** The following chart sets out the current law governing the Board of Education for Onslow, Pender, and Swain Counties:

County	Number of Members; Term of Office	Districts vs. At-large Members	Method of Election	Date of Election	Date New Members Take Office
Onslow	7 members; staggered 4-year terms	Elected from the county at-large	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July 1
Pender	5 members; staggered 4-year terms	Each elected county-wide from single-member districts	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	<i>Not specified in current law</i>
Swain	5 members; staggered 4-year terms	Each elected from the county at-large	Partisan	Primary & general election in even-numbered years	First Monday in April following general election

There are a few additional requirements governing these Boards of Education:

- **Residency Requirement:** In Pender County, a candidate for a Board of Education seat must be a resident of the district he or she seeks to represent.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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# House PCS 293

Page 2

- Filling Vacant Seats:
  - In Onslow and Pender Counties, vacancies are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.
  - In Swain County, vacancies are filled by the county executive committee of the relevant political party, with the appointee serving the remainder of the unexpired term.
- Organizational Meeting: In Swain County, members hold an organizational meeting on the first Monday in April in odd-numbered years to elect a chairman and any other officers the Board deems necessary.

**BILL ANALYSIS:** The PCS for House Bill 293 would make the following changes to the Board of Education for Onslow, Pender, and Swain Counties:

- Partisan Elections: In Onslow and Pender Counties, the method of election for the Board members would change from nonpartisan to partisan, beginning in 2018. Candidates would be nominated at the same time and manner as other county officers. Members would be elected at the general election in even-numbered years.
- Date New Members Take Office: In Onslow, Pender, and Swain Counties, newly-elected members would take office on the first Monday in December following the general election.
  - In Swain County, the members would elect a chair and any other officers the Board deems necessary on this date.
- Filling Vacant Seats: In Onslow, Pender, and Swain Counties, vacancies for positions elected on a partisan basis beginning in 2018 would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.
- House Bill 293 would not affect terms office or vacancy procedures for members of the Board elected in 2014 or 2016.

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

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 265

Short Title: Partisan Elections/Certain School Boards. (Local)

Sponsors: Representatives Boswell, Presnell, and Cleveland (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 8, 2017

A BILL TO BE ENTITLED  
AN ACT TO CHANGE THE ELECTION METHOD OF THE BEAUFORT COUNTY BOARD  
OF EDUCATION, DARE COUNTY BOARD OF EDUCATION, HAYWOOD COUNTY  
BOARD OF EDUCATION, HYDE COUNTY BOARD OF EDUCATION, MADISON  
COUNTY BOARD OF EDUCATION, AND YANCEY COUNTY BOARD OF  
EDUCATION FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

**PART I. BEAUFORT COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN  
ELECTIONS**

**SECTION 1.1.** Section 5(b) of Chapter 55 of the 1993 Session Laws, as amended by  
Chapter 713 of the 1993 Session Laws, reads as rewritten:

"(b) The Beginning in 2018, the members of the Permanent Beaufort County Board of  
Education shall be elected for a term of four years in nonpartisan plurality elections held at the  
time of the general election for county offices. The filing period for candidates shall be the same  
as specified in G.S. 163-294.2(e) for nonpartisan plurality elections, on a partisan basis at the time  
of the general election in each even-numbered year as terms expire. The primary and election shall  
be held and conducted in accordance with the general laws governing primaries and elections for  
county officers, except as otherwise provided herein. Duly elected members of the Permanent  
Board shall take office the first Monday of December immediately following their election and the  
terms of their predecessors shall expire at the same time. Members shall take the oath of office  
prescribed in Article VI, Section 7 of the Constitution. Members shall serve until a successor has  
been elected and qualified."

**SECTION 1.2.** Section 5(i) of Chapter 55 of the 1993 Session Laws, as amended by  
S.L. 2009-30, reads as rewritten:

"(i) Vacancies Beginning in 2018, vacancies on the Permanent Beaufort County Board of  
Education for seats elected on a partisan basis shall be filled by appointment by the remaining  
members of the Permanent Board, in accordance with G.S. 115C-37.1. Any person appointed must  
be at the time of the appointment and must remain a resident of the district for which he/she he or  
she is appointed. Appointments to fill vacancies on the Permanent Board for seats elected on a  
nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f)."

**SECTION 1.3.** This part does not affect the terms of office of any person elected in  
2014 or 2016 to the Beaufort County Board of Education. The members of the Beaufort County  
Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a  
member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.







**PART II. DARE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS**

**SECTION 2.1.** Section 3 of Chapter 654 of the 1993 Session Laws reads as rewritten:

"Sec. 3. ~~All~~ Beginning in 2018, elections for the members of the Dare County Board of Education shall be ~~nonpartisan, with the results determined by a plurality with no run-offs, held on~~ a partisan basis at the time of the general election for four-year terms in each even-numbered year as terms expire. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. All voters in the county shall be eligible to vote for all seven seats on the board."

**SECTION 2.2.** Section 11 of Chapter 654 of the 1993 Session Laws reads as rewritten:

"Sec. 11. In ~~2002-2018~~ and every four years thereafter, ~~four~~ three members shall be elected to the board as follows: one member each from Districts 1, 2, and 3."

**SECTION 2.3.** Section 12 of Chapter 654 of the 1993 Session Laws reads as rewritten:

"Sec. 12. ~~Elections for the Board of Education in 1996 shall be held in May at the same time as party primaries for other county offices, and board members shall take office in December following the election as provided in general State law. In 1998-2018 and subsequent years, elections shall also be held in May at the same time as party primaries for other county offices, but board members of the Dare County Board of Education elected on a partisan basis at that time of the general election shall take office at the first regular board meeting in July on the first Monday in December following the election. The terms of office of persons elected for terms to expire in 1998 and thereafter shall expire on the date of the first regular board meeting in July election and the terms of their predecessors shall expire at the same time. Members shall serve until a successor has been elected and qualified. Beginning in 2018, vacancies on the Dare County Board of Education for seats elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1. Appointments to fill vacancies for seats elected on a nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f).~~"

**SECTION 2.4.** This part does not affect the terms of office of any person elected in 2014 or 2016 to the Dare County Board of Education. The members of the Dare County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy for a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

**PART III. HAYWOOD COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS**

**SECTION 3.1.** Section 4 of Chapter 126 of the 1963 Session Laws, as amended by Chapter 424 of the 1973 Session Laws, Chapter 22 of the 1977 Session Laws, Chapter 89 of the 1979 Sessions Laws, S.L. 2009-29, and S.L. 2012-24, is repealed.

**SECTION 3.2.** Beginning in 2018, the Haywood County Board of Education shall consist of nine members who shall be elected on a partisan basis for four-year terms at the time of the general election by the qualified voters of the entire county in each even-numbered year as terms expire. Pursuant to Section 3 of Chapter 126 of the 1963 Session Laws, eight members shall be elected from six designated election districts, including one member each from the Bethel, Clyde, Crabtree-Iron Duff, and Fine's Creek Election Districts, and two members each from the Beaverdam and Waynesville Election Districts. The chair of the Board shall be elected by the voters of Haywood County at large. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. 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. Members shall serve until a successor has been elected and qualified.





**SECTION 3.3.** In the case of a vacancy of a member elected in 2014 or 2016 to the Haywood County Board of Education, the vacancy shall be filled by the remaining members of the Board until the next general election. Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1. In the event of a vacancy in an election district, to be eligible for appointment to fill a vacancy, the person must reside in the election district where the vacancy exists.

**SECTION 3.4.** This part does not affect the terms of office of any person elected in 2014 or 2016 to the Haywood County Board of Education. The members of the Haywood County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

#### **PART IV. HYDE COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS**

**SECTION 4.1.** Section 2 of S.L. 2007-272 is repealed.

**SECTION 4.2.** Section 2 of Chapter 206 of the 1977 Session Laws reads as rewritten:

"**Sec. 2.** The Board of Education of Hyde County shall consist of five members who shall be elected on a ~~nonpartisan~~ partisan basis at the time of the ~~primary~~ general election for county officers. in each even-numbered year as terms expire. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. Beginning with the election to be held in ~~1978,~~ 2018, three members shall be elected for terms of four years and one of the members elected in ~~1978,~~ 2018, and every four years thereafter, shall be a resident of Ocracoke. In ~~1980,~~ 2020, as the terms of the present members expire, two members shall be elected for terms of four years. Thereafter, as the terms of each member expire, successors shall be elected for terms of four years.

~~Except as provided herein, Article 5 of Chapter 115 of the General Statutes shall be applicable to the Hyde County Board of Education.~~

Beginning in 2018, 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. Members shall serve until a successor has been elected and qualified.

In the case of a vacancy of a member elected in 2014 or 2016 to the Hyde County Board of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

**SECTION 4.3.** This part does not affect the terms of office of any person elected in 2014 or 2016 to the Hyde County Board of Education. The members of the Hyde County Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

#### **PART V. MADISON COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN ELECTIONS**

**SECTION 5.1.** Section 3 of Chapter 249 of the 1991 Session Laws reads as rewritten:

"**Sec. 3.** The ~~chairman~~ chair of the Board of Education of Madison County shall be elected in ~~1994-2018~~ and quadrennially thereafter for a four-year term at large by all the qualified voters of Madison County. In the case of a vacancy of a member elected in 2014 or 2016 to the Madison County Board of Education, the vacancy shall be filled as provided in G.S. 115C-37(f). In the case of a vacancy in the office of chairman, chair elected in 2014, the remaining members of the Board shall appoint a person as chairman-chair who resides in the same district that the chairman-chair resided in at the time of his or her election. If the members do not make an appointment within 30 days of the occurrence of the vacancy, the responsibility of making the appointment shall be that of the Senior Resident Superior Court Judge for Madison County. Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1. In the event of a vacancy in an election district, to be eligible for appointment to fill a vacancy, the person must reside in the





1 election district where the vacancy exists. In the case of a vacancy in the office of chair, to be  
2 eligible for appointment to fill a vacancy, the person must reside in the same district that the chair  
3 resided in at the time of his or her election."

4 **SECTION 5.2.** Section 4 of Chapter 249 of the 1991 Session Laws reads as rewritten:

5 "Sec. 4. ~~Notwithstanding the provisions of G.S. 115C-37, the~~ Beginning in 2018, the Madison  
6 County Board of Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time of the  
7 ~~primary election in 1994 and quadrennially thereafter. The names of the candidates shall be~~  
8 ~~printed on the ballot without reference to any party affiliations. The nonpartisan election and~~  
9 ~~runoff election method shall be used with the results determined as provided in G.S. 163-293,~~  
10 ~~except that the runoff shall be held on the date provided by G.S. 163-111(e).~~ general election for  
11 four-year terms in each even-numbered year as terms expire. The primary and election shall be  
12 held and conducted in accordance with the general laws governing primaries and elections for  
13 county officers, except as otherwise provided herein. Except as provided by this act, the election  
14 shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the  
15 General Statutes."

16 **SECTION 5.3.** Section 5 of Chapter 249 of the 1991 Session Laws, as amended by  
17 Chapter 38 of the 1995 Session Laws, reads as rewritten:

18 "Sec. 5. ~~The Beginning in 2018, the~~ terms of office of the members and chairman of the  
19 Madison County Board of Education commence on the first Monday in ~~July-December~~ of the year  
20 of their election, ~~except if that date is the Fourth of July, then the terms commence on the second~~  
21 ~~Monday in July election."~~ Monday in July election."

22 **SECTION 5.4.** This part does not affect the terms of office of any person elected in  
23 2014 or 2016 to the Madison County Board of Education. The members of the Madison County  
24 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a  
25 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

## 26 27 **PART VI. YANCEY COUNTY BOARD OF EDUCATION CHANGE TO PARTISAN** 28 **ELECTIONS**

29 **SECTION 6.1.** Section 1 of Chapter 203 of the 1973 Session Laws, as amended by  
30 Section 1 of Chapter 135 of the 1985 Session Laws, reads as rewritten:

31 "**Section 1.** ~~The Beginning in 2018, the~~ Yancey County Board of Education shall consist of  
32 five members who shall be elected by the voters of Yancey County, for staggered terms of four  
33 years, in a ~~nonpartisan-partisan~~ election ~~as herein provided at the time of the general election in~~  
34 ~~each even-numbered year as terms expire. The primary and election shall be held and conducted in~~  
35 ~~accordance with the general laws governing primaries and elections for county officers, except as~~  
36 ~~otherwise provided herein. Beginning in 2018, members elected shall take office and qualify on~~  
37 ~~the first Monday in December of the year of their election, and the terms of their predecessors~~  
38 ~~shall expire at that same time. Members shall serve until a successor has been elected and~~  
39 ~~qualified.~~

40 ~~Beginning with the primary election for county offices to be held in 1974, there shall be a~~  
41 ~~nonpartisan election to elect successors to the present members of the school board whose terms~~  
42 ~~expire in 1974, and every two years thereafter, as the terms of the members expire.~~

43 ~~The nonpartisan election and runoff election method shall be used with the results determined~~  
44 ~~as provided in G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-~~  
45 ~~111(e).~~

46 In the case of a vacancy of a member elected in 2014 or 2016 to the Yancey County Board of  
47 Education, the vacancy shall be filled as provided in G.S. 115C-37(f). Beginning with members  
48 elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1."

49 **SECTION 6.2.** This part does not affect the terms of office of any person elected in  
50 2014 or 2016 to the Yancey County Board of Education. The members of the Yancey County



1 Board of Education elected in 2014 and 2016, or any member appointed to fill a vacancy of a  
2 member elected in 2014 or 2016, shall serve until a successor has been elected and qualified.

3  
4 **PART VII. CONFORMING STATUTORY CHANGES**

5 **SECTION 7.** Effective on the first Monday in December of 2018, G.S. 115C-37.1(d)  
6 reads as rewritten:

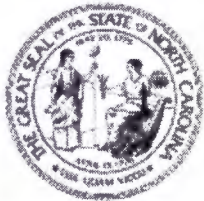
7 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,  
8 Brunswick, Cherokee, Clay, Dare, Davie, Graham, Guilford, Harnett, Haywood, Hyde, Iredell,  
9 Lee, Madison, New Hanover, Rutherford, Stanly, Vance, ~~and Washington.~~ Washington, and  
10 Yancey."

11  
12 **PART VIII. EFFECTIVE DATE**

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







## HOUSE BILL 265: Partisan Elections/Certain School Boards.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	March 29, 2017
<b>Introduced by:</b>	Reps. Boswell, Presnell, Cleveland	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Jessica Sammons Committee Co-Counsel

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**OVERVIEW:** *House Bill 265 would change the election method of the Board of Education from nonpartisan to partisan, require elections to be conducted at the general election, and require vacancies to be appointed in consultation with the county executive committee of the party of the vacating member in Beaufort, Dare, Haywood, Hyde, Madison, and Yancey Counties.*

**CURRENT LAW:** The Boards of Education in Beaufort, Dare, Haywood, Hyde, Madison, and Yancey Counties are currently all elected in nonpartisan races. The following chart sets out the current law governing the Board of Education for each county:

County	Number of Members; Term of Office	Districts vs. At-large Members	Method of Election	Date of Election	Date New Members Take Office
Beaufort	9 members; staggered 4-year terms	Each elected from single-member district by voters in that district	Nonpartisan plurality (G.S. 163-292)	General election in even-numbered years	First Monday in December
Dare	7 members; staggered 4-year terms	One member elected at-large; six members elected county-wide from districts	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July
Haywood	- 8 voting members; staggered 4-year terms - Chair (who votes only in case of tie); 4-year term	- 8 voting members elected county-wide from districts - Chair elected at-large	Nonpartisan plurality (G.S. 163-292)	General election in even-numbered years	First Monday in December

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





# House Bill 265

Page 2

<b>Hyde</b>	5 members; staggered 4-year terms	One member must be resident of Ocracoke, but is elected county- wide; rest elected at-large	Nonpartisan plurality (G.S. 163-292)	Primary election in even-numbered years	July
<b>Madison</b>	5 members (including a Chair); staggered 4-year terms	- 4 members elected from districts (one elected from each district every 2 years) - Chair elected at- large	Nonpartisan run-off (G.S. 163-293)	Primary election in even-numbered years	July
<b>Yancey</b>	5 members; staggered 4-year terms	Each elected at- large	Nonpartisan run-off (G.S. 163-293)	Primary election in even-numbered years	<i>Not currently specified in session law</i>

There are a few additional requirements governing these Boards of Education:

- **Residency Requirement:** In those counties where the Board member is elected to represent a district, the member must remain a resident of the district from which the member was elected or is serving.
- **Filling Vacant Seats:** In Madison County, vacancies are filled by the remaining members of the Board, provided that the appointee resides in the same district as the departing member. Vacancies in the office of the chair are filled by the remaining members of the Board, provided that the appointee resides in the same district as the departing chair. If the members do not make an appointment within 30 days of the chair's vacancy, the Senior Resident Superior Court Judge for Madison County will make the appointment.
  - In all other counties, vacant seats in the Board of Education are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.
- **Term Limits:** In Haywood County, no member may serve for more than two consecutive terms.

**BILL ANALYSIS:** In all six counties, House Bill 265 would change the method of election for the Board members from nonpartisan to partisan, beginning in 2018. Members would be elected at the general election in even-numbered years, and would take office on the first Monday in December following the election. Elections would be conducted in accordance with the general laws governing primaries and elections for county officers.

Vacancies for positions elected on a partisan basis beginning in 2018 would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.



# House Bill 265

*Page 3*

Terms of office or vacancy procedures for members elected in 2014 or 2016 would not be affected.

In addition, House Bill 265 would make the following county-specific change:

- **Haywood County:** The chair would become a voting member, and therefore, the Board would consist of nine voting members. The prohibition on a member serving for more than two consecutive terms would also be repealed.

**EFFECTIVE DATE:** House Bill 265 would be effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**H**

**1**

**HOUSE BILL 262**

Short Title: Kannapolis Deannexation. (Local)

Sponsors: Representative Ford.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

March 8, 2017

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate limits  
of the City of Kannapolis:

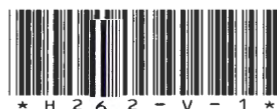
Tract I:

BEGINNING at a point on the south side of the 60-ft. right-of-way for Cannon Farm  
Road (SR 1197), said beginning point being the northwestern corner of Lot No. 4, Cannon  
Country Club Estates, and runs thence with the dividing line between Lots Nos. 3 and 4 S.  
05-03-08 W. (passing a 1/2" existing iron rod at 496.09 feet) a total distance of 543.22 feet to a  
new iron post; thence N. 84-56-52 W. 113.93 feet to a new iron post in the boundary of the  
property of Atlantic American Properties, Inc., (Kannapolis Country Club); thence N. 00-06-07 E.  
41.34 feet to a 1/2" existing iron rod; thence continuing with the property of Atlantic American  
Properties, Inc., N. 87-50-27 W. 26.67 feet to a 1/2" existing iron rod, a new corner in the property  
of Billy Max James (Deed Book 667, page 529); thence a new line through Lot No. 2 of Cannon  
Country Club Estates N. 03-37-37 E. 433.50 feet to a 1/2" existing iron rod on the south side of  
the right-of-way for Cannon Farm Road; thence with said right-of-way N. 70-44-00 E. 170.00 feet  
to the point of BEGINNING.

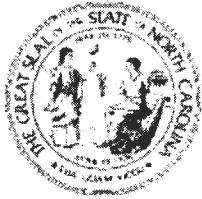
Tract II:

BEGINNING at a new iron pin in the southern right-of-way line of Cannon Farm Road  
(SR 1197), a common corner with Robert L. London and Leonard R. Beaver (588-692); thence  
along the western line of Robert L. London and Leonard R. Beaver S. 06-13-02 W. 668.59 ft. to  
an established iron pin, the southwestern corner of Leonard R. Beaver; thence S. 82-59-46 W.  
131.08 ft. to an established iron pin, the southeastern corner of Lot No. 3; thence along the eastern  
line of Lot No. 3 N. 05-03-08 E. 633.23 ft. to a new iron pin in the southern margin of Cannon  
Farm Road (SR 1197); thence along the southern margin of Cannon Farm Road N. 70-44-00 E.  
110.93 ft. to a computed point; thence N. 72-28-41 E. 44.07 ft. to the point and place of  
BEGINNING and containing 2.012 acres, more or less, and being that property as shown upon a  
survey by Mel G. Thompson, R.L.S., bearing the date of August 7, 1987, to which reference is  
hereby made.

**SECTION 2.** This act becomes effective June 30, 2017. Property in the territory  
described in Section 1 of this act as of January 1, 2017, is no longer subject to municipal taxes for  
taxes imposed for taxable years beginning on or after July 1, 2017.







## HOUSE BILL 262: Kannapolis Deannexation.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	March 28, 2017
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. Ford	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	PCS to First Edition		Staff Attorney
	H262-CSBDx-14		

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**OVERVIEW:** *House Bill 262 (proposed committee substitute - PCS) would remove two tracts of land from the corporate limits of the City of Kannapolis. The bill would become effective June 30, 2017 and apply to tax years beginning July 1, 2017.*

*The PCS makes a technical change to clarify that the City of Kannapolis may still collect any ad valorem taxes or special assessments on the property that were outstanding before the effective date of the deannexation.*

**[As introduced, this bill was identical to S261, as introduced by Sen. Brock, which is currently in Senate State and Local Government.]**

**CURRENT LAW:** Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes which governs municipal annexations. In addition, the General Assembly may annex property by local act. However, the General Assembly has not enacted any method for municipalities to deannex property. Only the General Assembly may deannex property.

**BILL ANALYSIS:** The PCS would deannex two tracts of land from the corporate limits of the City of Kannapolis.

**EFFECTIVE DATE:** The bill would become effective June 30, 2017 and apply to tax years beginning July 1, 2017.

**BACKGROUND:** This bill has the support of the governing body of the City of Kannapolis.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 262  
PROPOSED COMMITTEE SUBSTITUTE H262-CSBDx-14 [v.1]  
03/28/2017 03:43:57 PM

Short Title: Kannapolis Deannexation.

(Local)

Sponsors:

Referred to:

March 8, 2017

A BILL TO BE ENTITLED  
AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE CITY OF KANNAPOLIS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate  
limits of the City of Kannapolis:

Tract I:

BEGINNING at a point on the south side of the 60-ft. right-of-way for Cannon  
Farm Road (SR 1197), said beginning point being the northwestern corner of Lot No. 4,  
Cannon Country Club Estates, and runs thence with the dividing line between Lots Nos. 3 and  
4 S. 05-03-08 W. (passing a 1/2" existing iron rod at 496.09 feet) a total distance of 543.22 feet  
to a new iron post; thence N. 84-56-52 W. 113.93 feet to a new iron post in the boundary of the  
property of Atlantic American Properties, Inc., (Kannapolis Country Club); thence N. 00-06-07  
E. 41.34 feet to a 1/2" existing iron rod; thence continuing with the property of Atlantic  
American Properties, Inc., N. 87-50-27 W. 26.67 feet to a 1/2" existing iron rod, a new corner  
in the property of Billy Max James (Deed Book 667, page 529); thence a new line through Lot  
No. 2 of Cannon Country Club Estates N. 03-37-37 E. 433.50 feet to a 1/2" existing iron rod on  
the south side of the right-of-way for Cannon Farm Road; thence with said right-of-way N.  
70-44-00 E. 170.00 feet to the point of BEGINNING.

Tract II:

BEGINNING at a new iron pin in the southern right-of-way line of Cannon Farm  
Road (SR 1197), a common corner with Robert L. London and Leonard R. Beaver (588-692);  
thence along the western line of Robert L. London and Leonard R. Beaver S. 06-13-02 W.  
668.59 ft. to an established iron pin, the southwestern corner of Leonard R. Beaver; thence S.  
82-59-46 W. 131.08 ft. to an established iron pin, the southeastern corner of Lot No. 3; thence  
along the eastern line of Lot No. 3 N. 05-03-08 E. 633.23 ft. to a new iron pin in the southern  
margin of Cannon Farm Road (SR 1197); thence along the southern margin of Cannon Farm  
Road N. 70-44-00 E. 110.93 ft. to a computed point; thence N. 72-28-41 E. 44.07 ft. to the  
point and place of BEGINNING and containing 2.012 acres, more or less, and being that  
property as shown upon a survey by Mel G. Thompson, R.L.S., bearing the date of August 7,  
1987, to which reference is hereby made.

**SECTION 2.** This act has no effect upon the validity of any liens of the City of  
Kannapolis for ad valorem taxes or special assessments outstanding before the effective date of  
this act. Such liens may be collected or foreclosed upon after the effective date of this act as  
though the property were still within the corporate limits of the City of Kannapolis.





1           **SECTION 3.** This act becomes effective June 30, 2017. Property in the territory  
2 described in Section 1 of this act as of January 1, 2017, is no longer subject to municipal taxes  
3 for taxes imposed for taxable years beginning on or after July 1, 2017.



Committee Sergeants at Arms

NAME OF COMMITTEE STATE AND LOCAL GOVERNMENT 1

DATE: 03-29-2017 Room: 544

House Sgt-At Arms:

1. Name: REGGIE SILLS

2. Name: MARVIN LEE

3. Name: TERRY McCRAW

4. Name: THOMAS TERRY

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

Senate Sgt-At Arms:

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

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

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

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

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



**House Pages  
Assignments  
Wednesday, March 29, 2017  
Session: 2:00 PM**

Committee	Room	Time	Staff	Comments	Member
State and Local Government	544	10:00 AM	Jon Edmonston		Rep. Grier Martin
			Brenton Lanier		Rep. Brenden Jones
			William Patterson, II		Rep. Holly Grange
			Greyson Siderio		Rep. Chris Malone
Alcoholic Beverage Control	544	11:00 AM	Troy Elbert		Rep. Marvin Lucas
			Benjamin Williams		Rep. Marvin Lucas
Health	643	11:00 AM	Situna Taliau		Rep. Speaker Tim Moore
			Ubaldo Velasco- Lopez		Rep. Speaker Tim Moore
			Anthony Vincent		Rep. Speaker Tim Moore
Pensions and Retirement	415	12:00 PM	Naiia Pullen		Rep. Speaker Tim Moore
			Diamond Smith		Rep. Speaker Tim Moore
			Sydney Todd		Rep. Speaker Tim Moore
Judiciary III	421	12:30 PM	Megan Hammaker		Rep. Kevin Corbin
			Christopher Tucker		Rep. Speaker Tim Moore
Judiciary I	415	1:00 PM	Darius Bellamy		Rep. Speaker Tim Moore
			Hunter Freeman		Rep. Speaker Tim Moore



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## VISITOR REGISTRATION SHEET

Rm 544

State &amp; Local Govt 1

Name of Committee

03-29-2017

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chris Bloughton	MWC
Chris Rollins	City of Mebane
David Cheek	City of Mebane
Lawson Brown	CITY OF MEBANE
Hendel Stephenson	City of Mebane
Ed Hooker	City of Mebane
Tim Bradley	NC STATE FIREFIGHTERS
Adam Pridemore	NCAFA
Bruce midurf	NCSBA
Robb Jansen	NCSBE



Rm 544

03-29-2017  
Date

NAME \_\_\_\_\_

[illegible]

utility  
pics



**House Committee on State and Local Government I**  
**Tuesday, April 4, 2017 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on April 4, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Ager, Brawley, Brody, Burr, Cleveland, Fisher and Pittman attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered House Bill (HB) 331 Correct Board Member Terms/Town of Oakboro (Representative Burr). Representative Burr was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for HB 331 to receive a favorable report with a referral to the committee on Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 288 Town of Raynham/Extend Mayor's Term of Office (Representative Pierce). The chair motioned for the Proposed Committee Substitute (PCS) of HB 288 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Pierce was recognized to present the bill. The committee discussed the bill. Representative Fisher motioned for the PCS of HB 288 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee of Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 408 Filling Vacancy/Cabarrus County Bd. of Comm (Representative Pittman). Representative Pittman was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for HB 408 to receive a favorable report. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 414 Swain County/Official Fly Fishing Museum (Representative Clampitt). The chair motioned for the Proposed Committee Substitute (PCS) of HB 414 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Clampitt was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for the PCS of HB 414 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee of Rules, Calendar and Operations of the House. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 420 Rockingham Cty Tourism Development Authority (Representatives Bert Jones, K. Hall). Representative Jones was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for HB 420 to



receive a favorable report with a referral to the committee on Commerce and Job Development. The Chair called for a voice vote and the motion carried.


The Committee considered House Bill (HB) 447 Lexington City Bd. of Ed./City Council (Representatives Potts, Watford). The chair motioned for the Proposed Committee Substitute (PCS) of HB 447 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representatives Potts and Watford were recognized to present the bill. The committee discussed the bill. Mayor Newell Clark of Lexington was recognized to share his support for the bill. Representative Cleveland motioned for the PCS of HB 447 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee of Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 449 Henderson Cty/Law Enforcement Training Center (Representatives McGrady, Henson). Representative McGrady was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for HB 449 to receive a favorable report with a referral to the committee on Education- Community Colleges. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 492 Increase Penalties for Certain Assaults (Representatives Clampitt, Saine, Dollar). The chair motioned for the Proposed Committee Substitute (PCS) of HB 492 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representatives Saine and Clampitt were recognized to present the bill; there was no discussion on the bill. Representative Brawley motioned for the PCS of HB 492 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Judiciary II. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 426 Sanford-Lee County Airport Authority Changes (Representatives Sauls, Reives). Representative Sauls was recognized to present the bill; there was no discussion on the bill. Representative Fisher motioned for HB 426 to receive a favorable report. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10: 24 AM.

  
\_\_\_\_\_  
Select or Type Name of Presiding Chair  
Presiding

  
\_\_\_\_\_  
Olivia Clapp, Committee Clerk





**Corrected #1: Remove HB 436 Local Government/Regulatory Fees**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Tuesday, April 4, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 257</u>	Stanly County Municipalities/Contracts.	Representative Burr
<u>HB 331</u>	Correct Board Member Terms/Town of Oakboro.	Representative Burr
<u>HB 288</u>	Town of Raynham/Extend Mayor's Term of Office.	Representative Pierce
<u>HB 408</u>	Filling Vacancy/Cabarrus County Bd. of Comm.	Representative Pittman
<u>HB 414</u>	Swain County/Official Fly Fishing Museum.	Representative Clampitt
<u>HB 420</u>	Rockingham Cty Tourism Development Authority.	Representative Bert Jones Representative K. Hall
<u>HB 447</u>	Lexington City Bd. of Ed./City Council.	Representative Potts Representative Watford
<u>HB 449</u>	Henderson Cty/Law Enforcement Training Center.	Representative McGrady Representative Henson
<u>HB 492</u>	Increase Penalties for Certain Assaults.	Representative Clampitt Representative Saine Representative Dollar
<u>HB 426</u>	Sanford-Lee County Airport Authority Changes.	Representative Sauls Representative Reives
<u>HB 398</u>	Brunswick County/Municipal Meals Taxes.	Representative Iler Representative Butler



Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:24 PM on Thursday, July 06, 2017.

☐ Principal Clerk  
☐ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

HB 408 Filling Vacancy/Cabarrus County Bd. of Comm.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Pittman

HB 426 Sanford-Lee County Airport Authority Changes.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Sauls

**FAVORABLE AND RE-REFERRED**

HB 331 Correct Board Member Terms/Town of Oakboro.  
Draft Number: None  
**Serial Referral: ELECTIONS AND ETHICS LAW**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Burr

HB 420 Rockingham Cty Tourism Development Authority.  
Draft Number: None  
**Serial Referral: COMMERCE AND JOB DEVELOPMENT**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Bert Jones

HB 449 Henderson Cty/Law Enforcement Training Center.  
Draft Number: None  
**Serial Referral: EDUCATION - COMMUNITY COLLEGES**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: McGrady



\* C M R 1 3 8 - V - 3 \*



## FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 288	Town of Raynham/Extend Mayor's Term of Office. Draft Number: H288-PCS40334-BK-10 <b>Serial Referral:</b> ELECTIONS AND ETHICS LAW Recommended Referral: None Long Title Amended: Yes Floor Manager: Pierce
HB 414	Swain County/Official Trout Fishing Location. Draft Number: H414-PCS30246-LG-1 <b>Serial Referral:</b> RULES, CALENDAR, AND OPERATIONS OF THE HOUSE Recommended Referral: None Long Title Amended: Yes Floor Manager: Clampitt
HB 447	Lexington City Bd. of Ed./Change to Election. Draft Number: H447-PCS40333-BK-12 <b>Serial Referral:</b> ELECTIONS AND ETHICS LAW Recommended Referral: None Long Title Amended: No Floor Manager: Potts
HB 492	Increase Penalties for Certain Assaults. Draft Number: H492-PCS40335-RW-11 <b>Serial Referral:</b> JUDICIARY II Recommended Referral: None Long Title Amended: No Floor Manager: Clampitt

TOTAL REPORTED: 9



★ C M R 1 3 8 - V - 3 ★





**House Committee on State and Local Government I**  
**Tuesday, April 4, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 257	Stanly County Municipalities/Contracts.	Representative Burr
HB 331	Correct Board Member Terms/Town of Oakboro.	Representative Burr
HB 288	Town of Raynham/Extend Mayor's Term of Office.	Representative Pierce
HB 408	Filling Vacancy/Cabarrus County Bd. of Comm.	Representative Pittman
HB 414	Swain County/Official Trout Fishing Location.	Representative Clampitt
HB 420	Rockingham Cty Tourism Development Authority.	Representative Bert Jones Representative K. Hall
HB 447	Lexington City Bd. of Ed./Change to Election.	Representative Potts Representative Watford
HB 449	Henderson Cty/Law Enforcement Training Center.	Representative McGrady Representative Henson
HB 492	Increase Penalties for Certain Assaults.	Representative Clampitt Representative Saine Representative Dollar
HB 426	Sanford-Lee County Airport Authority Changes.	Representative Sauls Representative Reives
HB 398	Brunswick County/Municipal Meals Taxes.	Representative Iler Representative Butler

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 331

Short Title: Correct Board Member Terms/Town of Oakboro. (Local)

Sponsors: Representative Burr.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 14, 2017

A BILL TO BE ENTITLED

AN ACT TO CORRECT HOW THE TERMS OF BOARD MEMBERS ARE TO EXPIRE DUE  
TO TRANSITION OF MUNICIPAL ELECTIONS TO EVEN-NUMBERED YEARS IN THE  
TOWN OF OAKBORO.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 15 of the Charter of the Town of Oakboro, being Chapter 51 of the Private Laws of 1915, as amended by ordinance adopted by the Town Board, and Section 7 of S.L. 2015-253, reads as rewritten:

"Sec. 15. That the Mayor of the town of Oakboro shall hold office for the term of two years and until its successor is elected and qualified, except that in 2015, the Mayor elected shall serve a term of three years, but the Mayor's successors shall serve terms of two years. Those members of the Board who have the lowest total number of votes shall serve for a two-year term. At the regular election held in 2011, and every four years thereafter, members of the Board who were elected for two-year terms in the election of 2009, shall be elected to serve for a four-year term. In 2015, ~~three-two~~ members of the Board shall be elected for five-year terms, and the ~~two-three~~ members whose terms expire in 2017 shall continue to serve until 2018. In 2020, and quadrennially thereafter, ~~three-two~~ persons shall be elected to four-year terms. In 2018, and quadrennially thereafter, ~~two-three~~ persons shall be elected to four-year terms. That in the absence of any officer of the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence or during his inability, and no longer. If the absence be caused by resignation, the board may appoint an officer to fill the unexpired term."

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







# HOUSE BILL 331: Correct Board Member Terms/Town of Oakboro.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 4, 2017
	favorable, re-refer to Elections and Ethics		
	Law		
<b>Introduced by:</b>	Rep. Burr	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Jessica Sammons
			Committee Co-Counsel

**OVERVIEW:** *House Bill 331 would amend the Charter of the Town of Oakboro to correct how the terms of the five current commissioners expire as the town transitions to even-year municipal elections.*

**CURRENT LAW & BILL ANALYSIS:** Officers for the Town of Oakboro consist of a mayor and five commissioners. The Mayor serves a two-year term. The commissioners are elected at-large and serve staggered four-year terms. Elections are conducted on a nonpartisan basis.

Beginning in 2018, regular municipal elections for the Town of Oakboro are to be held in even-numbered years. To implement this change, S.L. 2015-253 modified the term of the mayor elected in 2015 and the terms of the commissioners elected in 2013 and 2015.

House Bill 331 would correct the Town of Oakboro's charter, as amended by S.L. 2015-253, to reflect how the terms of the town officers are to expire during the transition to even-year municipal elections:

	Current Law – S.L. 2015-253	Corrections in House Bill 331
<b>Mayor</b>	Mayor elected in 2015 will serve a three-year term. The next mayor will be elected in 2018, and every 2 years thereafter.	<i>No change.</i>
<b>Commissioner Term 2015-2020</b>	Three members elected in 2015 will serve until 2020 (five-year term). In 2020, three members will be elected for four-year terms.	Two members elected in 2015 will serve until 2020 (five-year term). In 2020, two members will be elected for four-year terms.
<b>Commissioner Term 2013-2018</b>	Two members elected in 2013 will serve until 2018 (five-year term). In 2018, two members will be elected for four-year terms.	Three members elected in 2013 will serve until 2018 (five-year term). In 2018, three members will be elected for four-year terms.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 288

Short Title: Town of Raynham/Extend Mayor's Term of Office. (Local)

Sponsors: Representative Pierce.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TERM OF OFFICE FOR THE MAYOR OF THE TOWN OF  
RAYNHAM FROM TWO YEARS TO FOUR YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3 of the Charter of the Town of Raynham, being Chapter 388 of the 1975 Session Laws, as amended by Section 1 of Chapter 16 of the 1977 Session Laws and Section 1 of Chapter 270 of the 1977 Session Laws, reads as rewritten:

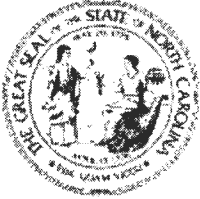
"Sec. 3. The Board of Commissioners of the Town of Raynham shall consist of three members beginning on the first Monday in December, 1977. The members shall be elected for staggered terms as provided in Section 4 of this act. The In 2017, and quadrennially thereafter, the mayor of the town shall be elected for a term of ~~two~~ four years."

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









# HOUSE BILL 288: Town of Raynham/Extend Mayor's Term of Office.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Rep. Pierce	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H288-CSBK-10		Jessica Sammons Committee Co-Counsel

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**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 288 would increase the Town of Raynham's term of office for mayor from two years to four years and remove the staggering of terms for the Board of Commissioners, allowing all town officers to be elected during the same year.*

**CURRENT LAW:** Section 3 of the Charter for the Town of Raynham provides that officers for the town consist of a mayor, elected for a two-year term, and a Board of Commissioners composed of three at-large members, elected for staggered four-year terms. Section 4 of the Charter describes the process of staggering the commissioners' terms.

Municipal elections in the Town of Raynham are conducted in odd-numbered years on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163-292. Election for mayor and commissioners must be held on the Tuesday after the first Monday in November. G.S. 163-279. Terms of office for both the mayor and commissioners begin on the first Monday in December following their election.

The Town of Raynham is currently electing commissioners to serve two-year terms.<sup>1</sup>

**BILL ANALYSIS:** The PCS for House Bill 288 would do the following:

- Increase the term of office for the mayor of the Town of Raynham from two years to four years, effective with the 2017 election.
- Remove the staggering of terms for the commissioners, allowing for the mayor and all three commissioners to be elected in the same year, effective with the 2017 election.

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

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<sup>1</sup> <http://co.roberson.nc.us/wp-content/uploads/2011/09/ELECTED-OFFICIALS-BOOK-3-22-17.pdf>

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 408

Short Title: Filling Vacancy/Cabarrus County Bd. of Comm. (Local)

Sponsors: Representative Pittman.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

March 21, 2017

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE THAT VACANCIES ON THE CABARRUS COUNTY BOARD OF  
COMMISSIONERS ARE FILLED IN ACCORDANCE WITH G.S. 153A-27.1.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-27.1(h) reads as rewritten:

"(h) This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey."

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

**SECTION 3.** This act is effective when it becomes law and applies to vacancies filled on or after that date.



\* H 4 0 8 - V - 1 \*





## HOUSE BILL 408: Filling Vacancy/Cabarrus County Bd. of Comm.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Pittman  
**Analysis of:** First Edition

**Date:** April 4, 2017  
**Prepared by:** Giles Perry  
Jessica Sammons  
Committee Co-Counsel

**OVERVIEW:** *House Bill 408 would change the manner in which vacancies on the Cabarrus County Board of Commissioners are filled when the departing member was elected as a nominee of a political party to a process where the appointing authority is bound by the recommendation of the relevant political party, if that recommendation is made within 30 days of the vacancy.*

**CURRENT LAW:** There are two statutory processes governing filling vacancies on the board of county commissioners. Generally, counties are either subject to the method described in G.S. 153A-27 or the modified version described in G.S. 153A-27.1.

**Selection of Appointee:**

The following chart summarizes who has authority to appoint new members under both statutes:

	<b>G.S. 153A-27</b>	<b>G.S. 153A-27.1</b>
<b>Quorum met on Board</b>	Remaining members of Board appoint new members.  If the remaining members do not fill a vacancy within 60 days, the clerk of superior court must be immediately notified, and must then fill the vacancy within 10 days of notification.	Remaining members of Board appoint new members.
<b>Quorum not reached, but Board has a chair</b>	Chair appoints enough new members to obtain quorum, then Board fills remaining vacancies.	Chair appoints enough new members to obtain quorum, then Board fills remaining vacancies.
<b>Quorum not reached and no chair</b>	Clerk of superior court must fill the vacancies upon the request of any remaining member or upon request of any five registered voters in the county.	Clerk of superior court must fill the vacancies upon the request of any number of registered voters.

In both G.S. 153A-27 and 153A-27.1, if departing member was elected to represent an electoral district, the appointee must reside in the same district as the departing member, and if the departing member was elected as a political party nominee, the appointee must be a member of the same political party.

However, under G.S. 153A-27, if the departing member was originally elected as a nominee of a political party, whoever is filling the vacancy (either the board, chair, or the clerk of superior court) must consult the executive committee of the relevant political party before filling a vacancy, but are not required to follow that committee's recommendation.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





# House Bill 408

Page 2

Under G.S. 153A-27.1, if the departing member was originally elected as a nominee of a political party, whoever is filling the vacancy must appoint the nominee of the executive committee of the relevant political party if the recommendation is made within 30 days after the seat becomes vacant.

**Therefore, the main difference between the two processes is that for those counties subject to G.S. 153A-27.1, the appointing authority is bound by the recommendation of the relevant political party, if that recommendation is made within 30 days of the vacancy.<sup>1</sup>**

## Length of Appointee's Term:

Both G.S. 153A-27 and G.S. 153A-27.1 have the same rules regarding the length of the appointee's term, regardless of who selects the appointee. How long the appointed commissioner will serve depends on the term of the vacating member and when the vacancy occurs during that term, summarized in the following chart:

Term of Vacating Member	Term of Appointee
Departing member was serving 2 year term and vacates office during the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4 year term and vacates office later than 60 days before the next general election held after the first two years of the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4 year term and vacates office more than 60 days before the next general election.	Appointee will serve until first Monday in December following the next general election. Person elected at next general election will serve for the remainder of the unexpired term.

**BILL ANALYSIS:** House Bill 408 would add Cabarrus County to the list of counties in which G.S. 153A-27.1 applies, meaning that when a member who was elected as a nominee of a political party vacates their board of commissioners' seat in Cabarrus County, the appointing authority is bound by the recommendation of the relevant political party, if that recommendation is made within 30 days of the vacancy.

**EFFECTIVE DATE:** The act would be effective when it becomes law and would apply to vacancies filled on or after that date.

**BACKGROUND:** S.L. 2017-2 clarifies that, in the event of a vacancy during a four-year county board of commissioners' term, the length of the appointment to fill the vacancy is determined by the date of the next general election for county commissioner, not just a general election in which all precincts are open on election day.

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<sup>1</sup>G.S. 153A-27.1 applies in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 414

Short Title: Swain County/Official Trout Fishing Location. (Public)

Sponsors: Representative Clampitt.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Rules, Calendar, and Operations of the House

March 22, 2017

A BILL TO BE ENTITLED  
AN ACT DESIGNATING SWAIN COUNTY AS THE OFFICIAL LOCATION FOR TROUT  
FISHING IN NORTH CAROLINA.

Whereas, Swain County is home to hundreds of miles of trout streams and scores of different streams ranging from those accessible with a short walk to others that are more remote; and

Whereas, Swain County holds 42% of the entire acreage of the Great Smoky Mountains National Park and also holds over several hundred miles of trout fishing within the National Park; and

Whereas, Swain County holds within the Great Smoky Mountains National Park the legendary trout streams of both Hazel Creek and Deep Creek, the complete length of the Oconaluftee River and its tributaries; and

Whereas, it is generally acknowledged that for stream-bred fish (rainbows, browns, and speckled trout), the streams of the Great Smoky Mountains National Park provide a scenic and wild destination unmatched in the eastern United States; and

Whereas, virtually all of Swain County's trout water is available to the general public due to being located in the Nantahala National Forest or the Great Smoky Mountains National Park; and

Whereas, the lower end of the Nantahala River, the Nantahala Gorge, is entirely in Swain County and enjoys the rare attribute of being wadeable during times of power generation as well as when upstream dam gates are shut and also enjoys year-round levels of water; and

Whereas, the tail waters of the Nantahala River, the Nantahala Gorge, are entirely in Swain County and hold a substantial population of wild fish even though it carries a "hatchery supported" designation; and

Whereas, the tail waters of the Nantahala River, the Nantahala Gorge, are entirely in Swain County and was named in Trout Unlimited's list of America's 100 greatest trout streams; and

Whereas, the tribal waters of the Cherokee Reservation's famed fishing are in Swain County and offer both catch-and-release trophy options as well as catch-and-keep fishing; and

Whereas, Swain County offers over two miles of delayed harvest waters on the Tuckasegee River readily accessible via wading, bank fishing, boating, and fishing piers; and

Whereas, Swain County has hosted two top fly fishing events, the 2011 U.S. National Fly Fishing Championship and the 2012 U.S. Youth National Fly Fishing





1 Championship, and is hosting the upcoming 2017 U.S. Youth National Fly Fishing  
2 Championship; and

3       Whereas, Swain County has 42,550 stocked trout over 31.2 miles of stream, or  
4 1,364 trout per mile; and

5       Whereas, Swain County holds two State record fish, the brook trout State record  
6 was caught on Ravens Fork and the brown trout State record was caught on the Nantahala  
7 River; and

8       Whereas, Swain County is comprised of 541 square miles with 13 square miles of  
9 water that equal 2.3% of the county overall with the vast majority of those streams being  
10 accessible to fishing; and

11       Whereas, Swain County holds four rivers, including the Nantahala, Tuckasegee,  
12 Little Tennessee, and Oconaluftee, all easily accessible for fishing and stocked; and

13       Whereas, Swain County is home to Fontana Lake, with over 900 miles of shoreline  
14 and over 13 varieties of fish, including brown and rainbow trout, small- and large-mouth bass,  
15 muskie, walleye, yellow perch, and others; and

16       Whereas, Swain County is home to Cheoah Lake, which has over 6 varieties of fish,  
17 including brook, brown, and rainbow trout; and

18       Whereas, Swain County is the home of the Fly Fishing Museum of the Southern  
19 Appalachians, devoted to the history and teaching of the art of fly fishing and nationally  
20 recognized as being the top museum of its type; and

21       Whereas, the trout and lake fishing industry brings a \$174 million economic impact  
22 to Western North Carolina; and

23       Whereas, Swain County offers a remarkable variety of aquatic waters for outdoor  
24 recreation, including fishing, boating, kayaking, and more, which encourages destination  
25 tourism, second-home buyers, and retirees to the fair State of North Carolina; and

26       Whereas, Swain County deserves to be designated as the official trout fishing  
27 location in North Carolina; Now, therefore,  
28 The General Assembly of North Carolina enacts:

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

31       **"§ 145-49. State trout fishing location.**

32       Swain County is designated as the official location for trout fishing in the State of North  
33 Carolina."

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 414  
PROPOSED COMMITTEE SUBSTITUTE H414-CSLG-1 [v.3]

04/03/2017 05:13:22 PM

Short Title: Swain County/Official Fly Fishing Museum.

(Public)

Sponsors:

Referred to:

March 22, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT DESIGNATING SWAIN COUNTY AS THE HOME TO THE FLY FISHING  
3 MUSEUM OF THE SOUTHERN APPALACHIANS.  
4 Whereas, Swain County is home to hundreds of miles of wild fish streams and  
5 scores of different streams ranging from those accessible with a short walk to others that are  
6 more remote; and  
7 Whereas, Swain County holds 52% of the entire acreage of the Great Smoky  
8 Mountains National Park and also holds over several hundred miles of trout fishing within the  
9 National Park; and  
10 Whereas, Swain County holds within the Great Smoky Mountains National Park the  
11 legendary streams of both Hazel Creek and Deep Creek, the complete length of the Oconaluftee  
12 River and its tributaries; and  
13 Whereas, it is generally acknowledged that for stream-bred fish, the streams of the  
14 Great Smoky Mountains National Park provide a scenic and wild destination unmatched in the  
15 eastern United States; and  
16 Whereas, virtually all of Swain County's wild fish waters are available to the general  
17 public due to being located in the Nantahala National Forest or the Great Smoky Mountains  
18 National Park; and  
19 Whereas, the lower end of the Nantahala River, the Nantahala Gorge, is entirely in  
20 Swain County and enjoys the rare attribute of being wadeable during times of power generation  
21 as well as when upstream dam gates are shut and also enjoys year-round levels of water; and  
22 Whereas, the tail waters of the Nantahala River, the Nantahala Gorge, are entirely in  
23 Swain County and hold a substantial population of wild fish even though it carries a "hatchery  
24 supported" designation; and  
25 Whereas, the tail waters of the Nantahala River, the Nantahala Gorge, are entirely in  
26 Swain County and was named in Trout Unlimited's list of America's 100 greatest trout streams;  
27 and  
28 Whereas, the tribal waters of the Cherokee Reservation's famed fishing are in Swain  
29 County and offer both catch-and-release trophy options as well as catch-and-keep fishing; and  
30 Whereas, Swain County offers over two miles of delayed harvest waters on the  
31 Tuckasegee River readily accessible via wading, bank fishing, boating, and fishing piers; and  
32 Whereas, Swain County has hosted two top fly fishing events, the 2011 U.S.  
33 National Fly Fishing Championship and the 2012 U.S. Youth National Fly Fishing  
34 Championship, and is hosting the upcoming 2017 U.S. Youth National Fly Fishing  
35 Championship; and







Whereas, Swain County has 42,550 stocked trout over 31.2 miles of stream, or 1,364 trout per mile; and

Whereas, Swain County holds two State record fish, the brook trout State record was caught on Ravens Fork and the brown trout State record was caught on the Nantahala River; and

Whereas, Swain County is comprised of 541 square miles with 13 square miles of water that equal 2.3% of the county overall with the vast majority of those streams being accessible to fishing; and

Whereas, Swain County holds four rivers, including the Nantahala, Tuckasegee, Little Tennessee, and Oconaluftee, all easily accessible for fishing and stocked; and

Whereas, Swain County is home to Fontana Lake, with over 900 miles of shoreline and over 13 varieties of fish, including brown and rainbow trout, small- and large-mouth bass, muskie, walleye, yellow perch, and others; and

Whereas, Swain County is home to Cheoah Lake, which has over six varieties of fish; and

Whereas, the fishing industry brings a \$174 million economic impact to Western North Carolina; and

Whereas, Swain County offers a remarkable variety of aquatic waters for outdoor recreation, including fishing, boating, kayaking, and more, which encourages destination tourism, second-home buyers, and retirees to the fair State of North Carolina; and

Whereas, Swain County is the home of the Fly Fishing Museum of the Southern Appalachians, which is devoted to the history and teaching of the art of fly fishing and nationally recognized as being the top museum of its type; Now, therefore, The General Assembly of North Carolina enacts:

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

**"§ 145-49. State Fly Fishing Museum.**

Swain County is designated as the home of the Fly Fishing Museum of the Southern Appalachians, which is located in Bryson City in the heart of the Great Smoky Mountains."

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







## HOUSE BILL 414: Swain County/Official Fly Fishing Museum.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 4, 2017
	favorable, re-refer to Rules, Calendar, and		
	Operations of the House		
<b>Introduced by:</b>	Rep. Clampitt	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
	H414-CSLG-1		Committee Co-Counsel

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**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 414 would designate Swain County as the home of the Fly Fishing Museum of the Southern Appalachians.*

**CURRENT LAW:** Currently, North Carolina does not have an official location for a fly fishing museum. Other locations, however, have been adopted by the State as official designations, including the Asheboro Municipal Airport as the official location of the North Carolina Aviation Hall of Fame and the North Carolina Aviation Museum, and the Wilmington International Airport as the official location of the North Carolina Museum of Aviation. G.S. 145-21.

**BILL ANALYSIS:** The PCS for House Bill 414 would amend Chapter 145 of the General Statutes, State Symbols and Other Official Adoptions, to designate Swain County as the home of the Fly Fishing Museum of the Southern Appalachians, which is located in Bryson City in the heart of the Great Smoky Mountains.

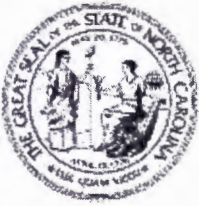
**EFFECTIVE DATE:** This act would be effective when it becomes law.

Karen Cochrane-Brown  
Director



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## HOUSE BILL 414: Swain County/Official Fly Fishing Museum.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 4, 2017
	favorable, re-refer to Rules, Calendar, and		
	Operations of the House		
<b>Introduced by:</b>	Rep. Clampitt	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
	H414-CSLG-1		Committee Co-Counsel

---

**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 414 would designate Swain County as the home of the Fly Fishing Museum of the Southern Appalachians.*

**CURRENT LAW:** Currently, North Carolina does not have an official location for a fly fishing museum. Other locations, however, have been adopted by the State as official designations, including the Asheboro Municipal Airport as the official location of the North Carolina Aviation Hall of Fame and the North Carolina Aviation Museum, and the Wilmington International Airport as the official location of the North Carolina Museum of Aviation. G.S. 145-21.

**BILL ANALYSIS:** The PCS for House Bill 414 would amend Chapter 145 of the General Statutes, State Symbols and Other Official Adoptions, to designate Swain County as the home of the Fly Fishing Museum of the Southern Appalachians, which is located in Bryson City in the heart of the Great Smoky Mountains.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 420

Short Title: Rockingham Cty Tourism Development Authority. (Local)

Sponsors: Representatives Bert Jones and K. Hall (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Commerce and Job Development

March 22, 2017

A BILL TO BE ENTITLED  
AN ACT CHANGING THE MEMBERSHIP COMPOSITION OF ROCKINGHAM COUNTY  
ECONOMIC DEVELOPMENT AND TOURISM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 2 of Chapter 322 of the Session Laws of 1991, as amended by Chapter 52 of the Session Laws of 1995 and S.L. 2005-233, reads as rewritten:

"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 a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. ~~At least one third of the members must be individuals affiliated with businesses that collect the tax in the county, and at least one half of the members must be individuals currently active in the promotion of travel and tourism in the county.~~ The Authority shall be composed of the following 12 members:

- (1) The Executive Director of ~~the Rockingham County Economic Development Commission, and Tourism,~~ who shall serve as an ex officio, nonvoting member.
- (2) A county commissioner appointed by the Rockingham County Board of Commissioners, who shall serve as an ex officio, nonvoting member.
- (2a) The County Finance Officer, who shall serve as an ex officio, nonvoting member.
- (3) Two owners or operators of hotels, motels, or other taxable accommodations ~~and two individuals involved in tourist businesses who have demonstrated an interest in tourism development, appointed as follows: one by the Rockingham County Board of Commissioners and one by each chamber of commerce in Rockingham County that collect the occupancy tax.~~
- (4) Five ~~Seven~~ individuals involved in businesses or professions that are concerned with or affected by tourism development in such a way that their expertise would benefit the Authority, appointed as follows: one by each chamber of commerce in Rockingham County and two by the Rockingham County Board of Commissioners. These individuals may be affiliated with businesses that collect the occupancy tax but shall not be required to have such affiliation.
- (5) ~~The President of the Chinqua-Penn Foundation, Inc., who shall serve as an ex officio, nonvoting member.~~







1 All members of the Authority shall serve without compensation. Vacancies in the Authority  
2 shall be filled by the ~~appointing authority of the member creating the vacancy.~~ Rockingham  
3 County Board of Commissioners. Members appointed to fill vacancies shall serve for the  
4 remainder of the unexpired term which they are appointed to fill. ~~Except as provided in~~  
5 ~~subsection (b) for initial members, members~~ Members shall serve three-year terms. ~~Members~~  
6 Voting members may serve no more than two consecutive terms. The members shall elect a  
7 chair from the ~~membership~~ voting members of the Authority, who shall serve for a term of ~~two~~  
8 ~~years, one year.~~ The Authority shall meet at the call of the chair and shall adopt rules of  
9 procedure to govern its meetings. The Finance Officer for Rockingham County shall be the ex  
10 officio finance officer of the Authority.

11 ...."

12 **SECTION 2.** The members of Rockingham County Economic Development and  
13 Tourism serving on the date this act becomes law shall continue to serve until the expiration of  
14 their terms. Upon the expiration of each of the members' terms, the Rockingham County Board  
15 of Commissioners shall appoint a person to Rockingham County Economic Development and  
16 Tourism as provided in Section 2 of Chapter 322 of the Session Laws of 1991, as amended by  
17 Chapter 52 of the Session Laws of 1995, S.L. 2005-233, and Section 1 of this act.

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







## HOUSE BILL 420: Rockingham Cty Tourism Development Authority.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Commerce and Job Development	<b>Date:</b>	March 31, 2017
<b>Introduced by:</b>	Reps. Bert Jones, K. Hall	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 420 would change the membership composition of the Rockingham County Tourism Development Authority and the method for filling vacancies. The bill would become effective when it becomes law.*

**CURRENT LAW:** In 1991 the General Assembly created The Rockingham County Tourism Development Authority (TDA) and authorized the Rockingham County Board of Commissioners (BOC) to levy a three percent (3%) occupancy tax which was increased to four (4%) by the General Assembly in 2009. The TDA consists of 12 members, one-third (1/3) of whom must be *affiliated with* businesses that collect the tax and one-half (1/2) of whom must be currently active in promotion of travel and tourism. Members serve three-year terms with vacancies filled by the appointing authority. Current membership is composed as follows:

- The Executive Director of Rockingham Economic Development and Tourism.
- A Rockingham County Commissioner.
- Two hotel/motel owners or operators and two persons involved in the tourism business.
  - One appointed by the BOC & one appointed by each of the three Chambers of Commerce in Rockingham County.
- Five persons involved in businesses or professions affected by tourism development.
  - Two appointed by the BOC & one appointed by each of the three Chambers of Commerce in Rockingham County.
- The President of the Chinqua-Penn Foundation, Inc.

The taxes are levied, collected, and administered by the county in accordance with G.S. 153A- 155 and remitted to the TDA on a quarterly basis with two-thirds (2/3) to be used for promotion of travel and tourism and one-third (1/3) to be used for tourism related expenses.

**BILL ANALYSIS:** House Bill 430 would retain the 12-person membership but remove the requirement that one-third (1/3) of the members be *affiliated with* business that collect the tax and one-half (1/2) be currently active in promotion of travel and tourism. The County Finance Officer would be added as a member and membership designated for the President of the Chinqua-Penn Foundation, Inc., would be eliminated upon the expiration of that existing member's term. Composition of the TDA under the bill would be:

Karen Cochrane-Brown  
Director



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# House Bill 420

Page 2

- The Executive Director of Rockingham Economic Development and Tourism.
- A Rockingham County Commissioner.
- The County Finance Officer.
- Two hotel/motel owners or operators *that collect* the tax.
- Seven persons involved in businesses or professions who may, but are not required to be, *affiliated with* business that collect the tax.

The bill would also provide that:

- All TDA vacancies are filled by the Rockingham County Board of Commissioners.
- The membership changes take effect as the terms expire.
- Voting members are limited to two consecutive terms.
- The TDA chair is elected by the voting members only.

**COMPLIANCE WITH GUIDELINES:** The bill does not comply with the occupancy tax guidelines established by the House Finance Committee. The guidelines require that at least **one-half (1/2)** of a TDA's membership be currently active in the promotion of travel and tourism in the taxing district and that **one-third (1/3)** of the members be affiliated with organizations collecting the tax. In the case of the Rockingham County TDA, under the guidelines, at least six of its members must be active in the promotion of travel and tourism and at least 4 members must be affiliated with organizations collecting the tax. House Bill 420 would provide that two members [the hotel/motel owners] actually collect the tax and that seven members *may be* [but not required] affiliated with businesses that that collect the tax.

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





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

1

HOUSE BILL 447

Short Title: Lexington City Bd. of Ed./Change to Election.

(Local)

Sponsors: Representatives Potts and Watford (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 23, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE COMPOSITION OF THE LEXINGTON CITY BOARD OF EDUCATION FROM A NINE-MEMBER APPOINTED BOARD OF EDUCATION TO A SEVEN-MEMBER BOARD OF EDUCATION ELECTED ON A NONPARTISAN BASIS IN ODD-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Beginning in 2017, the Lexington City Board of Education shall be composed of seven members elected on a nonpartisan plurality basis by the voters of the Lexington City School Administrative Unit on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by G.S. 163-292. One member shall be elected from each of the six wards of the City of Lexington, and one member shall be elected to represent the citizens of Davidson County who shall reside (i) within the jurisdictional area of the Lexington City School Administrative Unit and (ii) outside of the corporate limits of the City of Lexington. A member shall reside in the Ward or in the area that the member represents for the length of his or her term. No member of the Board shall serve for more than two consecutive full terms without an intervening period of four years. A vacancy filled by appointment or election for an unexpired portion of a term shall not be considered a full term.

Beginning in 2017 and quadrennially thereafter, the members elected from Wards 4, 5, and 6 and the member elected as the representative of Davidson County shall serve four-year terms. Members elected in 2017 from Wards 1, 2, and 3 shall serve initial terms of two years. Beginning in 2019 and quadrennially thereafter, members elected from Wards 1, 2, and 3 shall serve four-year terms.

Except as otherwise provided by this act, elections shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.

**SECTION 2.** Beginning with members elected to the Lexington City Board of Education in 2017, members shall take office and qualify on the first Monday in December of the year of election and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

**SECTION 3.** Beginning with members elected to the Lexington City Board of Education in 2017, vacancies on the Lexington City Board of Education shall be filled in accordance with G.S. 115C-37(f). To be eligible to fill a vacancy, the member shall reside in the Ward or in the area that the vacancy represents.





1           **SECTION 4.** The terms of members appointed to the Lexington City Board of  
2 Education who are serving their terms at the time of the 2017 election shall expire upon the  
3 qualification of members elected to the Board in accordance with this act.

4           **SECTION 5.** Section 2 of Chapter 26 of the Private Laws of 1935, as amended by  
5 Chapter 700 of the Session Laws of 1943, Chapter 56 of the Session Laws of 1949, Chapter  
6 342 of the Session Laws of 1957, Chapter 892 of the Session Laws of 1973, and Chapter 192 of  
7 the Session Laws of 1987, is repealed. All other laws and clauses of laws in conflict with the  
8 provisions of this act are hereby repealed.

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





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

D

HOUSE BILL 447

PROPOSED COMMITTEE SUBSTITUTE H447-CSBK-12 [v.1]

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Short Title: Lexington City Bd. of Ed./Change to Election.

(Local)

Sponsors:

Referred to:

March 23, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE COMPOSITION OF THE LEXINGTON CITY BOARD OF EDUCATION FROM A NINE-MEMBER APPOINTED BOARD OF EDUCATION TO A SEVEN-MEMBER BOARD OF EDUCATION ELECTED ON A NONPARTISAN BASIS IN ODD-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Beginning in 2017, the Lexington City Board of Education shall be composed of seven members elected on a nonpartisan plurality basis by the voters of the Lexington City School Administrative Unit on the Tuesday after the first Monday in November in odd-numbered years, with the results determined as provided by G.S. 163-292. One member shall be elected from each of the six wards of the City of Lexington, and one member shall be elected to represent the citizens of Davidson County who shall reside (i) within the jurisdictional area of the Lexington City School Administrative Unit and (ii) outside of the corporate limits of the City of Lexington. A member shall reside in the Ward or in the area that the member represents for the length of his or her term.

Beginning in 2017 and quadrennially thereafter, the members elected from Wards 4, 5, and 6 and the member elected as the representative of Davidson County shall serve four-year terms. Members elected in 2017 from Wards 1, 2, and 3 shall serve initial terms of two years. Beginning in 2019 and quadrennially thereafter, members elected from Wards 1, 2, and 3 shall serve four-year terms.

Except as otherwise provided by this act, elections shall be administered in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.

**SECTION 2.** Beginning with members elected to the Lexington City Board of Education in 2017, members shall take office and qualify on the first Monday in December of the year of election and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

**SECTION 3.** Beginning with members elected to the Lexington City Board of Education in 2017, vacancies on the Lexington City Board of Education shall be filled in accordance with G.S. 115C-37(f). To be eligible to fill a vacancy, the member shall reside in the Ward or in the area that the vacancy represents.

**SECTION 4.** The terms of members appointed to the Lexington City Board of Education who are serving their terms at the time of the 2017 election shall expire upon the qualification of members elected to the Board in accordance with this act.

**SECTION 5.** Section 2 of Chapter 26 of the Private Laws of 1935, as amended by Chapter 700 of the Session Laws of 1943, Chapter 56 of the Session Laws of 1949, Chapter 342 of the Session Laws of 1957, Chapter 892 of the Session Laws of 1973, and Chapter 192 of



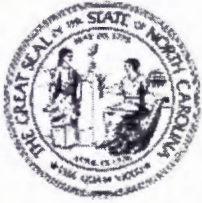
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1 the Session Laws of 1987, is repealed. All other laws and clauses of laws in conflict with the  
2 provisions of this act are hereby repealed.

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





## HOUSE BILL 447: Lexington City Bd. of Ed./Change to Election.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Reps. Potts, Watford	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H447-CSBK-12		Jessica Sammons Committee Co-Counsel

**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 447 would change the Lexington City Board of Education from nine appointed members to seven members elected on a nonpartisan basis in odd-numbered years.*

*The PCS removes the provision in House Bill 447 that no member of the Lexington City Board of Education may serve for more than two consecutive full terms without an intervening period of four years.*

**CURRENT LAW:** The Lexington City Board of Education consists of nine members appointed for three-year terms. The Lexington City Council appoints eight of the members: one member from each of the six wards of the city and two at-large members. The Board of County Commissioners of Davidson County appoints the ninth member, who must reside within the limits of the Lexington City School Administrative Unit but outside of the corporate limits of the City of Lexington. If the Board of County Commissioners does not make the appointment within 60 days of receiving the request from the City Council, the City Council may then make the appointment.

No member of the Board may serve for more than two consecutive full terms without an intervening period of three years.

**BILL ANALYSIS:** The PCS for House Bill 447 would make the following changes to the Lexington City Board of Education:

- *Composition of the Board:* The size of the Board would be reduced to seven members.
- *Term Length:* Members would serve staggered four-year terms.
- *Selection of Members:* Members would be elected in nonpartisan plurality elections held at the general election in odd-numbered years. Newly-elected members would take office and qualify on the first Monday in December following the election. To implement the staggering of terms, the following would apply:
  - In 2017, members from Wards 4, 5, and 6, as well as from the area outside of the City of Lexington's corporate limits, would stand for election for a four-year term.
  - In 2017, members from Wards 1, 2, and 3 would stand for election for a two-year term. In 2019, members from these wards would stand for election for a four-year term.

Karen Cochrane-Brown  
Director



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# House PCS 447

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- The terms of the current members would expire upon the qualification of members elected in 2017.
- Filing Vacant Seats: Vacancies on the Board would be filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.
- Residency Requirement: Members would be required to remain a resident of the ward or area from which the member was elected or appointed to serve.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 449

Short Title: Henderson Cty/Law Enforcement Training Center. (Local)

Sponsors: Representatives McGrady and Henson (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Education - Community Colleges

March 23, 2017

1                                   A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT HENDERSON COUNTY IS AUTHORIZED TO  
3 CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUS OF BLUE  
4 RIDGE COMMUNITY COLLEGE TO BE USED FOR A LAW ENFORCEMENT  
5 TRAINING CENTER.

6 The General Assembly of North Carolina enacts:

7           **SECTION 1.** Notwithstanding G.S. 115D-9, 115D-15.1, 143-341(3), or any other  
8 provision of law, Henderson County is hereby authorized to construct or renovate community  
9 college buildings, as that term is defined in G.S. 143-336, on the campus of Blue Ridge  
10 Community College located within Henderson County to be used for a law enforcement  
11 training center, provided that Henderson County complies with all of the following:

- 12           (1) Article 3D of Chapter 143 of the General Statutes (Procurement of  
13 Architectural, Engineering, and Surveying Services).  
14           (2) Article 8 of Chapter 143 of the General Statutes (Public Contracts).  
15           (3) Article 8 of Chapter 159 of the General Statutes (Financing Agreements and  
16 Other Financing Arrangements).  
17           (4) G.S. 160A-20 (Security interests).  
18           (5) Henderson County consults with the Board of Trustees of Blue Ridge  
19 Community College about programming requirements for the buildings and  
20 keeps the Board of Trustees informed as to the construction process and  
21 progress.  
22           (6) Henderson County funds all projects entirely with County funds.

23           **SECTION 2.** Henderson County and the Board of Trustees of Blue Ridge  
24 Community College may enter into a memorandum of understanding to allow for the  
25 construction of community college buildings authorized by Section 1 of this act in a timely  
26 fashion and cost-efficient manner if deemed appropriate by the parties.

27           **SECTION 3.(a)** Within 30 days of the effective date of this act, the Board of  
28 Trustees of Blue Ridge Community College shall transfer title to the following property to  
29 Henderson County for the life of any debt incurred against the property by Henderson County  
30 for the construction or renovation of community college buildings authorized by Section 1 of  
31 this act:

32                   BEING all of the property recorded at Plat Slide 10552, Book 2017 in the Office of  
33 the Register of Deeds for Henderson County, North Carolina.

34           **SECTION 3.(b)** Upon the satisfaction of any debt incurred against the property  
35 described in this section, Henderson County shall transfer title to the property back to the Board





1 of Trustees of Blue Ridge Community College. If no debt is incurred against the property  
2 described in this section by Henderson County for the construction or renovation of community  
3 college buildings on or before December 31, 2020, Henderson County shall transfer title to the  
4 property back to the Board of Trustees of Blue Ridge Community College.

5 **SECTION 4.** Henderson County and the Board of Trustees of Blue Ridge  
6 Community College may enter into a lease agreement in accordance with G.S. 160A-274 for  
7 any space in County-owned buildings located within Henderson County if deemed appropriate  
8 by the parties.

9 **SECTION 5.** Sections 1 through 3 of this act are effective when they become law  
10 and apply only to construction and renovation projects by Henderson County on the campus of  
11 Blue Ridge Community College located within Henderson County between January 1, 2016,  
12 and December 31, 2021. The remainder of this act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 449

Short Title: Henderson Cty/Law Enforcement Training Center. (Local)

Sponsors: Representatives McGrady and Henson (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Education - Community Colleges

March 23, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT HENDERSON COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE TO BE USED FOR A LAW ENFORCEMENT TRAINING CENTER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 115D-9, 115D-15.1, 143-341(3), or any other provision of law, Henderson County is hereby authorized to construct or renovate community college buildings, as that term is defined in G.S. 143-336, on the campus of Blue Ridge Community College located within Henderson County to be used for a law enforcement training center, provided that Henderson County complies with all of the following:

- (1) Article 3D of Chapter 143 of the General Statutes (Procurement of Architectural, Engineering, and Surveying Services).
- (2) Article 8 of Chapter 143 of the General Statutes (Public Contracts).
- (3) Article 8 of Chapter 159 of the General Statutes (Financing Agreements and Other Financing Arrangements).
- (4) G.S. 160A-20 (Security interests).
- (5) Henderson County consults with the Board of Trustees of Blue Ridge Community College about programming requirements for the buildings and keeps the Board of Trustees informed as to the construction process and progress.
- (6) Henderson County funds all projects entirely with County funds.

**SECTION 2.** Henderson County and the Board of Trustees of Blue Ridge Community College may enter into a memorandum of understanding to allow for the construction of community college buildings authorized by Section 1 of this act in a timely fashion and cost-efficient manner if deemed appropriate by the parties.

**SECTION 3.(a)** Within 30 days of the effective date of this act, the Board of Trustees of Blue Ridge Community College shall transfer title to the following property to Henderson County for the life of any debt incurred against the property by Henderson County for the construction or renovation of community college buildings authorized by Section 1 of this act:

BEING all of the property recorded at Plat Slide 10552, Book 2017 in the Office of the Register of Deeds for Henderson County, North Carolina.

**SECTION 3.(b)** Upon the satisfaction of any debt incurred against the property described in this section, Henderson County shall transfer title to the property back to the Board







1 of Trustees of Blue Ridge Community College. If no debt is incurred against the property  
2 described in this section by Henderson County for the construction or renovation of community  
3 college buildings on or before December 31, 2020, Henderson County shall transfer title to the  
4 property back to the Board of Trustees of Blue Ridge Community College.

5 **SECTION 4.** Henderson County and the Board of Trustees of Blue Ridge  
6 Community College may enter into a lease agreement in accordance with G.S. 160A-274 for  
7 any space in County-owned buildings located within Henderson County if deemed appropriate  
8 by the parties.

9 **SECTION 5.** Sections 1 through 3 of this act are effective when they become law  
10 and apply only to construction and renovation projects by Henderson County on the campus of  
11 Blue Ridge Community College located within Henderson County between January 1, 2016,  
12 and December 31, 2021. The remainder of this act is effective when it becomes law.







# HOUSE BILL 449: Henderson Cty/Law Enforcement Training Center.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Education - Community Colleges	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Reps. McGrady, Henson	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 449 would allow Henderson County to construct a law enforcement training building on the campus of Blue Ridge Community College in Henderson County, provided the County funds the construction entirely with County funds.*

**CURRENT LAW:** Chapter 115D of the General Statutes (Community Colleges) requires approval by the State Board of Community Colleges before the expenditure of any State funds on capital improvements of existing community college institutions and before a community college may dispose, transfer, or acquire property. Chapter 143 gives the Department of Administration control of real property owned or leased by the State and control over architecture and engineering of community college buildings.

## BILL ANALYSIS:

**Section 1:** Authorizes Henderson County to construct or renovate community college buildings located on the campus of Blue Ridge Community College in Henderson County for a law enforcement training center.

**Section 2:** Allows Henderson County and the Board of Trustees of Blue Ridge Community College to enter into a memorandum of understanding to allow Henderson County to construct community college buildings in a timely fashion and cost-efficient manner.

**Section 3.(a):** Sets a deadline of within 30 days of the effective date of this act for the Board of Trustees of Blue Ridge Community College to transfer title of the property to be utilized for the construction or renovation of community college buildings authorized in Section 1 to Henderson County. The property described is to be transferred for the life of any debt incurred against the property by Henderson County for the construction or renovation of the buildings.

**Section 3.(b):** Requires Henderson County to transfer the property back to the Board of Trustees of Blue Ridge Community College upon satisfaction of the debt incurred in the construction or renovation of the buildings. If no debt is incurred against the property by December 31, 2020, Henderson County must transfer the title back to the Board of Trustees.

**Section 4:** Allows Henderson County and the Board of Trustees of Blue Ridge Community College to enter into a lease agreement for any space in County-owned buildings located within Henderson County.

**EFFECTIVE DATE:** Sections 1 and 3 are effective when they become law and apply only to construction and renovation projects by Henderson County on the campus of Blue Ridge Community

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



# House Bill 449

*Page 2*

College located within Henderson County between January 1, 2016, and December 31, 2021. The remainder of the act is effective when it becomes law.

**BACKGROUND:** A similar act affecting Henderson County and Blue Ridge Community College was enacted in 2016. S.L. 2016-22.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

2

HOUSE BILL 492  
Corrected Copy 3/31/17

Short Title: Increase Penalties for Certain Assaults.

(Public)

Sponsors: Representatives Clampitt, Saine, and Dollar (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Judiciary II

March 28, 2017

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR ASSAULT ON ANY OF THE FOLLOWING PERSONS WHILE THE PERSON IS DISCHARGING OR ATTEMPTING TO DISCHARGE OFFICIAL DUTIES: FIREFIGHTERS, LAW ENFORCEMENT OFFICERS, EMERGENCY MEDICAL TECHNICIANS, MEDICAL RESPONDERS, HOSPITAL PERSONNEL, LICENSED HEALTH CARE PROVIDERS, STATE AND LOCAL GOVERNMENT OFFICERS AND EMPLOYEES, EXECUTIVE OFFICERS, LEGISLATIVE OFFICERS, JUDICIAL OFFICERS, AND ELECTED EXECUTIVE, LEGISLATIVE, AND JUDICIAL OFFICERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-16.6 reads as rewritten:

**"§ 14-16.6. Assault on executive, legislative, or court officer.**

(a) Any person who assaults any legislative officer, executive officer, or court officer, or assaults another person as retaliation against any legislative officer, executive officer, or court officer because of the exercise of that officer's duties, or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person, shall be guilty of a felony and shall be punished as a ~~Class I~~ Class H felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a ~~Class F~~ Class E felon.

(c) Any person who commits an offense under subsection (a) and inflicts serious bodily injury to any legislative officer, executive officer, or court officer, shall be punished as a ~~Class F~~ Class E felon."

**SECTION 2.** G.S. 14-16.7 reads as rewritten:

**"§ 14-16.7. Threats against executive, legislative, or court officers.**

(a) Any person who knowingly and willfully makes any threat to inflict serious bodily injury upon or to kill any legislative officer, executive officer, or court officer, or who knowingly and willfully makes any threat to inflict serious bodily injury upon or kill any other person as retaliation against any legislative officer, executive officer, or court officer because of the exercise of that officer's duties, shall be guilty of a felony and shall be punished as a ~~Class I~~ Class H felon.

(b) Any person who knowingly and willfully deposits for conveyance in the mail any letter, writing, or other document or sends an electronic communication containing a threat to commit an offense described in subsection (a) of this section shall be guilty of a felony and shall be punished as a ~~Class I~~ Class H felon. For purposes of this subsection, "electronic



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1 communication" includes transmissions through an electronic device, including, but not limited  
2 to, a telephone, cellular phone, computer, or pager, which communication includes, but is not  
3 limited to, e-mail, instant message, text message, or voice mail."

4 **SECTION 3.** G.S. 14-33(c) reads as rewritten:

5 "(c) Unless the conduct is covered under some other provision of law providing greater  
6 punishment, any person who commits any ~~assault, assault and battery, or affray~~ assault or  
7 assault and battery is guilty of a Class A1 misdemeanor if, in the course of the ~~assault, assault~~  
8 ~~and battery, or affray, assault or assault and battery,~~ he or she:

9 ...."

10 **SECTION 4.** G.S. 14-34.2 reads as rewritten:

11 **"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or**  
12 **employees, firefighters, company police officers, or campus police officers.**

13 Unless a person's conduct is covered under some other provision of law providing greater  
14 punishment, any person who commits an assault with a firearm or any other deadly weapon  
15 upon an officer or employee of the State or of any political subdivision of the State, a  
16 firefighter, a company police officer certified pursuant to the provisions of Chapter 74E of the  
17 General Statutes, or a campus police officer certified pursuant to the provisions of Chapter  
18 74G, Chapter 17C or Chapter 116 of the General Statutes, in the performance of his duties shall  
19 be guilty of a Class F felony."

20 **SECTION 5.** G.S. 14-34.6 reads as rewritten:

21 **"§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical**  
22 **responder, and hospital personnel.**

23 (a) A person is guilty of a ~~Class I~~ Class H felony if the person commits an assault or  
24 affray causing physical injury on any of the following persons who are discharging or  
25 attempting to discharge their official duties:

- 26 (1) An emergency medical technician or other emergency health care provider.
- 27 (2) A medical responder.
- 28 (3) Hospital personnel and licensed healthcare providers who are providing or  
29 attempting to provide health care services to a patient in a hospital.
- 30 (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and  
31 applicable to offenses committed on or after that date.
- 32 (5) A firefighter.

33 (b) Unless a person's conduct is covered under some other provision of law providing  
34 greater punishment, a person is guilty of a ~~Class H~~ Class F felony if the person violates  
35 subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon  
36 other than a firearm.

37 (c) Unless a person's conduct is covered under some other provision of law providing  
38 greater punishment, a person is guilty of a ~~Class F~~ Class E felony if the person violates  
39 subsection (a) of this section and uses a firearm."

40 **SECTION 6.** Article 8 of Chapter 14 of the General Statutes is amended by adding  
41 a new section to read:

42 **"§ 14-34.11. Simple assault on an officer or employee of the State or local government.**

43 Unless the conduct is covered under some other provision of law providing greater  
44 punishment, a person is guilty of a Class I felony if the person assaults an officer or employee  
45 of the State or any political subdivision of the State when the officer or employee is discharging  
46 or attempting to discharge his or her official duties."

47 **SECTION 7.** G.S. 14-288.9 reads as rewritten:

48 **"§ 14-288.9. Assault on emergency personnel; punishments.**

49 (a) An assault upon emergency personnel is an assault upon any person coming within  
50 the definition of "emergency personnel" which is committed in an area:

- 51 (1) In which a declared state of emergency exists; or





1 (2) Within the immediate vicinity of which a riot is occurring or is imminent.

2 (b) The term "emergency personnel" includes law-enforcement officers, ~~firemen,~~  
3 ~~ambulance attendants, firefighters, emergency medical responders,~~ utility workers, doctors,  
4 nurses, and other persons lawfully engaged in providing essential services during the  
5 emergency.

6 (c) Any person who commits an assault causing physical injury upon emergency  
7 personnel is guilty of a ~~Class I~~ Class H felony. Any person who commits an assault upon  
8 emergency personnel with or through the use of any dangerous weapon or substance shall be  
9 punished as a ~~Class F~~ Class E felon."

10 **SECTION 8.** This act becomes effective December 1, 2017, and applies to  
11 offenses committed on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 492  
Corrected Copy 3/31/17  
PROPOSED COMMITTEE SUBSTITUTE H492-CSRW-11 [v.1]

03/31/2017 04:42:24 PM

Short Title: Increase Penalties for Certain Assaults.

(Public)

Sponsors:

Referred to:

March 28, 2017

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR ASSAULT ON ANY OF THE FOLLOWING PERSONS WHILE THE PERSON IS DISCHARGING OR ATTEMPTING TO DISCHARGE OFFICIAL DUTIES: FIREFIGHTERS, LAW ENFORCEMENT OFFICERS, EMERGENCY MEDICAL TECHNICIANS, MEDICAL RESPONDERS, HOSPITAL PERSONNEL, LICENSED HEALTH CARE PROVIDERS, STATE AND LOCAL GOVERNMENT OFFICERS AND EMPLOYEES, EXECUTIVE OFFICERS, LEGISLATIVE OFFICERS, JUDICIAL OFFICERS, AND ELECTED EXECUTIVE, LEGISLATIVE, AND JUDICIAL OFFICERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-16.6 reads as rewritten:

**"§ 14-16.6. Assault on executive, legislative, or court officer.**

(a) Any person who assaults any legislative officer, executive officer, or court officer, or assaults another person as retaliation against any legislative officer, executive officer, or court officer because of the exercise of that officer's duties, or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person, shall be guilty of a felony and shall be punished as a ~~Class I~~Class H felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a ~~Class F~~Class E felon.

(c) Any person who commits an offense under subsection (a) and inflicts serious bodily injury to any legislative officer, executive officer, or court officer, shall be punished as a ~~Class F~~Class E felon."

**SECTION 2.** G.S. 14-16.7 reads as rewritten:

**"§ 14-16.7. Threats against executive, legislative, or court officers.**

(a) Any person who knowingly and willfully makes any threat to inflict serious bodily injury upon or to kill any legislative officer, executive officer, or court officer, or who knowingly and willfully makes any threat to inflict serious bodily injury upon or kill any other person as retaliation against any legislative officer, executive officer, or court officer because of the exercise of that officer's duties, shall be guilty of a felony and shall be punished as a ~~Class I~~Class H felon.

(b) Any person who knowingly and willfully deposits for conveyance in the mail any letter, writing, or other document or sends an electronic communication containing a threat to commit an offense described in subsection (a) of this section shall be guilty of a felony and shall be punished as a ~~Class I~~Class H felon. For purposes of this subsection, "electronic



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communication" includes transmissions through an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail."

SECTION 3. G.S. 14-34.2 reads as rewritten:

"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or employees, firefighters, company police officers, or campus police officers.

Unless a person's conduct is covered under some other provision of law providing greater punishment, any person who commits an assault with a firearm or any other deadly weapon upon an officer or employee of the State or of any political subdivision of the State, a firefighter, a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes, or a campus police officer certified pursuant to the provisions of Chapter 74G, Chapter 17C or Chapter 116 of the General Statutes, in the performance of his duties shall be guilty of a Class F felony."

SECTION 4. G.S. 14-34.6 reads as rewritten:

"§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical responder, and hospital personnel.

(a) A person is guilty of a ~~Class I~~ Class H felony if the person commits an assault or affray causing physical injury on any of the following persons who are discharging or attempting to discharge their official duties:

- (1) An emergency medical technician or other emergency health care provider.
- (2) A medical responder.
- (3) Hospital personnel and licensed healthcare providers who are providing or attempting to provide health care services to a patient in a hospital.
- (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and applicable to offenses committed on or after that date.
- (5) A firefighter.

(b) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class H~~ Class F felony if the person violates subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon other than a firearm.

(c) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class F~~ Class E felony if the person violates subsection (a) of this section and uses a firearm."

SECTION 5. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.11. Simple assault on an officer or employee of the State or local government.

Unless the conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class I felony if the person assaults an officer or employee of the State or any political subdivision of the State when the officer or employee is discharging or attempting to discharge his or her official duties."

SECTION 6. G.S. 14-288.9 reads as rewritten:

"§ 14-288.9. Assault on emergency personnel; punishments.

(a) An assault upon emergency personnel is an assault upon any person coming within the definition of "emergency personnel" which is committed in an area:

- (1) In which a declared state of emergency exists; or
- (2) Within the immediate vicinity of which a riot is occurring or is imminent.

(b) The term "emergency personnel" includes law-enforcement officers, ~~firemen~~, ~~ambulance attendants~~, firefighters, emergency medical responders, utility workers, doctors, nurses, and other persons lawfully engaged in providing essential services during the emergency.



1 (c) Any person who commits an assault causing physical injury upon emergency  
2 personnel is guilty of a ~~Class I~~ Class H felony. Any person who commits an assault upon  
3 emergency personnel with or through the use of any dangerous weapon or substance shall be  
4 punished as a ~~Class F~~ Class E felon."

5 **SECTION 7.** This act becomes effective December 1, 2017, and applies to  
6 offenses committed on or after that date.







## HOUSE BILL 492: Increase Penalties for Certain Assaults.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Judiciary II	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Reps. Clappitt, Saine, Dollar	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to Second Edition H492-CSRW-11		Staff Attorney

**OVERVIEW:** *House Bill 492 (proposed committee substitute) increases the penalties for assault on specified emergency persona, and public employees and officials.*

*The proposed committee substitute makes a technical change.*

**CURRENT LAW:** Under current law, the following penalties apply for the following offenses:

- G.S. 14-16.6. Assault on an executive, legislative or court officer: Class I felony; Class F if with a deadly weapon, or inflicts serious bodily injury.
- G.S. 14-16.7. Threats to injure or kill against executive, legislative, or court officers: Class I felony.
- G.S. 14-33. Misdemeanor assaults, batteries, and affrays. This statute includes provisions making an assault on an officer or employee of the State or any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties, a Class A1 misdemeanor.
- G.S. 14-34.2. Assault with a firearm or other deadly weapon upon government officers or employees, company police officers, or campus police: Class F felony.
- G.S. 14-34.6. Assault or affray<sup>1</sup> on a firefighter, an emergency medical technician, medical responder, and hospital personnel: Class I felony if the person causing physical injury. Class H felony if the person inflicts serious bodily injury or uses a deadly weapon other than a firearm. Class F felony if the person uses a firearm.
- G.S. 14-288.9. Assault on emergency personnel – Class I felony if injury, Class F felony if with a dangerous weapon or substance.

### BILL ANALYSIS:

**Section 1** increases the penalty for assault on a executive, legislative, or court officer to a Class H felony. If the assault is with a deadly weapon, or inflicts serious bodily injury the penalty is increased to a Class E felony.

<sup>1</sup> The crime of "Affray" is defined by common law. Its elements are: (1) engaging in a fight with at least one other person (2) in a public place (3) to the terror of the public.

Karen Cochrane-Brown  
Director



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# House PCS 492

Page 2

**Section 2** increases the penalty for threats to inflict serious bodily injury or to kill any legislative officer, executive officer, or court officer to a Class H felony. This section also language clarifying that threats sent by electronic means are included in this statute.

**Section 3** adds "firefighters" to the Statute making assault with a deadly weapon upon governmental officers or employees, company police officers, or campus police officers a Class F felony.

**Section 4** increases the penalty for assault or affray on a firefighter, an emergency medical technician, medical responder, and hospital personnel to a Class H felony. If the assault or affray inflicts serious bodily injury or occurs with a deadly weapon other than a firearm, this section increases the penalty to Class F. If the person charged with this assault or affray uses a firearm, this section increases the penalty to a Class E felony.

**Section 5** adds a new provision to Chapter 14 making simple assault on an officer or employee of the State or local government while they are discharging their duties a Class I felony.

**Section 6** increases the penalty for assault on emergency personnel that is committed in an area in which a declared state of emergency exists, or within the immediate vicinity of which a riot is occurring or is imminent, to a Class H felony. If the assault causes physical injury, this section increases the penalty to a Class H felony. If the assault is with a dangerous weapon, this section increases the penalty to a Class E felony.

**EFFECTIVE DATE:** This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 426

Short Title: Sanford-Lee County Airport Authority Changes. (Local)

Sponsors: Representatives Sauls and Reives (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

March 22, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE COMPOSITION OF THE SANFORD-LEE COUNTY  
3 REGIONAL AIRPORT AUTHORITY AND TO AUTHORIZE THE AUTHORITY TO  
4 ENTER INTO CERTAIN CONTRACTS FOR A PERIOD GREATER THAN TWENTY  
5 YEARS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 903 of the 1991 Session Laws, as amended by Section 7(a)  
8 of S.L. 2006-171, reads as rewritten:

9 "Section 1. There is hereby created an airport authority to be known as the "Sanford-Lee  
10 County Regional Airport Authority" which shall be a body politic and corporate. The ~~said~~  
11 authority shall be composed of seven members; two appointed by the Board of Commissioners  
12 of the County of Lee, two by the City Council of the City of Sanford; and three ex officio  
13 voting members: the Sanford City Manager, the Lee County Manager, and ~~the Lee County~~  
14 ~~Economic Development Director~~ an appointee of the Sanford Area Growth Alliance Executive  
15 Committee. The ~~said~~ members shall be allowed a reasonable compensation as determined by  
16 the joint action of the City Council of the City of Sanford and the Board of Commissioners for  
17 the County of Lee, and shall be paid actual expenses incurred in the transaction of business at  
18 the instance of the authority; provided, however, that no full-time employee of the city or  
19 county, or an elected member of either the City Council of the City of Sanford or the Board of  
20 Commissioners of the County of Lee shall be paid for his or her services in connection with  
21 ~~said~~ the authority, but shall be entitled only to reimbursement of actual expenses.

22 ...  
23 "Section 3. (a) The authority shall, in addition to the powers conferred in Chapter 63 of the  
24 General Statutes of North Carolina, have the following powers:

- 25 ...  
26 (5) To lease for a term of 2040 years and for purposes not inconsistent with  
27 airport purposes or usage, real or personal property or both, under the  
28 supervision of or administered by the airport authority.  
29 (6) To contract with persons, firms, or corporations for terms not to exceed 2040  
30 years, for the operation of passenger and freight flights, scheduled or  
31 nonscheduled, and any other plane or flight activities not inconsistent with  
32 airport operations and to charge and collect reasonable fees, charges, and  
33 rents for the use of such property, and services rendered in the operation  
34 thereof.





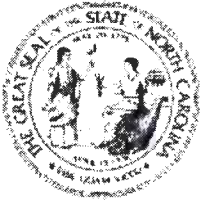
(7) To operate, own, control, regulate, lease, or grant to others the license to  
operate amusements or concessions for a term not exceeding ~~20~~40 years.

...."

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







# HOUSE BILL 426: Sanford-Lee County Airport Authority Changes.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	March 31, 2017
<b>Introduced by:</b>	Reps. Sauls, Reives	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 426 would (i) eliminate the seat on the Sanford-Lee County Regional Airport Authority (SLCRAA) designated for the Lee County Economic Development Director and replace it with one designated for an appointee of the Sanford Area Growth Alliance Executive Committee, and (ii) increase from 20 to 40 years the maximum term the SLCRAA may enter into a lease or contract. The bill would be effective when it becomes law.*

**CURRENT LAW:** The SLCRAA was created by the General Assembly in 1991. The authority is a body politic and body corporate composed of seven members appointed as follows:

- Two by the Lee County Board of Commissioners.
- Two by the Sanford City Council.
- Three ex officio voting members consisting of the Sanford City Manager, The Lee County Manager, and the Lee County Economic Development Director.

The maximum term that the SLCRAA may enter into leases of real or personal property, contracts for airport operations, or contracts for amusements or concessions is 20 years.

**BILL ANALYSIS:** House Bill 426 would eliminate the seat on the Sanford-Lee County Regional Airport Authority (SLCRAA) designated for the Lee County Economic Development Director and replace it with one designated for an appointee of the Sanford Area Growth Alliance Executive Committee. The bill would also increase from 20 to 40 years the maximum term the SLCRAA may enter into leases of real or personal property, contracts for airport operations, or contracts for amusements or concessions is 20 years.

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

Karen Cochrane-Brown  
Director



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Legislative Analysis  
Division  
919-733-2578



Committee Sergeants at Arms

NAME OF COMMITTEE STATE AND LOCAL GOVERNMENT 1

DATE: 04-04-2017

Room: 544

House Sgt-At Arms:

1. Name: REGGIE SILLS

2. Name: MARVIN LEE

3. Name: TERRY McCRAW

4. Name: THOMAS TERRY

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

Senate Sgt-At Arms:

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

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

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

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

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



**House Pages  
Assignments  
Tuesday, April 04, 2017  
Session: 6:00 PM**

Committee	Room	Time	Staff	Comments	Member
State and Local Government	544	10:00 AM	Caroline Byars		Rep. John Bradford
			Austin Calhoun		Rep. William Richardson
			Noah Ellington		Rep. Speaker Tim Moore
			Chloe Worner		Rep. Harry Warren
Education - K-12	643	11:00 AM	Audra Cloer		Rep. Kevin Corbin
			Lizette Duarte		Rep. Sam Watford
			Jenna Varnell		Rep. Susan Martin
			Mary Margaret West		Rep. George Cleveland

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## VISITOR REGISTRATION SHEET

Rm 544

State &amp; Local Gov. 1

Name of Committee

Date 04-04-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Hoffman	HTGAC
Rwan Murald	WIM
Tim Minder	NC Hne B-1 LOGS
TYLER KENNAN	BASE
Cody Harris	UCHA
Ardey Mann	MVA
Newell Clark	City of Lexington, NC
Suzanne Brasby	SEANC
Flint Benson	SEANC
Erin Wynia	NCLM





## VISITOR REGISTRATION SHEET

Rm # 544

State of Carol. Cont. 4

Name of Committee

Date 04-04-2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Doug Lashley

NESTA

Bill Faison

Bill Faison Atty PLIC

BERRY Jenkins

CAROLINAS AGC

Dwight Beem

Troxman SUDS



**House Committee on State and Local Government I**  
**Wednesday, April 5, 2017 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on April 5, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Belk, Brawley, Brody, Butler, Cleveland, Conrad, Fisher, Garrison, Pittman and Warren attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered House Bill (HB) 504 City of Lincoln/Even-Yr Elect'n/Mayor Term (Representative Saine). The chair motioned for the Proposed Committee Substitute (PCS) of HB 504 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Saine was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for the PCS of HB 504 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee of Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 498 Jonesville/Boonville/East Bend/Even-Yr Elec'n (Representative Zachary). The chair motioned for the Proposed Committee Substitute (PCS) of HB 498 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Zachary was recognized to present the bill. The committee discussed the bill. Representative Warren motioned for the PCS of HB 498 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee of Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 508 Appointments/Bd of Elections/Certain Counties (Representatives Burr, Howard, Ford). The chair motioned for the Proposed Committee Substitute (PCS) of HB 508 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Burr was recognized to present the bill. The committee discussed the bill. Representative Warren motioned for the PCS of HB 508 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee of Elections and Ethics Law. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 520 Union Co. Bd. of Ed/Partisan Election (Representatives Arp, Brody, Horn). Representative Arp was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for SB 219 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

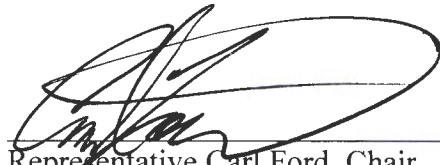
The Committee considered House Bill (HB) 406 Repeal Orange County Impact Fees (Representative Stevens). Representative Stevens was recognized to present the bill. The



committee discussed the bill. John Roberts, District Attorney from Orange County, Earl McKee, Orange County Commissioner, and Todd Refrees, Assistant Superintendent were recognized to speak on the bill and share their opposition. Jeff Barnhardt of Townhouse Apartments was recognized to share his support of the bill. Representative Pittman motioned for HB 406 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 436 Local Government/Regulatory Fees (Representative Stevens). Representative Stevens was recognized to present the bill. The committee discussed the bill. Brian Bock and Debra Henzy from Chatham County were recognized to speak on the bill and share their opposition. Johanna Reese with NC Association of County Commissioners was recognized to share her opposition to the bill. Erin Wynia with NC League of Municipalities was recognized to share her opposition to the bill. Representative Warren motioned for HB 436 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:52 AM.



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Representative Carl Ford, Chair  
Presiding



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Olivia Clapp, Committee Clerk



Corrected #1: Remove HB 385.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, April 5, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 368</u>	Block MV Reg./Unpaid Parking Fines in W-S.	Representative Terry
<u>HB 498</u>	Jonesville/Boonville/East Bend/Even-Yr Elec'n.	Representative Zachary
<u>HB 504</u>	City of Lincolnton/Even-Yr Elect'n/Mayor Term.	Representative Saine
<u>HB 508</u>	Appointments/Bd of Elections/Certain Counties.	Representative Burr Representative Howard Representative Ford
<u>HB 520</u>	Union Co. Bd. of Ed/Partisan Election.	Representative Arp Representative Brody Representative Horn
<u>HB 406</u>	Repeal Orange County Impact Fees.	Representative Stevens
<u>HB 436</u>	Local Government/Regulatory Fees.	Representative Stevens

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:32 PM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)





NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

**FAVORABLE AND RE-REFERRED**

HB    406	Repeal Orange County Impact Fees. Draft Number:            None <b>Serial Referral:</b> <b>FINANCE</b> Recommended Referral:   None Long Title Amended:     No Floor Manager:           Stevens
HB    436	Local Government/Regulatory Fees. Draft Number:            None <b>Serial Referral:</b> <b>FINANCE</b> Recommended Referral:   None Long Title Amended:     No Floor Manager:           Stevens
HB    520	Union Co. Bd. of Ed/Partisan Election. Draft Number:            None <b>Serial Referral:</b> <b>ELECTIONS AND ETHICS LAW</b> Recommended Referral:   None Long Title Amended:     No Floor Manager:           Arp

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB    498	Jonesville/Boonville/East Bend/Even-Yr Elec'n. Draft Number:            H498-PCS40353-BK-11 <b>Serial Referral:</b> <b>ELECTIONS AND ETHICS LAW</b> Recommended Referral:   None Long Title Amended:     No Floor Manager:           Zachary
HB    504	City of Lincolnton/Even-Yr Elect'n/Mayor Term. Draft Number:            H504-PCS30260-BK-17 <b>Serial Referral:</b> <b>ELECTIONS AND ETHICS LAW</b> Recommended Referral:   None Long Title Amended:     No Floor Manager:           Saine



\* C M R 1 5 9 - V - 1 \*



HB 508

Appointments/Bd of Elections/Certain Counties.

Draft Number: H508-PCS30259-BK-14

**Serial Referral:** ELECTIONS AND ETHICS LAW

Recommended Referral: None

Long Title Amended: No

Floor Manager: Burr

TOTAL REPORTED: 6



\* C M R 1 5 9 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, April 5, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 504	City of Lincolnton/Even-Yr Elect'n/Mayor Term.	Representative Saine
HB 498	Jonesville/Boonville/East Bend/Even- Yr Elec'n.	Representative Zachary
HB 508	Appointments/Bd of Elections/Certain Counties.	Representative Burr Representative Howard Representative Ford
HB 520	Union Co. Bd. of Ed/Partisan Election.	Representative Arp Representative Brody Representative Horn
HB 406	Repeal Orange County Impact Fees.	Representative Stevens
HB 436	Local Government/Regulatory Fees.	Representative Stevens
HB 368	Block MV Reg./Unpaid Parking Fines in W-S.	Representative Terry

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 504

Short Title: City of Lincolnton/Even-Yr Elect'n/Mayor Term.

(Local)

Sponsors: Representative Saine.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE CITY OF  
LINCOLNTON SHALL BE HELD IN EVEN-NUMBERED YEARS AND TO EXTEND  
THE MAYOR'S TERM FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article III of Chapter 341 of the 1979 Session Laws, as amended by  
Chapter 58 of the 1983 Session Laws, reads as rewritten:

"ARTICLE III. ELECTIONS.

"Section 3.1. Method of Election. ~~Regular-Beginning in 2018, regular~~ municipal elections  
shall be held in the City every two years in ~~odd-numbered~~ even-numbered years and shall be  
conducted in accordance with State law governing municipal elections. The Mayor and  
members of the City Council shall be elected according to the partisan primary and election  
method.

"Section 3.2. Election of the Mayor; Term of Office. At each regular municipal election in  
the City, a Mayor shall be elected ~~for a term of two years by and~~ from the qualified voters of  
the City voting at large. The Mayor whose term expires in 2017 shall continue to serve until  
2018. In 2018, and quadrennially thereafter, the Mayor shall be elected for a term of four years.

"Section 3.3. Election of the City Council; Term of Office; Ward Representation. (a) The  
City Council shall continue to serve four-year staggered terms of office as set forth herein. ~~At  
the regular municipal election to be held in 1979, and every four years thereafter, there shall be  
elected two members to the City Council, one member from Ward Two and one member from  
Ward Four, to serve terms of four years each. At the regular municipal election in 1981, and  
every four years thereafter, there shall be elected two members to the Board of Aldermen, one  
member from Ward One and one member from Ward Three, to serve terms of four years  
each.~~ The two members of the City Council whose terms expire in 2017 shall continue to serve  
until 2018. At the regular municipal election in 2018, and quadrennially thereafter, two  
members shall be elected to the City Council, one member from Ward One and one member  
from Ward Three, who shall each serve four-year terms. The two members of the City Council  
whose terms expire in 2019 shall continue to serve until 2020. At the regular municipal election  
in 2020, and quadrennially thereafter, two members shall be elected to the City Council, one  
member from Ward Two and one member from Ward Four, who shall each serve four-year  
terms.

(b) Every person who is a candidate for the City Council and every person who is  
elected to the City Council shall reside in the ward which the person represents or seeks to







1 represent, but all candidates shall be voted upon and elected by all the qualified voters of the  
2 City.

3 (c) If a member of the City Council has been elected from a ward and during his tenure  
4 of office moves from his ward to another ward within the City, the Council member will not  
5 forfeit his office but will continue to serve as Council member for the remaining term for which  
6 he was elected.

7 "Section 3.4. Wards and Ward Boundaries. (a) The City shall be divided into four wards –  
8 Ward One, Ward Two, Ward Three and Ward Four.

9 (b) The boundaries of the four wards shall be those existing at the time of the  
10 ratification of this Charter, as the same are set forth on an official map or written description of  
11 the City. The official map or written description showing the current ward boundaries shall be  
12 maintained in the office of the City Clerk, and shall be available for public inspection. Upon  
13 alteration of the City's corporate limits, the City Council shall have the authority to revise the  
14 ward boundaries, in accordance with State law."

15 **SECTION 2.** No elections shall occur in the City of Lincolnton in 2017. Municipal  
16 elections shall next occur in the City of Lincolnton in 2018.

17 **SECTION 3.** This act is effective when it becomes law and applies to elections  
18 held on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 504  
PROPOSED COMMITTEE SUBSTITUTE H504-CSBK-17 [v.2]

04/04/2017 06:25:39 PM

Short Title: City of Lincolnton/Even-Yr Elect'n/Mayor Term.

(Local)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE CITY OF  
LINCOLNTON SHALL BE HELD IN EVEN-NUMBERED YEARS AND TO EXTEND  
THE MAYOR'S TERM FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article III of Chapter 341 of the 1979 Session Laws, as amended by  
Chapter 58 of the 1983 Session Laws, reads as rewritten:

"ARTICLE III. ELECTIONS.

"Section 3.1. Method of Election. ~~Regular Beginning in 2018, regular~~ municipal elections  
shall be held in the City every two years in ~~odd-numbered~~ even-numbered years and shall be  
conducted in accordance with State law governing municipal elections. The Mayor and  
members of the City Council shall be elected according to the partisan primary and election  
method.

"Section 3.2. Election of the Mayor; Term of Office. At each regular municipal election in  
the City, a Mayor shall be elected ~~for a term of two years by and from~~ the qualified voters of  
the City voting at large. The Mayor whose term expires in 2017 shall continue to serve until  
2018. In 2018, and quadrennially thereafter, the Mayor shall be elected for a term of four years.

"Section 3.3. Election of the City Council; Term of Office; Ward Representation. (a) The  
City Council shall continue to serve four-year staggered terms of office as set forth herein. ~~At  
the regular municipal election to be held in 1979, and every four years thereafter, there shall be  
elected two members to the City Council, one member from Ward Two and one member from  
Ward Four, to serve terms of four years each. At the regular municipal election in 1981, and  
every four years thereafter, there shall be elected two members to the Board of Aldermen, one  
member from Ward One and one member from Ward Three, to serve terms of four years  
each.~~ The two members of the City Council whose terms expire in 2017 shall continue to serve  
until 2018. At the regular municipal election in 2018, and quadrennially thereafter, two  
members shall be elected to the City Council, one member from Ward One and one member  
from Ward Three, who shall each serve four-year terms. The two members of the City Council  
whose terms expire in 2019 shall continue to serve until 2020. At the regular municipal election  
in 2020, and quadrennially thereafter, two members shall be elected to the City Council, one  
member from Ward Two and one member from Ward Four, who shall each serve four-year  
terms.

(b) Every person who is a candidate for the City Council and every person who is  
elected to the City Council shall reside in the ward which the person represents or seeks to  
represent, but all candidates shall be voted upon and elected by all the qualified voters of the  
City.



\* H 5 0 4 - C S B K - 1 7 \*



1 (c) If a member of the City Council has been elected from a ward and during his tenure  
2 of office moves from his ward to another ward within the City, the Council member will not  
3 forfeit his office but will continue to serve as Council member for the remaining term for which  
4 he was elected.

5 "Section 3.4. Wards and Ward Boundaries. (a) The City shall be divided into four wards –  
6 Ward One, Ward Two, Ward Three and Ward Four.

7 (b) The boundaries of the four wards shall be those existing at the time of the  
8 ratification of this Charter, as the same are set forth on an official map or written description of  
9 the City. The official map or written description showing the current ward boundaries shall be  
10 maintained in the office of the City Clerk, and shall be available for public inspection. Upon  
11 alteration of the City's corporate limits, the City Council shall have the authority to revise the  
12 ward boundaries, in accordance with State law.

13 "Section 3.5. Unaffiliated Candidates; Nomination by Petition. Any candidate seeking  
14 nomination by petition for municipal office shall comply with the requirements of Article 11 of  
15 Chapter 163 of the General Statutes, provided the Lincoln County board of elections may set  
16 the date and time completed petitions must be timely submitted for verification."

17 **SECTION 2.** No elections shall occur in the City of Lincolnton in 2017. Municipal  
18 elections shall next occur in the City of Lincolnton in 2018.

19 **SECTION 3.** This act is effective when it becomes law and applies to elections  
20 held on or after that date.







## HOUSE BILL 504: City of Lincolnton/Even-Yr Elect'n/Mayor Term.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 5, 2017
	favorable, re-refer to Elections and Ethics		
	Law		
<b>Introduced by:</b>	Rep. Saine	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
	H504-CSBK-17		Committee Co-Counsel

---

**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 504 would change the City of Lincolnton's regular municipal election cycle from odd-numbered years to even-numbered years, increase the mayor's term from two years to four years, and extend the terms of current City officers one year to implement the new election schedule.*

*The PCS allows the Lincoln County Board of Elections to set the date and time completed petitions must be submitted by unaffiliated candidates seeking to be listed on the ballot for a municipal office in advance of the Lincolnton city election.*

**CURRENT LAW:** Generally, municipal elections are held in odd-numbered years. G.S. 163-279. In the City of Lincolnton, officers consist of a mayor and four City Council members. The mayor serves a two-year term, and Council members serve staggered four-year terms. The Council members are each elected from single-member residency wards by a city-wide vote. To be a candidate or be elected for a Council member seat, a person must reside in the ward he or she seeks to represent, but a member may continue to serve his or her remaining term of office upon moving to another ward within the city.

Elections in the City of Lincolnton are conducted according to the partisan primary and election method. G.S. 163-291. Partisan municipal elections are held on Tuesday after the first Monday in November, with the first primary held on the second Tuesday after Labor Day, and the second primary, if required, held on the fourth Tuesday before the election. G.S. 163-279.

**BILL ANALYSIS:** The PCS for House Bill 504 would do the following:

- Provide that regular municipal elections for officers for the City of Lincolnton must be held in even-numbered years, beginning in 2018.
- Increase the term of office for Mayor of the City of Lincolnton from two years to four years, effective in 2018.
- Implement changes to the election schedule for the City of Lincolnton, by eliminating elections in 2017.
  - The current mayor would serve until 2018. The next mayor would be elected in 2018, and stand for election for a four-year term. The current Council members from Wards 1 and 3 would serve until 2018, and stand for election for a four-year term. The current Council members from Wards 2 and 4 would serve until 2020, and stand for election for a four-year term.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





# House PCS 504

Page 2

**EFFECTIVE DATE:** This act would be effective when it becomes law, and applies to elections held on or after that day.

**BACKGROUND:** The City of Lincolnton is located in Lincoln County, and has a population of 10,558.

Regular municipal elections in most municipalities are held in odd-numbered years. The following municipalities hold regular municipal elections in even-numbered years:

- Albemarle, Badin, Locust, Misenheimer, New London, Norwood, Oakboro, Red Cross, Richfield, Stanfield (*all municipalities in Stanly County*) (S.L. 2015-253)
- Archdale (*Randolph, Guilford Counties*) (S.L. 2007-41)
- Dobson (*Surry County*) (S.L. 2012-47)
- Elkin (*Surry, Wilkes Counties*) (S.L. 2014-35)
- Pilot Mountain (*Surry County*) (S.L. 2012-47)
- Winston-Salem (*Forsyth County*) (S.L. 2011-141)
- High Point (*Guilford, Davidson, Randolph, Forsyth Counties*) (S.L. 2006-171) – However, S.L. 2013-261 changed the method of election for municipal elections back to odd-numbered years, beginning with the 2017 election.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

1

HOUSE BILL 498

Short Title: Jonesville/Boonville/East Bend/Even-Yr Elec'n.

(Local)

Sponsors: Representative Zachary.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 29, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWNS OF JONESVILLE, BOONVILLE, AND EAST BEND ARE HELD IN EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article IV of the Charter of the Town of Jonesville, being Chapter 16 of the 2001 Session Laws, reads as rewritten:

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** ~~Regular~~ Beginning in 2018, regular municipal elections shall be held in each ~~odd-numbered~~ even-numbered year in accordance with the uniform municipal election laws of the State. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 4.2. **Election of Town Council.** ~~In 2001, five members of the Council shall be elected. The two persons receiving the highest numbers of votes are elected for four-year terms, and the three persons receiving the next highest numbers of votes are elected to two-year terms. The Council shall consist of five members. The two Council members whose terms expire in 2017 shall continue to serve until 2018, and the three Council members whose terms expire in 2019 shall continue to serve until 2020. In 2003-2020, and quadrennially thereafter, three Council members are shall be elected to four-year terms. In 2005-2018, and quadrennially thereafter, two Council members are shall be elected to four-year terms.~~

"Section 4.3. **Election of Mayor.** A Mayor shall be elected ~~in 2001 and quadrennially thereafter for a four-year term to serve a term of four years. The Mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor shall be elected to a four-year term.~~

**SECTION 2.** Section 4 of the Charter of the Town of Boonville, being Chapter 44 of the Private Laws of 1895, as amended by Chapter 1143 of the 1981 Session Laws, reads as rewritten:

"Sec. 4. (a) ~~At the regular municipal election~~ Beginning in 2018, regular municipal elections shall be held in each even-numbered year in the Town of ~~Booneville in 1983, there shall be elected a~~ Boonville. The board of town commissioners ~~consisting shall consist~~ of five members. ~~The three persons receiving the highest number of votes shall be elected to four-year terms. The two persons receiving the next highest number of votes shall be elected to two-year terms. The two commissioners whose terms expire in 2017 shall continue to serve until 2018, and the three commissioners whose terms expire in 2019 shall continue to serve until 2020. In 1985-2018, and quadrennially thereafter, two commissioners shall be elected for four-year~~





1 terms. In ~~1987-2020~~, and quadrennially thereafter, three commissioners shall be elected for  
2 four-year terms.

3 (b) ~~At Beginning in 2018, at the regular municipal election in 1983, election, a mayor~~  
4 ~~shall be elected for a two-year term. In 1985 four-year term. The Mayor whose term expires in~~  
5 ~~2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, a mayor shall be~~  
6 ~~elected for a four-year term.~~

7 (c) Elections in the Town of Boonville shall be conducted in accordance with Chapter  
8 163 of the General Statutes, and the results determined by the plurality method as provided in  
9 G.S. 163-292."

10 **SECTION 3.** Section 4 of the Charter of the Town of East Bend, being Chapter  
11 144 of the Private Laws of 1887, as amended by Chapter 611 of the 1955 Session Laws and  
12 Chapter 104 of the 1985 Session Laws, reads as rewritten:

13 "Sec. 4. (a) Beginning in 2018, regular municipal elections shall be held in even-numbered  
14 years. The mayor whose term expires in 2017 shall continue to serve until 2018. In the 1985  
15 2018 municipal election and biennially thereafter, a mayor shall be elected for a two-year term.

16 (b) The persons whose terms expire in 2017 shall continue to serve until 2018. In the  
17 1985 municipal election, 2018 and biennially thereafter, the two persons receiving the highest  
18 numbers of votes shall be elected to four-year terms on the board of commissioners. The three  
19 persons-commissioners, and the person receiving the next highest numbers-number of votes  
20 shall be elected to a two-year terms-term on the board of commissioners.

21 (c) The persons whose terms expire in 2019 shall continue to serve until 2020. In 1987  
22 2020, and biennially thereafter, the two persons receiving the highest numbers of votes shall be  
23 elected to four-year terms on the town board of commissioners, and the person receiving the  
24 next highest number of votes shall be elected to a two-year term on the board of  
25 commissioners.

26 (d) Elections in the Town of East Bend shall be governed by Chapter 163 of the  
27 General Statutes. Elections shall be conducted and the results shall be determined using the  
28 nonpartisan plurality method set out in Section 163-292 of the General Statutes."

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 498  
PROPOSED COMMITTEE SUBSTITUTE H498-CSBK-11 [v.1]

03/31/2017 03:13:57 PM

Short Title: Jonesville/Boonville/East Bend/Even-Yr Elec'n.

(Local)

Sponsors:

Referred to:

March 29, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWNS OF  
3 JONESVILLE, BOONVILLE, AND EAST BEND ARE HELD IN EVEN-NUMBERED  
4 YEARS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article IV of the Charter of the Town of Jonesville, being Chapter 16  
7 of the 2001 Session Laws, reads as rewritten:

8 "ARTICLE IV. ELECTIONS.

9 "Section 4.1. **Conduct of Town Elections.** Regular Beginning in 2018, regular municipal  
10 elections shall be held in each ~~odd-numbered~~ even-numbered year in accordance with the  
11 uniform municipal election laws of the State. Elections are conducted on a nonpartisan basis  
12 and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

13 "Section 4.2. **Election of Town Council.** ~~In 2001, five members of the Council shall be~~  
14 ~~elected. The two persons receiving the highest numbers of votes are elected for four-year terms,~~  
15 ~~and the three persons receiving the next highest numbers of votes are elected to two-year terms.~~  
16 The Council shall consist of five members. The two Council members whose terms expire in  
17 2017 shall continue to serve until 2018, and the three Council members whose terms expire in  
18 2019 shall continue to serve until 2020. In 2003-2020, and quadrennially thereafter, three  
19 Council members are shall be elected to four-year terms. In 2005-2018, and quadrennially  
20 thereafter, two Council members are shall be elected to four-year terms.

21 "Section 4.3. **Election of Mayor.** ~~A Mayor shall be elected in 2001 and quadrennially~~  
22 ~~thereafter for a four-year term to serve a term of four years. The Mayor whose term expires in~~  
23 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor shall  
24 be elected to a four-year term."

25 **SECTION 2.** Section 4 of the Charter of the Town of Boonville, being Chapter 44  
26 of the Private Laws of 1895, as amended by Chapter 1143 of the 1981 Session Laws, reads as  
27 rewritten:

28 "Sec. 4. (a) ~~At the regular municipal election Beginning in 2018, regular municipal~~  
29 elections shall be held in each even-numbered year in the Town of Booneville in 1983, there  
30 shall be elected a Boonville. The board of town commissioners consisting shall consist of five  
31 members. The three persons receiving the highest number of votes shall be elected to four-year  
32 terms. The two persons receiving the next highest number of votes shall be elected to two-year  
33 terms. The two commissioners whose terms expire in 2017 shall continue to serve until 2018,  
34 and the three commissioners whose terms expire in 2019 shall continue to serve until 2020. In  
35 1985-2018, and quadrennially thereafter, two commissioners shall be elected for four-year







1 terms. In ~~1987-2020~~, and quadrennially thereafter, three commissioners shall be elected for  
2 four-year terms.

3 (b) ~~At Beginning in 2018, at the regular municipal election in 1983, election, a mayor~~  
4 ~~shall be elected for a two-year term. In 1985 four-year term. The Mayor whose term expires in~~  
5 ~~2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, a mayor shall be~~  
6 ~~elected for a four-year term.~~

7 (c) Elections in the Town of Boonville shall be conducted in accordance with Chapter  
8 163 of the General Statutes, and the results determined by the plurality method as provided in  
9 G.S. 163-292."

10 **SECTION 3.** Section 4 of the Charter of the Town of East Bend, being Chapter  
11 144 of the Private Laws of 1887, as amended by Chapter 611 of the 1955 Session Laws and  
12 Chapter 104 of the 1985 Session Laws, reads as rewritten:

13 "Sec. 4. (a) Beginning in 2018, regular municipal elections shall be held in even-numbered  
14 years. The mayor whose term expires in 2017 shall continue to serve until 2018. In the 1985  
15 2018 municipal election and biennially thereafter, a mayor shall be elected for a two-year term.

16 (b) The persons whose terms expire in 2017 shall continue to serve until 2018. In the  
17 1985 municipal election, 2018 and biennially thereafter, the two persons receiving the highest  
18 numbers of votes shall be elected to four-year terms on the board of commissioners. The three  
19 persons-commissioners, and the person receiving the next highest numbers-number of votes  
20 shall be elected to a two-year terms-term on the board of commissioners.

21 (c) The persons whose terms expire in 2019 shall continue to serve until 2020. In 1987  
22 2020, and biennially thereafter, the two persons receiving the highest numbers of votes shall be  
23 elected to four-year terms on the town board of commissioners, and the person receiving the  
24 next highest number of votes shall be elected to a two-year term on the board of  
25 commissioners.

26 (d) Elections in the Town of East Bend shall be governed by Chapter 163 of the  
27 General Statutes. Elections shall be conducted and the results shall be determined using the  
28 nonpartisan plurality method set out in Section 163-292 of the General Statutes."

29 **SECTION 4.** No elections shall occur in the Towns of Jonesville, Boonville, or  
30 East Bend in 2017. Municipal elections shall next occur in the Towns of Jonesville, Boonville,  
31 and East Bend in 2018.

32 **SECTION 5.** This act is effective when it becomes law and applies to elections  
33 held on or after that date.





# HOUSE BILL 498: Jonesville/Boonville/East Bend/Even-Yr Elec'n.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 5, 2017
	favorable, re-refer to Elections and Ethics		
	Law		
<b>Introduced by:</b>	Rep. Zachary	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
	H498-CSBK-11		Committee Co-Counsel

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 498 would change the regular municipal election cycle from odd-numbered years to even-numbered years for the Towns of Jonesville, Boonville, and East Bend, extending the terms of the current town officers one year to implement the new election schedule.*

**The PCS clarifies that the date of the next municipal election in Jonesville, Boonville, and East Bend is in 2018.**

**CURRENT LAW:** Generally, municipal elections are held in odd-numbered years. G.S. 163-279. The Towns of Jonesville, Boonville, and East Bend all conduct municipal elections in odd-numbered years, held on the Tuesday after the first Monday in November. Elections for all three towns are conducted on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163-292. The following chart summarizes the current town officers and their terms of office in the Towns of Jonesville, Boonville, and East Bend:

	Town Officers	Terms of Officers	Current Terms of Officers
<b>Jonesville</b> Population: 2,251	Mayor Town Council (5 members)	<u>Mayor:</u> Four years <u>Council:</u> Four years, staggered	<u>Mayor:</u> Term expires in 2017 <u>Council:</u> Term for 2 members expire in 2017; term for 3 members expire in 2019
<b>Boonville</b> Population: 1,216	Mayor Board of Town Commissioners (5 members)	<u>Mayor:</u> Four years <u>Commissioners:</u> Four years, staggered	<u>Mayor:</u> Term expires in 2017 <u>Commissioners:</u> Term for 2 members expire in 2017; term for 3 members expire in 2019
<b>East Bend</b> Population: 595	Mayor Board of Town Commissioners (5 members)	<u>Mayor:</u> Two years <u>Commissioners:</u> Either four years or two years, staggered*	<u>Mayor:</u> Term expires in 2017 <u>Commissioners:</u> Term for 3 members expire in 2017; term for 2 members expire in 2019*

\* In East Bend, the two persons receiving the highest number of votes are elected for four-year terms, and the person receiving the next highest number of votes is elected for a two-year term, resulting in elections for three commissioners in each municipal election.

**BILL ANALYSIS:** The PCS for House Bill 498 would provide that regular municipal elections in the Towns of Jonesville, Boonville, and East Bend must be held in even-numbered years, beginning in

Karen Cochrane-Brown  
Director



Legislative Analysis  
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# House PCS 498

Page 2

2018. To implement this change, municipal elections would not be conducted in 2017, and the terms of all current town officers would be extended one year. In the 2018 election and thereafter, terms of office would return to two or four years, as provided in the chart above.

**EFFECTIVE DATE:** This act would be effective when it becomes law and would apply to elections held on or after that date. The next municipal election in Jonesville, Boonville, and East Bend would occur in 2018.

**BACKGROUND:** The only other town in Yadkin County is Yadkinville (population: 2,923), which currently holds municipal elections in odd-numbered years.

Regular municipal elections in most municipalities are held in odd-numbered years. The following municipalities hold regular municipal elections in even-numbered years:

- Albemarle, Badin, Locust, Misenheimer, New London, Norwood, Oakboro, Red Cross, Richfield, Stanfield (*all municipalities in Stanly County*) (S.L. 2015-253)
- Archdale (*Randolph, Guilford Counties*) (S.L. 2007-41)
- Dobson (*Surry County*) (S.L. 2012-47)
- Elkin (*Surry, Wilkes Counties*) (S.L. 2014-35)
- Pilot Mountain (*Surry County*) (S.L. 2012-47)
- Winston-Salem (*Forsyth County*) (S.L. 2011-141)
- High Point (*Guilford, Davidson, Randolph, Forsyth Counties*) (S.L. 2006-171) – However, S.L. 2013-261 changes the method of election for municipal elections back to odd-numbered years, beginning with the 2017 election.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 508

Short Title: Appointments/Bd of Elections/Certain Counties. (Local)

Sponsors: Representatives Burr, Howard, and Ford (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 29, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE APPOINTMENT OF MEMBERS TO THE BOARD OF  
3 ELECTIONS IN THE COUNTIES OF STANLY, DAVIE, AND ROWAN.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 163-30 reads as rewritten:

6 "§ 163-30. County boards of elections; appointments; terms of office; qualifications;  
7 vacancies; oath of office; instructional meetings.

8 In every county of the State there shall be a county board of elections, to consist of three  
9 persons of good moral character who are registered voters in the county in which they are to  
10 act. Members of county boards of elections shall be appointed by the State Board of Elections  
11 on the last Tuesday in June 1985, and every two years thereafter, and their terms of office shall  
12 continue for two years from the specified date of appointment and until their successors are  
13 appointed and qualified. Not more than two members of the county board of elections shall  
14 belong to the same political party.

15 No person shall be eligible to serve as a member of a county board of elections who holds  
16 any elective office under the government of the United States, or of the State of North Carolina  
17 or any political subdivision thereof.

18 No person who holds any office in a state, congressional district, county or precinct  
19 political party or organization, or who is a campaign manager or treasurer of any candidate or  
20 political party in a primary or election, shall be eligible to serve as a member of a county board  
21 of elections, provided however that the position of delegate to a political party convention shall  
22 not be considered an office for the purpose of this section.

23 No person shall be eligible to serve as a member of a county board of elections who is a  
24 candidate for nomination or election.

25 No person shall be eligible to serve as a member of a county board of elections who is the  
26 wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father,  
27 father-in-law, sister, sister-in-law, brother, brother-in-law, aunt, uncle, niece, or nephew of any  
28 candidate for nomination or election. Upon any member of the board of elections becoming  
29 ineligible, that member's seat shall be declared vacant. This paragraph only applies if the  
30 county board of elections is conducting the election for which the relative is a candidate.

31 The State chairman of each political party shall have the right to recommend to the State  
32 Board of Elections three registered voters in each county for appointment to the board of  
33 elections for that county. If such recommendations are received by the Board 15 or more days  
34 before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the  
35 State Board of Elections to appoint the county boards from the names thus







1 ~~recommended~~ recommended as follows: two from the list of three submitted by the political  
2 party having the majority of members serving on the Board of County Commissioners and one  
3 from the list of three submitted by the political party having the minority of members serving  
4 on the Board of County Commissioners, when applicable.

5 Whenever a vacancy occurs in the membership of a county board of elections for any cause  
6 the State chairman of the political party of the vacating member shall have the right to  
7 recommend two registered voters of the affected county for such office, and it shall be the duty  
8 of the State Board of Elections to fill the vacancy from the names thus recommended.

9 At the meeting of the county board of elections required by G.S. 163-31 to be held on  
10 Tuesday following the third Monday in July in the year of their appointment the members shall  
11 take the following oath of office:

12 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the  
13 Constitution of the United States; that I will be faithful and bear true allegiance  
14 to the State of North Carolina and to the constitutional powers and authorities  
15 which are or may be established for the government thereof; that I will endeavor  
16 to support, maintain and defend the Constitution of said State, not inconsistent  
17 with the Constitution of the United States; and that I will well and truly execute  
18 the duties of the office of member of the \_\_\_\_\_ County Board of Elections  
19 to the best of my knowledge and ability, according to law; so help me God."

20 Each member of the county board of elections shall attend each instructional meeting held  
21 pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall  
22 be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

23 **SECTION 1.(b)** This section applies to the counties of Stanly, Davie, and Rowan  
24 only.

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



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 508  
PROPOSED COMMITTEE SUBSTITUTE H508-CSBK-14 [v.2]

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Short Title: Appointments/Bd of Elections/Certain Counties.

(Local)

Sponsors:

Referred to:

March 29, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE APPOINTMENT OF MEMBERS TO THE BOARD OF  
3 ELECTIONS IN THE COUNTIES OF STANLY, DAVIE, AND ROWAN.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1.(a) G.S. 163-30 reads as rewritten:  
6 "§ 163-30. County boards of elections; appointments; terms of office; qualifications;  
7 vacancies; oath of office; instructional meetings.  
8 In every county of the State there shall be a county board of elections, to consist of three  
9 persons of good moral character who are registered voters in the county in which they are to  
10 act. Members of county boards of elections shall be appointed by the State Board of Elections  
11 on the last Tuesday in June 1985, and every two years thereafter, and their terms of office shall  
12 continue for two years from the specified date of appointment and until their successors are  
13 appointed and qualified. Not more than two members of the county board of elections shall  
14 belong to the same political party.  
15 No person shall be eligible to serve as a member of a county board of elections who holds  
16 any elective office under the government of the United States, or of the State of North Carolina  
17 or any political subdivision thereof.  
18 No person who holds any office in a state, congressional district, county or precinct  
19 political party or organization, or who is a campaign manager or treasurer of any candidate or  
20 political party in a primary or election, shall be eligible to serve as a member of a county board  
21 of elections, provided however that the position of delegate to a political party convention shall  
22 not be considered an office for the purpose of this section.  
23 No person shall be eligible to serve as a member of a county board of elections who is a  
24 candidate for nomination or election.  
25 No person shall be eligible to serve as a member of a county board of elections who is the  
26 wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father,  
27 father-in-law, sister, sister-in-law, brother, brother-in-law, aunt, uncle, niece, or nephew of any  
28 candidate for nomination or election. Upon any member of the board of elections becoming  
29 ineligible, that member's seat shall be declared vacant. This paragraph only applies if the  
30 county board of elections is conducting the election for which the relative is a candidate.  
31 The State chairman of each political party shall have the right to recommend to the State  
32 Board of Elections three registered voters in each county for appointment to the board of  
33 elections for that county. If such recommendations are received by the Board 15 or more days  
34 before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the  
35 State Board of Elections to appoint the county boards from the names ~~thus~~  
36 ~~recommended~~-recommended, provided that two individuals are appointed from the list of three



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1 registered voters submitted by the political party having the majority of members serving on the  
2 board of county commissioners in that county.

3 Whenever a vacancy occurs in the membership of a county board of elections for any cause  
4 the State chairman of the political party of the vacating member shall have the right to  
5 recommend two registered voters of the affected county for such office, and it shall be the duty  
6 of the State Board of Elections to fill the vacancy from the names thus recommended.

7 At the meeting of the county board of elections required by G.S. 163-31 to be held on  
8 Tuesday following the third Monday in July in the year of their appointment the members shall  
9 take the following oath of office:

10 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the  
11 Constitution of the United States; that I will be faithful and bear true allegiance  
12 to the State of North Carolina and to the constitutional powers and authorities  
13 which are or may be established for the government thereof; that I will endeavor  
14 to support, maintain and defend the Constitution of said State, not inconsistent  
15 with the Constitution of the United States; and that I will well and truly execute  
16 the duties of the office of member of the \_\_\_\_\_ County Board of Elections  
17 to the best of my knowledge and ability, according to law; so help me God."

18 Each member of the county board of elections shall attend each instructional meeting held  
19 pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall  
20 be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

21 **SECTION 1.(b)** This section applies to the counties of Stanly, Davie, and Rowan  
22 only.

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







## HOUSE BILL 508: Appointments/Bd of Elections/Certain Counties.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 5, 2017
	favorable, re-refer to Elections and Ethics		
	Law		
<b>Introduced by:</b>	Reps. Burr, Howard, Ford	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition		Jessica Sammons
	H508-CSBK-14		Committee Co-Counsel

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 508 would require the State Board of Elections to appoint two members recommended by the State chair of the political party that represents the majority of the county's commissioners when appointing members to county boards of elections in Stanly, Davie, and Rowan counties, if that recommendation is made 15 or more days in advance of the appointment.*

**CURRENT LAW:** County boards of elections consist of three registered voters of each county, appointed by the State Board of Elections on the last Tuesday in June of odd-numbered years to serve two-year terms. No more than two members of the county board of elections may belong to the same political party. Members of county boards of elections may not do any of the following:

- (1) Hold or be a candidate for any office under the government of the United States, North Carolina, or a political subdivision of the State.
- (2) Hold any office in a political party or organization.
- (3) Be a campaign manager or treasurer of any candidate in a primary or election.
- (4) Be a relative of any candidate for nomination or election, if that relative's election is conducted by the county board of elections.

The State chair of each political party has the right to recommend to the State Board of Elections three registered voters in each county for appointment to county boards of elections. The State Board of Elections must appoint the county boards of elections from the names recommended if the recommendations are received 15 or more days before the date appointments must be made.

**BILL ANALYSIS:** The PCS for House Bill 508 would impose an additional requirement on the State Board of Elections when making appointments to the Stanly, Davie, and Rowan County boards of elections. When names are received from the State chair of each political party 15 or more days in advance of the appointment date, the State Board of Elections must appoint two members from the list of three names submitted by the political party that represents the majority of the members on the board of county commissioners in each of these counties.

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

Karen Cochrane-Brown  
Director



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 520

Short Title: Union Co. Bd. of Ed/Partisan Election. (Local)

Sponsors: Representatives Arp, Brody, and Horn (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Elections and Ethics Law

March 30, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE ELECTION METHOD OF THE UNION COUNTY BOARD  
3 OF EDUCATION FROM NONPARTISAN TO PARTISAN.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding Section 5(a) of the Plan for Merging the Monroe  
6 City School System and the Union County School System adopted by the State Board of  
7 Education on January 8, 1992, and validated under Chapter 767 of the 1991 Session Laws (the  
8 Merger Plan), beginning in 2018, the Union County Board of Education shall consist of nine  
9 members who shall be elected on a partisan basis at the time of the general election in each  
10 even-numbered year as terms expire. Except as otherwise provided by this act, elections shall  
11 be conducted in accordance with Chapters 115C and 163 of the General Statutes. Candidates  
12 for election to the Union County Board of Education shall be nominated at the same time and  
13 manner as other county officers. As the terms of the present members expire, beginning with  
14 the primary and election to be held in 2018, and every two years thereafter, members of the  
15 Union County Board of Education shall be elected for terms of four years.

16 **SECTION 2.** Notwithstanding Section 5(f) and Section 5(h) of the Merger Plan,  
17 beginning in 2018, vacancies on the Union County Board of Education for positions elected on  
18 a partisan basis shall be filled by appointment in accordance with G.S. 115C-37.1 until the next  
19 election for members of the Board, at which time the remaining unexpired term shall be filled  
20 by election. Vacancies on the Union County Board of Education for positions elected on a  
21 nonpartisan basis in 2014 or 2016 shall be filled in accordance with G.S. 115C-37(f).

22 **SECTION 3.** This act does not affect the terms of office of any person elected in  
23 2014 or 2016 to the Union County Board of Education. The members of the Union County  
24 Board of Education elected in 2014 or 2016, or any member appointed by the remaining  
25 members of the Board to fill a vacancy of a member elected in 2014 or 2016, shall serve until a  
26 successor has been elected and qualified.

27 **SECTION 4.** Chapter 359 of the 1975 Session Laws and Chapter 136 of the 1989  
28 Session Laws are repealed.

29 **SECTION 5.** Effective on the first Monday in December of 2018,  
30 G.S. 115C-37.1(d) reads as rewritten:

31 "(d) This section shall apply only in the following counties: Alleghany, Brunswick,  
32 Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Rutherford,  
33 Stanly, Union, Vance, and Washington."

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



\* H 5 2 0 - V - 1 \*





## HOUSE BILL 520: Union Co. Bd. of Ed/Partisan Election.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Elections and Ethics Law	<b>Date:</b>	April 5, 2017
<b>Introduced by:</b>	Reps. Arp, Brody, Horn	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Jessica Sammons Committee Co-Counsel

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**OVERVIEW:** *House Bill 520 would change the method of election of the Union County Board of Education from nonpartisan to partisan and would alter the process for filling vacancies on the Board, beginning in 2018.*

**CURRENT LAW:** The Union County Board of Education consists of nine members elected for staggered four-year terms. One member is elected from each of six single-member residency districts, and three members are elected at-large.

Elections are conducted in even-numbered years using the nonpartisan primary and election method. G.S. 163-294. The election is held on Tuesday after the first Monday in November, and the nonpartisan primary is held on the fourth Tuesday before the election. G.S. 163-279. Members take office on the first Monday in December following their election, at which time the members elect a chair and vice-chair to serve for a two-year term.

Vacancies are filled by the remaining members of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.

**BILL ANALYSIS:** House Bill 520 would change the method of election for the Union County Board of Education members from nonpartisan to partisan, beginning in 2018. Candidates would be nominated at the same time and manner as other county officers.

Vacancies for positions elected on a partisan basis beginning in 2018 would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant.

House Bill 520 would not affect terms of office or vacancy procedures for members of the Board elected in 2014 or 2016.

**EFFECTIVE DATE:** House Bill 520 would be effective when it becomes law.

Karen Cochrane-Brown  
Director



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 406

Short Title: Repeal Orange County Impact Fees. (Public)

Sponsors: Representative Stevens.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government II, if favorable, Finance

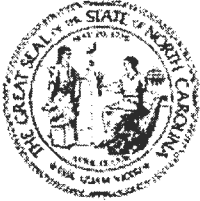
March 21, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT REPEALING THE AUTHORITY OF ORANGE COUNTY TO IMPOSE IMPACT  
3 FEES.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Title VI of Chapter 460 of the Session Laws of 1987, as amended by  
6 Chapter 324 of the Session Laws of 1991 and Part 4 of Chapter 642 of the Session Laws of  
7 1993, is repealed.  
8 **SECTION 2.** This act is effective when it becomes law.



\* H 4 0 6 - V - 1 \*





# HOUSE BILL 406: Repeal Orange County Impact Fees.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 406 repeals a portion of three local acts granting Orange County authority to impose impact fees.*

**CURRENT LAW:** Title VI of Chapter 460 of the Session Laws of 1987, as amended by Chapter 324 of the Session Laws of 1991 and Part 4 of Chapter 642 of the Session Laws of 1993 authorize Orange County to provide by ordinance:

*"for a system of impact fees to be paid by developers to help defray the costs to the County of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the County...the term capital improvements includes the acquisition of land for open space and greenways, capital improvements to public streets, schools, bridges, sidewalks, bikeways, on and off street surface water drainage ditches, pipes, culverts, other drainage facilities, water and sewer facilities and public recreation facilities."*

**BILL ANALYSIS:** House Bill 406 repeals Orange County's authority to impose the impact fees described above.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 436

Short Title: Local Government/Regulatory Fees.

(Public)

Sponsors: Representative Stevens.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

March 23, 2017

A BILL TO BE ENTITLED  
AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT IMPOSE  
REGULATORY FEES ON NEW CONSTRUCTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

**"§ 153A-145.7. Regulatory fees on new construction prohibited.**

No county may impose a regulatory fee on new construction within the jurisdiction of the county unless specifically authorized by general law. For purposes of this section, a regulatory fee includes an impact fee, facility fee, project fee, capacity fee, or any other fee that requires a developer to pay an amount to help defray capital costs associated with new construction."

**SECTION 2.** Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

**"§ 160A-205.3. Regulatory fees on new construction prohibited.**

No city may impose a regulatory fee on new construction within the city's corporate limits or extraterritorial jurisdiction unless specifically authorized by general law. For purposes of this section, a regulatory fee includes an impact fee, facility fee, project fee, capacity fee, or any other fee that requires a developer to pay an amount to help defray capital costs associated with new construction."

**SECTION 3.** Except as otherwise provided in this section, the following acts are repealed:

- (1) Chapter 477 of the Session Laws of 1989 (Benson).
- (2) Part 1 of Article 6 of the Charter of the Town of Carrboro, being Chapter 476 of the Session Laws of 1987, as amended.
- (3) Sections 7.4 and 8.5 of the Charter of the Town of Cary, being S.L. 2005-117, as amended.
- (4) Chapter 1021 of the Session Laws of 1987 (Catawba County).
- (5) Article 7 of the Charter of the Town of Chapel Hill, being Chapter 473 of the Session Laws of 1975, as amended by Chapter 936 of the 1985 Session Laws.
- (6) Titles III and VI of Chapter 460 of the Session Laws of 1987, as amended by Chapter 324 of the Session Laws of 1991 and Part 4 of Chapter 642 of the Session Laws of 1993 (Chatham and Orange Counties).
- (7) Chapter 660 of the Session Laws of 1991 (Dunn).





- 1 (8) Sections 5.8 and 5.9 of the Charter of the Town of Garner, being Chapter  
2 333 of the Session Laws of 1977, as amended by Chapter 608 of the Session  
3 Laws of 1989, Section 2 of Chapter 608 of the Session Laws of 1989, and  
4 Chapter 601 of the Session Laws of 1993.
- 5 (9) Chapter 705 of the Session Laws of 1987 (Hickory).
- 6 (10) Chapter 536 of the Session Laws of 1985, as amended by Chapter 258 of the  
7 Session Laws of 1987, Chapter 986 of the Session Laws of 1987, Chapter  
8 987 of the Session Laws of 1987, and Chapter 988 of the Session Laws of  
9 1987 (Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern  
10 Shores).
- 11 (11) Chapter 668 of the Session Laws of 1987 (Knightdale).
- 12 (12) Sections 6.3, 6.4, and 6.5 of the Charter of the Town of Knightdale, being  
13 Chapter 155 of the Private Laws of 1927, as amended by Chapter 430 of the  
14 Session Laws of 1989 and Chapter 770 of the Session Laws of 1989, are  
15 repealed. Section 6.6 and Section 6.7 of the Charter of the Town of  
16 Knightdale, being Chapter 155 of the Private Laws of 1927, as amended by  
17 Chapter 430 of the Session Laws of 1989, are amended by deleting "Sections  
18 6.2, 6.3, 6.4, and 6.5" wherever it appears and substituting "Section 6.2".
- 19 (13) Article XIV of the Charter of the Town of Pittsboro, being Chapter 348 of  
20 the Session Laws of 1973, as amended by Chapter 460 of the 1987 Session  
21 Laws.
- 22 (14) Section 22(81) and Section 22(82) of the Charter of the City of Raleigh,  
23 being Chapter 1184 of the Session Laws of 1949, as amended by Chapter  
24 498 of the Session Laws of 1985 and Chapter 514 of the Session Laws of  
25 1987, are repealed. Section 22(83) and Section 22(84) of the Charter of the  
26 City of Raleigh, being Chapter 1184 of the Session Laws of 1949, as  
27 amended by Chapter 498 of the Session Laws of 1985, are amended by  
28 deleting "(80), (81), and (82)" wherever it appears and substituting "(80)".
- 29 (15) Chapter 996 of the Session Laws of 1987 (Rolesville).
- 30 (16) Chapter 607 of the Session Laws of 1989 (Southern Pines).
- 31 (17) Chapter 502 of the Session Laws of 1989 (Wake Forest).
- 32 (18) Chapter 68 of the Session Laws of 1987 (Wendell).
- 33 (19) Chapter 668 of the Session Laws of 1987 and Sections 8.30, 8.31, 8.32, and  
34 8.33 of the Charter of the Town of Zebulon, being Chapter 386 of the  
35 Session Laws of 1973, as amended by Chapter 606 of the Session Laws of  
36 1989 (Zebulon).

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





## HOUSE BILL 436: Local Government/Regulatory Fees.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 4, 2017
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 436 prohibits county and city regulatory fees on new construction, and repeals specified local laws authorizing various fees on new construction.*

**CURRENT LAW:** G.S. 153A-331 and G.S. 160A-372 authorize cities and counties, as part of their subdivision ordinances, to require developers to provide: (1) Street ROWs, construction, or fees in lieu, (2) Dedication of utility ROWs, (3) Dedication of parkland or fees in lieu, (4) Construction of community service facilities, (5) reservation of school sites for later purchase.

County and city public enterprise statutes also authorize certain fees and charges related to public enterprise functions. Chapter 160A, Article 16; Chapter 153A, Article 15.

Several local acts, listed in House Bill 436, authorize various additional fees and charges related to new construction.

The North Carolina Courts have ruled there is no implied local government authority to charge school impact fees in several cases, including *Lanvale Properties, LLC v. County of Cabarrus*, 366 N.C. 142 (2012).

Most recently, the NC Supreme Court ruled that there is no implied local government authority to assess water and sewer impact fees on new development unless specifically authorized. *Quality Built Homes Incorporated and Stafford Land Company, Inc. v. Town of Carthage* 789 S.E.2d 454 (2016)

### BILL ANALYSIS:

**Section 1 and 2** of the add language to the statutes governing counties and cities to prohibit them from imposing a regulatory fee on new construction unless specifically authorized by general law.

"Regulatory fee", includes an impact fee, facility fee, project fee, capacity fee, or any other fee that requires a developer to pay an amount to help defray capital costs associated with new construction.

**Section 3** of the bill repeals several local acts authorizing as variety of impact fees.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578







## Proposed Repeal of Impact Fees:

# Chatham County Budget Devastation

**House Bill 436:** This proposed bill would immediately repeal the authority for local governments to collect any type of impact fees. The bill would have a devastating impact on Chatham County's budget and critically-needed facilities for schools and water.

### FUNDS ALREADY BUDGETED IN DEBT RESERVE

**4.7  
cents**

Chatham's impact fee revenues represent **4.7 cents on the tax rate**. We have already spent most of these funds! They go into the Capital Improvement Plan debt reserve to fund past and future facilities. For schools alone, we would have an immediate loss equivalent to **3 cents** on the property tax rate.

### HUGE LOSS OF REVENUE FOR SCHOOLS & WATER

Chatham County would lose **\$2.8 million** in school impact fee revenue and **\$1.7 million** in water impact fee revenue, a total loss of **\$4.5 million annually**. This could delay or cancel already scheduled school as well as future water projects.

**\$4.5 million  
per year**

### DEMAND FOR SCHOOLS IS TREMENDOUS

**Top 10  
Growth**

Chatham County is usually one of the fastest growing counties and currently ranked tenth. We also are home to Chatham Park, which is the **largest mixed use development in the state**. Without the impact fees, we either can't meet the demand for school facilities resulting from this growth, or we will have to shift the entire cost burden to property owners.

### REGIONAL WATER SUPPLY PROJECT MAY NOT HAPPEN

Water customer rates are already high compared to surrounding areas. Yet, we have a **\$70 to \$80 million** share of a regional water plant in the planning stages of our CIP. This multi-jurisdictional plant is not optional for our future. This would greatly burden our property taxpayers.

**\$70-\$80  
million**





Committee Sergeants at Arms

NAME OF COMMITTEE STATE AND LOCAL GOV 1

DATE: 04-05-2017 Room: 544

House Sgt-At Arms:

1. Name: REGGIE SILLS

2. Name: MARVIN LEE

3. Name: TERRY McCRAW

4. Name: THOMAS TERRY

5. Name: ~~FRANK~~ ~~GOOTZ~~

Senate Sgt-At Arms:

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

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

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

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

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



**House Pages  
Assignments  
Wednesday, April 05, 2017  
Session: 2:00 PM**

Committee	Room	Time	Staff	Comments	Member
State and Local Government I	544	10:00 AM	Audra Cloer		Rep. Kevin Corbin
			Noah Ellington		Rep. Speaker Tim Moore
			Zina Hockaday		Rep. Yvonne Lewis Holley
			Jenna Varnell		Rep. Susan Martin
State and Local Government II	423	10:00 AM	Caroline Byars		Rep. John Bradford
			Caroline Cholette		Rep. Ted Davis, Jr.
			Lizette Duarte		Rep. Sam Watford
			Madison Gunter		Rep. Mike Clampitt
Health	643	11:00 AM	Chloe Worner		Rep. Harry Warren
			Austin Calhoun		Rep. William Richardson
			Joseph Pinnix		Rep. Chris Malone
			Mary Margaret West		Rep. George Cleveland
Pensions & Retirement	415	12:00 PM	Ashley Holland		Rep. Pat Hurley
			Carolyn McCarthy		Rep. Susan Martin
			Alex Smith		Rep. Holly Grange
Energy and Public Utilities	643	1:00 PM	Audra Cloer		Rep. Kevin Corbin
			Jared Diegelman		Rep. Dean Arp
			Samantha Lenger		Rep. Duane Hall
			Jenna Varnell		Rep. Susan Martin



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**House Pages  
Assignments  
Wednesday, April 05, 2017**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Judiciary III	421	1:00 PM	Noah Ellington		Rep. Speaker Tim Moore
			Mary Margaret West		Rep. George Cleveland
			Chloe Worner		Rep. Harry Warren
State Personnel	425	1:00 PM	Caroline Byars		Rep. John Bradford
			Lizette Duarte		Rep. Sam Watford
			Madison Gunter		Rep. Mike Clampitt



Rm 544 10:05 AM

VISITOR REGISTRATION SHEET

House Committee on State & Local Government <sup>I</sup> 04-05-2017  
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JEFF BARNHART	MWC
Bill Faison	Bill Faison Atty PLLC
Dana Faison	City of Charlotte
Andy Chase	KMA
Gene Byrd	NCFPC
John Roberts	Orange County
Earl McKee	Orange County BOCC
Margaret Samuels	CHCCS
Todd CoFrese	CHCCS
Erin Wynia	NCLM
Johanna Reese	NCACC





Rm 544 10:00 AM

VISITOR REGISTRATION SHEET

House Committee on State & Local Government <sup>I</sup> 04-05-2017  
Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sam Bridges	Town of Gower
Angus McDermott	NCSRA
Richard Bostic	NCSRA
Vicki Bayer	self
Blair Bersuk	RA-Burr
<del>Daphne Henry</del>	<del>Chatham County</del>
Brian Barr	Chatham County



Rm 544 10:00 AM

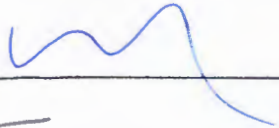

VISITOR REGISTRATION SHEET

House Committee on State & Local Government <sup>I</sup> 04-05-2017  
 Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sarah Dunning	Intern Rep Vela Insur
Jill Palms	NCHRA
Isabel Villo-Daria	NC REALTORS
Chr McDerm	KTS
	
Tim Martin	NC Hm B-100000
Julie Corvete	NCHSA
Steward Wase	NCHSA
Gerard Jaden	Vista Strategies
Tom Apodaca	Vista Strategies
Julia White	NCHSA
Ru Kayla	Kayla Low



Rm 544 10:00 AM

VISITOR REGISTRATION SHEET

*House Committee on State & Local Government* <sup>I</sup> *04-05-2017*  
 Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	SML
Debra Henzey	12 East St. Pittsboro NC Chatham County Manager's Office
BRIAN BOCK	133 SAXAPAHAW DR UN CHAPEL HILL, NC 27516
Jory Adams	NCDOT
Maggie P. Thomas	NCDOT IT
Reba Calvert	NCDMV
Michael Thomas	NC DOT
Charlotte Boyd-Malette	NCDMV
Jonathan Puryear	NC DMV
Tonya Horton	TSS
Karsin Willard	Intern NCGA
Caroline Miller	AMGA



**House Committee on State and Local Government I**  
**Wednesday, April 19, 2017 at 10:00 AM**  
**Room 423 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on April 19, 2017 in Room 423 of the Legislative Office Building. Representatives Ford, Speciale, Ager, Belk, Brawley, Brody, Burr, Butler, Cleveland, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Gill, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered House Bill (HB) 385 Impaired Hunting/Orange County (Representatives Meyer, Insko). Representative Meyer was recognized to present the bill; there was no discussion on the bill. Representative Fisher motioned for HB 385 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 656 College of Albemarle/Construction Funds (Representative Steinburg). Representative Steinburg was recognized to present the bill. The committee discussed the bill. Representative Pittman motioned for HB 656 to receive a favorable report with a referral to the committee on Education- Community Colleges. The Chair called for a voice vote and the motion carried.

The Committee considered House Bill (HB) 668 Clarify Political Sign Ordinance Authority (Representative Brawley). Representative Brawley was recognized to present the bill. The committee discussed the bill. Representative Warren motioned for HB 668 to receive a favorable report. The Chair called for a voice vote and the motion carried.


The Committee considered House Bill (HB) 804 Add Additional ADA to District 9 (Representatives B. Richardson, Garrison). Representatives B. Richardson and Garrison were recognized to present the bill. The committee discussed the bill. Representatives Richardson and Garrison, staff and the Chair decided to table the bill with the plans of creating a sub-committee.

The Committee considered House Bill (HB) 305 School Boards Can't Sue Counties (Representatives Conrad, Potts, Ford). Representatives Conrad and Potts were recognized to present the bill. The committee discussed the bill. Johanna Reese with NC Association of County Commissioners spoke in favor of the bill. Sean Hamill with PED gave an unbiased update of where they were in their research. Bruce Meldork with School Boards Association spoke out against the bill. Representative Pittman motioned for HB 305 to receive a favorable report with a referral to the committee on Judiciary IV. The Chair called for a voice vote and the motion carried.





The meeting adjourned at 10:50 AM.



---

Representative Carl Ford, Chair  
Presiding



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Olivia Clapp, Committee Clerk



Corrected #1: Add HB 656, HB 668, HB 804

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government** I will meet as follows:

**DAY & DATE:** Wednesday, April 19, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 423 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 385</u>	Impaired Hunting/Orange County.	Representative Meyer
<u>HB 305</u>	School Boards Can't Sue Counties.	Representative Insko
		Representative Conrad
		Representative Potts
		Representative Ford
		Representative Burr
<u>HB 257</u>	Stanly County Municipalities/Contracts.	
<u>HB 656</u>	College of Albemarle/Construction Funds.	Representative Steinburg
<u>HB 668</u>	Clarify Political Sign Ordinance Authority.	Representative Brawley
<u>HB 804</u>	Add Additional ADA to District 9.	Representative B. Richardson
		Representative Garrison

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:35 PM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

FAVORABLE

HB 668 Clarify Political Sign Ordinance Authority.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Brawley

FAVORABLE AND RE-REFERRED

HB 305 School Boards Can't Sue Counties.  
Draft Number: None  
**Serial Referral: JUDICIARY IV**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Conrad

HB 385 Impaired Hunting/Orange County.  
Draft Number: None  
**Serial Referral: JUDICIARY I**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Meyer

HB 656 College of Albemarle/Construction Funds.  
Draft Number: None  
**Serial Referral: EDUCATION - COMMUNITY COLLEGES**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Steinburg

TOTAL REPORTED: 4



\* C M R 2 2 0 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, April 19, 2017, 10:00 AM**  
**423 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 385	Impaired Hunting/Orange County.	Representative Meyer
HB 305	School Boards Can't Sue Counties.	Representative Insko Representative Conrad Representative Potts Representative Ford Representative Burr
HB 257	Stanly County Municipalities/Contracts.	
HB 656	College of Albemarle/Construction Funds.	Representative Steinburg
HB 668	Clarify Political Sign Ordinance Authority.	Representative Brawley
HB 804	Add Additional ADA to District 9.	Representative B. Richardson Representative Garrison

**Presentations**

**Other Business**

**Adjournment**





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 385

Short Title: Impaired Hunting/Orange County. (Local)

Sponsors: Representatives Meyer and Insko (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Judiciary I

March 20, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT HUNTING ON PRIVATE PROPERTY IN ORANGE COUNTY  
3 WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Section 5 of S.L. 2007-264 reads as rewritten:  
6 "SECTION 5. Sections 1 through 4 of this act apply to Caswell, Johnston, Orange, and Stanly  
7 Counties. ~~Sections 1, 3, and 4 of this act apply to Orange County.~~"  
8 **SECTION 2.** This act is effective when it becomes law.



\* H 3 8 5 - V - 1 \*





## HOUSE BILL 385: Impaired Hunting/Orange County.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 19, 2017
	favorable, re-refer to Judiciary I		
<b>Introduced by:</b>	Reps. Meyer, Insko	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 385 makes hunting on the land of another while impaired unlawful in Orange County, enforceable by Wildlife Resource Commission officers, sheriffs, and other officers with general subject matter jurisdiction.*

**CURRENT LAW:** Several local acts address hunting while impaired:

S.L. 2001-165 authorizes **Orange County** to prohibit by ordinance hunting while impaired with firearms, enforceable by local law enforcement but not Wildlife Resource Commission officers.

S.L. 2002-142 makes hunting while impaired unlawful in **Pitt County**, enforceable by Wildlife Resource Commission officers, sheriffs, and other officers with general subject matter jurisdiction.

S.L. 2004-87 authorizes **Wake County** to prohibit by ordinance hunting while impaired with firearms, enforceable by local law enforcement, but not Wildlife Resource Commission officers.

S.L. 2007-264 makes hunting on the land of another while impaired unlawful in **Caswell, Johnston, and Stanly Counties**, enforceable by Wildlife Resource Commission officers, sheriffs, and other officers with general subject matter jurisdiction.

**BILL ANALYSIS:** House Bill 385 makes hunting on the land of another while impaired unlawful in **Orange County**, enforceable by Wildlife Resource Commission officers, sheriffs, and other officers with general subject matter jurisdiction.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 305

Short Title: School Boards Can't Sue Counties.

(Public)

Sponsors: Representatives Conrad, Potts, Ford, and Wray (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Judiciary IV

March 13, 2017

A BILL TO BE ENTITLED

AN ACT REPEALING THE STATUTORY AUTHORITY FOR A LOCAL BOARD OF  
EDUCATION TO FILE A LEGAL ACTION CHALLENGING THE SUFFICIENCY OF  
THE FUNDS APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-431 reads as rewritten:

**"§ 115C-431. Procedure for resolution of dispute between board of education and board of  
county commissioners.**

(a) If the board of education determines that the amount of money appropriated to the local  
current expense fund, or the capital outlay fund, or both, by the board of county commissioners is  
not sufficient to support a system of free public schools, the chairman of the board of education  
and the chairman of the board of county commissioners shall arrange a joint meeting of the two  
boards to be held within seven days after the day of the county commissioners' decision on the  
school appropriations.

Prior to the joint meeting, the Senior Resident Superior Court Judge shall appoint a mediator  
unless the boards agree to jointly select a mediator. The mediator shall preside at the joint meeting  
and shall act as a neutral facilitator of disclosures of factual information, statements of positions  
and contentions, and efforts to negotiate an agreement settling the boards' differences.

At the joint meeting, the entire school budget shall be considered carefully and judiciously,  
and the two boards shall make a good-faith attempt to resolve the differences that have arisen  
between them.

(b) If no agreement is reached at the joint meeting of the two boards, ~~the mediator shall, at  
the request of either board, commence a mediation immediately or within a reasonable period of  
time. The mediation shall be held in accordance with rules and standards of conduct adopted under  
Chapter 7A of the General Statutes governing mediated settlement conferences but modified as  
appropriate and suitable to the resolution of the particular issues in disagreement. the decision of  
the county commissioners is final. The local board of education shall not file any legal action  
challenging the sufficiency of the funds appropriated by the board of county commissioners to the  
local current expense fund, the capital outlay fund, or both.~~

~~Unless otherwise agreed upon by both boards, the following individuals shall constitute the  
two working groups empowered to represent their respective boards during the mediation:~~

(1) ~~The chair of each board or the chair's designee;~~

(2) ~~The superintendent of the local school administrative unit and the county  
manager or either's designee;~~

(3) ~~The finance officer of each board; and~~





(4) The attorney for each board.

Members of both boards, their chairs, and representatives shall cooperate with and respond to all reasonable requests of the mediator to participate in the mediation. Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings involving the two working groups shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. Reports by members of either working group to their respective boards shall be made in compliance with Article 33C of Chapter 143 of the General Statutes.

Unless both boards agree otherwise, or unless the boards have already resolved their dispute, the mediation shall end no later than August 1. The mediator shall have the authority to determine that an impasse exists and to discontinue the mediation. The mediation may continue beyond August 1 provided both boards agree. If both boards agree to continue the mediation beyond August 1, the board of county commissioners shall appropriate to the local school administrative unit for deposit in the local current expense fund a sum of money sufficient to equal the local contribution to this fund for the previous year.

If the working groups reach a proposed agreement, the terms and conditions must be approved by each board. If no agreement is reached, the mediator shall announce that fact to the chairs of both boards, the Senior Resident Superior Court Judge, and the public. The mediator shall not disclose any other information about the mediation. The mediator shall not make any recommendations or public statement of findings or conclusions.

The local board of education and the board of county commissioners shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes.

(e) Within five days after an announcement of no agreement by the mediator, the local board of education may file an action in the superior court division of the General Court of Justice. Either board has the right to have the issues of fact tried by a jury. When a jury trial is demanded, the cause shall be set for the first succeeding term of the superior court in the county, and shall take precedence over all other business of the court. However, if the judge presiding certifies to the Chief Justice of the Supreme Court, either before or during the term, that because of the accumulation of other business, the public interest will be best served by not trying the cause at the term next succeeding the filing of the action, the Chief Justice shall immediately call a special term of the superior court for the county, to convene as soon as possible, and assign a judge of the superior court or an emergency judge to hold the court, and the cause shall be tried at this special term. The judge shall find, or if the issue is submitted to the jury, the jury shall find the facts as to the following in order to maintain a system of free public schools as defined by State law and State Board of Education policy: (i) the amount of money legally necessary from all sources and (ii) the amount of money legally necessary from the board of county commissioners. In making the finding, the judge or the jury shall consider the educational goals and policies of the State and the local board of education, the budgetary request of the local board of education, the financial resources of the county and the local board of education, and the fiscal policies of the board of county commissioners and the local board of education.

All findings of fact in the superior court, whether found by the judge or a jury, shall be conclusive. When the facts have been found, the court shall give judgment ordering the board of county commissioners to appropriate a sum certain to the local school administrative unit, and to levy such taxes on property as may be necessary to make up this sum when added to other revenues available for the purpose.

(d) ~~An appeal may be taken to the appellate division of the General Court of Justice, and notice of appeal shall be given in writing within 10 days after entry of the judgment. All papers and records relating to the case shall be considered a part of the record on appeal. The conclusion of the school or fiscal year shall not be deemed to resolve the question in controversy between the parties while an appeal is still pending. Any final judgment shall be legally binding on the parties at the conclusion of the appellate process. The payment of any final judgment by the county in favor of the local school administrative unit shall not be considered, or used in any manner, to deny or reduce appropriations to the local school administrative unit by the county in fiscal years subsequent to the one at issue to offset such payment of a final judgment.~~

(e) ~~If, in an action filed under this section, the final judgment of the General Court of Justice is rendered after the due date prescribed by law for property taxes, the board of county commissioners is authorized to levy such supplementary taxes as may be required by the judgment, notwithstanding any other provisions of law with respect to the time for doing acts necessary to a property tax levy. Upon making a supplementary levy under this subsection, the board of county commissioners shall designate the person who is to compute and prepare the supplementary tax receipts and records for all such taxes. Upon delivering the supplementary tax receipts to the tax collector, the board of county commissioners shall proceed as provided in G.S. 105-321.~~

~~The due date of supplementary taxes levied under this subsection is the date of the levy, and the taxes may be paid at par or face amount at any time before the one hundred and twentieth day after the due date. On or after the one hundred and twentieth day and before the one hundred and fiftieth day from the due date there shall be added to the taxes interest at the rate of two percent (2%). On or after the one hundred and fiftieth day from the due date, there shall be added to the taxes, in addition to the two percent (2%) provided above, interest at the rate of three fourths of one percent (3/4 of 1%) per 30 days or fraction thereof until the taxes plus interest have been paid. No discounts for prepayment of supplementary taxes levied under this subsection shall be allowed."~~

**SECTION 2.** G.S. 115C-432(a) reads as rewritten:

"(a) After the board of county commissioners has made its appropriations to the local school administrative unit, or after the appeal procedure set out in G.S. 115C-431 has been concluded, the board of education shall adopt a budget resolution making appropriations for the budget year in such sums as the board may deem sufficient and proper. The budget resolution shall conform to the uniform budget format established by the State Board of Education."

**SECTION 3.** This act is effective when it becomes law and applies beginning with budget ordinances adopted on or after that date.







## HOUSE BILL 305: School Boards Can't Sue Counties.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Judiciary IV	<b>Date:</b>	April 18, 2017
<b>Introduced by:</b>	Reps. Conrad, Potts, Ford	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 305 would repeal law authorizing a county board of education to file a civil action against a county board of commissioners challenging the sufficiency of funds appropriated to it by the county board of commissioners and would mandate that absent mutual agreement, the county board of commissioners' funding decision is final. The bill would be effective when it becomes law.

[As introduced, this bill was identical to S531, as introduced by Sens. Tucker, Rabon, which is currently in the Senate Committee on State and Local Government.]

**CURRENT LAW:** G.S. 115C-426 requires local boards of education to maintain a State Public School Fund, a current expense fund, and a capital outlay fund. The current expense fund and capital outlay fund consists, in part, of revenues appropriated by the county board of commissioners. G.S. 115C-429 requires the county board of commissioners to determine, by July 1, the amount of county revenue to be appropriated to the board of education. If the board of education determines the money appropriated to either the current expense or capital outlay fund is insufficient, G.S. 115C-431 provides the following method of dispute resolution:

- The parties hold a joint meeting presided over by a mediator mutually agreed upon or appointed by a Resident Superior Court Judge. The mediator facilitates the effort between the two boards to resolve the funding dispute and if no resolution is reached, a formal mediation is conducted.
- If the formal mediation is unsuccessful, the board of education may file a civil action in superior court to have either a judge or jury find as fact (i) the amount of funds legally necessary from all sources to maintain a system of free public schools and (ii) the amount of funds legally necessary from the board of commissioners.
- Once the facts regarding funding needs are found, the court enters a judgment ordering the board of commissioners to (i) appropriate the necessary sum to the board of education and (ii) levy any necessary taxes. After appeals are concluded the final judgment is legally binding.

**BILL ANALYSIS:** House Bill 305 would:

- Provide that if no agreement over funding is reached during a joint meeting, the funding decision of the board of commissioners is final.
- Eliminate the formal mediation required between a board of education and board of commissioners to resolve the funding dispute.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 305

Page 2

- Prohibit the board of education from filing a civil action against the board of commissioners over the amount of the funding.
- Make a conforming change to G.S. 115C-432, the board of education's budget resolution statute.

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

*Staff attorney' Drupti Chauhan substantially contributed to this bill summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 656

Short Title: College of Albemarle/Construction Funds.

(Public)

Sponsors: Representative Steinburg.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Education - Community Colleges

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FLEXIBILITY TO THE COLLEGE OF THE ALBEMARLE IN  
USING STATE FUNDS TO ENTER INTO CERTAIN CONSTRUCTION PROJECTS  
FOR EDUCATIONAL FACILITIES WITH THE COUNTIES SERVED BY THE  
COMMUNITY COLLEGE.

Whereas, the College of the Albemarle is in need of new facilities to educate and  
prepare adult and high school students in northeastern North Carolina for the economic  
enhancement of the region, to promote the transfer of students to four-year baccalaureate  
degree programs, and to increase the public safety and vocational skills in high demand  
throughout the region; and

Whereas, the College of the Albemarle's service delivery area includes seven  
counties and four campuses, with several counties within this area willing to invest public  
funds into construction of educational facilities for skills training and college transfer programs  
for the benefit of students throughout the region; and

Whereas, the College of the Albemarle and the counties in the community college's  
service delivery area mutually desire to enter into long-term lease agreements for the College of  
the Albemarle to occupy educational facilities to be constructed by the counties on property  
currently owned by the counties; and

Whereas, Dare County and Currituck County wish to use construction delivery  
methods chosen by the counties as owners of the educational facilities; and

Whereas, the College of the Albemarle would need exemptions from certain State  
law requirements to enter into such an agreement with the counties and use State funds,  
including Connect NC Bond funds; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** The Board of Trustees of the College of the Albemarle shall be  
exempt from any provisions of Chapter 115D of the General Statutes that require a community  
college to be the owner of real property to expend available State funds, including Connect NC  
Bond funds, for the construction and renovation of educational facilities for projects in which  
construction and renovation of educational facilities shall be on county property of a county  
within the service area of the College of the Albemarle, including the counties of Camden,  
Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans, and shall be leased for a period  
of at least 30 years to the Board of Trustees of the College of the Albemarle, including for the  
following pending projects:

- (1) Construction of two facilities and renovation of a third facility located in  
Dare County. The facilities would house community college transfer



1 programs and health care, public safety, and other vocational community  
2 college programs for adults and for high school students participating in  
3 Career and College Promise programs.

- 4 (2) Construction of a public safety facility located in Currituck County, which  
5 would enable the relocation of the community college's emergency services  
6 programs.

7 **SECTION 2.** The Board of Trustees of the College of the Albemarle may contract  
8 for the renovation or construction of educational facilities as described in Section 1 of this act  
9 with any of the counties within the service area of the College of the Albemarle, including the  
10 counties of Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans, without  
11 being subject to the provisions of Chapter 133 of the General Statutes, Article 8 of Chapter 143  
12 of the General Statutes, and G.S. 143-341.

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



## HOUSE BILL 656: College of Albemarle/Construction Funds.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Education - Community Colleges	<b>Date:</b>	April 19, 2017
<b>Introduced by:</b>	Rep. Steinburg	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 656 exempts the College of Albemarle from specified State property and contracting laws, and authorizes contracts with specified counties, for the renovation or construction of four community college facilities.*

**CURRENT LAW:** Chapter 115D of the General Statutes (Community Colleges) requires approval by the State Board of Community Colleges before the expenditure of any State funds on capital improvements of existing community college institutions and before a community college may dispose, transfer, or acquire property. Chapter 143 gives the Department of Administration control of real property owned or leased by the State and control over architecture and engineering of community college buildings.

### BILL ANALYSIS:

House Bill 656:

- Exempts the College of the Albemarle from any provisions of Chapter 115D of the General Statutes that require a community college to be the owner of real property to expend available State funds, including Connect NC Bond funds, for the construction and renovation of educational facilities on county property that is also leased for a period of at least 30 years to the College, including for the following pending projects:
  - Construction of two facilities and renovation of a third facility located in Dare County. for community college transfer programs and health care, public safety, and other vocational community college programs for adults and for high school students participating in Career and College Promise programs.
  - Construction of a public safety facility located in Currituck County for relocation of the community college's emergency services programs.
- Authorizes the College to contract for the renovation or construction of educational facilities described in Section 1 with any of the counties within the service area of the College, without being subject to the provisions of Chapter 133 of the General Statutes (Relocation Assistance), Article 8 of Chapter 143 of the General Statutes (Public Contracts), and G.S. 143-341 (Powers of the Department of Administration).

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 668

Short Title: Clarify Political Sign Ordinance Authority.

(Public)

Sponsors: Representative Brawley.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

April 11, 2017

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.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-32(f) reads as rewritten:

"(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance 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. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. A municipality is authorized to enforce the provisions of subsections (b) through (e) of this section on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality and on the rights-of-way of those portions of the State highway system that are located within the municipality. A municipality is authorized to remove any signs that violate the provisions of subsections (b) through (e) of this section."

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









# HOUSE BILL 668: Clarify Political Sign Ordinance Authority.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Brawley  
**Analysis of:** First Edition

**Date:** April 19, 2017  
**Prepared by:** Giles Perry  
Jessica Sammons  
Committee Co-Counsel

**OVERVIEW:** *House Bill 668 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, and would allow a municipality to remove political signs that are in violation of G.S. 136-32.*

**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 of the State highway system during the period beginning on the 30th day before one-stop early voting begins and ending on the 10th day after the primary or election day. A "political sign" is any sign that advocates for political action.

To be complaint, a permittee must obtain permission from the property owner fronting the right-of-way where the 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.

G.S. 136-32(f) allows a city to enact an ordinance prohibiting or regulating 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. DOT is authorized to remove any sign erected without authority or that remains beyond the established deadline.

**BILL ANALYSIS:** House Bill 668 would authorize municipalities to enforce the provisions of G.S. 136-32 relating to political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality and on rights-of-way of the portions of the State Highway System located within the municipality.

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 668

*Page 2*

House Bill 668 would also allow municipalities to remove any political sign that does not comply with the law.

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

Brad Krehely and Erika Churchill, Staff Attorneys in the Legislative Analysis Division, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 804

Short Title: Add Additional ADA to District 9. (Public)

Sponsors: Representatives B. Richardson and Garrison (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Judiciary I

April 13, 2017

A BILL TO BE ENTITLED  
AN ACT TO ADD AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY TO  
PROSECUTORIAL DISTRICT NINE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-60 reads as rewritten:

**"§ 7A-60. District attorneys and prosecutorial districts.**

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18
5	New Hanover, Pender	18
6	Bertie, Halifax, Hertford, Northampton	10
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	<del>10</del> 11
9A	Person, Caswell	6
10	Wake	41



1	11A	Harnett, Lee	9
2	11B	Johnston	10
3	12	Cumberland	23
4	13	Bladen, Brunswick, Columbus	13
5	14	Durham	18
6	15A	Alamance	11
7	15B	Orange, Chatham	10
8	16A	Scotland, Hoke	7
9	16B	Robeson	12
10	16C	Anson, Richmond	6
11	17A	Rockingham	7
12	17B	Stokes, Surry	8
13	18	Guilford	32
14	19A	Cabarrus	9
15	19B	Montgomery, Randolph	9
16	19C	Rowan	8
17	19D	Moore	5
18	20A		5
19		Stanly	
20	20B	Union	10
21	21	Forsyth	25
22	22A	Alexander, Iredell	11
23	22B	Davidson, Davie	11
24	23	Alleghany, Ashe, Wilkes,	8
25		Yadkin	
26	24	Avery, Madison, Mitchell,	7
27		Watauga, Yancey	
28	25	Burke, Caldwell, Catawba	18
29	26	Mecklenburg	58
30	27A	Gaston	14
31	27B	Cleveland,	11
32		Lincoln	
33	28	Buncombe	14
34	29A	McDowell, Rutherford	7
35	29B	Henderson, Polk, Transylvania	8
36	30	Cherokee, Clay, Graham,	10
37		Haywood, Jackson, Macon,	
38		Swain.	

...."

**SECTION 2.** This act becomes effective July 1, 2017.



## HOUSE BILL 804: Add Additional ADA to District 9.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	April 18, 2017
	favorable, re-refer to Judiciary I		
<b>Introduced by:</b>	Reps. B. Richardson, Garrison	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 804 would add one additional full-time assistant district attorney (ADA) to Prosecutorial District 9. The bill would become effective July 1, 2017.

**CURRENT LAW:** North Carolina is divided into 44 prosecutorial districts each having an elected district attorney who serves a four-year term and must reside in the district represented. The General Assembly determines the number of full-time assistant district attorneys (ADAs) for, and the counties within, each district. Prosecutorial District 9 consists of Franklin, Granville, Vance, and Warren counties. It currently has 10 full-time ADAs.

**BILL ANALYSIS:** House Bill 804 would add an additional ADA to Prosecutorial District 9.

**EFFECTIVE DATE:** The bill would become effective July 1, 2017.

**Additional Referral Needed:** This bill would need an additional referral to the House Committee on Appropriations under House Rule 38.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



## Anna Meadows (Rep. Bobbie Richardson)

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**From:** Spearman, Mildred R. <Mildred.R.Spearman@nccourts.org>  
**Sent:** Tuesday, April 18, 2017 11:43 AM  
**To:** Rep. Bobbie Richardson  
**Cc:** Anna Meadows (Rep. Bobbie Richardson); Murry, Thomas O.  
**Subject:** House Bill 804

Representative Richardson:

House Bill 804 seeks to add one assistant district attorney for District 9. Based on filings through 6/30/2016, District 9 needs 13.9 prosecutors (district attorney + assistant district attorneys). The district currently has 11 prosecutors (1 district attorney and 10 assistant district attorneys).

The cost for an assistant district attorney is \$120,191 (R), and \$3,752 (NR).

Please let me know if you have additional questions.

Best regards.



**Mildred Spearman**  
Legislative Liaison  
Administrative Office of the Courts  
**North Carolina Judicial Branch**  
O 919-890-1401

*Justice for all*  
[www.NCcourts.org](http://www.NCcourts.org)



E-mail correspondence to and from this address may be subject to the North Carolina public records laws and if so, may be disclosed.





## Anna Meadows (Rep. Bobbie Richardson)

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**From:** John Poteat (Fiscal Research)  
**Sent:** Tuesday, April 18, 2017 06:04 PM  
**To:** Anna Meadows (Rep. Bobbie Richardson)  
**Cc:** Mark Trogdon (Fiscal Research, Director); Mark White (Fiscal Research); Kristine Leggett (Fiscal Research)  
**Subject:** RE: fiscal note for HB804

Anna,

As I mentioned on the phone, we cannot get a fiscal note to Rep. Richardson by tomorrow morning. However, the estimate to establish a new Assistant District Attorney position is \$120,191 recurring (salary, benefits and operating costs) and \$3,752 nonrecurring to establish the position.

Please let me us know if you have any additional questions.

Thanks

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**From:** Mark Trogdon (Fiscal Research, Director)  
**Sent:** Tuesday, April 18, 2017 1:24 PM  
**To:** Anna Meadows (Rep. Bobbie Richardson)  
**Cc:** John Poteat (Fiscal Research)  
**Subject:** RE: fiscal note for HB804

Anna,

I can't find a request for a fiscal note, however, I am asking John Poteat on our staff to see if he can get you an approximate estimate of adding an additional ADA.

We'll do our best to get you something.

Thanks.

MT

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**From:** Anna Meadows (Rep. Bobbie Richardson)  
**Sent:** Tuesday, April 18, 2017 1:21 PM  
**To:** Mark Trogdon (Fiscal Research, Director)  
**Subject:** fiscal note for HB804

I made a request for a bill on 3/1 to Kory and asked for a fiscal note to be attached to the bill. I don't know if I should have made the request directly to you for the fiscal note. In any event, HB804 will be in committee tomorrow, and there isn't a fiscal note. Is it being worked on, or did I make a mistake in procedure? Do I need to ask the committee chairman to postpone hearing the bill? I have some figures from AOC on the cost of an additional ADA that I could share with you. Here's the link to the bill:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2017&BillID=HB804&submitButton=GO>

Anna Meadows



- The current AOC Workload Study indicates that the 9<sup>th</sup> Prosecutorial District, comprised of Franklin, Granville, Vance, and Warren Counties, needs 3 additional assistant district attorney positions
- In fact, the current AOC Workload Study, which was developed based upon a 2008 time study indicates that District Attorneys throughout the state need an additional 74 assistant district attorneys and an equal number of legal assistants.
- Since 2008 evidentiary advancements and legislative mandates have increased district attorney responsibilities leaving prosecution resources falling further and further behind:

1) **Body Cameras and Digital Evidence**—With the increasing utilization of body cameras and the fact that many crimes now have video evidence on personal cell phones and surveillance cameras, the time spent on prosecutor review of this evidence has increased exponentially.

(2) **Sex Offender Registry Hearings**—The increased placement of criminals on the sex offender registry is a complex issue that results in increased court hearings. These hearings require prosecutor resources. Complicating the issue are continuing changes in the sex offender laws that generate even more hearings.

(4) **Expungements:** Expansions to the expungement process continue to generate more hearings, requiring more prosecutor time.

(5) **Forensic Changes and State Crime Lab:** *Melendez Diaz*, the Forensic Science Act of 2011 and State Crime Lab issues have increased prosecutor responsibilities and procedures. The prosecutor now has a significant role in the prioritization and tracking of evidence. Prosecutors are additionally responsible for monitoring the State Crime Lab database on a regular basis to assist with State Crime Lab case clearing.

(6) **Collect DNA Sample on Arrest:** In 2010 the General Assembly mandated DNA samples to be taken of all felons upon arrest. It is now the prosecutors responsibility to ensure these samples are expunged from the Crime Lab database if the case is dismissed or reduced below the retention requirement.

(7) **Domestic Violence Cases:** In 2010 prosecutors were required to provide criminal histories to the judge for pretrial release in domestic violence cases.

(8) **Video Sweepstakes:** In 2010, video sweepstakes were banned. Continued litigation has created increased workload in court processes and assisting law enforcement with investigations. This has impacted District Attorneys across the state.

(9) **Justice Reinvestment Act:** This act, passed in 2011, has changed the way probationers are monitored and addressed. Because of the change in treatment of probation violations, probation hearings have increased dramatically.



(10) **Outstanding Warrants:** Beginning in 2015, prosecutors have been tasked with the responsibility to identify any outstanding warrants upon notice that a person is preparing to be released from custody of the Department of Adult Corrections and Juvenile Justice.

(11) **Motions for Appropriate Relief (MARs):** While some response activity for MARs was included in the 2008 time study, prosecutors continue to experience a significant increase in these motions resulting in more time spent in response and hearings. There is currently no way to track these MARs in the AOC system but they continue to have an increasing impact on prosecutor workload.

- Continued significant changes to our criminal justice system, like raising the juvenile age and a new victims' rights amendment will increase the district attorney workload. Such increases without the necessary resources will have a deleterious effect on our ability to keep our communities safe and serve victims of crime and seek justice for the citizens of North Carolina
- The Conference of District Attorneys is requesting 103 Assistant District Attorneys, 81 Legal Assistants and 6 Investigators in order to meet our current responsibilities.



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Gvt I

DATE: 4/19/2017 Room: 423

House Sgt-At Arms:

1. Name: Jonas Cherry
2. Name: Rey Cooke
3. Name: Dean Marshbourne
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_





## VISITOR REGISTRATION SHEET

House Comm. on State and Local Gvt I

4/19/17

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David Crawford	AIA NC
Betsy Barty	CAAC
John Roberts	Orange County
James P. Clark	WNCOG
Jeff Havers	NCCA
Adam Pridemore	NCSBA
Bruce Muldworf	NCSBA
Hayden Bauguess	Electricities



## VISITOR REGISTRATION SHEET

House Comm. on State and Local Gvt I

4/19/17

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Peg Don	Conference of DAs
Danice Baum	Thomson SANDERS
Marsin Williard	Intern NGBA
Sarah Sturdivant	SBE
Chris Broughton	MWC
Blair Bernick	Rep. J. Bowler
Erin Wynia	NCLM
Johanna Reese	NCA CC
José Laric	SMC



**House Committee on State and Local Government I**  
**Wednesday, May 10, 2017 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on May 10, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Ager, Belk, Butler, Cleveland, Conrad, Corbin, Garrison, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered Senate Bill (SB) 122 Repeal Centerville Charter (Senator Barefoot). Senator Barefoot was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for SB 122 to receive a favorable report. The Chair called for a voice vote and the motion carried.

The Committee considered Senate Bill (SB) 19 Even Yr Municipal Election/Towns of Troy/Star (Senator Dunn). Senator Dunn was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for SB 19 to receive a favorable report. The Chair called for a voice vote and the motion carried.

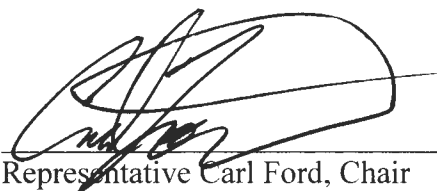
The Committee considered Senate Bill (SB) 37 Roanoke Island Fire District Changes (Senator Cook). Senator Cook was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for SB 37 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered Senate Bill (SB) 421 Use of Career & Technical Funds/Onslow County (Senator Brown). Representative Shepard was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for SB 421 to receive a favorable report with a referral to the committee on Appropriations. The Chair called for a voice vote and the motion carried.

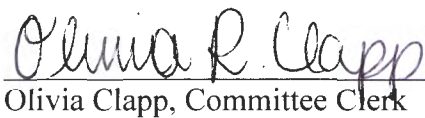
The Committee considered Senate Bill (SB) 185 Abolish Columbus/Cleveland County Coroner (Senator Britt). The chair motioned for the Proposed Committee Substitute (PCS) of SB 185 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Warren was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for the PCS of SB 185 to receive a favorable report and an unfavorable report as to the original bill. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:11 AM.



A stylized, handwritten signature in black ink, appearing to read 'Carl Ford', positioned above a horizontal line.

Representative Carl Ford, Chair  
Presiding

A handwritten signature in blue ink, reading 'Olivia R. Clapp', positioned above a horizontal line.

Olivia Clapp, Committee Clerk





Corrected #1: Add, HB 398, SB 19, SB 37, SB 122, SB 185, SB 421

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, May 10, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 398</u>	Brunswick County/Municipal Meals Taxes.	Representative Iler Representative Butler
<u>SB 19</u>	Even Yr Municipal Election/Towns of Troy/Star.	Senator Dunn
<u>SB 37</u>	Roanoke Island Fire District Changes.	Senator Cook
<u>SB 122</u>	Repeal Centerville Charter.	Senator Barefoot
<u>SB 185</u>	Abolish Columbus/Cleveland County Coroner.	Senator Britt
<u>SB 421</u>	Use of Career & Technical Funds/Onslow County.	Senator Brown

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:40 PM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

**FAVORABLE**

SB 19 (CS#1) Even Yr Municipal Election/Towns of Troy/Star.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Burr

**FAVORABLE AND RE-REFERRED**

SB 37 (CS#1) Roanoke Island Fire District Changes.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Boswell

SB 122 (CS#1) Repeal Centerville Charter.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: B. Richardson

SB 421 Use of Career & Technical Funds/Onslow County.  
Draft Number: None  
**Serial Referral: APPROPRIATIONS**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Shepard

**FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL**

SB 185 Abolish Columbus County Coroner.  
Draft Number: S185-PCS15202-BK-24  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Brenden Jones

TOTAL REPORTED: 5





**House Committee on State and Local Government I**  
**Wednesday, May 10, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 398	Brunswick County/Municipal Meals Taxes.	Representative Iler Representative Butler
SB 19	Even Yr Municipal Election/Towns of Troy/Star.	Senator Dunn
SB 37	Roanoke Island Fire District Changes.	Senator Cook
SB 122	Repeal Centerville Charter.	Senator Barefoot
SB 185	Abolish Columbus County Coroner.	Senator Britt
SB 421	Use of Career & Technical Funds/Onslow County.	Senator Brown

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 398

Short Title: Brunswick County/Municipal Meals Taxes. (Local)

Sponsors: Representatives Iler and Butler (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

March 20, 2017

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE BRUNSWICK COUNTY OR THE MUNICIPALITIES  
LOCATED THEREIN TO LEVY A PREPARED FOOD AND BEVERAGES TAX.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Authority. – The Board of Commissioners of Brunswick County may levy a prepared food and beverages tax of up to one-half percent (0.5%) of the sales price of prepared food and drink sold within the county, including all municipalities located there, at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1) upon the occurrence of an action listed in this subsection. For purposes of catering, the tax applies to food served in the town without regard to the residency of the caterer. This tax is in addition to State and local sales tax. The occurrences on which the county may levy the tax are as follows:

- (1) The Board of County Commissioners, by resolution and after not less than 10 days' public notice and a public hearing, levies the tax.
- (2) The majority of those voting in a referendum held pursuant to this act vote for the levy of the tax and the Board of Commissioners, by resolution, levies the tax. If pursuant to this subdivision, the Board of County Commissioners shall direct the county board of elections to conduct an advisory referendum within the county on the question of whether to levy a local prepared food tax in the taxing unit as provided in this act. The election shall be held in accordance with the procedures of G.S. 163-287. The form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this act shall be:

"[ ] FOR [ ] AGAINST

One-half percent (0.5%) local prepared food tax, in addition to the current local sales and use taxes."

**SECTION 1.(b)** Definitions. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. In addition, the following definitions apply in this act:

- (1) County. – Defined in G.S. 153A-1.
- (2) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax.
- (3) Prepared food and beverages. – The term includes the following:
  - a. Prepared food, as defined in G.S. 105-164.3.
  - b. An alcoholic beverage, as defined in G.S. 18B-101.



\* H 3 9 8 - V - 1 \*



1           **SECTION 1.(c)** Exemptions. – The prepared food and beverages tax does not  
2 apply to the following sales of prepared food and beverages:

- 3           (1) Prepared food and beverages served to residents in boardinghouses and sold  
4 together on a periodic basis with rental of a sleeping room or lodging.
- 5           (2) Retail sales exempt from taxation under G.S. 105-164.13.
- 6           (3) Retail sales through or by means of vending machines.
- 7           (4) Prepared food and beverages served by a retailer subject to the local  
8 occupancy tax if the charge for the prepared food and beverages is included  
9 in a single, nonitemized sales price together with the charge for rental of a  
10 room, lodging, or accommodation furnished by the retailer.
- 11          (5) Prepared food and beverages furnished without charge by an employer to an  
12 employee.
- 13          (6) Retail sales by grocers or by grocery sections of supermarkets or other  
14 diversified retail establishments, other than sales of prepared food and  
15 beverages in the delicatessen or similar department of the grocer or grocery  
16 section.
- 17          (7) Prepared food and beverages served on a federal military reservation.

18           **SECTION 1.(d)** Collection. – Every retailer subject to the tax levied under this  
19 section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall  
20 be collected as part of the charge for furnishing prepared food and beverages. The tax shall be  
21 stated separately on the sales document and shall be paid by the purchaser to the retailer as  
22 trustee for and on account of the county. The tax shall be added to the sales price and shall be  
23 passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax  
24 shall design, print, and furnish to all appropriate businesses and persons in the county the  
25 necessary forms for filing returns and instructions to ensure the full collection of the tax.

26           **SECTION 1.(e)** Administration. – The county shall administer the tax levied under  
27 this section. A tax levied under this section is due and payable to the local finance officer in  
28 monthly installments on or before the 20th day of the month following the month in which the  
29 tax accrues. Every retailer liable for the tax shall, on or before the 20th day of each month,  
30 prepare and render a return on a form prescribed by the county. The return shall show the total  
31 gross receipts derived in the preceding month from sales to which the tax applies.

32           A return filed under this section is not a public record and may not be disclosed  
33 except in accordance with G.S. 153A-148.1.

34           The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes  
35 apply to this section to the extent they are not inconsistent with the provisions of this section.  
36 The uniform meals tax penalty provisions of G.S. 153A-154.1 apply to a tax levied under this  
37 section.

38           **SECTION 1.(f)** Refunds. – The county shall refund to a nonprofit or governmental  
39 entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared  
40 food and beverages. A nonprofit or governmental entity's purchase of prepared food and  
41 beverages is eligible for a refund under this subsection if the entity is entitled to a refund under  
42 G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt  
43 under G.S. 105-164.13. The time limitations, application requirements, penalties, and  
44 restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities;  
45 the time, limitations, application requirements, penalties, and restrictions provided in  
46 G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity  
47 applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall  
48 attach to its application a copy of the application submitted to the Department of Revenue  
49 under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written  
50 statement that the purchases were exempt from the tax. An applicant for a refund under this  
51 subsection shall provide any information required by the county to substantiate the claim.

**SECTION 1.(g)** Use of Proceeds. – The proceeds of a tax levied under this section shall be used as provided in this subsection. The county may deduct from the gross proceeds of the taxes collected under this act an amount not to exceed three percent (3%) of the gross proceeds to pay for the direct cost of administering and collecting the taxes. The remaining proceeds shall be used for beach nourishment or to construct and improve public infrastructure and facilities or both.

**SECTION 1.(h)** Effective Date of Levy. – A tax levied under this section shall become effective on the date specified in the resolution levying the tax. The date shall be the first day of a calendar month and may not be before the first day of the fourth month after the date the resolution is adopted.

**SECTION 1.(i)** Repeal. – A tax levied under this section may be repealed or reduced by a resolution adopted by the governing body of a municipality. Any repeal or reduction shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution is adopted. Repeal or reduction of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

**SECTION 2.(a)** Authority. – Provided the tax authorized in Section 1 of this act is not in effect, the governing body of a municipality in Brunswick County may levy a prepared food and beverages tax of up to one-half percent (0.5%) of the sales price of prepared food and drink sold within the municipality at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1) upon the occurrence of an action listed in this subsection. For purposes of catering, the tax applies to food served in the town without regard to the residency of the caterer. This tax is in addition to State and local sales tax. The occurrences on which the municipality may levy the tax are as follows:

- (1) The governing body of the municipality, by resolution and after not less than 10 days' public notice and a public hearing, levies the tax.
- (2) The majority of those voting in a referendum held pursuant to this act vote for the levy of the tax and the governing body of the municipality, by resolution, levies the tax. If pursuant to this subdivision, the governing body shall direct the county board of elections to conduct an advisory referendum in the municipality on the question of whether to levy a local prepared food tax in the taxing unit as provided in this act. The election shall be held in accordance with the procedures of G.S. 163-287. The form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this act shall be:

" [ ] FOR [ ] AGAINST

One-half percent (0.5%) local prepared food tax, in addition to the current local sales and use taxes."

**SECTION 2.(b)** Definitions. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. In addition, the following definitions apply in this act:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax.
- (2) Prepared food and beverages. – The term includes the following:
  - a. Prepared food, as defined in G.S. 105-164.3.
  - b. An alcoholic beverage, as defined in G.S. 18B-101.

**SECTION 2.(c)** Exemptions. – The prepared food and beverages tax does not apply to the following sales of prepared food and beverages:

- (1) Prepared food and beverages served to residents in boardinghouses and sold together on a periodic basis with rental of a sleeping room or lodging.

- (2) Retail sales exempt from taxation under G.S. 105-164.13.
- (3) Retail sales through or by means of vending machines.
- (4) Prepared food and beverages served by a retailer subject to the local occupancy tax if the charge for the prepared food and beverages is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.
- (5) Prepared food and beverages furnished without charge by an employer to an employee.
- (6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food and beverages in the delicatessen or similar department of the grocer or grocery section.
- (7) Prepared food and beverages served on a federal military reservation.

**SECTION 2.(d)** Collection. – Every retailer subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food and beverages. The tax shall be stated separately on the sales document and shall be paid by the purchaser to the retailer as trustee for and on account of the municipality. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax.

**SECTION 2.(e)** Administration. – The municipality may enter into an agreement with Brunswick County for the administration and collection of the tax levied under this section. In the absence of an agreement, the municipality shall administer the tax levied under this section. A tax levied under this section is due and payable to the local administering authority as agent for the taxing entity in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the municipality or, at the municipality's direction, the entity administering and collecting the tax. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed under this section is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this section to the extent they are not inconsistent with the provisions of this section. The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this section.

**SECTION 2.(f)** Refunds. – The entity administering the tax shall refund to a nonprofit or governmental entity the prepared food and beverages tax paid by the entity on eligible purchases of prepared food and beverages. A nonprofit or governmental entity's purchase of prepared food and beverages is eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to refunds to nonprofit entities; the time, limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food and beverages tax paid by it on purchases, it shall attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases or a written statement that the purchases were exempt from the tax. An

1 applicant for a refund under this subsection shall provide any information required by the entity  
2 administering the tax to substantiate the claim.

3 **SECTION 2.(g)** Use of Proceeds. – The proceeds of a tax levied under this section  
4 shall be used as provided in this subsection. The entity administering and collecting the tax may  
5 deduct from the gross proceeds of the taxes collected under this act an amount not to exceed  
6 three percent (3%) of the gross proceeds to pay for the direct cost of administering and  
7 collecting the taxes. The remaining proceeds shall be used for beach nourishment or to  
8 construct and improve public infrastructure and facilities or both.

9 **SECTION 2.(h)** Effective Date of Levy. – A tax levied under this section shall  
10 become effective on the date specified in the resolution levying the tax. The date shall be the  
11 first day of a calendar month and may not be before the first day of the fourth month after the  
12 date the resolution is adopted.

13 **SECTION 2.(i)** Repeal. – Repeal or reduction of a tax levied under this section  
14 does not affect a liability for a tax that attached before the effective date of the repeal or  
15 reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of  
16 the repeal or reduction. Any repeal or reduction shall become effective on the first day of a  
17 month.

18 (1) Voluntary repeal. – A tax levied under this section may be repealed or  
19 reduced by a resolution adopted by the governing body of the municipality.  
20 Any repeal or reduction may not become effective until the end of the fiscal  
21 year in which the repeal resolution is adopted.

22 (2) Mandatory repeal. – A tax levied under this section is repealed upon the  
23 effective date of levy of a tax by Brunswick County pursuant to Section 1 of  
24 this act.

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





# HOUSE BILL 398: Brunswick County/Municipal Meals Taxes.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	May 10, 2017
<b>Introduced by:</b>	Reps. Iler, Butler	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 398 authorizes Brunswick County, or the municipalities in that County to levy a prepared food and beverage tax of up to one-half percent (0.5 %), subject to a referendum.*

**CURRENT LAW:** Under current law, Cumberland County, Dare County, Mecklenburg County, the City of Charlotte, Wake County, and the Town of Hillsborough are authorized to levy a prepared food<sup>1</sup> and beverage<sup>2</sup> tax of 1%.

**BILL ANALYSIS:** House Bill 398 authorizes Brunswick County, or the municipalities in that County, to levy a prepared food and beverage tax of up to one-half percent (0.5 %), subject to a referendum.

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

## BACKGROUND:

A summary of all prior local meal tax acts is attached on the second page of this summary.

<sup>1</sup> **G.S. 105-164.3 (28)** **Prepared food.** – Food that meets at least one of the conditions of this subdivision. Prepared food does not include food the retailer sliced, repackaged, or pasteurized but did not heat, mix, or sell with eating utensils.

- a. It is sold in a heated state or it is heated by the retailer.
- b. It consists of two or more foods mixed or combined by the retailer for sale as a single item. This sub-subdivision does not include foods containing raw eggs, fish, meat, or poultry that require cooking by the consumer as recommended by the Food and Drug Administration to prevent food borne illnesses.
- c. It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

<sup>2</sup> **G.S. 18B-101 (4)** **"Alcoholic beverage"** means any beverage containing at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



# House Bill 398

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## Local Meals Tax Acts<sup>3</sup>

Updated through 2016 Regular Session

Jurisdiction	Session Laws
Cumberland County	S.L. 93-413, as amended by Section 2.19 of S.L. 01-347
Dare County	S.L. 91-177, as amended by Section 2.20 of S.L. 01-347 and by Section 9 of S.L. 2002-141.
Mecklenburg County and City of Charlotte	S.L. 89-821 as amended by Section 2.18 of S.L. 2001-347, by S.L. 2001-402, and by S.L. 2011-160.
Wake County	S.L. 91-594; as amended by S.L. 95-458 and by Section 2.22 of S.L. 01-347
Town of Hillsborough	S.L. 93-449, as amended by S.L. 99-304 and by Section 2.21 of S.L. 01-347
City of Monroe	S.L. 2005-261, as amended by Section 9 of S.L. 2006-171, w/referendum in 2006 or 2007 <sup>4</sup>
Durham County	S.L. 2008-116, w/ referendum <sup>5</sup>

S.L. 2001-264, An Act To Provide Uniform Penalties For Local Meals Taxes, enacted G.S. 153A-154.1 and G.S. 160A-214.1, which make all local meals tax penalties uniform by applying the existing State sales and use tax penalties to meals taxes. The act was intended to improve tax administration by making uniform the tax penalties for each local meals tax. Section 3 of S.L. 2002-72 added language to clarify that additional or higher local penalties are repealed.

*Trina Griffin, counsel to House Finance, substantially contributed to this summary.*

<sup>3</sup>Subject to exemptions, each municipality and county that levies the tax charges a 1% tax on the sales price of prepared food and beverage sold at retail within their corporate limits.

<sup>4</sup>A proposed prepared food and beverages tax was defeated in a Union County Board of Elections referendum on October 9, 2007, with 37.18% of the voters voting for the tax and 62.82% voting against the tax.

<sup>5</sup>A proposed prepared food and beverages tax was defeated in the Durham County General Election on November 4, 2008, with 28.22% of the voters voting for the tax and 71.78% voting against the tax.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 19\*  
State and Local Government Committee Substitute Adopted 3/7/17

Short Title: Even Yr Municipal Election/Towns of Troy/Star.

(Local)

Sponsors:

Referred to:

February 1, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN BOTH THE TOWN  
3 OF TROY AND THE TOWN OF STAR SHALL BE HELD IN EVEN-NUMBERED  
4 YEARS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 1 of Chapter 125 of the 1957 Session Laws reads as rewritten:

7 "Section 1. ~~At the regular election for mayor and commissioners of the Town of Troy to be~~  
8 ~~held May, 1957, there shall be elected a mayor and five commissioners. The officers for the Town~~  
9 ~~of Troy shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal~~  
10 ~~elections shall be held in each even-numbered year. The mayor shall serve for a term of two years~~  
11 ~~years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In~~  
12 ~~2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve~~  
13 ~~until his the mayor's successor is elected and qualified. At said election the three candidates~~  
14 ~~receiving the highest number of votes shall serve for terms of four years, and the two candidates~~  
15 ~~receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the~~  
16 ~~regular biennial elections, as their terms of office expire, the commissioners shall be elected and~~  
17 ~~shall serve for terms of four years and until their successors are elected and qualified. At the~~  
18 ~~biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and~~  
19 ~~shall serve said term until his successor is elected and qualified. The three commissioners whose~~  
20 ~~terms expire in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, as~~  
21 ~~their terms of office expire, three commissioners shall be elected to fill the expired seats and shall~~  
22 ~~serve four-year terms. The two commissioners whose terms expire in 2019 shall continue to serve~~  
23 ~~until 2020. In 2020, and quadrennially thereafter, as their terms of office expire, two~~  
24 ~~commissioners shall be elected to fill the expired seats and shall serve four-year terms.~~  
25 ~~Commissioners shall serve until their successors are elected and qualified."~~

26 SECTION 2. Section 1 of Chapter 448 of the 1957 Session Laws reads as rewritten:

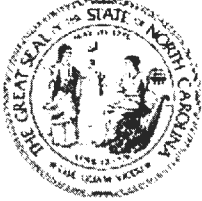
27 "Section 1. ~~At the regular election for Mayor and Commissioners of the Town of Star to be~~  
28 ~~held May, 1957, there shall be elected a mayor and five commissioners. The officers for the Town~~  
29 ~~of Star shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal~~  
30 ~~elections shall be held in each even-numbered year. The mayor shall serve for a term of two years~~  
31 ~~years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In~~  
32 ~~2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve~~  
33 ~~until his the mayor's successor is elected and qualified. At said election the three candidates~~  
34 ~~receiving the highest number of votes shall serve for terms of four years, and the two candidates~~  
35 ~~receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the~~  
36 ~~regular biennial elections, as their terms of office expire, the commissioners shall be elected and~~





1 ~~shall serve for terms of four years and until their successors are elected and qualified. At the~~  
2 ~~biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and~~  
3 ~~shall serve said term until his successor is elected and qualified. The three commissioners whose~~  
4 ~~terms expire in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, as~~  
5 ~~their terms of office expire, three commissioners shall be elected to fill the expired seats and shall~~  
6 ~~serve four-year terms. The two commissioners whose terms expire in 2019 shall continue to serve~~  
7 ~~until 2020. In 2020, and quadrennially thereafter, as their terms of office expire, two~~  
8 ~~commissioners shall be elected to fill the expired seats and shall serve four-year terms.~~  
9 ~~Commissioners shall serve until their successors are elected and qualified."~~

10       **SECTION 3.** This act is effective when it becomes law and applies to elections held  
11 on or after that date. No municipal elections shall occur in the towns of Troy and Star in 2017, and  
12 municipal elections shall next occur in the towns of Troy and Star in 2018.



# SENATE BILL 19: Even Yr Municipal Election/Towns of Troy/Star.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. Dunn  
**Analysis of:** Second Edition

**Date:** May 10, 2017  
**Prepared by:** Giles Perry  
Jessica Sammons  
Committee Co-Counsel

**OVERVIEW:** *Senate Bill 19 would change the regular municipal election cycle from odd-numbered years to even-numbered years for the Town of Troy and the Town of Star, extend the terms of the current mayor and commissioners one year to implement the towns' new election schedule, and change the date of the next municipal election in Troy and Star to 2018.*

[As introduced, this bill was identical to H8, as introduced by Rep. Burr, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Generally, municipal elections are held in odd-numbered years (G.S. 163-279). In both Troy and Star, officers consist of a mayor and five commissioners, with the mayor serving for a two-year term, and commissioners serving staggered four-year terms. Elections are conducted on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163-292. Nonpartisan elections that are determined by a simple plurality are held on the Tuesday after the first Monday in November (G.S. 163-279). Currently, in both towns, the mayor and three commissioners' terms expire in 2017, and the other two commissioners' terms expire in 2019.

## BILL ANALYSIS:

**Section 1:** Would provide that, beginning in 2018, regular municipal elections for town officers for the Town of Troy must be held in even-numbered years.

To implement this change, municipal elections would not be conducted in 2017. The current mayor would serve until 2018. The next mayor would be elected in 2018, and biennially thereafter. Five town commissioners would be elected for staggered four-year terms. The current town commissioners whose terms would expire in 2017 would serve until 2018, and stand for election for a four-year term. The current town commissioners whose terms would expire in 2019 would serve until 2020, and stand for election for a four-year term.

**Section 2:** Would provide that, beginning in 2018, regular municipal elections for town officers for the Town of Star must be held in even-numbered years.

To implement this change, municipal elections would not be conducted in 2017. Section 2 would make changes identical to those made in Section 1 for Troy for the election and term limits of Star's mayor and commissioners.

**EFFECTIVE DATE:** Senate Bill 19 would be effective when it becomes law, and apply to elections held on or after that day. The next municipal election in Troy and Star would occur in 2018.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
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# Senate Bill 19

Page 2

**BACKGROUND:** Both towns are located in Montgomery County. Troy has a population of 3,304. Star has a population of 856. All municipal elections in Montgomery County are currently held in odd-numbered years. The municipalities located in Montgomery County are: Biscoe, Candor, Mount Gilead, Star, and Troy.

Regular municipal elections in most municipalities are held in odd-numbered years. The following municipalities hold regular municipal elections in even-numbered years:

- Albemarle, Badin, Locust, Misenheimer, New London, Norwood, Oakboro, Red Cross, Richfield, Stanfield (*all municipalities in Stanly County*) (S.L. 2015-253)
- Archdale (*Randolph, Guilford Counties*) (S.L. 2007-41)
- Dobson (*Surry County*) (S.L. 2012-47)
- Elkin (*Surry, Wilkes Counties*) (S.L. 2014-35)
- Pilot Mountain (*Surry County*) (S.L. 2012-47)
- Winston-Salem (*Forsyth County*) (S.L. 2011-141)
- High Point (*Guilford, Davidson, Randolph, Forsyth Counties*) (S.L. 2006-171) – However, S.L. 2013-261 changes the method of election for municipal elections back to odd-numbered years, beginning with the 2017 election.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 37  
State and Local Government Committee Substitute Adopted 3/7/17

Short Title: Roanoke Island Fire District Changes.

(Local)

Sponsors:

Referred to:

February 8, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE ROANOKE ISLAND VOLUNTEER FIRE DEPARTMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 246 of the Public-Local Laws of 1937 reads as rewritten:

"AN ACT TO CREATE A FIRE DISTRICT FOR THE PURPOSE OF LEVYING TAXES THEREIN CONSISTING OF ROANOKE ISLAND OUTSIDE OF MANTEO AND AUTHORIZING COOPERATION WITH MANTEO IN FIRE PROTECTION.

...

**"SECTION 3.** That the Board of Commissioners of Dare County are authorized, empowered and directed to cause to be paid over to the ~~governing authorities of the Town of Manteo~~ Roanoke Island Volunteer Fire Department or its successor all of the proceeds of taxes so levied and collected under the authority of this Act, and said taxes so levied and collected shall be used exclusively for said purpose.

**"SECTION 4.** ~~That the governing authorities of the Town of Manteo are~~ That the Roanoke Island Volunteer Fire Department or its successor is authorized and empowered to receive the funds collected from taxes levied as aforesaid and use said funds exclusively for the purpose of providing fire equipment, maintaining same, and providing fire protection within the fire district herein organized, or using the same in conjunction with taxes levied and collected by the Town of Manteo and used for maintaining its fire department. ~~The Town of Manteo~~ Roanoke Island Volunteer Fire Department or its successor is hereby fully authorized and empowered to provide fire protection within the said fire district and make provision for the purchase of suitable firefighting equipment, which may be necessary for providing reasonable fire protection within said territory. Firefighting equipment purchased by funds from taxation within said district shall remain the property of the said district and shall be plainly designated by proper markings thereon indicating ownership thereof, but same shall be and remain in the custody and control of the ~~Town of Manteo~~ Roanoke Island Volunteer Fire Department or its successor for use by ~~its~~ the fire department which shall serve jointly the Town of Manteo and said fire district.

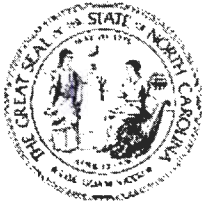
**"SECTION 5.** ~~The governing authorities of the Town of Manteo~~ The Roanoke Island Volunteer Fire Department or its successor shall annually on or before the first day of June in each year, make a report to the Board of Commissioners of Dare County, giving full information as to funds received from the taxes herein levied and the use and application thereof, and shall at the same time furnish to the said Board of Commissioners of Dare County a report covering the activities authorized by and under the provisions of this Act.

...."



1           **SECTION 2.** This act is effective when it becomes law and applies to taxes levied or  
2 collected on or after that date.





## SENATE BILL 37: Roanoke Island Fire District Changes.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. Cook  
**Analysis of:** Second Edition

**Date:** May 9, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *Senate Bill 37 would clarify the authority of the Dare County Board of Commissioners to pay, and the Roanoke Island Volunteer Fire Department (RIVFD) to receive, taxes collected from the Roanoke Island Fire District. The bill would be effective when it becomes law and would apply to taxes levied or collected after that date.*

[As introduced, this bill was identical to H45, as introduced by Rep. Boswell, which is currently in the Senate Committee on Rules and Operation of the Senate.]

**CURRENT LAW:** The Roanoke Island Fire District, consisting of all of Roanoke Island except the corporate limits of the Town of Manteo, was created in 1937 by S.L. 1937-246 to provide fire protection for the district funded by a district tax levied by the Dare County Board of Commissioners. Fire protection was originally provided by the Town of Manteo and it was authorized to receive the tax funds for use in providing and maintaining fire equipment and providing fire protection within the district.

**BILL ANALYSIS:** Senate Bill 37 amends S.L. 1937-246 to clarify that the Dare County Board of Commissioners is authorized to pay over to the RIVFD, or its successor, the proceeds of the district fire tax with the tax collected to be used exclusively for that purpose. The bill clarifies that the RIVFD, or its successor, is empowered to receive the funds which are to be used exclusively for providing and maintaining fire equipment and providing fire protection within the district. Firefighting equipment purchased by district tax funds is property of the district but under the custody and control of the RIVFD, or its successor. The bill requires the RIVFD, or its successor, to provide an annual accounting of the use and application of the funds to the Dare County Board of Commissioners.

**EFFECTIVE DATE:** The bill is effective when it becomes law and applies to taxes levied or collected after that date.

**BACKGROUND:** In 1974 the Manteo Fire Department and the Wanchese Fire Department merged to form the RIVFD.

*Staff attorney Cindy Avrette substantially contributed to this bill summary.*

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 122  
State and Local Government Committee Substitute Adopted 3/28/17

Short Title: Repeal Centerville Charter.

(Local)

Sponsors:

Referred to:

February 23, 2017

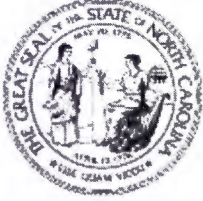
1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE CHARTER OF THE TOWN OF CENTERVILLE IN  
3 FRANKLIN COUNTY.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Chapter 695 of the Session Laws of 1965 is repealed.  
6 **SECTION 2.** The governing board of the Town of Centerville, as of the date this  
7 act becomes law, is continued in office for 30 days after the date it completes liquidation of the  
8 Town's assets and liabilities and submits its final audit to the Department of State Treasurer and  
9 any other financial reports that may be required by law.  
10 **SECTION 3.** Any net assets of the Town shall be paid over to Fire and Rescue  
11 Association, Inc., of Centerville, North Carolina, which shall use those funds for some public  
12 purpose.  
13 **SECTION 4.** This act is effective when it becomes law.



\* S 1 2 2 - V - 2 \*







## SENATE BILL 122: Repeal Centerville Charter.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. Barefoot  
**Analysis of:** Second Edition

**Date:** May 9, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *Senate Bill 122 would repeal the Charter of the Town of Centerville and would become effective when it becomes law.*

[As introduced, this bill was identical to H198, as introduced by Rep. B. Richardson, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** The Town of Centerville in Franklin County was established by act of General Assembly in 1965. The Town had a population of 89 persons according to the 2010 Census. The Town has no outstanding debt according to the Local Government Commission of the Office of State Treasurer.

**BILL ANALYSIS:** Senate Bill 122 would:

- Repeal the Charter of the Town of Centerville.
- Provide that the Town governing board continues in office for 30 days after the date it completes liquidation of the Town's assets and submits its final audit to the Department of the State Treasurer and any other financial reports that may be required by law.
- Provide that any remaining assets of the Town will be paid over to the *Fire and Rescue Association, Inc., of Centerville, North Carolina*, and requires those funds to be used for a public purpose.

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

*Staff attorney Giles Perry substantially contributed to this bill summary.*

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 185  
Second Edition Engrossed 4/20/17

Short Title: Abolish Columbus County Coroner. (Local)

Sponsors: Senator Britt (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 7, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN COLUMBUS AND CLEVELAND  
3 COUNTIES.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** The office of coroner in Columbus County is abolished.  
6 **SECTION 1.5.** The office of coroner in Cleveland County is abolished.  
7 **SECTION 2.** Chapter 152 of the General Statutes is not applicable to Columbus  
8 and Cleveland Counties.  
9 **SECTION 3.** Section 1.5 of this act is effective on the earlier of a vacancy in the  
10 office of coroner in Cleveland County or the expiration of the current elected term of office.  
11 The remainder of this act is effective when it becomes law.



★ S 185 - V - 2 ★



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

D

SENATE BILL 185  
Second Edition Engrossed 4/20/17  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S185-CSBK-24 [v.1]  
05/09/2017 5:15:55 PM

Short Title: Abolish Columbus/Cleveland County Coroner.

(Local)

Sponsors:

Referred to:

March 7, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ABOLISHING THE OFFICE OF CORONER IN COLUMBUS AND CLEVELAND  
3 COUNTIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) The office of coroner in Columbus County is abolished.

6 SECTION 1.(b) Chapter 152 of the General Statutes is not applicable to Columbus  
7 County.

8 SECTION 2.(a) The office of coroner in Cleveland County is abolished.

9 SECTION 2.(b) Chapter 152 of the General Statutes is not applicable to Cleveland  
10 County.

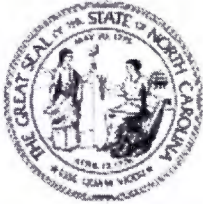
11 SECTION 2.(c) This section is effective on the earlier of a vacancy in the office of  
12 coroner in Cleveland County or the expiration of the current elected term of office.

13 SECTION 3. Except as otherwise provided, this act is effective when it becomes  
14 law.



★ S 1 8 5 - C S B K - 2 4 ★





# SENATE BILL 185: Abolish Columbus/Cleveland County Coroner.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	May 10, 2017
<b>Introduced by:</b>	Sen. Britt	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to Second Edition S185-CSBK-24		Jessica Sammons Committee Co-Counsel

**OVERVIEW:** *The proposed committee substitute (PCS) for Senate Bill 185 would abolish the office of coroner in Columbus and Cleveland Counties.*

*The PCS clarifies that the changes specific to Cleveland County would be effective on the earlier of a vacancy in the office of coroner or the expiration of the current elected term of office.*

[As introduced, this bill was identical to H290, as introduced by Rep. Brenden Jones, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Chapter 152 of the General Statutes sets out the duties of elected county coroners in the State.

**BILL ANALYSIS:** The PCS for Senate Bill 185 would abolish the office of the coroner in Columbus and Cleveland Counties. Chapter 152 of the General Statutes would not apply to Columbus and Cleveland Counties.

**EFFECTIVE DATE:** Section 1 of this act (applicable to Columbus County) would be effective when it becomes law. Section 2 of this act (applicable to Cleveland County) would be effective on the earlier of a vacancy in the office of coroner or the expiration of the current elected term of office.

## BACKGROUND:

- From 1965-67, several local laws were enacted providing for the appointment of medical doctors as county medical examiners, and abolishing the office of coroner in several counties.
- In 1967, the General Assembly enacted S.L. 1967-1154, which established the State Office of Chief Medical Examiner, to provide for a Statewide system for postmortem examinations of deaths related to crimes, suicide, prison confinement, or other specified circumstances.
- Since the 1960s, the office of elected county coroner has been abolished in most counties.
- There are currently six counties in which the office of county coroner has not been abolished: Avery, Bladen, Cleveland, Columbus, Hoke, and Yadkin.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

1

SENATE BILL 421

Short Title: Use of Career & Technical Funds/Onslow County. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 29, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE PURPOSES FOR WHICH CERTAIN FUNDS APPROPRIATED  
3 TO ONSLOW COUNTY FOR THE 2016-2017 FISCAL YEAR MAY BE USED AND TO  
4 MAKE THOSE FUNDS NONREVERTING.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.** Notwithstanding any provision of S.L. 2016-94, or of the Committee  
7 Report described in Section 39.2 of that act, to the contrary, the sum of five million dollars  
8 (\$5,000,000) in nonrecurring funds for the 2016-2017 fiscal year appropriated in that act to  
9 Onslow County to retrofit and purchase equipment for a regional career and technical education  
10 center may be used to fund the construction of a new education center. G.S. 143C-1-2(b) and  
11 G.S. 143C-6-23(f1)(1) shall not apply to the funds described in this section.  
12 **SECTION 2.** This act is effective when it becomes law.







## SENATE BILL 421: Use of Career & Technical Funds/Onslow County.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	May 10, 2017
<b>Introduced by:</b>	Sen. Brown	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *Senate Bill 421 modifies the Committee Report to the Current Operations and Capital Improvements Appropriations Act of 2016 (2016 Appropriations Act) (S.L. 2016-94) to provide (i) that certain funds appropriated to Onslow County may be used to fund the construction of a new education center and (ii) that the funds do not revert.*

**CURRENT LAW:** Item 38 on page J56 of the Committee Report to the 2016 Appropriations Act appropriates \$5,000,000 in nonrecurring funds to Onslow County to retrofit and purchase equipment for a regional career and technical education center.

**BILL ANALYSIS:** Senate Bill 421 modifies the Committee Report to the 2016 Appropriations Act to provide that the \$5,000,000 appropriated to Onslow County may be used to fund the construction of a new education center. In addition, Senate Bill 421 provides that the funds do not revert.

**EFFECTIVE DATE:** Senate Bill 421 is effective when it becomes law.

*Luke Gillerwater of the Bill Drafting Division substantially contributed to this summary.*

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



Committee Sergeants at Arms

NAME OF COMMITTEE STATE AND LOCAL GOVERNMENT 1

DATE: 5-10-17 Room: 544

House Sgt-At Arms:

1. Name: REGGIE SILLS
2. Name: MARVIN LEE
3. Name: ~~TERRY MCCRAW~~ Rey Cooke
4. Name: THOMAS TERRY
5. Name:

Senate Sgt-At Arms:

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



**House Pages  
Assignments  
Wednesday, May 10, 2017  
Session: 3:00 PM**

Committee	Room	Time	Staff	Comments	Member
State and Local Government	544	10:00 AM	Marc-Alain Bertoni		Rep. Debra Conrad
			Joshua Cartret		Rep. Brenden Jones
Health	544	11:00 AM	Daniel Ma		Rep. Nelson Dollar
			Mary Beth Rhyne		Rep. Rena Turner
Regulatory Reform	1228/1327	11:00 AM	Trey Blackwood		Rep. Hugh Blackwell
Judiciary I	415	12:00 PM	Marc-Alain Bertoni		Rep. Debra Conrad
			Mary Beth Rhyne		Rep. Rena Turner
Energy Policy Commission, Jt. Leg.	544	1:00 PM	Daniel Ma		Rep. Nelson Dollar
Judiciary I	415	1:00 PM	Trey Blackwood		Rep. Hugh Blackwell
			Joshua Cartret		Rep. Brenden Jones





# VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Suhl

recess

Penny Hue

SOB

Tim Minin

HCHBY

J. Turner

Dube



## VISITOR REGISTRATION SHEET

Name of Committee

Date \_\_\_\_\_

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

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Chris Broughton

NWC

Audrey Munn

MVA

Kim Sorenson

NCRLA

Pat Staley

Synthesen

Stefan Ivarsson

## Syncretism



**House Committee on State and Local Government I**  
**Wednesday, June 14, 2017 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on June 14, 2017 in Room 544 of the Legislative Office Building. Representatives Ford, Speciale, Ager, Belk, Brawley, Brody, Burr, Butler, Cleveland, Farmer-Butterfield, Fisher, Garrison, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered Senate Bill (SB) 6 Cornelius Annexation (Senator Tarte). The chair motioned for the Proposed Committee Substitute (PCS) of SB 6 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Senator Tarte was recognized to present the bill; there was no discussion on the bill. Representative Brawley motioned for the PCS of SB 6 to receive a favorable report and an unfavorable report as to the original bill and a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered Senate Bill (SB) 219 Indian Beach Annex/Morehead City Charter Chgs (Senator Sanderson). Senator Sanderson was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for SB 219 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

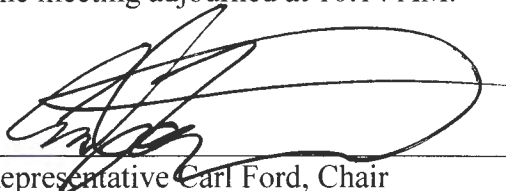
The Committee considered Senate Bill (SB) 181 Amend W-S Charter/Certain Candidates (Senator Lowe). Representative Conrad was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for SB 181 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered Senate Bill (SB) 260 Wake Forest Annexation (Senators Barefoot, Alexander). Senator Barefoot was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for SB 260 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered Senate Bill (SB) 266 Durham and Walkertown Annexations (Senator McKissick). Senator McKissick was recognized to present the bill. The Committee discussed the bill. Representative Warren motioned for SB 266 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.



The meeting adjourned at 10:14 AM.



---

Representative Carl Ford, Chair  
Presiding



---

Olivia Clapp, Committee Clerk





Corrected #1: Add Senate Bill 266

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, June 14, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 181</u>	Amend W-S Charter/Certain Candidates.	Senator Lowe
<u>SB 219</u>	Indian Beach Annex/Morehead City Charter Chgs.	Senator Sanderson
<u>SB 260</u>	Wake Forest Annexation.	Senator Barefoot Senator Alexander
<u>SB 6</u>	Cornelius Annexation.	Senator Tarte
<u>SB 266</u>	Durham and Walkertown Annexations.	Senator McKissick

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:44 PM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

**FAVORABLE**

SB 266 (CS#1) Durham and Walkertown Annexations.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Conrad

**FAVORABLE AND RE-REFERRED**

SB 181 (CS#1) Amend W-S Charter/Certain Candidates.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Conrad

SB 219 (CS#2) Indian Beach Annex/Morehead City Charter Chgs.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: McElraft

SB 260 Wake Forest Annexation.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Williams

**FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED**

SB 6 (CS#1) Cornelius Annexation.  
Draft Number: S6-PCS45448-BDx-28  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Bradford

TOTAL REPORTED: 5







★ C M R S & J - V - 1 ★



**House Committee on State and Local Government I**  
**Wednesday, June 14, 2017, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 6	Cornelius Annexation	Senator Tarte
SB 181	Amend W-S Charter/Certain Candidates.	Senator Lowe
SB 219	Indian Beach Annex/Morehead City Charter Chgs.	Senator Sanderson
SB 260	Wake Forest Annexation.	Senator Barefoot Senator Alexander
SB 266	Durham and Walkertown Annexations.	Senator McKissick

**Presentations**

**Other Business**

**Adjournment**





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 6  
State and Local Government Committee Substitute Adopted 3/7/17

Short Title: Cornelius Annexation.

(Local)

Sponsors:

Referred to:

January 26, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF  
3 THE TOWN OF CORNELIUS.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. The following described property, referenced by the Mecklenburg  
6 County Tax Office Parcel Identification Number, is added to the corporate limits of the Town of  
7 Cornelius:  
8 00513121 00541108 00502104  
9 00513126 00541102 00502127  
10 00513125 00541105 00502115  
11 00513202 00507104 00502103  
12 00502102 00541101 00533104  
13 00502122 00511105 00533105  
14 00504226 00507197 00533106  
15 00504C99 00507166 00533124  
16 00504225 00507118 00533102  
17 00504C98 00507116 00502109  
18 00504230 00507112 00502114  
19 00504C96 00503214 00502113  
20 00513122 00503206 00502111  
21 00513117 00503201 00502112  
22 00541107 00538386 00506102  
23 00502105 00503204 00502117  
24 00502106 00538385 00502125  
25 00502129 00503288 00502108  
26 00503211 00503209 00502118  
27 00114509 00507115 00513124  
28 00114522 00507114 00513107  
29 00511106 00507109 00513205  
30 00503208 00542301 00502116  
31 00538387 00507110 00182123  
32 00538388 00507119 00182124  
33 00513106 00506101 00182122  
34 00513120 00507117 00182121  
35 00513105 00506110 00182120  
36 00513129 00506111 00182125



\* S 6 - V - 2 \*

1	00513119	00502124	00182119
2	00513118	00502126	00182118.

3       **SECTION 2.** This act becomes effective June 30, 2017. Property in the territory  
4 described by Section 1 of this act as of January 1, 2017, is subject to municipal taxes for taxes  
5 imposed for taxable years beginning on or after July 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

D

SENATE BILL 6  
State and Local Government Committee Substitute Adopted 3/7/17  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S6-CSBDx-28 [v.1]  
06/13/2017 9:37:46 AM

Short Title: Cornelius Annexation.

(Local)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED  
AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS  
OF THE TOWN OF CORNELIUS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property, referenced by the Mecklenburg  
County Tax Office Parcel Identification Number, is added to the corporate limits of the Town  
of Cornelius:

00513121	00541108	00502104
00513126	00541102	00502127
00513125	00541105	00502115
00513202	00507104	00502103
00502102	00541101	00533104
00502122	00511105	00533105
00504226	00507197	00533106
00504C99	00507166	00533124
00504225	00507118	00533102
00504C98	00507116	00502109
00504230	00507112	00502114
00504C96	00503214	00502113
00513122		00502111
00513117	00503201	00502112
00541107	00538386	00506102
00502105		00502117
00502106	00538385	00502125
00502129	00503288	00502108
00503211	00503209	00502118
00114509	00507115	00513124
00114522	00507114	00513107
00511106		00513205
00503208		00502116
00538387		00182123
00538388	00507119	00182124
00513106	00506101	00182122
00513120	00507117	00182121
00513105	00506110	00182120



\* S 6 - C S B D X - 2 8 \*

1	00513129	00506111	00182125
2	00513119	00502124	00182119
3	00513118	00502126	00182118.

4       **SECTION 2.** This act becomes effective June 30, 2017. Property in the territory  
5 described by Section 1 of this act as of January 1, 2017, is subject to municipal taxes for taxes  
6 imposed for taxable years beginning on or after July 1, 2017.



## SENATE BILL 6: Cornelius Annexation.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	June 13, 2017
<b>Introduced by:</b>	Sen. Tarte	<b>Prepared by:</b>	Billy R. Godwin Staff Attorney
<b>Analysis of:</b>	PCS to Second Edition S6-CSBDx-28		

**OVERVIEW:** Senate Bill 6 would add certain properties to the corporate limits of the Town of Cornelius and would become effective June 30, 2017. The Proposed Committee Substitute (PCS) to Senate Bill 6 would remove five parcels from the proposed annexation.<sup>1</sup>

[As introduced, this bill was identical to H255, as introduced by Rep. Bradford, which is currently in House State and Local Government I.]

**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 an 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 6 would annex numerous properties west of Old Statesville Road into the corporate limits of the Town of Cornelius by legislative act and the PCS would remove five of those parcels from the proposed annexation.<sup>2</sup> The Board of Commissioners of the Town of Cornelius adopted a resolution supporting the annexation on March 6, 2017. The Town's stated desire is to annex all ETJ properties west of Old Statesville Road into the Town limits to better serve the residents with police service and fire protection. Currently, the unincorporated property owners pay Mecklenburg County a separate police service district tax of \$0.2114 per \$100 of assessed value, and pay Cornelius a fire

<sup>1</sup> The five parcels that would be removed by the PCS as referenced by the Mecklenburg County Tax Office Parcel Identification Number are as follows: 00503206 (10 acres); 00503204 (14.67 acres); 00542301 (69.3 acres); 00507110 (8.07 acres); and 00507109 (4 acres).

<sup>2</sup> See footnote one above.

Karen Cochrane-Brown  
Director



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## Senate PCS 6

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district tax of \$0.057 per \$100 assessed value for a total of \$0.2684 per \$100 of assessed value. The Town of Cornelius currently provides all town services for \$0.255 per \$100 of assessed value.

**EFFECTIVE DATE:** The act would become effective June 30, 2017. The property annexed as of January 1, 2017, would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

*Staff attorney Cindy Avrette substantially contributed to this bill summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 181\*  
State and Local Government Committee Substitute Adopted 4/25/17

Short Title: Amend W-S Charter/Certain Candidates.

(Local)

Sponsors:

Referred to:

March 7, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM TO  
3 ESTABLISH A UNIFORM PROCESS FOR THE ELECTION OF INDEPENDENT OR  
4 NONPARTISAN CANDIDATES IN MUNICIPAL ELECTIONS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Paragraph 6 of Section 12A of the Charter of the City of  
7 Winston-Salem, being Chapter 232 of the Private Laws of 1927, as amended by Chapter 13 of  
8 the 1965 Session Laws and by Ordinance dated January 6, 2003, reads as rewritten:

9 "Sec. 12A. Generally.

10 ...

11 6. Independent or nonpartisan candidates; petition; affidavit of candidates; filing of petition;  
12 rules and regulations governing petitions. ~~The Forsyth County Board of Elections shall include~~  
13 ~~among the candidates for municipal office, as independent or nonpartisan candidates, the name~~  
14 ~~of any qualified voter who has been requested to be a candidate for office by written petitions~~  
15 ~~signed by at least twenty-five percent (25%) of those entitled to vote for a candidate for such~~  
16 ~~office according to the vote cast in the last municipal election for the particular office, when~~  
17 ~~such petition is accompanied by an affidavit from such proposed candidate that he seeks to~~  
18 ~~become an independent or nonpartisan candidate and does not affiliate with any political party;~~  
19 ~~provided, such petition is filed with the secretary of the board of elections on or before twelve~~  
20 ~~o'clock Noon on the third Friday preceding the general municipal election for such~~  
21 ~~office.~~The Any candidate seeking nomination by petition for municipal office shall comply with  
22 the requirements of Article 11 of Chapter 163 of the General Statutes, provided the Forsyth  
23 County board of elections may prescribe rules and regulations covering governing the  
24 following:

25 (1) Setting the date and time completed petitions must be timely submitted for  
26 verification.

27 (2) Stating the information that shall be set out in the petition to be signed by the  
28 voters requesting a person to be a candidate for any such office, such as the  
29 giving of the full name of every such voter, the street address of such voter  
30 and any other pertinent information required to facilitate the checking of  
31 such petition against the registration books."

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



\* S 1 8 1 - V - 2 \*







## SENATE BILL 181: Amend W-S Charter/Certain Candidates.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. Lowe  
**Analysis of:** Second Edition

**Date:** June 14, 2017  
**Prepared by:** Jessica Sammons  
Committee Co-Counsel

**OVERVIEW:** *Senate Bill 181 would allow the Forsyth County board of elections to set the date and time completed petitions must be submitted by unaffiliated candidates for verification in advance of the Winston-Salem municipal election, and would lower the number of signatures required on that petition to 4% of all voters qualified to vote in the municipal election.*

[As introduced, this bill was identical to H245, as introduced by Reps. Conrad, Terry, Lambeth, Hanes, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** Officers for the City of Winston-Salem consist of a mayor and eight city council members, each elected on a partisan basis for a four-year term at the general election for county officers. City council members are elected from single-member wards by the voters in that ward. The next primaries and elections for mayor and city council members will occur in 2020, and every four years thereafter. The newly-elected mayor and city council members take office the first Monday in December following the election.

Paragraph 6 of Section 12A of the Charter of Winston-Salem provides the process for the Forsyth County Board of Elections to include an individual as an unaffiliated candidate on the ballot for a Winston-Salem municipal office. A qualified voter may be listed on the ballot as an unaffiliated candidate among the partisan candidates for Winston-Salem municipal office, provided he or she:

- Submits a written petition signed by at least 25% of all eligible voters for that office according to the vote cast in the last municipal election for that office (either county-wide for the mayor, or from the ward the individual seeks to represent for a city council member).
- Files the petition and accompanying affidavit with the secretary of the Forsyth County Board of Elections on or before noon on the third Friday preceding the general municipal election for that office. In 2016, this was Friday, October 21st. *For the 2016 general election, early one-stop voting began Thursday, October 20th, and absentee ballots had to be ready to mail out on Friday, September 9th.*

**BILL ANALYSIS:** Senate Bill 181 would change the petition requirements in Winston-Salem for individuals who are not affiliated with a party or do not wish to be the party nominee of their political party and who seek to be included as a candidate for Winston-Salem municipal office to be in accordance with Article 11 of Chapter 163 of the General Statutes.

Because Winston-Salem conducts partisan municipal elections, G.S. 163-296 would dictate the general requirements for an individual to be listed on the ballot for a municipal office as an unaffiliated candidate. The Forsyth County board of elections would be able to set the date and time completed petitions must be submitted for verification.

Karen Cochrane-Brown  
Director



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# Senate Bill 181

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For an individual to be listed on the ballot as an unaffiliated candidate in Winston-Salem, a written petition indicating support the individual's candidacy for a specified municipal office must signed by at least 4% of all voters qualified to vote in the municipal election according to the voter registration records of the State Board of Elections as of January 1 of the year the general municipal election is held. The petition should follow the form provided in G.S. 163-122(b), and must include any voter information required by the Forsyth County board of elections.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

S

3

**SENATE BILL 219**

**State and Local Government Committee Substitute Adopted 4/25/17  
Finance Committee Substitute Adopted 5/9/17**

Short Title: Indian Beach Annex/Morehead City Charter Chgs.

(Local)

Sponsors:

Referred to:

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS  
OF THE TOWN OF INDIAN BEACH AND TO AMEND THE CHARTER OF THE  
TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina enacts:

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

Beginning at a point in the Salter Path Road, said point being North 17°15'38" West  
179.61 feet from the point where the center line of Hoffman Road intersects the southern  
margin of the right-of-way line of Salter Path Road, thence North 05°22'51" East 236.57 feet to  
a point; thence North 43°25'30" West 87.57 feet to an existing concrete monument; thence  
North 24°03'33" West 61.25 feet to a point; thence North 24°03'33" West 103.75 feet to a  
point; thence North 10°54'43" West 145.00 feet to a point; thence North 69°50'27" East 17.00  
feet to a point; thence North 21°02'43" West 58.00 feet to a point; thence South 83°59'33" East  
140.00 feet to a point; thence North 70°28'42" East 114.54 feet to a point; thence South  
15°53'20" East 128.60 feet to a point in a bulkhead; thence along said bulkhead North  
77°21'42" East 121.35 feet to a point; thence along the bulkhead South 19°50'58" East 88.99  
feet to a point; thence North 89°08'29" East 56.11 feet to a point; thence South 05°21'34" West  
121.84 feet to an existing concrete monument; thence South 05°40'32" West 125.11 feet to an  
existing concrete monument located in the existing municipal limit line of the Town of Indian  
Beach (see Annexation Ordinance recorded in Deed Book 1356, Page 473, Carteret County  
Registry); thence running with the existing municipal limits North 84°45'10" West 99.90 feet to  
an existing concrete monument; thence South 05°47'03" West 278.28 feet to a point in the  
Salter Path Road; thence along Salter Path Road North 84°53'10" West 199.91 feet to the point  
and place of BEGINNING, according to a plat of the same prepared by Charles A. Rawls and  
Associates, dated March 6, 1985, recorded in Book of Maps 22, Page 33, Carteret County  
Registry.

Being all of Phase I, Phase II, Phase III, and the "Bulkhead and Dock" areas of  
Mariner's Point Condominiums, as the same are shown on the As-Built Survey for Mariner's  
Point Partnership prepared by Charles A. Rawls and Associates recorded in Map Book 10J,  
Page 1A, Carteret County Registry.

**SECTION 2.** The property added to the corporate limits of the Town of Indian  
Beach by Section 1 of this act shall be in the Town's General Business District (B-1) zone for  
purposes of the Town's zoning ordinance.



1           **SECTION 3.** Notwithstanding any Town ordinance relating to nonconforming  
2 structures or uses, all structures, existing on June 30, 2017, on the property added to the  
3 corporate limits of the Town of Indian Beach by Section 1 of this act, shall be deemed  
4 conforming to the Town's land use ordinances and may be repaired, restored, or rebuilt at any  
5 time after June 30, 2017, regardless of the extent of any damage or destruction unless the Town  
6 ordinance prohibiting repair, restoration, or rebuilding is required to maintain eligibility for  
7 participation in the National Flood Insurance Program under the laws, rules, or regulations of  
8 the United States or the State of North Carolina.

9           **SECTION 4.** Article 8 of the revised and consolidated Charter of the Town of  
10 Morehead City, as enacted by Chapter 879 of the Session Laws of 1969, is repealed.

11           **SECTION 5.** Sections 1 through 3 of this act become effective June 30, 2017.  
12 Property in the territory described by Section 1 of this act as of January 1, 2017, is subject to  
13 municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017. The  
14 remainder of this act is effective when it becomes law.



# SENATE BILL 219: Indian Beach Annex/Morehead City Charter Chgs.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. Sanderson  
**Analysis of:** Third Edition

**Date:** June 12, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *Senate Bill 219 would add certain described territory to the corporate limits of the Town of Indian Beach and would amend the Charter of the Town of Morehead City to repeal a specific article dealing with the disposal of surplus real and personal property.*

**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.

Article 8 of the Charter of the Town of Morehead City provides the procedures the Town must follow when disposing of surplus real and personal property.

**BILL ANALYSIS:** Senate Bill 219 would annex Phase I, Phase II, and Phase III, and the "Bulkhead and Dock" areas of Mariner's Point Condominium to the corporate limits of the Town of Indian Beach and place them in the town's General Business District (B-1) zone. The annexed property would be deemed conforming to the Town's land use ordinances and any existing damages may be repaired, restored or rebuilt at any time after June 30, 2017 unless such actions are prohibited in order to maintain eligibility for participation in the National Flood Insurance Program. The bill would also repeal Article 8 of the Charter of the Town of Morehead City regarding the disposal of surplus real and personal property at which time Article 12 of Chapter 160A of the General Statutes would then govern such disposal.

**EFFECTIVE DATE:** Sections 1 through 3 of this act would become effective June 30, 2017. Property in the territory described by Section 1 of this act as of January 1, 2017, would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017. The remainder of this act would become effective when it becomes law.

*Staff attorney Nicholas Giddings substantially contributed to this bill summary.*

Karen Cochran-Brown  
Director



Legislative Analysis  
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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

1

SENATE BILL 260

Short Title: Wake Forest Annexation. (Local)

Sponsors: Senators Barefoot and Alexander (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 15, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS  
3 OF THE TOWN OF WAKE FOREST.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. The following described property is added to the corporate limits of  
6 the Town of Wake Forest:  
7 The entire right-of-way of Capital Boulevard (US-1) from the Franklin County line  
8 (north end) to the north bank of the Neuse River at the Neuse River Bridge (south end).  
9 SECTION 2. This act becomes effective June 30, 2017. Property in the territory  
10 described in Section 1 of this act as of January 1, 2017, is subject to municipal taxes for taxes  
11 imposed for taxable years beginning on or after July 1, 2017.



\* S 2 6 0 - V - 1 \*







## SENATE BILL 260: Wake Forest Annexation.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 14, 2017
<b>Introduced by:</b>	Sens. Barefoot, Alexander	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *Senate Bill 260 would add certain described territory to the corporate limits of the Town of Wake Forest.*

**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 260 would annex a specific right of way of Capital Boulevard (US-1) to the corporate limits of the Town of Wake Forest.

**EFFECTIVE DATE:** The act becomes effective June 30, 2017. Property in the annexed area as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

*Brad Krehely, counsel to Senate State and Local Government, substantially contributed to this summary.*

Karen Cochrane-Brown  
Director



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## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

S

2

## SENATE BILL 266

State and Local Government Committee Substitute Adopted 4/25/17

Short Title: Durham and Walkertown Annexations.

(Local)

Sponsors:

Referred to:

March 16, 2017

## A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM BECAUSE THE PROPERTY IS COMPLETELY SURROUNDED BY THE CITY'S CORPORATE LIMITS OR IS PARTIALLY ANNEXED TO THE CITY'S CORPORATE LIMITS AND ANNEXATION WILL ALLOW THE MORE EFFICIENT PROVISION OF EMERGENCY SERVICES TO THE PROPERTY AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF WALKERTOWN.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property, referenced by the Durham County Tax Office Parcel Identification Number, and any adjacent rights-of-way is added to the corporate limits of the City of Durham:

132472	132475	132476	132477	132478	132479	132480
132481	132482	132483	132484	140154	141414	141415
141460	141461	141462	141463	141468	141470	141472
141486	141487	141488	141701	149595	149664	150240
150241	150298	150693	150731	150732	150792	150794
152743	152744	152746	152747	152750	152751	152758
152759	152760	152761	152762	152763	152766	152767
152768	152769	152770	152771	152772	152773	152774
152775	152778	152779	152780	152781	152782	152783
152784	152785	152786	152787	152788	152789	152790
152791	152792	152793	152794	152795	152796	152797
152798	152803	152804	152805	152807	154016	154018
157350	157514	157517	157763	157764	157766	157768
157770	157772	157774	157776	157779	157780	157782
157783	157787	157789	157790	157795	157798	157834
157835	157836	157838	157839	157841	157871	157872
157898	157900	157901	157969	158026	158089	158091
158093	158094	158097	159192	159193	159194	159195
159196	159199	159200	159201	159202	159203	159204
159205	159206	159209	159210	159223	159224	159225
159226	159232	159233	159247	159248	159249	159250
159251	159252	159253	159254	159255	159256	159257
159258	159259	159265	159267	159268	161198	161199
161200	161201	161202	161203	161204	161205	161206



1	161207	161208	161209	161210	161241	161242	161245
2	161690	161691	161693	161694	161695	162699	162700
3	163906	164912	164925	164927	165180	165181	165182
4	165184	165188	165216	165217	165218	165219	165220
5	165222	165223	165224	165225	165226	165227	165228
6	165229	165230	165231	165233	165234	166185	166188
7	166189	166191	172365	172366	172381	172383	172384
8	172385	172386	172387	172395	172396	172397	172398
9	172399	172400	172401	172402	172403	172404	172405
10	172406	172407	172408	172409	172410	172412	172413
11	172414	172415	172416	172417	172418	172419	172420
12	172421	172422	172423	172424	172425	172426	172427
13	172428	172429	172430	172431	172432	172433	172434
14	172435	172436	172437	172438	172439	172440	172441
15	172442	172443	172444	172445	172446	172447	172448
16	172449	172450	172451	172452	172453	172454	172455
17	172456	172457	172458	172459	172460	172461	172462
18	172463	172464	172465	172466	172467	172468	172469
19	172470	172471	172472	172473	172474	172475	172476
20	172477	172478	172479	172480	172481	172482	172487
21	172488	172489	172490	172491	172492	172493	172494
22	172495	172496	172497	172498	172499	172500	172501
23	172502	172503	172504	173134	173138	173139	173140
24	173355	173357	173359	173361	173363	173365	173367
25	173369	173371	173373	173375	173378	173381	173386
26	173394	173404	173756	177609	177677	177679	177681
27	177682	177684	177686	177688	177689	177691	177693
28	177694	177695	177696	177697	177698	177699	177700
29	177701	177702	177703	177704	177705	177706	177707
30	177708	177709	177710	177711	177712	177713	178129
31	178130	178131	178132	178133	179545	179547	181037
32	181038	183413	183415	192363	193257	193258	193259
33	193261	193262	193263	193274	201479	201633	202916
34	202917	208032	208033	208034	208343	208521	211428
35	213378	213509	213557	213558	213560	213589	213601
36	216566	216567	216568	216583			

**SECTION 2.** The following described property, referenced by the Wake County Tax Office Parcel Identification Number, and any adjacent rights-of-way is added to the corporate limits of the City of Durham:

0769303887

0769302518

0769302802

0769309734

**SECTION 3.** The following described property, referenced by the Forsyth County Tax Office Parcel Identification Number, is added to the corporate limits of Walkertown:

6857-37-9812.00, 6857-47-1902.00, 6857-38-5083.00, 6857-37-6606.00, 6857-37-7107.00, 6857-47-3410.00, 6857-47-2063.00, 6857-36-6528.00, 6857-36-7452.00, 6857-36-6727.00, 6857-36-2960.00, 6857-36-0911.00, 6857-37-2009.00, 6857-37-2378.00, 6857-37-3608.00, 6857-37-1453.00, 6857-27-8427.00, 6857-27-5349.00, 6857-27-7270.00, 6857-26-9614.00, 6857-36-0309.00, 6857-36-3402.00, 6857-36-3279.00, 6857-36-3162.00, 6857-36-1159.00, 6857-25-8637.00, 6857-35-1422.00, 6857-35-4500.00, 6857-34-1035.00, 6857-25-6001.00, 6857-26-5416.00, 6857-26-1438.00, 6857-26-5416.00.



1                   **SECTION 4.** The following described property, referenced by the Forsyth County  
2 Tax Office Parcel Identification Number, is added to the corporate limits of Walkertown:  
3 6858-70-9984.00, 6858-70-7963.00, 6858-70-7880.00, 6858-70-2870.00, 6858-70-0135.00,  
4 6858-80-0791.00, 6858-80-0713.00, 6858-70-9760.00, 6858-70-9634.00, 6858-70-8780.00,  
5 6858-70-8721.00, 6858-70-7751.00, 6858-70-6790.00, 6858-70-6637.00, 6858-70-5675.00,  
6 6858-70-5630.00, 6858-70-5504.00, 6858-70-4570.00, 6858-70-4445.00, 6858-70-4410.00,  
7 6858-70-3386.00, 6858-70-3332.00, 6858-70-3207.00, 6858-70-2261.00, 6858-70-2145.00,  
8 6858-70-2049.00, 6858-70-2043.00, 6857-79-2957.00, 6857-79-2961.00, 6857-79-2876.00,  
9 6857-79-2880.00, 6857-79-3458.00, 6857-79-4524.00, 6857-79-4654.00, 6857-79-4750.00,  
10 6857-79-4756.00, 6857-79-4833.00, 6857-79-4839.00, 6857-79-4935.00, 6857-79-5911.00,  
11 6857-79-5858.00, 6857-79-6808.00, 6857-79-6867.00, 6857-79-7816.00, 6857-79-7873.00,  
12 6857-79-8811.00, 6857-79-6764.00, 6857-79-6634.00, 6857-79-6513.00, 6857-79-5481.00,  
13 6857-79-9451.00, 6857-79-9554.00, 6857-79-9696.00, 6857-79-9898.00, 6858-80-0249.00,  
14 6858-70-9143.00, 6857-79-8996.00, 6857-79-8958.00, 6858-70-8001.00, 6858-70-7001.00,  
15 6858-70-7027.00, 6858-70-7161.00, 6858-70-7196.00, 6858-70-8220.00, 6858-70-8264.00,  
16 6858-70-9209.00, 6858-70-9333.00, 6858-70-9378.00, 6858-80-0412.00, 6858-80-0445.00,  
17 6858-80-0581.00, 6858-70-8572.00, 6858-70-8447.00, 6858-70-8403.00, 6858-70-7359.00,  
18 6858-70-7325.00, 6858-70-6391.00, 6858-70-6266.00, 6858-70-6222.00, 6858-70-5187.00,  
19 6858-70-5152.00, 6858-70-5036.00, 6858-70-4027.00, 6858-70-4133.00, 6858-70-4159.00,  
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21 6858-70-6465.00, 6858-70-6590.00, 6858-70-7564.00, 6858-90-2901.00, 6857-99-0986.00,  
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24 6858-80-3177.00, 6858-80-3102.00, 6858-80-2170.00, 6858-80-2067.00, 6858-80-2044.00,  
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26 6857-89-1778.00, 6857-89-1785.00, 6857-89-1782.00, 6857-89-3729.00, 6857-89-3823.00,  
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43 6857-59-8761.00, 6857-59-5836.00, 6857-59-2981.00, 6858-40-9092.00, 6857-49-8654.00,  
44 6857-49-7554.00, 6857-49-6400.00, 6857-49-2167.00, 6857-48-4969.00, 6857-48-5885.00,  
45 6857-48-9984.00, 6857-59-1288.00.

46                   **SECTION 5.** This act becomes effective June 30, 2017. Property in the territory  
47 described in Sections 1, 2, 3, and 4 of this act as of January 1, 2017, is subject to municipal  
48 taxes for taxes imposed for taxable years beginning on or after July 1, 2017.





## SENATE BILL 266: Durham and Walkertown Annexations.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. McKissick  
**Analysis of:** Second Edition

**Date:** June 13, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *Senate Bill 266 would add certain properties to the corporate limits of the City of Durham and to the corporate limits of the Town of Walkertown. The property would become part of the municipal limits and subject to municipal property taxes for taxes imposed for taxable years beginning on or after July 1, 2017.*

**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. – All owners of any real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – All owners of any non-contiguous real property within 3 miles of the municipality 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 an 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 266 would annex the described property in Sections 1 and 2 of the bill, including 4 parcels located in Wake County, into the corporate limits of the City of Durham. The purpose of the annexation is to incorporate property that is completely surrounded by the city's corporate limits or is partially annexed to the City's corporate limits. The inclusion of the property within the municipal limits will allow the more efficient provision of services.

The bill would also annex the described property in Sections 3 and 4 of the bill into the Town of Walkertown.

**EFFECTIVE DATE:** The act would become effective June 30, 2017. The property in the described area as of January 1, 2017, would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

*Staff attorney Cindy Avrette, substantially contributed to this summary.*

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





**House Pages  
Assignments  
Wednesday, June 14, 2017  
Session: 2:00 PM**

Committee	Room	Time	Staff	Comments	Member
Finance	544	9:00 AM	Daniel Vexler		Rep. Holly Grange
			Ezekiel Goldstein		Rep. Susan Fisher
			Riley McBride		Rep. Donny Lambeth
			Maya Nair		Rep. Gale Adcock
State and Local Government II	1228/1327	10:00 AM	Janae Bell		Rep. Duane Hall
			Elisabeth Iler		Rep. Frank Iler
			Joshua Millspaw		Rep. Dana Bumgardner
			Orlando Molina		Rep. John Szoka
State and Local Government I	544	10:00 AM	Julia Schwanz		Rep. John Bradford
			Ashton Murphy		Rep. Terry Garrison
			James Rodriguez		Rep. Pat McElraft
			Blake Bosley		Rep. John Bradford
Regulatory Reform	1228/1327	11:00 AM	Chandler Dozier		Rep. Allen McNeill
			Margaret Johnston		Rep. Allen McNeill
			Martha Johnston		Rep. Allen McNeill
			Eleanor Williams		Rep. Mary Belk
Judiciary I	415	1:00 PM	Kimber Blackburn		Rep. Donna White
			Ryan Awtrey		Speaker Tim Moore
			Alex Bradley		Rep. John Torbett
			Jarrold Turner		Speaker Tim Moore
Judiciary III	421	1:00 PM	Cullen Allen		Rep. Speaker Tim



**House Pages  
Assignments  
Wednesday, June 14, 2017**

Committee	Room	Time	Staff	Comments	Member
					Moore
			Abigale Farina		Rep. David Lewis
			Ella Jones		Rep. Speaker Tim Moore
			Daniel Vexler		Rep. Holly Grange







Rm 544

VISITOR REGISTRATION SHEET

*State of Local Government I*  
Name of Committee

*06/14/2017*  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

*Sean Ericson*

*Office of Rep. Deb Butler*





**House Committee on State and Local Government I**  
**Wednesday, June 21, 2017 at 10:00 AM**  
**Room 423 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on June 21, 2017 in Room 423 of the Legislative Office Building. Representatives Ford, Belk, Brody, Butler, Cleveland, Fisher and Garrison attended.

Representative Carl Ford, Chair, presided.

The following bills were considered:

The Committee considered Senate Bill (SB) 69 Local Gov't Comm/Finance Officer Training (Senators D. Davis, Tarte). Senator Davis was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for SB 69 to receive a favorable report with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The Committee considered Senate Bill (SB) 265 Creedmoor Charter Revised & Consolidated (Senator McKissick). Senator McKissick was recognized to present the bill; there was no discussion on the bill. Representative Cleveland motioned for SB 265 to receive a favorable report. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:04 am.



Representative Carl Ford, Chair  
Presiding



Olivia Clapp, Committee Clerk



Corrected #3: Remove SB 531

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, June 21, 2017  
**TIME:** 10:00 AM  
**LOCATION:** 423 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>SB 69</u>	Local Gov't Comm/Finance Officer Training.	Senator D. Davis Senator Tarte
<u>SB 265</u>	Creedmoor Charter Revised & Consolidated.	Senator McKissick

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:44 PM on Thursday, July 06, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Clapp (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

SB 265 (CS#1) Creedmoor Charter Revised & Consolidated.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Yarborough

**FAVORABLE AND RE-REFERRED**

SB 69 (CS#1) Local Gov't Comm/Finance Officer Training.  
Draft Number: None  
Serial Referral: FINANCE  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Garrison

TOTAL REPORTED: 2



\* C M R 5 5 7 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, June 21, 2017, 10:00 AM**  
**423 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 69	Local Gov't Comm/Finance Officer Training.	Senator D. Davis Senator Tarte
SB 265	Creedmoor Charter Revised & Consolidated.	Senator McKissick

**Presentations**

**Other Business**

**Adjournment**





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 69  
State and Local Government Committee Substitute Adopted 3/7/17

Short Title: Local Gov't Comm/Finance Officer Training.

(Public)

Sponsors:

Referred to:

February 13, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE LOCAL GOVERNMENT COMMISSION SHALL NOTIFY A FINANCE OFFICER OR OTHER EMPLOYEE WHO PERFORMS THE DUTIES OF A FINANCE OFFICER WHEN HE OR SHE IS REQUIRED TO PARTICIPATE IN TRAINING RELATED TO THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE FINANCE OFFICER AND REQUIRING THE EMPLOYING LOCAL GOVERNMENT OR PUBLIC AUTHORITY TO NOTIFY THE COMMISSION WHEN THE FINANCE OFFICER OR OTHER EMPLOYEE HAS COMPLETED THE REQUIRED TRAINING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 159-25 reads as rewritten:

**"§ 159-25. Duties of finance officer; dual signatures on checks; internal control procedures subject to Commission regulation.**

...

(d) The Local Government Commission has the authority to require any finance officer or any other employee who performs the duties of a finance officer to participate in training related to the powers, duties, and responsibilities of the finance officer, if the Commission is exercising its authority under Article 10 of this Chapter with respect to the employing local government or public authority or the employing local government or public authority has received a unit letter from the Commission due to a deficiency in complying with this Chapter. The Commission may collaborate with the School of Government at the University of North Carolina, the North Carolina Community College System, and other educational institutions in the State to develop and deliver the training required by this subsection. When the Commission requires a finance officer or other employee to participate in training as authorized in this subsection, the Commission shall notify the finance officer or other employee and the employing local government or public authority of the required training. Upon completion of the required training by the finance officer or other employee, the employing local government or public authority shall submit, in writing, to the Commission proof that the training requirements have been satisfied."

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



\* S 6 9 - V - 2 \*





## SENATE BILL 69: Local Gov't Comm/Finance Officer Training.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	June 21, 2017
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Sens. D. Davis, Tarte	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** *Senate Bill 69 provides that when the Local Government Commission (LGC) requires a finance officer or other employee to participate in training, the LGC must notify the finance officer or other employee and the employing local government or public authority of the required training. It also provides that when the finance officer or other employee completes the training, the employing local government or public authority must submit, in writing, proof to the LGC that the training requirements have been met. The act is effective when it becomes law.*

**CURRENT LAW:** The Local Government Commission (LGC) is located within the State Treasurer's Office and provides assistance to local governments and public authorities in North Carolina. Generally, the LGC focuses on three components of operations of the local governments and public authorities:

1. Whether a local government or public authority is financially healthy enough to borrow money.
2. Selling debt on behalf of the local government or public authority.
3. Oversight of the annual audit/financial reporting required of local governments and public authorities.

Each local government and public authority is required to appoint a finance officer to hold office at the pleasure of the appointing board or official. That finance officer may be titled "accountant," "treasurer," "finance director," "finance officer," or any other reasonably descriptive title. The duties of the finance officer may be imposed on the budget officer, or any other officer or employee on whom the duties of budget officer may be imposed. G.S. 159-24. These duties include: keeping accounts, disbursing funds, receiving and depositing all moneys or supervising such activities, and supervising the investment of idle funds.

The LGC may require a finance officer, or other employee performing the duties of a finance officer, of a local government or public authority to attend training as to the powers, duties and responsibilities of a finance officer if either of the following apply to the local government or public authority:

1. The LGC has issued a unit letter due to a deficiency in that local government or public authority's compliance with Chapter 159 of the General Statutes, Local Government Finance.
2. The LGC is exercising its authority to assist defaulting units in refinancing and paying debts.

The LGC may collaborate with the UNC School of Government, the North Carolina Community College System, and other educational institutions in the State to develop and deliver the training. The LGC also is authorized to charge and collect fees for expenses incurred in developing and delivering the training.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 69

Page 2

**BILL ANALYSIS:** Senate Bill 69 provides that when the LGC requires a finance officer or other employee to participate in training, the LGC must notify the finance officer or other employee and the employing local government or public authority of the required training. It also provides that when the finance officer or other employee completes the training, the employing local government or public authority must submit, in writing, proof to the LGC that the training requirements have been met.

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

**BACKGROUND:** The North Carolina General Assembly authorized the LGC to require training for finance officers and other employees who perform the duties of finance officers and to charge a fee for the training in 2016. (S.L. 2016-84).

*Brad Krehely, R. Erika Churchill and Nicholas Giddings, Attorneys for the Legislative Analysis Division, contributed to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

2

SENATE BILL 265\*

State and Local Government Committee Substitute Adopted 4/25/17

Short Title: Creedmoor Charter Revised & Consolidated.

(Local)

Sponsors:

Referred to:

March 16, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF  
3 CREEDMOOR.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the City of Creedmoor is revised and consolidated to  
6 read as follows:

7 "THE CHARTER OF THE CITY OF CREEDMOOR

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

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

12 "Section 1.2. Powers. The City shall have and may exercise all of the powers, duties, rights,  
13 privileges, and immunities conferred upon the City of Creedmoor specifically by this Charter or  
14 upon municipal corporations by general law. The term "general law" is employed herein as  
15 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 City and as they may be  
18 altered from time to time in accordance with law. An official map of the City, showing the  
19 current municipal boundaries, shall be maintained permanently in the Office of the City 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 Granville County Register of Deeds, and the appropriate  
23 board of elections.

24 "ARTICLE II. GOVERNING BODY

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

27 "Section 2.2. Composition; Terms of Office. The Board of Commissioners shall be  
28 composed of five members, to be elected by all the qualified voters of the City voting at large  
29 in the manner provided in Article III of this Charter. The members shall serve four-year  
30 staggered terms as provided in Section 3.3 of this Charter or until their successors are elected  
31 and qualified.

32 "Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the  
33 qualified voters of the City voting at large in the manner provided in Article III of this Charter  
34 for a term of two years or until a successor is elected and qualified. The Mayor shall be the  
35 official head of the City government and shall preside at meetings of the Board, shall have the





1 right to vote only when there is an equal division on any question or matter before the Board,  
2 and shall exercise the powers and duties conferred by law or as directed by the Board.

3 "Section 2.4. Mayor Pro Tempore. In accordance with general law, the Board shall elect  
4 from among its members a Mayor Pro Tempore to perform the duties of the Mayor during the  
5 Mayor's absence or disability.

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

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

12 "Section 2.7. Vacancies. Vacancies that occur in any elective office of the City shall be  
13 filled in accordance with the applicable provisions of general law.

#### 14 "ARTICLE III. ELECTIONS

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

19 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election  
20 in 2017 and every two years thereafter.

21 "Section 3.3. Election of Commissioners. The Commissioners serving on the date of  
22 ratification of this Charter shall serve until the expiration of their terms or until their successors  
23 are elected and qualified. In the regular municipal election in 2017, and quadrennially  
24 thereafter, two Commissioners shall be elected to serve four-year terms in those positions  
25 whose terms are then expiring. In the regular municipal election in 2019, and quadrennially  
26 thereafter, three Commissioners shall be elected to serve four-year terms in those positions  
27 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 enacted by the General Assembly.

#### 30 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

31 "Section 4.1. Form of Government. The City shall operate under the council-manager form  
32 of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

33 "Section 4.2. City Manager; Appointment; Powers and Duties. The Board shall appoint a  
34 City Manager who shall be responsible for the administration of all departments of the City  
35 government. The City Manager shall have all the powers and duties conferred by general law,  
36 except as expressly limited by the provisions of this Charter, and shall have the additional  
37 powers and duties conferred by the Board as authorized by general or local law.

38 "Section 4.3. City Attorney. The Board shall appoint a City Attorney to represent the City,  
39 advise City officials, and perform other duties required by law or directed by the Board.

40 "Section 4.4. City Clerk. The City Manager shall appoint a City Clerk, subject to  
41 confirmation by a majority vote of the Board. The City Manager shall direct and supervise the  
42 City Clerk and shall have authority to take disciplinary action regarding the City Clerk,  
43 including removal, in accordance with general personnel rules, regulations, policies, or  
44 ordinances adopted by the Board. The City Clerk shall keep a journal of the proceedings of the  
45 Board, maintain official records and documents, give notice of meetings, and perform other  
46 duties required by general or local law or directed by the City Manager.

47 "Section 4.5. Finance Director. The City Manager shall appoint a Finance Director to  
48 perform the duties prescribed in G.S. 159-25 and to perform other duties required by law or  
49 assigned by the City Manager.





1 "Section 4.6. Tax Collector. The Board shall appoint a Tax Collector as provided in  
2 G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in  
3 G.S. 105-350 and any other duties prescribed by general or local law.

4 "Section 4.7. Other Administrative Officers and Employees. The Board may authorize other  
5 positions to be filled by appointment by the City Manager and may organize the City  
6 government as deemed appropriate, subject to the requirements of general or local law.

7 "ARTICLE V. ORDINANCES

8 "Section 5.1. Adoption and Effective Date. The adoption, amendment, repeal, pleading, or  
9 proving of ordinances shall be in accordance with general law unless otherwise provided for by  
10 this Charter. All ordinances and resolutions shall take effect upon adoption unless otherwise  
11 provided for by general or local law or this Charter.

12 "Section 5.2. Effect of Ordinances on City Property. All applicable ordinances of the City  
13 shall have full force and effect upon and within all property and facilities owned by the City,  
14 whether located within or outside the corporate limits."

15 **SECTION 2.** The purpose of this act is to revise the Charter of the City of  
16 Creedmoor and to consolidate certain acts concerning the property, affairs, and government of  
17 the City. It is intended to continue without interruption those provisions of prior acts that are  
18 expressly consolidated into this act, so that all rights and liabilities which have accrued are  
19 preserved and may be enforced.

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

23 **SECTION 4.** Section 1 of Chapter 826 of the 1969 Session Laws having served the  
24 purpose for which it was enacted or having been consolidated into this act, is expressly  
25 repealed.

26 **SECTION 5.** Notwithstanding any other provision of this act, the following acts  
27 (including any amendments thereto) are not repealed, and the provisions of these acts remain  
28 effective as to the City of Creedmoor as if this act had not been enacted:

29 Chapter 610 of the 1987 Session Laws.

30 S.L. 2012-55.

31 **SECTION 6.** The Mayor and Commissioners serving on the date of ratification of  
32 this act shall serve until the expiration of their terms or until their successors are elected and  
33 qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the  
34 Charter of the City of Creedmoor, as enacted in Section 1 of this act.

35 **SECTION 7.** This act does not affect any rights or interests that arose under any  
36 provisions repealed by this act.

37 **SECTION 8.** All existing ordinances, resolutions, and other provisions of the City  
38 of Creedmoor not inconsistent with the provisions of this act shall continue in effect until  
39 repealed or amended.

40 **SECTION 9.** No action or proceeding pending on the effective date of this act by  
41 or against the City or any of its departments or agencies shall be abated or otherwise affected  
42 by this act.

43 **SECTION 10.** If any provision of this act or application thereof is held invalid,  
44 such invalidity shall not affect other provisions or applications of this act that can be given  
45 effect without the invalid provision or application, and to this end, the provisions of this act are  
46 declared to be severable.

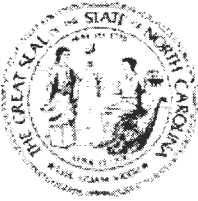
47 **SECTION 11.** Whenever a reference is made in this act to a particular provision of  
48 the General Statutes, and that provision is later amended, superseded, or recodified, the  
49 reference shall be deemed amended to refer to the amended General Statute, or to the General  
50 Statute that most clearly corresponds to the statutory provision which is superseded or  
51 recodified.



1

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





## SENATE BILL 265: Creedmoor Charter Revised & Consolidated.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 20, 2017
<b>Introduced by:</b>	Sen. McKissick	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	Second Edition		Staff Attorney

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**OVERVIEW:** *Senate Bill 265 would revise and consolidate the Charter of the City of Creedmoor and would become effective when it becomes law.*

[As introduced, this bill was identical to H342, as introduced by Rep. Yarborough, which is currently in Senate Committee on Rules and Operations.]

**BILL ANALYSIS:** Senate Bill 265 would repeal the 1969 Charter of the City of Creedmoor and replace it with a revised, reorganized, and consolidated City Charter updated with current statutory references and provisions. Specifically, the bill would:

- Eliminate the old 1969 metes and bounds description of the corporate boundaries and define the corporate limits as those existing at the time the bill is ratified as shown on the official map of the City as from time to altered.
- Specify action to be taken regarding the official map of the City upon alteration of corporate boundaries.
- Update the provisions pertaining to the organization and administration of government.
- Formally establish the council-manager form of government in the Charter.
- Preserve the authority of the City granted in S.L. 1987-610 to collect a \$10.00 motor vehicle tax.
- Preserve the authority of the City granted in S.L. 2012-55 to collect delinquent stormwater fees in the same manner as delinquent property taxes.
- Make other conforming changes regarding the impact of the bill on prior acts, laws, or ordinances.
- Contain a severability clause providing that the invalidity of one provision of this act shall not affect the remaining provisions otherwise valid.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



Committee Sergeants at Arms

NAME OF COMMITTEE House Comm State & Local Gov

DATE: June 21 2017 Room: 423

House Sgt-At Arms:

1. Name: Dean Marshbourne
2. Name: Rey Cooke
3. Name: Bill Bass
4. Name: Mark Cone
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_





**House Pages  
Assignments  
Wednesday, June 21, 2017**

Committee	Room	Time	Staff	Comments	Member
State and Local Government II	544	10:00 AM	Vince Graham		Rep. Charles Graham
			Fischer Pearson		Rep. John Sauls
State and Local Government	423	10:00 AM	Isaac Brooks		Rep. Mike Clampitt
			Carter Brown		Rep. John Torbett
			Logan Martin		Rep. Verla Insko
Health	643	11:00 AM	Kari Davis		Rep. Nelson Dollar
			Evan Morris		Rep. Verla Insko
Wildlife Resources	1228/1327	11:00 AM	Alexis Oliver		Rep. Rosa Gill
			Rollie Tillman, IV		Rep. Kelly Alexander



## VISITOR REGISTRATION SHEET

House Comm State & Local Gov    June 21 2017

Name of Committee

Date \_\_\_\_\_

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

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Donna Carol

0220

## Crystal field

SA

Maria Gonzalez

## New Frame

High Thru

NCAH



## VISITOR REGISTRATION SHEET

House Comm State &amp; Local Gov June 21 2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Suzanne Deasly

SEANC

Carson Butts

SEANC

Susanna Davis

OHSR

Jillan Toman

MWC LLC

David Crawford

AIA NC

Richard Roster

NCSBA



**House Committee on State and Local Government I**  
**Wednesday, May 23, 2018 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on May 23, 2018 in Room 544 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brawley, Brody, Butler, Cleveland, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Gill, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The Committee considered, HB 942 Kinston Deannexation Corrections. (Representative J. Bell). The Chair recognized Representative Bell to present the bill; there was no discussion. Representative Warren motioned for HB 942 to receive a favorable report. The chair called for a voice vote, the motion carried.

The Committee considered HB 930 Apex Annexation. (Representative Williams). The Chair recognized Representative Williams to present the bill. The committee discussed the bill. Representative Cleveland motioned for HB 930 to receive a favorable report and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.

The Committee considered, HB 943 Taylortown Deannexation. (Representatives Boles, McNeill). The Chair recognized Representative Boles and Representative McNeill to present the bill; there was no discussion on the bill. Representative Farmer-Butterfield motioned for HB 943 to receive a favorable report and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.

The Committee considered, HB 950 Carthage, Pollocksville Satellite Annexations. (Representatives McNeill, Boles) Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative McNeill and Representative Boles; there was no discussion on the bill. Representative Conrad moved that the amendment for HB 950 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.

The Committee considered, HB 946 Mooresville Deannexation. (Representative Fraley) The Chair recognized Representative Fraley to present the bill. The committee discussed the bill. Representative Fisher motioned for HB 946 to receive a favorable report and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.

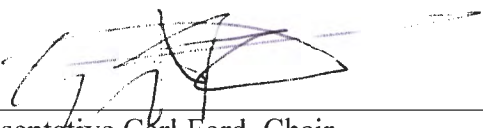
The Committee considered, HB 955 Eden/Thoroughbred Annexation Agreement. (Representative Bert Jones) The Chair recognized Representative Jones to present the bill; there was no discussion on the bill. Representative Corbin motioned for HB 955 to receive a favorable report and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.





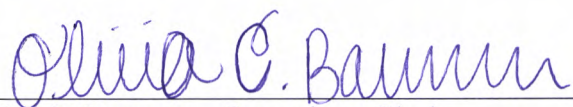
The Committee considered, HB 956 Eden/Duke Energy Annexation Agreement. (Representative Bert Jones) The Chair recognized Representative Jones to present the bill; there was no discussion on the bill. Representative Warren motioned for HB 956 to receive a favorable report and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.

The meeting adjourned at 10:12 am.



---

Representative Carl Ford, Chair  
Presiding



---

Olivia Baumann, Committee Clerk



Updated #1: HB 955 and HB 956 added

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, May 23, 2018  
**TIME:** 10:00 AM  
**LOCATION:** 544 LOB  
**COMMENTS:** Bills to be determined. Updated notice will be sent.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 930</u>	Apex Annexation.	Representative Williams
<u>HB 942</u>	Kinston Deannexation Corrections.	Representative J. Bell
<u>HB 943</u>	Taylortown Deannexation.	Representative Boles
		Representative McNeill
<u>HB 946</u>	Mooresville Deannexation.	Representative Fraley
<u>HB 950</u>	Carthage, Pollocksville Satellite Annexations.	Representative McNeill
		Representative Boles
<u>HB 955</u>	Eden/Thoroughbred Annexation Agreement.	Representative Bert Jones
<u>HB 956</u>	Eden/Duke Energy Annexation Agreement.	Representative Bert Jones

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Tuesday, July 10, 2018.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Baumann (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

FAVORABLE AND RE-REFERRED

HB 930	Apex Annexation.
	Draft Number: None
	<b>Serial Referral: FINANCE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Williams
HB 942	Kinston Deannexation Corrections.
	Draft Number: None
	<b>Serial Referral: FINANCE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: J. Bell
HB 943	Taylortown Deannexation.
	Draft Number: None
	<b>Serial Referral: FINANCE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Boles
HB 946	Mooreville Deannexation.
	Draft Number: None
	<b>Serial Referral: FINANCE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Fraley
HB 955	Eden/Thoroughbred Annexation Agreement.
	Draft Number: None
	<b>Serial Referral: FINANCE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Bert Jones
HB 956	Eden/Duke Energy Annexation Agreement.
	Draft Number: None
	<b>Serial Referral: FINANCE</b>
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Bert Jones



\* C M R 6 6 9 - V - 1 \*



TOTAL REPORTED: 6



★ C M R 6 6 9 - V - 1 ★





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

**HB 950**

Carthage Satellite Annexations.

Draft Number: H950-PCS40715-BKxfr-36

**Serial Referral:** **FINANCE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: McNeill

**TOTAL REPORTED: 1**



★ C M R 6 7 C - IV - 1 ★



**House Committee on State and Local Government I**  
**Wednesday, May 23, 2018, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 930	Apex Annexation.	Representative Williams
HB 942	Kinston Deannexation Corrections.	Representative J. Bell
HB 943	Taylortown Deannexation.	Representative Boles
		Representative McNeill
HB 946	Mooresville Deannexation.	Representative Fraley
HB 950	Carthage Satellite Annexations.	Representative McNeill
		Representative Boles
HB 955	Eden/Thoroughbred Annexation Agreement.	Representative Bert Jones
HB 956	Eden/Duke Energy Annexation Agreement.	Representative Bert Jones

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 942

Short Title: Kinston Deannexation Corrections. (Local)

Sponsors: Representative J. Bell.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT REMOVING A CERTAIN DESCRIBED PARCEL FROM THE CORPORATE  
3 LIMITS AND LAND-USE PLANNING JURISDICTION OF THE CITY OF KINSTON.  
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** The following described property, referenced by the Lenoir County  
6 Tax Office Parcel Identification Number, is removed from the corporate limits of the City of  
7 Kinston:

8 2153

9 **SECTION 1.(b)** This section has no effect upon the validity of any liens of the City  
10 of Kinston for ad valorem taxes or special assessments outstanding before the effective date of  
11 this section. Such liens may be collected or foreclosed upon after the effective date of this section  
12 as though the property were still within the corporate limits of the City of Kinston.

13 **SECTION 1.(c)** This section becomes effective June 30, 2018. Property in the  
14 territory described in this section as of January 1, 2018, is no longer subject to municipal taxes  
15 for taxes imposed for taxable years beginning on or after July 1, 2018.

16 **SECTION 2.** The property described in Section 1 of this act and the property  
17 described in Section 2 of S.L. 2017-85 shall not be subject to the extraterritorial jurisdiction of  
18 the City of Kinston as provided for in G.S. 160A-360.

19 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
20 law.







# HOUSE BILL 942: Kinston Deannexation Corrections.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government 1. If	<b>Date:</b>	May 23, 2018
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. J. Bell	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 942 would deannex one parcel of land from the corporate limits of the City of Kinston, and would remove this parcel and the 56 parcels of land that were deannexed from the City in Section 2 of S.L. 2017-85 from the City's ETJ authority.*

## Section 1 – Deannexation:

**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. In addition, the General Assembly may annex property by local act. The General Assembly has not enacted any method for municipalities to *deannex* property; that power remains with the General Assembly.

**BILL ANALYSIS:** Section 1 would deannex one parcel of land from the corporate limits of the City of Kinston in Lenoir County. The City would maintain the ability to collect on any property tax liens or special assessments on the deannexed parcel outstanding as of June 30, 2018.

**EFFECTIVE DATE:** Effective June 30, 2018, and would apply to tax years beginning July 1, 2018.

## Section 2 – Extraterritorial Jurisdiction:

**CURRENT LAW:** Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance. With the approval of the county commissioners, a city with a population of more than 10,000 but less than 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

Once a city exercises its ETJ authority, the county in which the area lies has the duty to appoint an individual residing in that area to serve on the city's planning board and board of adjustment.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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.*





# House Bill 942

*Page 2*

**BILL ANALYSIS:** Section 2 would eliminate the authority for the City of Kinston to exercise ETJ authority on the following:

- The 56 parcels of land deannexed from the corporate limits of the City of Kinston in Section 2 of S.L. 2017-85.
- The parcel deannexed in Section 1 of this bill.

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

**BACKGROUND:** Section 2 of S.L. 2017-85 deannexed 56 parcels of land from the corporate limits of the City of Kinston in Lenoir County. One parcel of land (2153) was omitted from the list of property described in Section 2 of S.L. 2017-85.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 930

Short Title: Apex Annexation. (Local)

Sponsors: Representative Williams.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

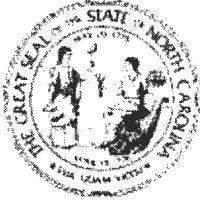
**SECTION 1.** The following described property is added to the corporate limits of  
the Town of Apex:

Lying and being in White Oak Township, Wake County, North Carolina, and  
described as follows more fully to wit: BEGINNING at a point on the western right-of-way of  
N.C.S.R. No. 1308 (Laura Duncan Road) at its intersection with the southern right-of-way of  
CSX Railroad; thence the following ten courses and distances, North 19°53'48" West, 182.44 feet  
to a point, North 69°35'06" East, 60.00 feet to a point, South 19°53'48" East, 185.49 feet to a  
point, a curve in a clockwise direction having a radius of 960.95 feet, a length of 463.64 feet and  
a chord of South 01°22'10" East, 459.15 feet to a point, South 12°27'09" West, 546.18 feet to a  
point, a curve in a counterclockwise direction having a radius of 1258.25 feet, a length of 167.73  
feet and a chord of South 08°38'01" West, 167.60 feet to a point, North 87°33'16" West, 60.05  
feet to a point, a curve in a clockwise direction, having a radius of 1318.25 feet, a length of 178.21  
feet and a chord of N 08°34'47" East, 178.07 feet to a point, North 12°27'09" East, 546.18 feet to  
a point, a curve in a counterclockwise direction having a radius of 900.95 feet, a length of 432.26  
feet and a chord of North 01°17'32" West, 428.13 feet to the point and place of BEGINNING,  
containing 1.861 acres more or less. The above described tract of land being a 60-foot-wide strip  
of which was a portion of the old N.C.S.R. No. 1308 road right-of-way based on N.C.D.O.T.  
Project # 6.402152.

**SECTION 2.** This act becomes effective June 30, 2018. Property in the territory  
described in Section 1 of this act as of January 1, 2018, is subject to municipal taxes for taxes  
imposed for taxable years beginning on or after July 1, 2018.







## HOUSE BILL 930: Apex Annexation.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	May 23, 2018
<b>Introduced by:</b>	Rep. Williams	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 930 would add 1.861 acres to the corporate limits of the Town of Apex in Wake County. This 1.861 acres is a portion of Laura Duncan Road (SR 1308).*

**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 an 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 930 would add 1.861 acres to the corporate limits of the Town of Apex by legislative act. This 1.861 acres is a portion of Laura Duncan Road (SR 1308).

**EFFECTIVE DATE:** The act would become effective June 30, 2018. The property annexed would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

**BACKGROUND:** The Apex Town Council voted unanimously on February 20, 2018, to request the General Assembly to annex this property (a portion of Laura Duncan Road) into the Apex corporate limits in order for the Town to be able to provide more efficient emergency services for accidents occurring on this portion of the road. Currently, this property lies between the Town of Cary on the east and the Town of Apex on the west requiring roadway accidents to be investigated by the Wake County Sheriff's Department. After discussion between Cary and Apex, the towns agreed that Apex should seek annexation.

Karen Cochrane-Brown  
Director



H 930 - S M B D - 78 E 1 - V - 2

Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 943

Short Title: Taylortown Deannexation. (Local)

Sponsors: Representatives Boles and McNeill (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE TOWN OF TAYLORTOWN.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property, identified by Moore County Tax  
Property Identification Number, is removed from the corporate limits of the Town of Taylortown:

854302853491	854316746655	854316830610
854302853147	854302758189	854315741777
854315741603	854315741456	854315743179
854315744045	854316832609	854316843058
854316831999	854316830983	854316749164
854316840167	854316841292	854316843209
854316843462	854316843670	854316842700
854316841526	854316840417	854316748494
854316749625	854316842833	854316843902
854316738573	854316737644	854316737850
854316738886	854316747160	854316746065
854316735993	854316745358	854316746471
854316745647	854316746935	854302779227
854302755123	854302754297	854302752187
854302754319	854302754429	854302754651
854302754782	854302755844	854302755955
854302765078	854302766213	854302766369
854302766595	854302767752	854302767994
854302769963	854302769731	854302769532
854302769317	854302768281	854302768003
854302769096	854302861087	854302863096
854302853886	854302851853	854302850749
854302759724	854302758628	854302757538
854302757436	854302757384	854315744907
854315742941	854315742386	854315744268
854316833732	854316833879	854315744621
854315743550	854316749798	854302851409.

**SECTION 2.** This act has no effect upon the validity of any liens of the Town of  
Taylortown for ad valorem taxes or special assessments outstanding before the effective date of







1 this act. Such liens may be collected or foreclosed upon after the effective date of this act as  
2 though the property were still within the corporate limits of the Town of Taylortown.

3 **SECTION 3.** This act becomes effective June 30, 2018. Property in the territory  
4 described in Section 1 of this act as of January 1, 2018, is no longer subject to municipal taxes  
5 for taxes imposed for taxable years beginning on or after July 1, 2018.





## HOUSE BILL 943: Taylortown Deannexation.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	May 23, 2018
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Reps. Boles, McNeill	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 943 would remove 81 parcels of land from the corporate limits of the Town of Taylortown in Moore County.*

**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. In addition, the General Assembly may annex property by local act. However, the General Assembly has not enacted any method for municipalities to deannex property. Only the General Assembly may deannex property.

**BILL ANALYSIS:** House Bill 943 would deannex 81 parcels from the corporate limits of the Town of Taylortown in Moore County. Any ad valorem tax liens or special assessment liens outstanding against these parcels as of June 30, 2018, remain valid and may still be collected or foreclosed by the town.

**EFFECTIVE DATE:** The bill would become effective June 30, 2018, and apply to tax years beginning July 1, 2018.

Karen Cochrane-Brown  
Director



H 9 4 3 - S M B D - 7 7 E 1 - V - 5

Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 950

Short Title: Carthage Satellite Annexations. (Local)

Sponsors: Representatives McNeill and Boles (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

A BILL TO BE ENTITLED  
AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF  
CARTHAGE.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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.

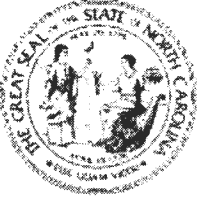
This subdivision does not apply to the Cities of Belmont, Claremont,  
Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory,  
Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton,  
Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury,  
Southport, Statesville, and Washington and the Towns of Ahoskie, Angier,  
Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Carthage,  
Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas,  
Dobson, Four Oaks, Franklin, 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, Siler City,  
Smithfield, Spencer, Spring Lake, Stcm, Stovall, Surf City, Swansboro,  
Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville,  
Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

...."

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







## HOUSE BILL 950: Carthage Satellite Annexations.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	May 23, 2018
<b>Introduced by:</b>	Reps. McNeill, Boles	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 950 would exempt the Town of Carthage from the 10% area cap on voluntary satellite annexations.*

**CURRENT LAW:** G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property, also known as voluntary satellite annexation.

If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if 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 950 would add the Town of Carthage to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

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

**BACKGROUND:** The General Assembly has exempted 105 other municipalities from G.S. 160A-58.1(b)(5), as set out in the statute. Two municipalities are also exempt from G.S. 160A-58.1(b)(5), but are not listed in the statute: the Town of Mooresville (S.L. 1997-219) and the City of Mebane (S.L. 2017-82).

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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.*







NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 950

H950-ABK-66 [v.1]

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

Page 1 of 1

Amends Title [YES]  
First Edition

Date \_\_\_\_\_, 2018

Representative Warren

- 1 moves to amend the bill on page 1, lines 2-3, by deleting the phrase "TOWN OF CARTHAGE."  
2 and substituting the phrase "TOWNS OF CARTHAGE AND POLLOCKSVILLE."  
3  
4 and on page 1, line 26, by inserting at the end of the line the following:  
5  
6 "Pollocksville".

SIGNED

Harry K. Williams  
Amendment Sponsor

SIGNED

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

ADOPTED

FAILED

TABLED



\* H 9 5 0 - A B K - 6 6 - V - 1 \*

— 2000 —

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 946

Short Title: Mooresville Deannexation. (Local)

Sponsors: Representative Fraley.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

A BILL TO BE ENTITLED  
AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE TOWN OF MOORESVILLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate limits  
of the Town of Mooresville:

BEGINNING at a point North 33 deg. 02 min. 08 sec. West 368.45 feet from Main  
Street; thence South 37 deg. 55 min. 44 sec. East 191.47 feet to an existing rebar; with the existing  
line of Marilyn K. North (Book 933 Page 692, Iredell County Registry); thence continuing with  
the line of Marilyn K. North South 34 deg. 29 min. 23 sec. East 134.91 feet, a new corner with  
Marilyn K. North; thence South 55 deg. 21 min. 09 sec. West 270.34 feet to an existing iron, a  
new corner with Carolyn Kerr Compton et.al. (Book 1490 Page 2578, Iredell County Registry);  
thence with the line of Carolyn Kerr Compton et.al. North 51 deg. 02 min. 41 sec. West 331.79  
feet to a point in a line with David L. Caldwell (Book 650 Page 525, Iredell County Registry);  
thence North 54 deg. 03 min. 35 sec. East 353.50 feet to the point and place of BEGINNING  
according to a survey prepared by Donald Ray Allen, R.L.S., dated April 27, 2004, and  
containing 2.33 acres, more or less, and including to the centerline all streets closed pursuant to  
that certain Street Closing Order adopted by the Town Board of Commissioners of the Town of  
Mooresville on October 3, 2016, recorded in Book 2452, Page 200, Iredell County Registry. For  
back title for this property see Deed Book 2209, Page 1258, and Deed Book 1146, Page 1999,  
Iredell County Registry. This property has Iredell County Tax Pin Number 4667-95-3487.

**SECTION 2.** This act has no effect upon the validity of any liens of the Town of  
Mooresville for ad valorem taxes or special assessments outstanding before the effective date of  
this act. Such liens may be collected or foreclosed upon after the effective date of this act as  
though the property were still within the corporate limits of the Town of Mooresville.

**SECTION 3.** This act becomes effective June 30, 2018. Property in the territory  
described in Section 1 of this act as of January 1, 2018, is no longer subject to municipal taxes  
for taxes imposed for taxable years beginning on or after July 1, 2018.









## HOUSE BILL 946: Mooresville Deannexation.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	May 23, 2018
<b>Introduced by:</b>	Rep. Fraley	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 946 would remove a 2.33 acre tract of land from the corporate limits of the Town of Mooresville.*

**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. In addition, the General Assembly may annex property by local act. The General Assembly has not enacted any method for municipalities to *deannex* property; that power remains with the General Assembly.

### BILL ANALYSIS:

**Section 1** of House Bill 946 would deannex a 2.33 acre tract of land from the corporate limits of the Town of Mooresville in Iredell County.

**Section 2** of the bill would preserve any property tax liens or special assessments of the Town of Mooresville on the deannexed property outstanding as of June 30, 2018.

**EFFECTIVE DATE:** The bill would become effective June 30, 2018, and apply to tax years beginning July 1, 2018.

Karen Cochrane-Brown  
Director



H 9 4 6 - S M B K - 1 1 9 E 1 - V - 6

Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 955

Short Title: Eden/Thoroughbred Annexation Agreement. (Local)

Sponsors: Representative Bert Jones.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF EDEN TO ENTER INTO AN ANNEXATION  
3 AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding any applicable provision of the General Statutes or  
6 any other public or local law, the City of Eden is granted certain contract powers as follows:

- 7 (1) The City of Eden may, by agreement, provide that certain property, described  
8 in Section 3 of this act as "Thoroughbred Property," may not be involuntarily  
9 annexed by the City during the period beginning January 31, 2018, and ending  
10 February 1, 2028, under the General Statutes as they now exist or may be  
11 subsequently amended, except as provided in the agreement. The City of Eden  
12 shall not seek to repeal this act upon its approval by the General Assembly.
- 13 (2) Any agreement entered into as provided in subdivision (1) of this section is  
14 specifically determined to be proprietary and commercial in nature and is  
15 specifically determined to be consistent with the public policy of the State of  
16 North Carolina.
- 17 (3) Any agreement entered into as provided in subdivision (1) of this section is a  
18 continuing agreement and is binding on and enforceable against the current  
19 and future members of the City Council of the City of Eden during the full  
20 term of the agreement and any extension thereof.
- 21 (4) The parties to any agreement entered into as provided in subdivision (1) of  
22 this section shall be authorized by this act to further modify, amend, and  
23 extend the agreement on mutual written consent, without the approval of the  
24 General Assembly, provided that any modification or amendment does not  
25 materially alter the concept of the agreement.

26 **SECTION 2.** The City of Eden may accept payments in lieu of taxes as consideration  
27 for the agreement authorized by Section 1 of this act. Payments in lieu of taxes under this act  
28 shall be annually computed based upon the tax valuations of the property subject to the agreement  
29 under Section 1 of this act as determined by the Rockingham County Tax Department, with the  
30 formula for making the computation being stated in the agreement.

31 **SECTION 3.** The agreement authorized by Section 1 of this act shall apply to the  
32 Thoroughbred Property described as follows:

33 LYING AND BEING in Rockingham County and BEING the 26.3273 acres  
34 including a one story concrete block warehouse as shown on survey entitled "Parkdale America,  
35 LL" Subdivision, Survey for Parkdale America, LLC & A.C. Furniture, Inc., by Tanner and







1 McCannaughey, P.A., Professional Surveyors, dated March 3, 2005, and revised April 11, 2005,  
2 as recorded in Map Book 56, Page 72, Rockingham County Registry. LYING AND BEING in  
3 Rockingham County and BEING the 41.6195 acres per plat of survey for Parkdale America, LLC  
4 by Tanner and McConnaughey, P.A., P.S., dated January 3, 2006, revised January 24, 2006, as  
5 recorded in Map Book 58, Page 25, Rockingham County Registry. Being the same property  
6 described in Deed Book 787, Page 790 Rockingham County Registry.

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





# HOUSE BILL 955: Eden/Thoroughbred Annexation Agreement.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	May 23, 2018
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. Bert Jones	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 955 authorizes the City of Eden to agree by contract not to involuntarily annex one described tract, known as the Thoroughbred Property, and to accept payment in lieu of taxes as part of that agreement.*

**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. Part 4 of Article 4A of Chapter 160A.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.
- Municipal-Initiated Annexation. – The municipality initiates an annexation proceeding, pursuant to statutory requirements. Part 7 of Article 4A of Chapter 160A.

Since 2012, municipal-initiated annexation has required approval by vote of only the residents living in the proposed annexation area. Only if a majority of the votes cast in the referendum in the proposed annexation area approve of the annexation may the annexation become effective. G.S. 160A-58.64.

S.L. 1993-418, S.L. 2002-74, and S.L. 2013-219 authorized the City of Eden, by contract, to provide that certain property described in the contract would not be annexed by the City prior to December 31, 2013, and that the City could accept, as consideration for the contract, payments in lieu of taxes.

**BILL ANALYSIS:** House Bill 955 authorizes the City of Eden, by contract, to provide that the described Thoroughbred Property may not be annexed by the City between January 31, 2018, and February 1, 2028, and that the City may accept, as consideration for the contract, payments in lieu of taxes. Provided modification does not materially alter the concept the agreement, the parties may extend the agreement by mutual written consent, without further action of the General Assembly, indefinitely.

The bill specifies that the payments in lieu of annexation are to be computed annually, based upon tax evaluations and a formula stated in the agreement.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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.



# House Bill 955

Page 2

The bill also states that the City of Eden will not seek to repeal the local act, if enacted.

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

**BACKGROUND:** Other prior legislation authorizing *payment in lieu of taxes* annexation agreements: City of Eden S.L. 1993-418, S.L. 2002-74, and S.L. 2013-219; City of Washington S.L. 1993-713; Town of Stanley S.L. 1993-713; City of Belmont S.L. 1997-105; City of Hendersonville S.L. 1997-188; Town of Laurel Park S.L. 1997-188; Town of Huntersville S.L. 1997-426; Town of Huntersville S.L. 2000-100; Town of Weldon S.L. 2001-425; City of Eden S.L. 2002-74; City of Eden S.L. 2003-316; Town of Navassa S.L. 2007-314; Town of Robbins S.L. 2009-294.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 956

Short Title: Eden/Duke Energy Annexation Agreement. (Local)

Sponsors: Representative Bert Jones.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF EDEN TO ENTER INTO AN ANNEXATION  
3 AGREEMENT WITH DUKE ENERGY FOR PAYMENTS IN LIEU OF ANNEXATION.  
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding any applicable provision of the General Statutes or  
6 any other public or local law, the City of Eden is granted certain contract powers as follows:

- 7 (1) The City of Eden may, by agreement, provide that certain property, described  
8 in Section 3 of this act as the "Dan River Plant Property," may not be  
9 involuntarily annexed by the City during the period beginning January 31,  
10 2019, and ending December 31, 2023, under the General Statutes as they now  
11 exist or may be subsequently amended, except as provided in the agreement.  
12 The City of Eden shall not seek to repeal this act upon its approval by the  
13 General Assembly.  
14 (2) Any agreement entered into as provided in subdivision (1) of this section is  
15 specifically determined to be proprietary and commercial in nature and is  
16 specifically determined to be consistent with the public policy of the State of  
17 North Carolina.  
18 (3) Any agreement entered into as provided in subdivision (1) of this section is a  
19 continuing agreement and is binding on and enforceable against the current  
20 and future members of the City Council of the City of Eden during the full  
21 term of the agreement and any extension thereof.  
22 (4) The parties to the agreement entered into as provided in subdivision (1) of this  
23 section are authorized by this section to further modify, amend, and extend  
24 the agreement on mutual written consent, without the approval of the General  
25 Assembly, provided that any modification or amendment does not materially  
26 alter the concept of the agreement.

27 **SECTION 2.** The City of Eden may accept, as consideration for the agreement  
28 authorized in Section 1 of this act, payments in lieu of taxes in the amount of one million dollars  
29 (\$1,000,000), which shall be made by Duke Energy in annual payments in the amount of two  
30 hundred thousand dollars (\$200,000) for five successive and consecutive calendar years.

31 **SECTION 3.** The agreement under Section 1 of this act shall apply to the Dan River  
32 Plant Property described as follows:

33 Tract 1

34 Beginning at a concrete monument set in the westerly line of S. R. # 1779 (Edgewood  
35 Road) and running thence from said beginning point, S 360° 45' E 80.6 feet to a stake, thence N







1 69° 26' E 826.6 feet to an iron rod found; thence N 20° 32' W 239.1 feet to an iron rod; thence N  
2 69° 28' E 97.1 feet to an iron rod found; thence N 20° 39' W 180.0 feet to an iron rod found;  
3 thence N 69° 18' E 54.7 feet to a concrete monument found; thence N 20° 30' W 240.4 feet to an  
4 iron rod; thence N 69° 30' E 87.0 feet to an iron rod found; thence N 20° 35' W 180.1 feet to an  
5 iron rod found; thence N 69° 27' E 515.5 feet to an iron rod and iron pipe found in the westerly  
6 boundary of the property of Fieldcrest Mills, Inc.; thence with said property line S 10° 19' E  
7 1390.2 feet to a concrete monument found in the southwesterly corner of the property of  
8 Fieldcrest Mills, Inc.; thence with the southerly line of Fieldcrest Mills, Inc., N 79° 03' E 161.9  
9 feet to a concrete monument found; thence S 80° 53' E 1126.3 feet to an iron rod found in the  
10 centerline of the CNW Railroad Spur Track; thence with the centerline of said Spur track the  
11 following courses and distances: S 4° 02' E 100.0 feet to a point; S 0° 02' E 99.9 feet to a point;  
12 S 4° 04' W 100.0 feet to a point; S 7° 43' W 100.0 feet to a point; S 11° 45' W 100.0 feet to a  
13 point; S 15° 57' W 100.0 feet to a point; S 20° 00' W 100.0 feet to a point; S 24° 15' W 100.0 feet  
14 to a point; S 28° 05' W 100.0 feet to a point; S 31° 33' W 72.0 feet to a spike found; thence N 88°  
15 54' E 623.1 feet to an iron rod found; thence S 18° 36' E 367.2 feet to an iron pipe found; thence  
16 S 6° 02' W 74.9 feet to an iron pipe found; thence S 24° 38' E 141.5 feet to a point in the northerly  
17 bank of the Dan River; thence with the Dan River the following courses and distances: S 66° 35'  
18 W 48.8 feet; S 54° 44' W 77.0 feet; S 61° 37' W 108.8 feet; S 55° 43' W 74.6 feet; S 53° 05' W  
19 203.1 feet; S 32° 02' W 281.5 feet; S 27° 20' W 140.7 feet; S 27° 58' W 436.3 feet; S 29° 28' W  
20 142.1 feet; S 26° 31' W 236.2 feet; S 41° 30' W 204.0 feet; S 52° 38' W 266.5 feet; S 58° 31' W  
21 263.2 feet; S 63° 40' W 317.8 feet; S 57° 38' W 75.4 feet; S 65° 46' W 312.0 feet; S 71° 46' W  
22 148.1 feet; S 75° 07' W 232.9 feet; S 76° 21' W 205.8 feet; N 6° 55' W 64.0 feet; S 68° 04' W  
23 235.4 feet; S 17° 07' E 61.4 feet; S 66° 21' W 108.2 feet; S 67° 33' W 318.2 feet; S 68° 11' W  
24 220.3 feet; S 70° 06' W 139.5 feet; S 78° 35' W 234.8 feet; S 65° 10' W 88.2 feet to a point in the  
25 southeasterly margin of the property of Fieldcrest Mills, Inc.; thence with the property line of  
26 Fieldcrest Mills, Inc.; N 18° 51' W 176.4 feet to an iron rod set; thence S 56° 26' W 96.7 feet to  
27 an iron pipe found; thence N 19° 06' W 1090.1 feet to a concrete monument found; thence N 82°  
28 22' E 247.0 feet to a point in the westerly bank of a pond; thence with the westerly bank of said  
29 pond, eight courses and distances as follows: (1) N 46° 33' W 98.7 feet; (2) N 32° 44' W 86.0  
30 feet; (3) N 47° 00' W 82.7 feet; (4) N 84° 22' W 45.6 feet; (5) N 39° 52' W 147.9 feet; (6) N 18°  
31 33' W 89.6 feet; (7) N 7° 38' E 206.9 feet; (8) N 36° 54' E 60.4 feet at an intersection of the said  
32 pond and Moir Branch; thence with the centerline of Moir Branch the following courses and  
33 distances: (1) N 22° 07' W 200.2 feet; (2) N 25° 40' W 40.5 feet; (3) N 45° 48' W 58.0 feet; (4) N  
34 11° 08' W 47.0 feet; (5) S 79° 32' E 37.3 feet; (6) N 4° 09' E 25.0 feet; (7) N 6° 39' W 132.1 feet;  
35 (8) N 5° 25' E 193.7 feet; (9) N 7° 04' W 76.1 feet; (10) S 30° 57' W 48.8 feet; (11) S 73° 25' W  
36 18.4 feet; (12) N 15° 37' W 44.9 feet; (13) N 3° 35' E 122.1 feet; (14) N 30° 20' W 34.8 feet; (15)  
37 N 14° 01' W 129.2 feet; (16) N 50° 22' W 61.7 feet; (17) N 22° 47' W 85.8 feet; (18) N 34° 56'  
38 W 29.7 feet; (19) N 4° 25' E 177.2 feet; (20) N 16° 48' E 54.7 feet; (21) N 30° 16' E 28.2 feet;  
39 (22) N 18° 14' W 25.5 feet; (23) N 13° 26' W 47.0 feet; (24) N 4° 41' E 115.3 feet; (25) S 89° 12'  
40 E 26.5 feet; (26) N 41° 02' E 26.5 feet; (27) N 9° 00' W 94.8 feet; (28) N 1° 43' W 62.0 feet; (29)  
41 N 40° 18' E 15.7 feet; (30) N 22° 50' E 46.8 feet; (31) N 11° 42' E 37.1 feet; (32) S 82° 45' E 40.0  
42 feet; (33) N 16° 55' E 45.3 feet; (34) N 21° 40' E 37.9 feet; (35) N 6° 31' E 114.3 feet to a point  
43 in the southerly line of the property of Fieldcrest Mills, Inc.; thence with the southerly line of  
44 said property N 63° 10' E 308.3 feet to an iron pipe found; thence N 63° 14' E 523.5 feet to an  
45 iron pipe found; thence N 63° 07' E 132.1 feet to an iron pipe found; N 63° 20' E 171.2 feet to an  
46 iron pipe found; thence N 63° 13' E 357.6 feet to the point of Beginning, containing 371.48 acres.  
47 Tract 2

48 Beginning at a point on the west bank of Miry Branch at the confluence of Miry  
49 Branch and Dan River; thence with the west branch of Miry Branch the following courses and  
50 distances: S 33° 39' W 85.4 feet; S 57° 48' W 80.0 feet; S 30° 56' W 51.1 feet; S 14° 24' E 36.7  
51 feet; S 43° 41' E 74.3 feet; S 1° 31' W 72.2 feet; S 6° 51' W 117.5 feet; S 5° 17' W 37.8 feet; S



1 45° 12' W 74.0 feet; S 41° 15' W 117.0 feet; S 31° 11' W 36.9 feet; S 15° 35' E 72.8 feet; S 31°  
2 08' W 52.5 feet; S 24° 33' E 44.3 feet; S 24° 09' W 94.5 feet; S 7° 15' W 35.1 feet; S 36° 54' E  
3 71.5 feet to an iron rod; thence S 72° 11' W 395.3 feet to a concrete monument found; thence N  
4 2° 25' E 917.1 feet to the southerly line of said river; thence with the southerly bank of Dan River  
5 three calls as follows: N 70° 00' E 336.4 feet; N 69° 52' E 115.1 feet; N 79° 21' E 154.5 feet to  
6 the point of Beginning, containing 9.08 acres.

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





## HOUSE BILL 956: Eden/Duke Energy Annexation Agreement.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	May 23, 2018
<b>Introduced by:</b>	Rep. Bert Jones	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 956 authorizes the City of Eden to agree by contract not to involuntarily annex one described tract, known as the Dan River Plant Property, Tract I, and to accept payment in lieu of taxes as part of that agreement.*

**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. Part 4 of Article 4A of Chapter 160A.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.
- Municipal-Initiated Annexation. – The municipality initiates an annexation proceeding, pursuant to statutory requirements. Part 7 of Article 4A of Chapter 160A.

Since 2012, municipal-initiated annexation has required approval by vote of only the residents living in the proposed annexation area. Only if a majority of the votes cast in the referendum in the proposed annexation area approve of the annexation may the annexation become effective. G.S. 160A-58.64.

S.L. 1993-418, S.L. 2002-74, and S.L. 2013-219 authorized the City of Eden, by contract, to provide that certain property described in the contract would not be annexed by the City prior to December 31, 2013, and that the City could accept, as consideration for the contract, payments in lieu of taxes.

**BILL ANALYSIS:** House Bill 956 authorizes the City of Eden, by contract, to provide that the described Thoroughbred Property may not be annexed by the City between January 31, 2019, and December 31, 2023, and that the City may accept, as consideration for the contract, payments in lieu of taxes. Provided

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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.*



# House Bill 956

Page 2

modification does not materially alter the concept the agreement, the parties may extend the agreement on mutual written consent, without further action of the General Assembly, indefinitely.

The bill specifies that the City of Eden will accept one million dollars as payment in lieu of taxes for the five year period of the agreement. Duke Energy must make annual payments of \$200,000 during the course of the agreement.

The bill also states that the City of Eden will not seek to repeal the local act, if enacted.

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

**BACKGROUND:** Other prior legislation authorizing *payment in lieu of taxes* annexation agreements: City of Eden S.L. 1993-418, S.L. 2002-74, and S.L. 2013-219; City of Washington S.L. 1993-713; Town of Stanley S.L. 1993-713; City of Belmont S.L. 1997-105; City of Hendersonville S.L. 1997-188; Town of Laurel Park S.L. 1997-188; Town of Huntersville S.L. 1997-426; Town of Huntersville S.L. 2000-100; Town of Weldon S.L. 2001-425; City of Eden S.L. 2002-74; City of Eden S.L. 2003-316; Town of Navassa S.L. 2007-314; Town of Robbins S.L. 2009-294.





# VISITOR REGISTRATION SHEET

STATE AND LOCAL GOVERNMENT 1

Name of Committee

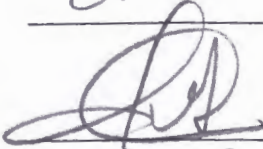
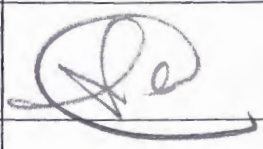
5/23/18

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rose Williams	NCLM
Erin Wynick	NCLM
	
A.B. Swindell	Waste Industries
Penney Buffum	SoG
Kary Kizer	NCRMA
Elizabeth Roberts	NCRMA
LEFAY	
Amanda Donovan	KTS



## VISITOR REGISTRATION SHEET

STATE AND LOCAL GOV. 1

5/23/18

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lana Hygh	Town of Cary
Nick Billman	Williams Mullen
Ryder Ford	McGuire Woods
David Collins	WALK Wkst
Erin May	NCICU
Crews LaGrave	Rep. McNeill's office
Hugh Johnson	WALK
Jeffrey Cogg	Conner AC
Kelli Under	Duke Energy
Tom BEAN	EDF, NCWE
Emma Shelby	TPG



VISITOR REGISTRATION SHEET

State and Local Govt

Name of Committee

Date

5-23-18

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David F. Hill

NP

Harry L. Hill

mwe



Committee Sergeants at Arms

NAME OF COMMITTEE HOUSE COMM ON STATE AND LOCAL GOV. 1

DATE: 5-23-18

Room: 544

House Sgt-At Arms:

1. Name: REGGIE SILLS

2. Name: MARVIN LEE

Name: THOMAS TERRY

4. Name: JOHN GILBERT

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

Senate Sgt-At Arms:

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

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

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

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

Name: \_\_\_\_\_





**House Pages  
Assignments  
Wednesday, May 23, 2018  
Session: 11:00 AM**

Committee	Room	Time	Staff	Comments	Member
State and Local Government	544	10:00 AM	Jessica Frank		Rep. Joe John
			Logan Harrison		Rep. Bobbie Richardson
			Eliza Hart		Rep. Sarah Stevens
			Benjamin Wallace		Rep. Gale Adcock
Judiciary I	415	1:00 PM	Makayla Flecha	-	Rep. Howard J. Hunter, III
			Beau Marlette		Rep. Pricey Harrison
			Anne Spong		Rep. Jon Hardister
			Cole Tew		Rep. Tim Moore



430

430

430

**House Committee on State and Local Government I**  
**Wednesday, May 30, 2018 at Immediately After Session**  
**Room 423 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at Immediately After Session on May 30, 2018 in Room 423 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brody, Burr, Cleveland, Corbin, Farmer-Butterfield, Fisher, Garrison, Gill, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The Committee considered, HB 989 Madison Charter/Town Manager. (Representative K. Hall). Representative Hall was recognized to present the bill; there was no discussion on the bill. Representative Burr motioned for HB 989 to receive a favorable report. The chair called for a voice vote and the motion carried.

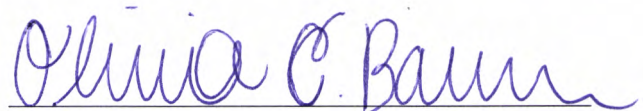
The Committee considered, HB 991 Fox Trapping Local Omnibus. (Representatives K. Hall, Goodman, Torbett) Representative Hall was recognized to present the bill. The committee discussed the bill. Representative Cleveland motioned for HB 991 to receive a favorable report. The chair called for a voice vote and the motion carried.

The Committee considered, HB 993 Bessemer City Charter Amendment. (Representative Hastings) Representative Hastings was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for HB 993 to receive a favorable report. The chair called for a voice vote and the motion carried.


The Committee stood at ease for five minutes to allow for Representative Arp to come to the committee meeting. Representative Cleveland was allowed to present on the bill in Representative Arp's absence.

The Committee considered, HB 978 Hemby Bridge/Stallings Corporate Limits. (Representative Arp) The chair motioned for the Proposed Committee Substitute (PCS) of HB 978 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Cleveland was recognized to present the bill; there was no discussion on the bill. Representative Warren motioned for the PCS of HB 978 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 10:17 am.







Representative Carl Ford, Chair  
Presiding

Olivia Baumann, Committee Clerk



Updated #1: Time Change to Immediately After Session

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, May 30, 2018  
**TIME:** Immediately After Session  
**LOCATION:** 423 LOB  
**COMMENTS:** Bills to be determined

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 978</u>	Hemby Bridge/Stallings Corporate Limits.	Representative Arp
<u>HB 989</u>	Madison Charter/Town Manager.	Representative K. Hall
<u>HB 991</u>	Fox Trapping Local Omnibus.	Representative K. Hall Representative Goodman Representative Torbett
<u>HB 993</u>	Bessemer City Charter Amendment.	Representative Hastings

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Tuesday, July 10, 2018.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Baumann (Committee Assistant)





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

HB 989	Madison Charter/Town Manager.
	Draft Number: None
	Serial Referral: None
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: K. Hall
HB 991	Fox Trapping Local Omnibus.
	Draft Number: None
	Serial Referral: None
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: K. Hall
HB 993	Bessemer City Charter Amendment.
	Draft Number: None
	Serial Referral: None
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Hastings

TOTAL REPORTED: 3



\* C M R 6 8 3 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 978

Hemby Bridge/Stallings Corporate Limits.

Draft Number: H978-PCS40737-BDxf-37

**Serial Referral:** **FINANCE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Arp

TOTAL REPORTED: 1



\* C M R 4 8 4 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, May 30, 2018, 1:00 PM**  
**423 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 978	Hemby Bridge/Stallings Corporate Limits.	Representative Arp
HB 989	Madison Charter/Town Manager.	Representative K. Hall
HB 991	Fox Trapping Local Omnibus.	Representative K. Hall Representative Goodman Representative Torbett
HB 993	Bessemer City Charter Amendment.	Representative Hastings

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 989

Short Title: Madison Charter/Town Manager. (Local)

Sponsors: Representative K. Hall.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 24, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF MADISON TO PROVIDE THAT  
3 THE TOWN MANAGER MAY LIVE OUTSIDE TOWN LIMITS.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Section 5.1 of the Charter of the Town of Madison, being Chapter 289  
6 of the Session Laws of 1973, as amended, reads as rewritten:  
7 "Sec. 5.1. Appointment; Compensation. The Board of Aldermen shall appoint an officer  
8 whose title shall be Town Manager and who shall be the head of the administrative branch of the  
9 Town government. The Town Manager shall be chosen by the Board solely on the basis of his  
10 executive and administrative qualifications with special reference to his actual experience in, or  
11 knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At  
12 the time of his appointment he need not be a resident of the Town, but shall reside ~~therein~~ within  
13 a 15-mile radius of Town limits during his tenure of office. No person elected as Mayor or as a  
14 member of the Board shall be eligible for appointment as Town Manager until one year shall  
15 have elapsed following the expiration of the term for which he was elected. The Town Manager  
16 shall serve at the pleasure of the Board and shall receive such salary as the Board shall fix."  
17 **SECTION 2.** This act is effective when it becomes law.









## HOUSE BILL 989: Madison Charter/Town Manager.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. K. Hall  
**Analysis of:** First Edition

**Date:** May 30, 2018  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 989 would amend the Charter of the Town of Madison to allow its Town Manager to reside with a 15 mile radius of the Town limits. The act would become effective when it becomes law.*

**CURRENT LAW:** Section 5.1 of the Madison Town Charter, S.L. 1973-289, requires the Town Manager to reside in the Town during the manager's tenure in office.

**BILL ANALYSIS:** House Bill 989 would revise Section 5.1 of the Madison Town Charter to allow the Town Manager to reside with a 15 mile radius of the Town limits during the manager's tenure in office.

**EFFECTIVE DATE:** The act would become effective when the bill becomes law.

Karen Cochrane-Brown  
Director



H 9 8 9 - S M B D - 8 0 E 1 - V - 2

Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 991

Short Title: Fox Trapping Local Omnibus. (Local)

Sponsors: Representatives K. Hall, Goodman, and Torbett (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government II

May 24, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS PERTAINING TO FOX TRAPPING.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** Notwithstanding any other provision of law, there is an open season  
5 for taking foxes with weapons and for foxes and coyotes by trapping during the trapping season  
6 set by the Wildlife Resources Commission each year, with no tagging requirements prior to or  
7 after sale.

8 **SECTION 1.(b)** No bag limit applies to coyotes and foxes taken under this act.

9 **SECTION 2.(a)** The following local acts are repealed:

- 10 (1) Chapter 1040 of the 1951 Session Laws, as it applies to Madison County.  
11 (2) Chapter 114 of the 1973 Session Laws.  
12 (3) Sections 1 and 3 of Chapter 1142 of the 1977 Session Laws.  
13 (4) Chapter 134 of the 1989 Session Laws.  
14 (5) Sections 1 and 2 of S.L. 2008-102.

15 **SECTION 2.(b)** G.S. 113-133.1(e) reads as rewritten:

16 "(e) Because of strong community interest expressed in their retention, the local acts or  
17 portions of local acts listed in this section are not repealed. The following local acts are retained  
18 to the extent they apply to the county for which listed:

19 ...  
20 Greene: Session Laws 1975, ~~Chapter 219;~~ Chapter 219, Sections 1 and 2; Session Laws 1979,  
21 Chapter 360.

22 ...  
23 Madison: Public-Local Laws 1925, Chapter 418, ~~Section 4;~~ Session Laws 1951, Chapter  
24 1040, Section 4.

25 ...  
26 Montgomery: Session Laws 1977 (Second Session 1978), ~~Chapter 1142;~~ Chapter 1142,  
27 Section 2.

28 ...  
29 Rutherford: ~~Session Laws 1973, Chapter 114.~~  
30 ...."

31 **SECTION 3.** Section 1 of this act applies only to Cabarrus, Gaston, Madison,  
32 McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties.

33 **SECTION 4.** This act becomes effective October 1, 2018.







# HOUSE BILL 991: Fox Trapping Local Omnibus.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Reps. K. Hall, Goodman, Torbett  
**Analysis of:** First Edition

**Date:** May 30, 2018  
**Prepared by:** Billy Godwin  
Jessica Sammons  
Staff Attorney

**OVERVIEW:** *House Bill 991 would make various changes to local acts pertaining to the hunting and trapping of foxes and coyotes. The bill would become effective October 1, 2018.*

**CURRENT LAW:** Fox trapping is allowed in 43 counties. In some counties, trappers are exempt from tagging requirements, and in some counties, the sale of foxes is prohibited.

G.S. 113-291.4(g) requires the Wildlife Resources Commission to implement a system of tagging faxes and fox furs with a special fox tag. The fox tag must be procured before taking foxes.

G.S. 113-133.1 provides for the Statewide regulation of conservation of wildlife resources by the Wildlife Resources Commission. Subsection (e) of G.S. 113-133.1 retains certain local laws and statutes for individual counties that were repealed by G.S. 113-133.1(b).

## BILL ANALYSIS:

**Section 1** of House Bill 991 would make the following changes in Cabarrus, Gaston, Madison, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties:

- Provide for an open season for taking foxes with weapons.
- Provide for the trapping of foxes and coyotes during trapping seasons set by the Wildlife Resources Commission.
- Provide for no tagging requirements prior to or after sale.

**Section 2** of House Bill 991 would repeal the following local acts pertaining to fox trapping:

- S.L. 1951-1040 – Madison County: Unlawful for any person to poison, trap, or kill Red Foxes.
- S.L. 1973-114 – Rutherford & McDowell Counties: Unlawful for any person to take by gun, trap, or otherwise, or to kill or destroy by any means, any red fox, unless fox was committing depredations to property or may become a menace to the public health or safety.
- Sections 1 and 3 of S.L. 1977-1142 – Montgomery County: No closed season for hunting foxes with dogs or guns; lawful to take or attempt to take foxes with dogs.
- S.L. 1989-134 – Jones County: Open season for the hunting, taking, or killing of foxes with firearms from November 1 through December 31 of each year.
- Sections 1 and 2 of S.L. 2008-102 – Stokes County: Open season for taking foxes with weapons and by trapping from the first Saturday in January through the last Saturday in January of each year, with no tagging requirements prior to or after sale; no bag limit applies to taken foxes.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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.*



# House Bill 991

Page 2

- Sections 3 and 4 of S.L. 1975-219 – Greene County: Unlawful to hunt fox, either red or gray, with firearms during the two-week deer season.

**EFFECTIVE DATE:** Effective October 1, 2018.

**BACKGROUND:** More information on fox trapping seasons for different counties can be found at: <http://www.ncwildlife.org/Portals/0/Regs/Documents/fox-season-dates.pdf>.

More information on coyote trapping can be found at:  
<http://www.ncwildlife.org/Portals/0/Regs/Documents/Trapping-Regulations.pdf>.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 993

Short Title: Bessemer City Charter Amendment. (Local)

Sponsors: Representative Hastings.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 24, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF BESSEMER CITY TO  
3 AUTHORIZE THE CITY MANAGER TO APPOINT A CITY CLERK AND ONE OR  
4 MORE DEPUTY CITY CLERKS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 3.22 of the Charter of the City of Bessemer City, being Chapter  
7 1018 of the 1989 Session Laws, as amended, reads as rewritten:

8 "Section 3.22. **Powers.** The city manager shall be the chief administrator of the City. He  
9 shall be responsible to the Council for administering all municipal affairs placed in his charge  
10 and shall have the powers and duties set out in the applicable provisions of the General Statutes.  
11 However, the city manager shall not have any authority to hire or fire the city clerk, city  
12 attorney, attorney or the police chief."

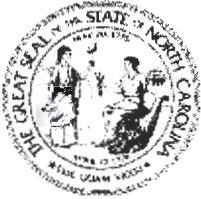
13 **SECTION 2.** Section 3.42 of the Charter of the City of Bessemer City, being Chapter  
14 1018 of the 1989 Session Laws, as amended, reads as rewritten:

15 "Section 3.42. **City Clerk.** The ~~Council-city manager~~ shall appoint a city clerk to serve at  
16 ~~its-the city manager's~~ pleasure. ~~He-The city clerk~~ shall give notice of meetings of the Council,  
17 keep a journal of the proceedings of the Council, be custodian of all City records entrusted to  
18 him, and shall perform any other duties that may be required by law, by the Council or by the  
19 city manager. In addition, the ~~Council-city manager~~ may appoint or provide for one or more  
20 deputy city clerks who shall have full authority to exercise and perform any of the powers and  
21 duties of the city clerk that ~~it-the city manager~~ may specify."

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







## HOUSE BILL 993: Bessemer City Charter Amendment.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	May 30, 2018
<b>Introduced by:</b>	Rep. Hastings	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 993 would amend the Charter of the City of Bessemer City to authorize the city manager to appoint the city clerk and one or more deputy city clerks to serve at the city manager's pleasure.*

**CURRENT LAW:** G.S. 160A-171 requires each municipality to have a city clerk who shall give notice of City Council meetings, serve as custodian of City records, and perform other duties required by law or as directed by the City Council.

Under the current Charter of the City of Bessemer City, the City Council appoints both a city manager and a city clerk to serve at its pleasure. The city manager serves as the chief administrator of the City, and has the powers and duties described in G.S. 160A-148. However, the city manager does not have the authority to hire or fire the city clerk. Under the Charter, the City Council may also appoint or provide for one or more deputy city clerks, and may specify the powers and duties of any deputy city clerks.

**BILL ANALYSIS:** House Bill 993 would amend the Charter of the City of Bessemer City to grant the city manager, rather than the City Council, the power to appoint a city clerk and one or more deputy city clerks to serve at the city manager's pleasure. The city manager would also have the power to specify the powers and duties of any deputy city clerks.

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

Karen Cochrane-Brown  
Director



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Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 978

Short Title: Hemby Bridge/Stallings Corporate Limits. (Local)

Sponsors: Representative Arp.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 23, 2018

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
LIMITS OF THE TOWN OF HEMBY BRIDGE AND ADDING THAT PROPERTY TO  
THE CORPORATE LIMITS OF THE TOWN OF STALLINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The following described property is removed from the corporate  
limits of the Town of Hemby Bridge:

That certain parcel or tract of land identified as "Tract 2 – 496,763 sq ft – 11.481 AC  
Total on that certain Final Plat of FairHaven Phase 1, Map 5 recorded in Plat Cabinet J, File 951,  
in the Union County, North Carolina Office of the Register of Deeds and being more particularly  
described as follows: BEGINNING at a point on the right-of-way line of Stevens Mill Road at  
the southwesterly corner of Manuel J. & Kitty Hicks property as recorded in DB 4466, PG 292  
and having tax parcel number 07-057-005B. Thence with the westerly property line S 36°15'40"  
W a distance of 21.63' to a point. Thence S 40°21'57" W 93.32' to a point. Thence S 42°17'26"  
W 328.88' to a point. Thence S 42°00'59" W 314.45' to a point. Within the Tract property the  
following eleven (11) calls: 1) S 43°32'19" E a distance of 185.04' to a point; 2) S 40°49'36" E a  
distance of 373.18' to a point; 3) S 54°36'26" E a distance of 115.23' to a point; 4) S 72°27'46" E  
a distance of 47.45' to a point; 5) S 43°07'26" E a distance of 414.12' to a point; 6) N 49°49'34"  
E a distance of 298.01' to a found stone; 7) N 45°34'53" W a distance of 589.68' to a found #6  
rebar; 8) N 01°17'45" W a distance of 298.29' to a point; 9) N 43°09'50" E a distance of 160.28'  
to a point; 10) N 42°43'47" W a distance of 169.64' to a point; 11) N 16°16'36" E a distance of  
284.38' to a point of the BEGINNING.

**SECTION 1.(b)** This section has no effect upon the validity of any liens of the Town  
of Hemby Bridge for ad valorem taxes or special assessments outstanding before the effective  
date of this section. Such liens may be collected or foreclosed upon after the effective date of this  
section as though the property were still within the corporate limits of the Town of Hemby  
Bridge.

**SECTION 1.(c)** This section becomes effective June 30, 2018. Property in the  
territory described in subsection (a) of this section as of January 1, 2018, is no longer subject to  
municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

**SECTION 2.(a)** The property described in Section 1(a) of this act is added to the  
corporate limits of the Town of Stallings.

**SECTION 2.(b)** This section becomes effective June 30, 2018. Property in the  
territory described in subsection (a) of this section as of January 1, 2018, is subject to municipal  
taxes for taxes imposed for taxable years beginning on or after July 1, 2018.



\* H 9 7 8 - V - 1 \*



1

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 978  
PROPOSED COMMITTEE SUBSTITUTE H978-CSBDxf-37 [v.2]  
05/29/2018 04:37:44 PM

Short Title: Hemby Bridge/Stallings Corporate Limits. (Local)

Sponsors:

Referred to:

May 23, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE  
3 LIMITS OF THE TOWN OF HEMBY BRIDGE AND ADDING THAT PROPERTY TO  
4 THE CORPORATE LIMITS OF THE TOWN OF STALLINGS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** The following described property is removed from the corporate  
7 limits of the Town of Hemby Bridge:

8 That certain parcel or tract of land identified as "Tract 2 – 496,763 sq ft – 11.481 AC  
9 Total on that certain Final Plat of FairHaven Phase 1, Map 5 recorded in Plat Cabinet J, File 951,  
10 in the Union County, North Carolina Office of the Register of Deeds and being more particularly  
11 described as follows: BEGINNING at a point on the right-of-way line of Stevens Mill Road at  
12 the southwesterly corner of Manuel J. & Kitty Hicks property as recorded in DB 4466, PG 292  
13 and having tax parcel number 07-057-005B. Thence with the westerly property line S 36°15'40"  
14 W a distance of 21.63' to a point. Thence S 40°21'57" W 93.32' to a point. Thence S 42°17'26"  
15 W 328.88' to a point. Thence S 42°00'59" W 314.45' to a point. Within the Tract property the  
16 following eleven (11) calls: 1) S 43°32'19" E a distance of 185.04' to a point; 2) S 40°49'36" E a  
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18 a distance of 47.45' to a point; 5) S 43°07'26" E a distance of 414.12' to a point; 6) N 49°49'34"  
19 E a distance of 298.01' to a found stone; 7) N 45°34'53" W a distance of 589.68' to a found #6  
20 rebar; 8) N 01°17'45" W a distance of 298.29' to a point; 9) N 43°09'50" E a distance of 160.28'  
21 to a point; 10) N 42°43'47" W a distance of 169.64' to a point; 11) N 16°16'36" E a distance of  
22 284.38' to a point of the BEGINNING.

23 **SECTION 1.(b)** This section has no effect upon the validity of any liens of the Town  
24 of Hemby Bridge for ad valorem taxes or special assessments outstanding before the effective  
25 date of this section. Such liens may be collected or foreclosed upon after the effective date of this  
26 section as though the property were still within the corporate limits of the Town of Hemby  
27 Bridge.

28 **SECTION 1.(c)** This section becomes effective June 30, 2018. Property in the  
29 territory described in subsection (a) of this section as of January 1, 2018, is no longer subject to  
30 municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

31 **SECTION 2.(a)** The property described in Section 1.(a) of this act is added to the  
32 corporate limits of the Town of Stallings.

33 **SECTION 2.(b)** This section becomes effective June 30, 2018. Property in the  
34 territory described in subsection (a) of this section as of January 1, 2018, is subject to municipal  
35 taxes for taxes imposed for taxable years beginning on or after July 1, 2018.





1           **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
2 law.





## HOUSE BILL 978: Hemby Bridge/Stallings Corporate Limits.

2017-2018 General Assembly

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<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	May 29, 2018
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. Arp	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	PCS to First Edition		Staff Attorney
	H978-CSBDxf-37		

---

**OVERVIEW:** *House Bill 978 (proposed committee substitute) would remove an 11.481 acre tract from the corporate limits of the Town of Hemby Bridge in Union County and add that parcel to the corporate limits of the Town of Stallings in Union County.*

*The proposed committee substitute would make a technical change 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."

**BILL ANALYSIS:** Section 1 of the proposed committee substitute (PCS) to House Bill 978 would, by legislative act, remove an 11.481 acre tract from the corporate limits of the Town of Hemby Bridge. Section 2 of the PCS would, by legislative act, add this 11.481 acre tract to the corporate limits of the Town of Stallings.

**EFFECTIVE DATE:** The bill would become effective June 30, 2018, and apply to tax years beginning July 1, 2018.

**BACKGROUND:** The 11.481 acre tract is owned by the Town of Stallings.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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.*

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Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State and Local Govt 1

DATE: May 30th, 2018 Room: 423 LOB

House Sgt-At Arms:

1. Name: Kim Blackmon

2. Name: Jonas Cherry

3. Name: Rey Cooke

4. Name: Dean Marshbourne

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

Senate Sgt-At Arms:

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

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

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

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

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





**House Pages  
Assignments  
Wednesday, May 30, 2018  
Session: 12:30 PM**

Committee	Room	Time	Staff	Comments	Member
Health	643	11:00 AM	John Cooper		Rep. Larry Yarborough
			Reilly Gallagher		Rep. Becky Carney
			Quinn Rollar		Rep. Tim Moore
			Sofia Yeganian		Rep. Graig R. Meyer
State and Local Government	423	1:00 PM	Cole Aganad		Rep. Tim Moore
			<i>JAYRON</i> Gaaron Goldsmith		Rep. William O. Richardson
			Patrick McElligott		Rep. Tim Moore
			Alyson Thompson		Rep. Edward Hanes, Jr.
Regulatory Reform	1228/1327	2:00 PM	Anna Lee		Rep. Gregory F. Murphy, M.D.
			Hayden Savery		Rep. Jean Farmer- Butterfield
			Bailey Sloop		Rep. Garland E. Pierce
Education - K-12	643	3:00 PM	John Cooper		Rep. Larry Yarborough
			Reilly Gallagher		Rep. Becky Carney
			Hannah Pippin		Rep. Chris Malone
			Quinn Rollar		Rep. Tim Moore

2010

2011

2012

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2014 2015 2016 2017

2018 2019 2020 2021

# VISITOR REGISTRATION SHEET

House Committee on State and Local Government I

May 30th 2018

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Whitney Cantrell	Excel Body Works Inc 221 Brynn Mawr Rd Jacksonville NC
Scott Prevatte	MCCS Camp Lejeune 1401 West Rd, Camp Lejeune, NC 28547 JACKSONVILLE - ONSLOW SPORTS COMMISSION
SCOTT SMITH	1099 Gum Branch Rd JACKSONVILLE NC 28540
Sandra Janssen	Albert Ellis Airport 264 Albert Ellis Airport Rd Richlands NC 28574
Brenna Leger	Hope For The Warriors PO Box 8697 Camp Lejeune, NC 28547
Amy Hoffman	Marine Federal Credit Union PO Box 1551 Jacksonville NC 28541
Jennifer Pearce	Jacksonville Onslow Leadership Fairway Outdoor Advertising 510 Court St JACKSONVILLE NC 28540
Diane Honeycutt/Steve Morris/Lyan Sore	Cabarrus County Commission
Kyle Bilalafa & Kristin Jones	CABARRUS COUNTY COUNTY MGRS OFFICES
Flint Benson	SEAN



# VISITOR REGISTRATION SHEET

House Committee on State and Local Government I

May 30th 2018

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
William Missect	NCGA Intern
SUSAN VICK	DUKE ENERGY
Chr McDani	KTS
Chris Broughton	MWC
ASW	WRC
Lynne Hair	Town of Stallings
DANIEL BARN	Treasury Services
Janet Bowen	Gov Ops Chamber
Long Beir	SoG
Frank Williams	Brunswick City Commissioner





**House Committee on State and Local Government I**  
**Wednesday, June 6, 2018 at 10:00 AM**  
**Room 544 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 10:00 AM on June 6, 2018 in Room 544 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brody, Burr, Butler, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Gill, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

HB 995 Winston-Salem/WC/Third-Party Admin Def. (Representatives Conrad, Terry, Lambeth, Hanes) Representative Conrad was recognized to present the bill. The committee discussed the bill. Representative Conrad motioned for HB 995 to receive a favorable report. The chair called for a voice vote, the motion carried.

HB 996 Winston-Salem/Real Property Conveyances. (Representatives Conrad, Hanes, Terry, Lambeth) The chair motioned for the Proposed Committee Substitute (PCS) of HB 996 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Conrad was recognized to present the bill. The committee discussed the bill. Representative Conrad motioned for HB 996 to receive an unfavorable report to the original bill, a favorable report to the PCS. The chair called for a voice vote, the motion carried.

HB 1027 Bald Head Island/No-Wake Zone. (Representative Iler) The chair motioned for the Proposed Committee Substitute (PCS) of HB 1027 to be brought before the Committee for the purposes of discussion. The motion carried without opposition. Representative Iler was recognized to present the bill; there was no discussion on the bill. Representative Pittman motioned for HB 1027 to receive an unfavorable report to the original bill, a favorable report to the PCS. The chair called for a voice vote, the motion carried.

HB 1028 Oak Island Charter Amendment. (Representative Iler) Representative Iler was recognized to present the bill. The committee discussed the bill. Representative Pittman motioned for HB 1028 to receive a favorable report. The chair called for a voice vote, the motion carried.

HB 1076 Alamance/Guilford Boundary Line. (Representatives Hardister, Ross, Quick, Brockman) Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative Hardister to present the bill; there was no discussion on the bill. Representative Corbin moved that the amendment for HB 1076 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute and referred to the Committee on Finance. The chair called for a voice vote, the motion carried.

HB 1080 Guilford Co. Animal Control Records. (Representatives Hardister, Blust, Brockman, Quick) Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative Hardister to present the bill; there was no



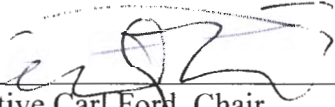


discussion on the bill. Representative Corbin moved that the amendment for HB 1080 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute. The chair called for a voice vote, the motion carried.

The Committee considered, HB 929 Recreation Service District - Johnston County. (Representatives White, Strickland). The Chair recognized Representative White to present the bill. The committee discussed the bill. Representative Strickland motioned for HB 929 to receive a favorable report with a referral to the Committee on Finance. The Chair called for a voice vote and the motion carried.

HB 1004 Wrightsville Beach Local Act Changes. (Representative Davis). Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative Davis to present the bill; there was no discussion on the bill. Representative Warren moved that the amendment for HB 1004 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute. The chair called for a voice vote, the motion carried.

The meeting adjourned at 10:28 am.

  
\_\_\_\_\_  
Representative Carl Ford, Chair  
Presiding

  
\_\_\_\_\_  
Olivia Baumann, Committee Clerk



Updated #1: Add HB 1004

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, June 6, 2018

**TIME:** 10:00 AM

**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 995</u>	Winston-Salem/WC/Third-Party Admin Def.	Representative Conrad Representative Terry Representative Lambeth
<u>HB 996</u>	Winston-Salem/Real Property Conveyances.	Representative Hanes Representative Conrad Representative Hanes Representative Terry Representative Lambeth
<u>HB 1027</u>	Bald Head Island/No-Wake Zone.	Representative Iler
<u>HB 1028</u>	Oak Island Charter Amendment.	Representative Iler
<u>HB 1076</u>	Alamance/Guilford Boundary Line.	Representative Hardister Representative Ross Representative Quick Representative Brockman
<u>HB 1080</u>	Guilford Co. Animal Control Records.	Representative Hardister Representative Blust Representative Brockman Representative Quick
<u>HB 929</u>	Recreation Service District - Johnston County.	Representative White
<u>HB 1004</u>	Wrightsville Beach Local Act Changes.	Representative Strickland Representative Davis



Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Tuesday, July 10, 2018.

\_\_\_ Principal Clerk  
\_\_\_ Reading Clerk – House Chamber

Olivia Baumann (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

HB 995 Winston-Salem/WC/Third-Party Admin Def.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Conrad

HB 1028 Oak Island Charter Amendment.  
Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Iler

**FAVORABLE AND RE-REFERRED**

HB 929 Recreation Service District - Johnston County.  
Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: White

TOTAL REPORTED: 3



\* C M R 7 1 2 - V - 2 \*





NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL**

HB 996	Winston-Salem/Real Property Conveyances. Draft Number: H996-PCS10482-BD-38 Serial Referral: None Recommended Referral: None Long Title Amended: Yes Floor Manager: Conrad
HB 1004	Wrightsville Beach Local Act Changes. Draft Number: H1004-PCS10481-BK-37 Serial Referral: None Recommended Referral: None Long Title Amended: Yes Floor Manager: Davis
HB 1027	Bald Head Island/Village Dept. Public Safety. Draft Number: H1027-PCS30494-BKf-42 Serial Referral: None Recommended Referral: None Long Title Amended: Yes Floor Manager: Iler
HB 1080	Guilford Co. Animal Control Records. Draft Number: H1080-PCS10483-ST-56 Serial Referral: None Recommended Referral: None Long Title Amended: No Floor Manager: Hardister

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 1076	Alamance/Guilford Boundary Line. Draft Number: H1076-PCS30495-STx-55 Serial Referral: None <b>Recommended Referral: FINANCE</b> Long Title Amended: Yes Floor Manager: Hardister
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TOTAL REPORTED: 5



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



**House Committee on State and Local Government I**  
**Wednesday, June 6, 2018, 10:00 AM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 995	Winston-Salem/WC/Third-Party Admin Def.	Representative Conrad Representative Terry Representative Lambeth Representative Hanes
HB 996	Winston-Salem/Real Property Conveyances.	Representative Conrad Representative Hanes Representative Terry Representative Lambeth
HB 1027	Bald Head Island/Village Dept. Public Safety.	Representative Iler
HB 1028	Oak Island Charter Amendment.	Representative Iler
HB 1076	Alamance/Guilford Boundary Line.	Representative Hardister Representative Ross Representative Quick Representative Brockman
HB 1080	Guilford Co. Animal Control Records.	Representative Hardister Representative Blust Representative Brockman Representative Quick
HB 1004	Wrightsville Beach Local Act Changes	Representative Davis
HB 929	Recreation Service District - Johnston County.	Representative White Representative Strickland

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 995

Short Title: Winston-Salem/WC/Third-Party Admin Def. (Local)

Sponsors: Representatives Conrad, Terry, Lambeth, and Hanes (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 24, 2018

A BILL TO BE ENTITLED  
AN ACT AMENDING THE WORKERS' COMPENSATION ACT TO EXEMPT THE CITY  
OF WINSTON-SALEM FROM THE DEFINITION OF THIRD-PARTY  
ADMINISTRATOR.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 58-47-60 reads as rewritten:

**"§ 58-47-60. Definitions.**

As used in this part:

- ...
- (14) "Third-party administrator" or "TPA" means a person engaged by a board to execute the policies established by the board and to provide day-to-day management of the group. "Third-party administrator" or "TPA" does not mean:
- a. An employer acting on behalf of its employees or the employees of one or more of its ~~affiliates~~ affiliates or a municipal employer acting on behalf of the employees of a third-party entity managing a municipal transit system.
  - b. An insurer that is licensed under this Chapter or that is acting as an insurer with respect to a policy lawfully issued and delivered by it and under the laws of a state in which the insurer is licensed to write insurance.
  - c. An agent or broker who is licensed by the Commissioner under Article 33 of this Chapter whose activities are limited exclusively to the sale of insurance.
  - d. An adjuster licensed by the Commissioner under Article 33 of this Chapter whose activities are limited to adjustment of claims.
  - e. An individual who is an officer, a member, or an employee of a board.

...."

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

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



\* H 9 9 5 - V - 1 \*





## HOUSE BILL 995: Winston-Salem/WC/Third-Party Admin Def.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 6, 2018
<b>Introduced by:</b>	Reps. Conrad, Terry, Lambeth, Hanes	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 995 would exempt the City of Winston-Salem from having to register as a third-party administrator for the City's transit system.*

**CURRENT LAW:** Two or more employers who self-insure their workers compensation obligations by pooling their liabilities to form a self-insured group are subject to the requirements of Part 1 of Article 47 of Chapter 58 of the General Statutes governing employer groups that pool their workers' compensation liabilities under the Workers' Compensation Act. A "third party administrator" or "TPA" is a person engaged by the self-insured group to provide it with day-to-day management of the group.

**BILL ANALYSIS:** House Bill 995 would modify the definition of "third party administrator" to exclude a municipal employer acting on behalf of the employees of a third-party entity managing a municipal transit system. This exclusion would only be applicable to the City of Winston-Salem.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 996

Short Title: Winston-Salem/Real Property Conveyances. (Local)

Sponsors: Representatives Conrad, Hanes, Terry, and Lambeth (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 24, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO SELL REAL PROPERTY  
3 FOR THE PURPOSE OF INCREASING THE SUPPLY OF AFFORDABLE HOUSING  
4 FOR LOW- AND MODERATE-INCOME PERSONS.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.** The governing body of a municipality may, with or without  
7 consideration and upon such terms as it deems wise, sell real property for the purpose of  
8 increasing the supply of affordable housing for low- and moderate-income persons. The deed  
9 conveying the property may contain a restriction that provides for the return of the property to  
10 the municipality if it is no longer used for increasing the supply of affordable housing for  
11 low- and moderate-income persons prior to the expiration of the time period required by the  
12 governing body. Any conveyance under this section may be made only pursuant to a resolution  
13 adopted by the governing body at a regular or special meeting authorizing the appropriate  
14 municipal official to make the conveyance for the purpose of increasing the supply of affordable  
15 housing for low- and moderate-income persons. The resolution shall be posted on the  
16 municipality's Web site at least 10 calendar days prior to the date the sale is finalized.  
17 **SECTION 2.** This act applies to the City of Winston-Salem only.  
18 **SECTION 3.** This act is effective when it becomes law.



\* H 9 9 6 - V - 1 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 996  
PROPOSED COMMITTEE SUBSTITUTE H996-CSBD-38 [v.3]

06/04/2018 10:42:07 AM

Short Title: Winston-Salem/Real Property Conveyances.

(Local)

Sponsors:

Referred to:

May 24, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO CONVEY CITY OWNED  
3 REAL PROPERTY FOR THE PURPOSE OF INCREASING THE SUPPLY OF  
4 AFFORDABLE HOUSING FOR LOW- AND MODERATE-INCOME PERSONS.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.** The governing body of a municipality may, with or without  
7 consideration and upon such terms as it deems wise, convey city owned real property for the  
8 purpose of increasing the supply of affordable housing for low- and moderate-income persons;  
9 provided no property acquired by the exercise of eminent domain may be conveyed under this  
10 section. The deed conveying the city owned property may contain a restriction that provides the  
11 city owned property shall revert to the municipality if it ceases to be used for increasing the  
12 supply of affordable housing for low- and moderate-income persons prior to the expiration of  
13 any time period for such use required by the governing body. Any conveyance of city owned  
14 property under this section may be made only pursuant to a resolution adopted by the governing  
15 body at a regular or special meeting authorizing the appropriate municipal official to make the  
16 conveyance for the purpose of increasing the supply of affordable housing for low- and  
17 moderate-income persons. The resolution shall be posted on the municipality's Web site at least  
18 10 calendar days prior to the date the conveyance is executed by the appropriate municipal  
19 official.  
20 **SECTION 2.** This act applies to the City of Winston-Salem only.  
21 **SECTION 3.** This act is effective when it becomes law.



\* H 9 9 6 - C S B D - 3 8 \*







# HOUSE BILL 996: Winston-Salem/Real Property Conveyances.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Reps. Conrad, Hanes, Terry, Lambeth  
**Analysis of:** PCS to First Edition  
H996-CSBD-38

**Date:** May 30, 2018  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 996 (proposed committee substitute) would authorize the City of Winston-Salem to convey city owned real property, with or without consideration, for the purpose of increasing the supply of affordable housing for low-and moderate-income persons.*

*This act would become effective when it becomes law.*

*The PCS clarified that the act would apply to city owned property and would not apply to property acquired by the City of Winston-Salem through the exercise of eminent domain.*

[As introduced, this bill was identical to S751, as introduced by Sens. Krawiec, Lowe, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** The authority of and procedures for a municipality to sell or dispose of real property is governed by Article 12 of Chapter 160A. In limited circumstances, a municipality may, with or without consideration, sell real property through a *non-competitive* private sale process to volunteer fire departments and rescue squads (G.S.160A-277) and to non-profit entities carrying out a public purpose (G.S. 160A-279).<sup>1</sup> Additionally, municipal real property may be sold using any of the following *competitive* sale procedures:

- Advertisement for sealed bids - G.S.160A-268.
- Offer and upset bid - G.S. 160A-269.
- Public auction - GS 160A-270.

**BILL ANALYSIS:** The PCS to House Bill 996 would:

- Authorize the governing body of the City of Winston-Salem to:
  - Convey upon such terms as it deems wise, city owned real property, with or without consideration, for the purpose of increasing the supply of affordable housing for low and moderate income persons provided the property being conveyed was not acquired by the exercise of eminent domain.
  - Place a restriction in the deed conveying the city owned property that the property shall revert to the city if it ceases to be used for increasing the supply of affordable housing for low and

<sup>1</sup> The North Carolina Supreme Court held that providing financial assistance for residential housing construction for sale or rental to low income persons and families served a public purpose. *Martin v. North Carolina Housing Corporation*, 277 N.C. 29, (1970). Subsequently, the North Carolina Supreme Court found a public purpose in providing the same assistance to moderate income persons and families. *In Re The Denial of Approval to Issue \$30,000,000 of Single Family Housing bonds and \$30,000,000 of Multi-Family Housing Bonds for Persons of Moderate Income*, 307 N.C. 52 (1982).

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 996

Page 2

moderate income persons prior to the expiration of any time period for such use required by the governing body.

➤ Require the governing body of the City of Winston-Salem to:

- First adopt a resolution at a regular or special meeting authorizing the appropriate municipal official to make the conveyance for the purpose of increasing the supply of affordable housing for low and moderate income persons.
- Post the resolution on the city's Web site at least 10 calendar days prior to the date the conveyance is executed by the appropriate municipal official.

**EFFECTIVE DATE:** The act would become effective when the bill becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1027

Short Title: Bald Head Island/Village Dept. Public Safety. (Local)

Sponsors: Representative Iler.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 30, 2018

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY OF THE VILLAGE  
OF BALD HEAD ISLAND TO ENFORCE THE VILLAGE'S "NO-WAKE" SPEED ZONE  
FOR MOTORBOATS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3 of Chapter 688 of the Session Laws of 1987 reads as  
rewritten:

"Sec. 3. This law shall be enforced by officers of the Wildlife Resources Commission, and  
by the Brunswick County Sheriff. This law may also be enforced by officers of the Department  
of Public Safety of the Village of Bald Head Island within the corporate limits of the Village and  
within one mile of the Village's corporate limits, as provided in G.S. 160A-285 and  
G.S. 160A-286, respectively."

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



\* H 1 0 2 7 - V - 1 \*





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 1027  
PROPOSED COMMITTEE SUBSTITUTE H1027-CSBKf-42 [v.2]

06/05/2018 05:34:41 PM

Short Title: Bald Head Island/No-Wake Zone.

(Local)

Sponsors:

Referred to:

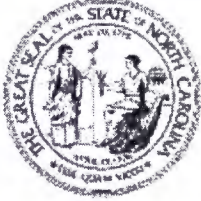
May 30, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT A VIOLATION OF THE NO-WAKE SPEED ZONE UPON  
3 THE WATERS WITHIN THE COMMUNITY OF THE VILLAGE OF BALD HEAD  
4 ISLAND IS AN INFRACTION AND THAT A VIOLATION IS ENFORCEABLE AS IF IT  
5 WERE A PROVISION OF THE GENERAL LAWS REGULATING BOATING SAFETY.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Section 2.1 of Chapter 688 of the Session Laws of 1987 reads as  
8 rewritten:  
9 "Sec. 2.1. Any person who violates this act ~~shall be guilty of a misdemeanor and on~~  
10 ~~conviction thereof shall be subject to a fine not to exceed two hundred and fifty dollars~~  
11 ~~(\$250.00).~~ is responsible for an infraction as provided in G.S. 14-3.1 and shall pay a fine of fifty  
12 dollars (\$50.00). A person responsible for an infraction under this act shall not be assessed court  
13 costs."  
14 SECTION 2. Section 3 of Chapter 688 of the Session Laws of 1987 reads as  
15 rewritten:  
16 "Sec. 3. ~~This law shall be enforced by officers of the Wildlife Resources Commission, and~~  
17 ~~by the Brunswick County Sheriff.~~ act is enforceable under G.S. 75A-17 as if it were a provision  
18 of Chapter 75A of the General Statutes."  
19 SECTION 3. This act applies to the Village of Bald Head Island only.  
20 SECTION 4. This act is effective when it becomes law.



\* H 1 0 2 7 - C S B K F - 4 2 \*





## HOUSE BILL 1027: Bald Head Island/No-Wake Zone.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Iler  
**Analysis of:** PCS to First Edition  
H1027-CSBKf-42

**Date:** June 6, 2018  
**Prepared by:** Jessica Sammons  
Staff Attorney

**OVERVIEW:** House Bill 1027 would authorize the Department of Public Safety of the Village of Bald Head Island to enforce the Village's "no-wake" speed zone for motorboats and vessels within the Village's corporate limits and within one mile of the Village's corporate limits.

The PCS would make violation of the "no-wake" speed zone an infraction, punishable by a fine of \$50.00. Violations would be enforceable by wildlife protectors and law enforcement officers in the State.

**CURRENT LAW:** Operating any motorboat or vessel at greater than no-wake upon any waters within the community of Sunset Harbor and the Village of Bald Head Island is a misdemeanor and punishable by a fine not to exceed \$250. The restricted areas must be marked in accordance with the Uniform Waterway Marking System by the community or its designee. "No-wake speed" is idle speed or a slow speed creating no appreciable wake. S.L. 1987-688.

Section 3 of S.L. 1987-688 provides that this law is to be enforced by officers of the Wildlife Resources Commission and by the Brunswick County Sheriff.

**BILL ANALYSIS:** The PCS to House Bill 1027 would amend S.L. 1987-688 to make violation of the no-wake speed zone in the Village of Bald Head Island an infraction, punishable by a fine of \$50.00, and no court costs would be assessed. An infraction is a noncriminal violation of law, not punishable by imprisonment. G.S. 14-3.1.

Violations would be enforceable by every wildlife protector and other law enforcement officer of the State and its subdivisions. Wildlife protectors and other State law enforcement officers would have authority to stop any vessel and, upon identifying themselves as an officer, board and inspect any vessel.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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 2017

H

1

HOUSE BILL 1028

Short Title: Oak Island Charter Amendment. (Local)

Sponsors: Representative Iler.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 30, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND RELATED TO  
3 THE CALLING OF SPECIAL COUNCIL MEETINGS AND THE AUTHORITY OF THE  
4 TOWN MANAGER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The Charter of the Town of Oak Island, being S.L. 1999-66, as  
7 amended, reads as rewritten:

8 "Section 1. The charters of the Town of Yaupon Beach and the Town of Long Beach are  
9 hereby revised and consolidated into the Charter for the Town of Oak Island to read as follows:

10 ...  
11 **"ARTICLE IV. MAYOR AND TOWN COUNCIL.**

12 ...  
13 "Sec. 4.6. **Meetings of Town Council.** (a) The Town Council shall fix suitable times for its  
14 regular meeting, which shall be as often as once monthly. Special meetings may be held on the  
15 call of the ~~Mayor~~ Mayor, Mayor Pro Tempore, or a majority of the Town Council members, and  
16 those not joining in the call shall be notified in writing. Any business may be transacted at a  
17 special meeting that might be transacted at a regular ~~meeting~~ meeting, unless otherwise  
18 prohibited by the rules of procedures adopted by the Town Council pursuant to G.S. 160A-71(c).

19 ...

20 **"ARTICLE VI. TOWN MANAGER.**

21 "Sec. 6.1. **Appointment; Compensation.** The Town Council shall appoint an officer whose  
22 title shall be Town Manager and who shall be the chief executive officer of the Town and the  
23 head of the administrative branch of the Town government. The Town Manager shall be chosen  
24 by the Town Council solely on the basis of his executive and administrative qualifications with  
25 special reference to his actual experience in, or knowledge of, accepted practice in respect to the  
26 duties of his office as hereinafter prescribed. ~~At the time of his appointment he~~ The Town  
27 Manager need not be a resident of the ~~Town, but shall reside therein~~ Town during his tenure of  
28 office. No person elected as a member of the Town Council shall be eligible for appointment as  
29 Town Manager until one year shall have elapsed following the expiration of the term for which  
30 he was elected. The Town Manager shall serve at the pleasure of the Town Council and shall  
31 receive such salary as the Town Council shall fix. In case of the absence or disability of the  
32 Manager, the Town Council may designate a qualified administrative officer of the Town to  
33 perform the duties of the Manager during such absence or disability.

34 ...

35 **"ARTICLE VIII. ADMINISTRATIVE OFFICERS AND EMPLOYEES.**



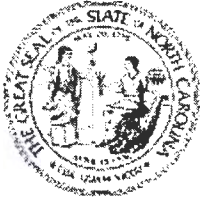
1 "Sec. 8.1. **Town Clerk.** The Town Manager ~~may~~ shall appoint a Town Clerk to keep a  
2 journal of the proceedings of the Town Council and to maintain in a safe place all records and  
3 documents pertaining to the affairs of the Town, and to perform such other duties as may be  
4 required by law or as the Town Manager or Town Council may direct.

5 "Sec. 8.2. **Town Tax Collector.** The Town Manager ~~may~~ shall appoint a Tax Collector to  
6 collect all taxes, licenses, fees, and other moneys belonging to the Town, subject to the provisions  
7 of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce  
8 all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by  
9 municipalities as provided in G.S. 105-349 to collect all taxes owed to the Town and to perform  
10 the duties specified in G.S. 105-350 and any other duties prescribed by general or local law.

11 "Sec. 8.3. **Consolidation of Functions.** ~~The Town Manager may, in his discretion,~~  
12 ~~consolidate the offices of Town Clerk and Town Tax Collector, or may assign the functions of~~  
13 ~~any one of these offices to the holder or holders of any other of these offices. The Town Manager~~  
14 ~~may also, in his discretion, himself perform all or any part of the functions of any of the named~~  
15 ~~offices, in lieu of appointing another person to perform the same.~~ **Town Finance Director.** The  
16 Town Manager shall appoint a Finance Director to perform the duties of the finance officer as  
17 prescribed by the Local Government Budget and Fiscal Control Act.

18 ...."

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



## HOUSE BILL 1028: Oak Island Charter Amendment.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Iler  
**Analysis of:** First Edition

**Date:** May 31, 2018  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 1028 would make various changes to the Charter of the Town of Oak Island. The act would become effective when it becomes law.*

**CURRENT LAW:** Under the Charter of the Town of Oak Island, S.L. 1999-66, as amended, only the Mayor or a majority of Town Council members may call a special meeting. The Charter allows any business to be transacted at a special meeting that may be transacted at a regular meeting. The Charter allows, but does not require, the Town Manager to appoint a Town Clerk and Town Tax Collector. The Town Manager may combine those two offices. The Town Manager is required to reside in the Town of Oak Island.

**BILL ANALYSIS:** House Bill 1028 would amend the Charter of the Town of Oak Island to:

- Authorize the Mayor Pro Tempore to call a special meeting of the town council.
- Authorize a limitation on business that may be conducted at a special meeting.
- Remove the residency requirement for Town Manager.
- Require the Town Manager to appoint a Town Clerk, a Tax Collector, and a Finance Director to perform the duties required of those offices.

**EFFECTIVE DATE:** The act would become effective when the bill becomes law.

**BACKGROUND:** S.L. 1999-66 combined the Charters of the Town of Yaupon Beach and the Town of Long Beach into the Town of Oak Island.

Karen Cochrane-Brown  
Director



H 1 0 2 8 - S M B D - 8 3 E 1 - V - 1

Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 1076

Short Title: Alamance/Guilford Boundary Line. (Local)

Sponsors: Representatives Hardister, Ross, Quick, and Brockman (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

June 1, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENABLE THE TRANSITION OF PROPERTIES OF THE AREA ALONG THE  
3 COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND GUILFORD  
4 COUNTY DUE TO THE 2008 NORTH CAROLINA GEODETIC SURVEY THAT  
5 DEPICTED AND MONUMENTED THE HISTORIC ALAMANCE/GUILFORD  
6 COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING  
7 GUILFORD COUNTY.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** The true historic Guilford County boundary line, as described and set  
10 forth in the survey of 1849, has now been determined by resurvey conducted by the North  
11 Carolina Geodetic Survey (NCGS) in 2008 (hereinafter "2008 survey") upon the request of the  
12 boards of commissioners of Alamance and Guilford Counties by resolutions adopted in  
13 December 2007. The board of commissioners of Alamance and Guilford County have each  
14 adopted a resolution ratifying the 2008 survey as authorized in G.S. 153A-18. The boundary line  
15 as set out in the resurvey of the line conducted by the NCGS in 2008 is hereby recognized as the  
16 true and accurate boundary for Guilford County and Alamance County, and is hereby ratified.  
17 No later than September 1, 2018, the NCGS shall submit the survey plat denoting the location of  
18 the reestablished Alamance/Guilford boundary line to the Register of Deeds in Alamance and  
19 Guilford Counties and to the Office of the Secretary of State.

20 **SECTION 2.** On and after July 1, 2018, all papers, documents, and instruments  
21 required or permitted to be filed or registered, involving residents and property in areas affected  
22 by the 2008 survey, that previously may have been recorded in the adjoining counties shall be  
23 recorded in the county in which the property is situated as shown by the 2008 survey.

24 **SECTION 3.** All public records related to residents and property located in areas  
25 affected by the 2008 survey that were filed or recorded prior to July 1, 2018, in the adjoining  
26 counties shall remain in those respective adjoining counties where filed or recorded, and the  
27 records shall be valid public records as to the property and persons involved, even though they  
28 are recorded in an adjoining county which is a county where the property is no longer located as  
29 evidenced by the 2008 survey.

30 **SECTION 4.** On and after July 1, 2019, all real and personal property in areas  
31 affected by the 2008 survey that was subject to ad valorem taxation on January 1, 2019, shall be  
32 subject to ad valorem taxes in the county to which the property is reassigned as a result of the  
33 2008 survey for the fiscal year beginning July 1, 2019, to the same extent as it would have been  
34 had it been correctly recognized by the tax departments of each county on January 1, 2019, and  
35 the real and personal property shall be assessed and taxed as follows:



- 1           (1)     Beginning January 1, 2019, all property in areas affected by the 2008 survey  
2                   that is subject to ad valorem taxation shall be listed, assessed, and taxed by  
3                   the appropriate county tax administrator in the same manner as prescribed by  
4                   law for all other property located within each county.
- 5           (2)     If the footprint of a residence extends to both sides of the county line as  
6                   described by the 2008 survey, the situs of any registered motor vehicle shall  
7                   be determined by the owner's county of residency.
- 8           (3)     On or before July 1, 2019, the Alamance County and Guilford County tax  
9                   administrators shall provide one another with an accounting of taxes paid and  
10                  taxes unpaid from 2007 to 2018 for all parcels affected by the 2008 survey. If  
11                  a tax has been paid in full in one county on or before July 1, 2019, the tax  
12                  administrator of the other county shall abate and extinguish any outstanding  
13                  tax bill for that same amount. If a tax due is unpaid in either county on or  
14                  before July 1, 2019, the tax amount shall be prorated according to the value  
15                  established by each county tax administrator for the fiscal year beginning July  
16                  1, 2019. Any unpaid taxes or tax liens for the fiscal year ending June 30, 2019,  
17                  or for prior years on property subject to taxation in areas affected by the 2008  
18                  survey, shall continue to be valid and enforceable by the county to which the  
19                  property has been assigned as a result of the 2008 survey, including the  
20                  foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375 and the  
21                  remedies of attachment and garnishment provided for in G.S. 105-366 through  
22                  G.S. 105-368. Upon the recommendation of the county tax administrator and  
23                  with the approval of the board of county commissioners, the interest accrued  
24                  on any past due taxes may be waived for tax bills that are five or more years  
25                  old.
- 26           (4)     If a tax is paid to both Alamance County and Guilford County, the tax  
27                   administrator of each county shall refund the overpayment prorated according  
28                   to the value established by each county tax administrator for the fiscal year  
29                   beginning July 1, 2019.

30           **SECTION 5.** No cause of action, including criminal actions, involving persons or  
31           property located in areas affected by the 2008 survey, pending on July 1, 2018, shall be abated,  
32           and such actions shall continue in the appropriate adjoining county. In no event shall a defense  
33           to a criminal act be maintained where the defense alleges a lack of jurisdiction due to any act or  
34           failure to act related to the adjustment of the boundary line by the 2008 survey regardless of when  
35           the criminal act is alleged to have been committed.

36           **SECTION 6.** The board of elections of Alamance County and Guilford County shall  
37           immediately after July 1, 2018, transfer the voter registration records pertaining to persons  
38           residing in areas affected by the 2008 survey to the adjoining county's board of elections, and  
39           thereafter the registered voters so transferred shall be validly registered to vote in that adjoining  
40           county.

41           **SECTION 7.** The Jury Commission of Alamance County and Guilford County shall  
42           revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside  
43           in areas affected by the 2008 survey. The revised jury lists shall become effective July 1, 2018.

44           **SECTION 8.** The areas affected by the 2008 survey shall be transferred into the  
45           appropriate superior court district, district court district, and prosecutorial district. The areas  
46           affected by the 2008 survey shall remain in the same congressional district, the same State House  
47           of Representatives district, and the same State Senate district.

48           **SECTION 9.** The boards of education of Alamance County and Guilford County  
49           shall cooperate with each other on behalf of residents who have students affected by the 2008  
50           survey to ensure that a transition is made that provides students with a choice to remain in their  
51           current school system until graduation from high school.

1           **SECTION 10.(a)** Any child who is a resident of any property situated in the areas  
2 affected by the 2008 survey on the date this act becomes law and who is a student in the Alamance  
3 County school system during the 2018-2019 school year, and the siblings of any such student as  
4 provided in Section 9 of this act, may attend school in the Alamance County school system  
5 without necessity of a release or payment of tuition. Any such student, while attending the  
6 Alamance County school system, shall be considered a resident of Alamance County for all  
7 public school purposes, including transportation, athletics, and funding formulas. Notice must be  
8 given to all affected school systems by the parent or guardian in order to exercise the privilege  
9 granted by this subsection.

10           **SECTION 10.(b)** Any child who is a resident of any property situated in the area  
11 affected by this act on the date this act becomes law and who is a student in the Guilford County  
12 school system during the 2018-2019 school year, and the siblings of any such student as provided  
13 in Section 9 of this act, may attend school in the Guilford County school system without necessity  
14 of a release or payment of tuition. Any such student, while attending the Guilford County school  
15 system, shall be considered a resident of Guilford County for all public school purposes,  
16 including transportation, athletics, and funding formulas. Notice must be given to all affected  
17 school systems by the parent or guardian in order to exercise the privilege granted by this section.

18           **SECTION 11.** The establishment of a county boundary line is, pursuant to Section  
19 1 of Article VII of the North Carolina Constitution, the responsibility of the General Assembly.  
20 Further, it is vital to the State of North Carolina and all affected local governments that county  
21 boundary lines be fixed and any uncertainty as to the location of county boundary lines be  
22 resolved. For this reason and in the interest of justice, neither Alamance County nor Orange  
23 County, nor any agent, employee, or appointed or elected official thereof, shall be liable to any  
24 individual, group, organization, for-profit or not-for-profit business entity of any kind, or  
25 governmental entity or agency of any type or kind, for any damages, costs, fees, or fines, and no  
26 court action shall be maintained against said counties, officials, employees, and agents for any  
27 recommendation, act, failure to act, or conduct related to the provisions of this act and/or the  
28 adoption of a fixed boundary line separating the two counties. Alamance County and Orange  
29 County and their officials, employees, and agents are released from all liability for any claims  
30 made, and no court action shall be maintained against said officials, employees, and agents for  
31 any act or failure to act pursuant to the terms of this act.

32           **SECTION 12.** This act becomes effective January 1, 2018.







**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1076**

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H1076-AST-134 [v.2]

Page 1 of 1

Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2018

Representative Warren

moves to amend the bill on page 3, lines 22 and 28, by deleting "Orange" and substituting "Guilford" on those lines;

and on page 3, line 32, by rewriting that line to read:

**"SECTION 12.** This act becomes effective July 1, 2018.".

SIGNED Harry J. Warren  
Amendment Sponsor

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

ADOPTED FAILED TABLED







# HOUSE BILL 1076: Alamance/Guilford Boundary Line.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 6, 2018
<b>Introduced by:</b>	Reps. Hardister, Ross, Quick, Brockman	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 1076 would implement the realignment of the boundary between Alamance and Guilford Counties, generally effective July 1, 2018.

**CURRENT LAW:** The North Carolina Geodetic Survey (NCGS) via its State and County Boundary Program was created to resurvey ambiguous sections of the State's borders and county boundaries in order to prevent boundary-related disputes between bordering entities and to facilitate real estate property assessments, E-911 services, building inspections, and school assignments.

According to the NC Geodetic Survey staff, the last time the Alamance-Guilford boundary was surveyed was at the time Guilford County was formed in 1770. The original boundary line was between Guilford and Orange counties. When Orange County was divided in 1849, the portion lying to the west of the dividing line became Alamance County. At the time Alamance County was formed, only the new dividing line was surveyed. The western boundary of Alamance County (also the eastern boundary of Guilford County) was not resurveyed in 1849 and no record of a subsequent survey has been discovered.

S.L. 2013-68 required the county commissioners of Alamance and Guilford counties to request that the North Carolina Geodetic Survey (NCGS) perform a preliminary resurvey and present a proposed map for consideration by both counties. The boundary line was to be resurveyed in areas where property owners have met the established administrative criteria to be assigned to a specific county and in areas where the NCGS boundary is not reasonably discerned or is unduly burdensome.

No later than May 15, 2014, Alamance and Guilford counties were to submit to the General Assembly for ratification a completed survey that included both the NCGS boundary line and all mutually agreed upon modifications to that line.

**BILL ANALYSIS:** House Bill 1076 would set forth the necessary timelines for implementing the completed survey re-establishing the Alamance-Guilford County line, as follows:

➤ January 1, 2018:

- The boundary line as set out in the resurvey of the line conducted by the NCGS in 2008 is hereby recognized as the true and accurate boundary for Guilford County and Alamance County, and is hereby ratified. The boards of county commissioners have adopted resolutions pursuant to G.S. 153A-18, establishing the boundary. **Section 1.**
- The areas affected by the 2008 survey are to be transferred into the appropriate superior court district, district court district, and prosecutorial district, and remain in the same congressional, NC House of Representatives, and NC State Senate district. **Section 8.**

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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.



# House Bill 1076

Page 2

- The boards of education of Alamance County and Guilford County are to cooperate with each other on behalf of residents who have students affected by the 2008 survey to ensure that a transition is made that provides students with a choice to remain in their current school system until graduation from high school. Any child who is a resident of any property situated in the areas affected by the 2008 survey on the date this act becomes law and who is a student in the Alamance or Guilford County school systems during the 2018-2019 school year, may attend school in that school system without necessity of a release or payment of tuition. This applies to any siblings of those student. **Sections 9-10.**
- Limitation on liability. **Section 11.**
- On or after July 1, 2018:
  - All papers, documents, and instruments required or permitted to be filed or registered, involving residents and property in areas affected by the 2008 survey, that previously may have been recorded in the adjoining counties is to be recorded in the county in which the property is situated as shown by the 2008 survey. **Section 2.**
  - All public records related to residents and property located in areas affected by the 2008 survey that were filed or recorded prior to July 1, 2018, in the adjoining counties would remain in those respective adjoining counties where filed or recorded, and the records remain valid public records as to the property and persons involved. **Section 3.**
  - Causes of actions, including criminal actions, involving persons or property located in areas affected by the 2008 survey, pending on July 1, 2018, would continue in the appropriate adjoining county. **Section 5.**
  - The board of elections of Alamance County and Guilford County would be required to transfer the voter registration records pertaining to persons residing in areas affected by the 2008 survey to the adjoining county's board of elections. **Section 6.**
  - The Jury Commission of Alamance County and Guilford County would be required to revise its jury lists to add to or eliminate those persons subject to jury duty who reside in areas affected by the 2008 survey. **Section 7.**
- September 1, 2018:
  - No later than September 1, 2018, the NCGS shall submit the survey plat denoting the location of the reestablished Alamance/Guilford boundary line to the Register of Deeds in Alamance and Guilford Counties and to the Office of the Secretary of State. **Section 1.**
- July 1, 2019:
  - All real and personal property in areas affected by the 2008 survey that was subject to ad valorem taxation on January 1, 2019, would be subject to ad valorem taxes in the county to which the property is reassigned as a result of the 2008 survey for the fiscal year beginning July 1, 2019, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on January 1, 2019. **Section 4.**

**EFFECTIVE DATE:** As noted above.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1080

Short Title: Guilford Co. Animal Control Records. (Local)

Sponsors: Representatives Hardister, Blust, Brockman, and Quick (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

June 1, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE RELEASE OF ANIMAL SERVICES RECORDS IN  
3 GUILFORD COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 132 of the General Statutes is amended by adding a new  
6 section to read:

7 "**§ 132-1.15. Personally identifiable records relating to county animal services.**

8 (a) Personally identifiable information held by a county animal services agency that  
9 relates to any of the following persons is not a public record as defined in G.S. 132-1:

10 (1) An individual who has voluntarily surrendered ownership of an animal to an  
11 animal shelter.

12 (2) An individual who has adopted a shelter animal or to whom a shelter animal  
13 has been placed through a foster program.

14 (b) When a county animal control service places animals with an animal rescue  
15 organization, the identity of the animal rescue organization is a public record as defined in  
16 G.S. 132-1.

17 (c) Disclosure or nondisclosure of information that is not a public record may be made  
18 in the county's discretion."

19 SECTION 2. This act applies to Guilford County only.

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







NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1080

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H1080-AST-135 [v.3]

Page 1 of 1

Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2018

Representative Warren

- 1 moves to amend the bill on page 1, line 17, by inserting the following between "record" and  
2 "may":  
3 "under this section".  
4  
5

SIGNED \_\_\_\_\_

*Harry J. Warren*

Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



\* H 1 0 8 0 - A S T - 1 3 5 - V - 3 \*





# HOUSE BILL 1080: Guilford Co. Animal Control Records.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 5, 2018
<b>Introduced by:</b>	Reps. Hardister, Blust, Brockman, Quick	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

**OVERVIEW:** *House Bill 1080 would declare personal identifying information held by the Guilford County animal services agency not to be public records, but allow the county to disclose at its' discretion, effective when it becomes law.*

**CURRENT LAW:** Chapter 132 of the General Statutes governs public records and makes all documents of a public entity that are not specifically excluded a public record.

Public records are "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

Every custodian of public records is required to allow the public record in their custody to be inspected and examined at reasonable times and under reasonable supervision, as well as furnish copies thereof upon payment of fees. No person requesting to inspect, examine, or copy public records may be required to disclose the purpose or motive of the request.

**BILL ANALYSIS:** For Guilford County only, the bill would exempt from public records any personal identifying information held by the county animal services agency related to either of the following individuals:

- An individual who voluntarily surrendered ownership of an animal to an animal shelter.
- An individual who adopted a shelter animal.
- An individual to whom a shelter animal has been placed through a foster program.

Remaining a public record would be the identity of any animal rescue organization with whom the county places an animal.

The county, in its' discretion, could disclose information that is not a public record.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 929

Short Title: Recreation Service District - Johnston County. (Local)

Sponsors: Representatives White and Strickland (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

May 17, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE JOHNSTON COUNTY TO ESTABLISH A RECREATION  
3 SERVICE DISTRICT BY REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act applies only to Johnston County.

6 SECTION 2. G.S. 153A-302 reads as rewritten:

7 "**§ 153A-302. Definition of service districts. Procedure for establishing service districts.**

8 (a) Standards. – In determining whether to establish a proposed service district, the board  
9 of commissioners shall consider all of the following:

- 10 (1) The resident or seasonal population and population density of the proposed  
11 district.  
12 (2) The appraised value of property subject to taxation in the proposed district.  
13 (3) The present tax rates of the county and any cities or special districts in which  
14 the district or any portion thereof is located.  
15 (4) The ability of the proposed district to sustain the additional taxes necessary to  
16 provide the services planned for the district.  
17 (5) If it is proposed to furnish water, sewer, or solid waste collection services in  
18 the district, the probable net revenues of the projects to be financed and the  
19 extent to which the services will be self-supporting.  
20 (6) Any other matters that the commissioners believe to have a bearing on  
21 whether the district should be established.

22 (a1) Findings. – The board of commissioners may establish a service district in accordance  
23 with this section if, upon the information and evidence it receives, the board finds that all of the  
24 following apply:

- 25 (1) There is a demonstrable need for providing in the district one or more of the  
26 services listed in G.S. 153A-301.  
27 (2) It is impossible or impracticable to provide those services on a countywide  
28 basis.  
29 (3) It is economically feasible to provide the proposed services in the district  
30 without unreasonable or burdensome annual tax levies.  
31 (4) There is a demonstrable demand for the proposed services by persons residing  
32 in the district.

33 Territory lying within the corporate limits of a city or sanitary district may not be included  
34 unless the governing body of the city or sanitary district agrees by resolution to such inclusion.





(b) Report. – Before the public hearing required by subsection (c), the board of commissioners shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing one or more of the services listed in G.S. 153A-301 to the district.

The report shall be available for public inspection in the office of the clerk to the board for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The board of commissioners shall hold a public hearing before ~~adopting any resolution defining establishing~~ a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the clerk to the board. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail ~~which that~~ is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed and ~~his the~~ certificate is conclusive in the absence of fraud.

(c1) Procedure. – After complying with subsections (a) through (c) of this section, the board of commissioners may establish a service district as provided in this subsection. For any of the purposes set out in G.S. 153A-301, a service district may be established by resolution of the board of commissioners. A recreation service district may also be established by an advisory referendum in which a majority of the voters voting within the proposed recreation service district vote in favor of the establishment of the recreation service district. To establish a recreation service district by advisory referendum, the board of county commissioners shall file with the county board of elections an accurate description of the proposed district boundaries and direct the county board of elections to conduct an advisory referendum within the proposed recreation service district. The county board of commissioners shall pay the expense of the election. The election shall be held in accordance with the applicable provisions of Article 27 of Chapter 163A of the General Statutes. The form of the question as stated on the ballot shall be in substantially the following words:

"[ ] FOR establishing the \_\_\_\_\_ recreation service district of Johnston County.

[ ] AGAINST establishing the \_\_\_\_\_ recreation service district of Johnston County."

If a majority of the voters voting in the election vote in favor of the establishment of the recreation service district, the board of commissioners may adopt a resolution establishing the recreation service district.

(d) Effective Date. – The resolution ~~defining establishing~~ a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board of commissioners.

...."

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



# HOUSE BILL 929: Recreation Service District - Johnston County.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	June 6, 2018
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Reps. White, Strickland	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	Filed Edition		Staff Attorney

**OVERVIEW:** *House Bill 929 would authorize Johnston County to conduct an advisory referendum on the creation of a recreation service district. The act would apply only to Johnston County and would become effective when it becomes law.*

**CURRENT LAW:** *Part 1 of Article 16 of Chapter 153A of the General Statutes authorizes a county board of commissioners (CBOC) to adopt a resolution establishing special service districts for the following purposes:*

1. Beach erosion control and flood and hurricane protection works.
2. Fire protection.
3. Recreation.
4. Sewage collection and disposal systems of all types, including septic tank systems or other on site collection or disposal facilities or systems.
5. Solid waste collection and disposal systems.
6. Water supply and distribution systems.
7. Ambulance and rescue.
8. Watershed improvement projects, drainage projects, and water resources development projects.
9. Cemeteries.
10. Law enforcement.
11. Services permitted by unified governments under Article 24 of Chapter 153A.<sup>1</sup>

To create a service district, the CBOC must first prepare a report containing a map of the proposed district, a statement showing the proposed service district meets certain statutory standards, and a plan for providing the service. This report must be available for public inspection at least four weeks prior to the public hearing. Notice of the public hearing must be mailed to property owners within the proposed district at least four weeks prior to the hearing and be published not less than one week prior to the hearing. If from the public hearing the CBOC finds the existence of certain statutory criteria, it may pass a resolution establishing the district and making it effective at the beginning of the next fiscal year.<sup>2</sup> To pay for the service for which the district is created, the county may, within the district, levy property taxes in addition to those levied throughout the county provided the total rate does not exceed the maximum statutory rate.<sup>3</sup>

<sup>1</sup> G.S. 153A-301.

<sup>2</sup> G.S. 153A-302.

<sup>3</sup> G.S. 153A-307. The maximum rate is set by G.S. 153A-149(c) at \$1.50 per \$100.00.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 929

Page 2

Within one year of the district's effective date, the county must provide, maintain, or let contracts for the services for which the residents are being taxed.<sup>4</sup> Current law does not authorize a county to conduct a referendum on whether to establish a service district.

**BILL ANALYSIS:** House Bill 929 would amend G.S. 153A-302 to authorize Johnston County to conduct an advisory referendum on the creation of a recreation service district. Specifically, the act would:

- Allow a *non-binding advisory referendum* within the proposed district on whether to establish a recreation service district.
- Set out the procedure by which the board of commissioners may call for a referendum.
- Limit the referendum procedure to recreation service districts only.
- Require that the referendum costs be paid by the county.
- Provide the ballot language and election procedure for the referendum.

The board of commissioners would retain authority to directly establish the recreation service district by board resolution.

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

*Staff attorney Trina Griffin substantially contributed to this bill summary.*

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<sup>4</sup> G.S. 153A-305(a).



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1004

Short Title: Wrightsville Beach Local Act Changes. (Local)

Sponsors: Representative Davis.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 24, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO A LOCAL ACT FOR THE TOWN OF WRIGHTSVILLE  
3 BEACH TO ALLOW FOR GREATER PUBLIC ACCESS AND AMERICANS WITH  
4 DISABILITIES ACT COMPLIANCE FOR CERTAIN FACILITIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 1 of Chapter 246 of the Public Laws of 1939, as amended by  
7 Chapter 618 of the Session Laws of 1981, reads as rewritten:

8 "Section 1. That all land filled in, restored, and made, and to be filled in, restored and made,  
9 as the result of the recitals in preamble of this Act, which will exist between the present Eastern  
10 property line of the lot owners at present bordering on said ocean, and the low water mark of the  
11 Atlantic Ocean, after the work referred to in the preamble hereof, is completed, shall be within  
12 the corporate limits of the Town of Wrightsville Beach, and so much of said lands so filled in,  
13 restored and made, which will lie West of the property line to be defined and determined by  
14 Section Two of this Act, is hereby granted and conveyed in fee simple to the land owner, to the  
15 extent that his land abuts thereon, and the balance of said land lying East of said building line, to  
16 be fixed and determined by Section Two of this Act, is hereby granted and conveyed in fee simple  
17 to the Town of Wrightsville Beach; provided, however, that no building or structure shall be built  
18 and erected on said made and built up land lying East of the property line to be defined and set  
19 out in Section Two of this Act, and provided further that all made and constructed land lying East  
20 of the property line shall be, at all times, kept open for the purpose of streets and highways for  
21 the use of the public, and further for the development and uses as a public square or park, to  
22 include the construction of public restrooms, gazebos, and typical park facilities in such public  
23 squares or parks, and further for the construction of public beach access facilities, as the  
24 governing authorities of the Town of Wrightsville Beach, by ordinance, shall determine; and  
25 provided further that if any such property as is hereby granted and conveyed to the Town of  
26 Wrightsville Beach, shall cease to be used for the purposes or in the manner prescribed in this  
27 Act, it shall revert and become the property of the State of North Carolina, and provided further  
28 that the owners of the property abutting on said newly made or constructed land, shall, in front  
29 of their said property, possess and keep their rights, as if littoral owners, in the waters of the  
30 Atlantic Ocean, bordering on said newly acquired and constructed land."

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 1004  
PROPOSED COMMITTEE SUBSTITUTE H1004-CSBK-37 [v.1]

05/25/2018 03:04:01 PM

Short Title: Wrightsville Beach Local Act Changes.

(Local)

Sponsors:

Referred to:

May 24, 2018

A BILL TO BE ENTITLED  
AN ACT TO MAKE CHANGES TO A LOCAL ACT FOR THE TOWN OF WRIGHTSVILLE  
BEACH TO ALLOW FOR GREATER PUBLIC ACCESS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 246 of the Public Laws of 1939, as amended by  
Chapter 618 of the Session Laws of 1981, reads as rewritten:

"Section 1. That all land filled in, restored, and made, and to be filled in, restored and made, as the result of the recitals in preamble of this Act, which will exist between the present Eastern property line of the lot owners at present bordering on said ocean, and the low water mark of the Atlantic Ocean, after the work referred to in the preamble hereof, is completed, shall be within the corporate limits of the Town of Wrightsville Beach, and so much of said lands so filled in, restored and made, which will lie West of the property line to be defined and determined by Section Two of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said building line, to be fixed and determined by Section Two of this Act, is hereby granted and conveyed in fee simple to the Town of Wrightsville Beach; provided, however, that no building or structure shall be built and erected on said made and built up land lying East of the property line to be defined and set out in Section Two of this Act, and provided further that all made and constructed land lying East of the property line shall be, at all times, kept open for the purpose of streets and highways for the use of the public, and further for the development and uses as a public square or park, to include the construction of public restrooms, gazebos, and typical park facilities in such public squares or parks, and further for the construction of public beach access facilities, as the governing authorities of the Town of Wrightsville Beach, by ordinance, shall determine; and provided further that if any such property as is hereby granted and conveyed to the Town of Wrightsville Beach, shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property, possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land."

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



★ H 1 0 0 4 - C S B K - 3 7 ★







## HOUSE BILL 1004: Wrightsville Beach Local Act Changes.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Davis  
**Analysis of:** PCS to First Edition  
H1004-CSBK-37

**Date:** June 6, 2018  
**Prepared by:** Jessica Sammons  
Staff Attorney

**OVERVIEW:** *The Proposed Committee Substitute to House Bill 1004 would allow the Town of Wrightsville Beach to use the Town's property located in between private land owners' property and the Atlantic Ocean for the construction of public restrooms, gazebos, park facilities, and public beach access facilities without the property reverting back to the State.*

*The PCS amends the title of the bill.*

**CURRENT LAW:** Chapter 246 of the Public Laws of 1939 describes property that had been filled in, restored, or constructed by the Town of Wrightsville Beach following years of erosion. Section 1 incorporates this filled in, restored, and newly constructed land into the corporate limits of the Town of Wrightsville Beach. Section 2 establishes a set "property line" to distinguish private from public land. All of the newly constructed land to the west of the property line is conveyed to the adjacent land owners, and all newly constructed land to the east of the property line is conveyed to the Town of Wrightsville Beach.

No building or structure may be built on land lying to the east of the property line. All land to the east of the property line is to be kept open at all times by the Town for either (1) streets and highways for public use, or (2) development and use as a public square or park. If the land is not used for one of these purposes, the land reverts and becomes property of the State.

**BILL ANALYSIS:** The PCS to House Bill 1004 would:

- Clarify that use of the land to the east of the property line for development and use as a public square or park includes any construction of public restrooms, gazebos, and typical park facilities on that land.
- Allow for the land to the east of the property line to be used by the Town for the construction of public beach access facilities.

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

Karen Cochrane-Brown  
Director

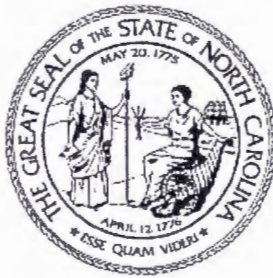


Legislative Analysis  
Division  
919-733-2578

*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.*







6-6-18

(DATE)

HOUSE Comm on State and Local Gov. I  
(COMMITTEE)

~~SENATE SERGEANT-AT-ARMS~~

_____	_____
_____	_____
_____	_____

HOUSE SERGEANT-AT-ARMS

Reggie Dills

MARVIN LEE

THOMAS JERRY

John Gilbert



**House Pages  
Assignments  
Wednesday, June 06, 2018  
Session: 11:00 AM**

Committee	Room	Time	Staff	Comments	Member
Health	643	10:00 AM	Zoe Nichols		Rep. Darren G. Jackson
			Leila Samiy		Speaker Tim Moore
			Amber Ward		Rep. James L. Boles, Jr.
			Bray Woodard		Rep. Ken Goodman
State and Local Government	544	10:00 AM	Miller Andrews		Speaker Tim Moore
			Anne Asbill		Rep. Cynthia Ball
			Emily Davis		Speaker Tim Moore
			Imari Simmons		Rep. Michael Speciale
Energy Policy Commission, Jt. Leg.	643	1:00 PM	Richard Asbill		Rep. John Autry
			Martin Kinney		Rep. George G. Cleveland
			Payton Martin		Rep. Julia C. Howard
			Leila Samiy		Speaker Tim Moore
Judiciary I	415	1:00 PM	Mitchell Messenger		Rep. George G. Cleveland
			Zoe Nichols		Rep. Darren G. Jackson
			Emerson Replogle		Rep. Grier Martin
			Christian Terrell		Rep. Rosa U. Gill
Judiciary II	1425	1:00 PM	Rebecca Burkhart		Speaker Tim Moore
			Emily Davis		Rep. Tim Moore



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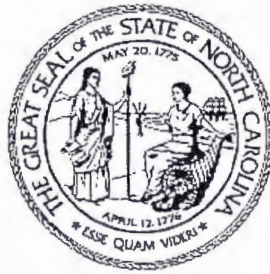
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**NAME OF MEETING:** House Comm. on State & Local Gov. I

**DATE:** 6-6-18

PLEASE SIGN IN BELOW

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**House Committee on State and Local Government I**  
**Wednesday, June 13, 2018 at 9:00 AM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on State and Local Government I met at 9:00 AM on June 13, 2018 in Room 643 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brody, Burr, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Pittman and Strickland attended.

Representative Carl Ford, Chair, presided.

The Committee considered, HB 1091 Norwood Charter Revised & Consolidated (Representative Burr). Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative Burr to present the bill. After some discussion on the bill, Representative Conrad moved that the amendment for HB 1091 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute. The chair called for a voice vote, the motion carried.

The Committee considered, SB 740 Scotland Co. Register of Deeds Tax Cert (Senator McInnis). Senator McInnis was recognized to present the bill. The committee discussed the bill. Representative Pittman motioned for SB 740 to receive a favorable report. The chair called for a voice vote and the motion carried.

The Committee considered, HB 1005 Zebulon Charter/City Clerk. (Representatives Jackson, Malone). Representative Jackson was recognized to present the bill; there was no discussion on the bill. Representative Fisher motioned for HB 1005 to receive a favorable report. The chair called for a voice vote and the motion carried.

The Committee considered HB 1082 Wake/Chatham/Harriett Boundary Line. (Representatives Lewis, Jackson, Dollar, Sauls). The Chair recognized Representative Jackson to present the bill; there was no discussion on the bill. Representative Farmer-Butterfield moved that HB 1082 receive a favorable report and referred to the Committee on Finance. The chair called for a voice vote and the motion carried.

The Committee considered, HB 1057 Red Springs Charter Amendment. (Representative Pierce). Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative Peirce to present the bill; there was no discussion on the bill. Representative Fisher moved that the amendment for HB 1057 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute with a recommended referral to the Committee on Finance. The chair called for a voice vote, the motion carried.

The Committee considered, SB 753 Franklin & Wake/Daily Deposits. (Senator Alexander). The chair motioned for the Proposed Committee Substitute (PCS) of SB 753 to be brought before the



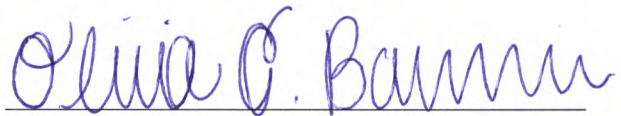
Committee for the purposes of discussion. The motion carried without opposition. Representative Jackson was recognized to present the bill. The committee discussed the bill. Representative Fisher motioned for the PCS of SB 753 receive a favorable report, unfavorable to the original bill. The chair called for a voice vote, the motion carried.

The Committee considered, HB 1084 High Point/City Manager Dispose of Easements. (Representatives Faircloth, Hardister, Quick, Brockman). Without objection the Chair brought the amendment before the Committee for the purpose of discussion. The Chair recognized Representative Faircloth to present the bill. After some discussion on the bill, Representative Farmer-BUTterfield moved that the amendment for HB 1084 be rolled into a PCS, unfavorable to the original bill, favorable to the committee substitute. The chair called for a voice vote, the motion carried.

The meeting adjourned at 9:13 am.

A handwritten signature in blue ink, appearing to read "Carl Ford", written over a horizontal line.

Representative Carl Ford, Chair  
Presiding

A handwritten signature in blue ink, appearing to read "Olivia C. Baumann", written over a horizontal line.

Olivia Baumann, Committee Clerk



Updated #3: Add SB 753

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, June 13, 2018

**TIME:** 9:00 AM

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 1005</u>	Zebulon Charter/City Clerk.	Representative Jackson Representative Malone
<u>HB 1057</u>	Red Springs Charter Amendment.	Representative Pierce
<u>HB 1082</u>	Wake/Chatham/Harnett Boundary Line.	Representative Lewis Representative Jackson Representative Dollar Representative Sauls
<u>SB 740</u>	Scotland Co. Register of Deeds Tax Cert.	Representative Burr Senator McInnis
<u>HB 1091</u>	Norwood Charter Revised & Consolidated.	Representative Burr
<u>HB 1084</u>	High Point/City Manager Dispose of Easements.	Representative Faircloth Representative Hardister Representative Quick Representative Brockman
<u>SB 753</u>	Franklin & Wake/Daily Deposits.	Senator Alexander



Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:58 AM on Tuesday, July 10, 2018.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Baumann (Committee Assistant)





NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 1084 High Point/City Manager Dispose of Easements.  
Draft Number: H1084-PCS30519-BD-45  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Faircloth

HB 1091 Norwood Charter Revised & Consolidated.  
Draft Number: H1091-PCS30518-BKx-48  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Burr

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 1057 Red Springs Charter Amendment.  
Draft Number: H1057-PCS30517-BKf-44  
Serial Referral: None  
**Recommended Referral: FINANCE**  
Long Title Amended: No  
Floor Manager: Pierce

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB 753 Franklin & Wake/Daily Deposits.  
Draft Number: S753-PCS35373-ST-60  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Gill

TOTAL REPORTED: 4



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**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

**HB 1005**

Zebulon Charter/City Clerk.

Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Jackson

**SB 740**

Scotland Co. Register of Deeds Tax Cert.

Draft Number: None  
Serial Referral: None  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Goodman

**FAVORABLE AND RE-REFERRED**

**HB 1082**

Wake/Chatham/Harnett Boundary Line.

Draft Number: None  
**Serial Referral: FINANCE**  
Recommended Referral: None  
Long Title Amended: No  
Floor Manager: Lewis

**TOTAL REPORTED: 3**



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



**House Committee on State and Local Government I**  
**Wednesday, June 13, 2018, 9:00 AM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1091	Norwood Charter Revised & Consolidated.	Representative Burr
SB 740	Scotland Co. Register of Deeds Tax Cert.	Senator McInnis
SB 753	Franklin & Wake/Daily Deposits.	Senator Alexander
HB 1005	Zebulon Charter/City Clerk.	Representative Jackson Representative Malone
HB 1057	Red Springs Charter Amendment.	Representative Pierce
HB 1082	Wake/Chatham/Harnett Boundary Line.	Representative Lewis Representative Jackson Representative Dollar Representative Sauls
HB 1084	High Point/City Manager Dispose of Easements.	Representative Faircloth Representative Hardister Representative Quick Representative Brockman

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1091

Short Title: Norwood Charter Revised & Consolidated. (Local)

Sponsors: Representative Burr.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

June 11, 2018

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

4 The General Assembly of North Carolina enacts:

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

7 "THE CHARTER OF THE TOWN OF NORWOOD.

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

9 "Section 1.1. **Incorporation.** The Town of Norwood, and the inhabitants thereof, shall  
10 continue to be a municipal body politic and corporate under the name of the "Town of Norwood,"  
11 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, rights,  
13 privileges, and immunities conferred upon the Town of Norwood specifically by this Charter or  
14 upon municipal corporations by general law. The term "general law" is employed herein as  
15 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 altered  
18 from time to time in accordance with law. An official map of the Town, showing the current  
19 municipal boundaries, shall be maintained permanently in the Office of the Town Clerk and shall  
20 be available for public inspection. Upon alteration of the corporate limits pursuant to law, the  
21 appropriate changes to the official map shall be made and copies shall be filed in the Office of  
22 the Secretary of State, the Stanly County Register of Deeds, and the appropriate board of  
23 elections.

24 "ARTICLE II. GOVERNING BODY.

25 "Section 2.1. **Town Governing Body; Composition.** The governing body of the Town of  
26 Norwood is the Mayor and Town Council, hereinafter referred to as the "Council."

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

30 "Section 2.3. **Mayor; Term of Office; Duties.** Except as provided in Section 3.3 of this  
31 Charter, the Mayor shall be elected by the qualified voters of the Town for a term of four years.  
32 The Mayor shall be the official head of the Town government, shall preside at meetings of the  
33 Council, shall have the right to vote on any question or matter before the Council, and shall  
34 exercise the powers and duties conferred by law or as directed by the Council.



\* H 1 0 9 1 - V - 1 \*



1 "Section 2.4. **Mayor Pro Tempore.** The Council shall, from among their members, elect a  
2 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability,  
3 in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the  
4 pleasure of the Council.

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

8 "Section 2.6. **Quorum; Voting.** Official actions of the Council and all votes shall be taken  
9 in 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 Council members shall be in accordance with general law.  
13 Notwithstanding the provisions of G.S. 160A-63, vacancies that occur in any elective office of  
14 the Town shall be filled by majority vote of the remaining members of the Council and shall be  
15 filled for the remainder of the unexpired term.

16 "Section 2.8. **Establishment of Committees and Boards; Appointment.** The Council or the  
17 Mayor, if the Mayor is delegated the power by the Council, may establish and appoint members  
18 for such temporary and standing town committees and boards as needed to help carry on the work  
19 of the Town government. Appointed members of a temporary or standing committee or board  
20 are not required to be members of the Council, unless required by general or local law.

#### 21 "ARTICLE III. ELECTIONS.

22 "Section 3.1. **Regular Elections.** Regular elections in the Town shall be held in each  
23 even-numbered year. Elections shall be conducted in the general election on a nonpartisan basis  
24 and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

25 "Section 3.2. **Election of Council Members.** The Council members shall be elected to  
26 four-year terms by the qualified voters of the entire Town. In 2018, and quadrennially thereafter,  
27 two Council members shall be elected for four-year terms. In 2020, and quadrennially thereafter,  
28 two Council members shall be elected for four-year terms.

29 "Section 3.3. **Election of Mayor.** In 2018, the Mayor shall be elected by the qualified voters  
30 of the entire Town to serve a two-year term. In 2020, and quadrennially thereafter, the Mayor  
31 shall be elected by the qualified voters of the entire Town to serve a four-year term.

32 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda may be held  
33 only as provided by general law or applicable local acts of the General Assembly.

#### 34 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

35 "Section 4.1. **Form of Government.** The Town shall operate under the mayor-council form  
36 of government in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

37 "Section 4.2. **Town Administrator.** The Council may appoint a Town Administrator to  
38 perform such duties as assigned by the Council.

39 "Section 4.3. **Town Attorney.** The Council shall appoint a Town Attorney licensed to  
40 practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town,  
41 advise Town officials, and perform other duties required by law or as the Council may direct.

42 "Section 4.4. **Town Clerk.** The Council shall appoint a Town Clerk to keep a journal of the  
43 proceedings of the Council, to maintain official records and documents, to give notice of  
44 meetings, and to perform such other duties required by general or local law or as the Council  
45 may direct.

46 "Section 4.5. **Tax Collector.** The Council shall appoint a Tax Collector to collect all taxes  
47 owed to the Town, perform those duties specified in G.S. 105-350, and such other duties as  
48 prescribed by law.

49 "Section 4.6. **Finance Officer.** The Council shall appoint a Finance Officer who shall  
50 perform the duties prescribed by Chapter 159 of the General Statutes, this Charter, and any other  
51 duties as may be directed by the Council.

1 "Section 4.7. **Other Administrative Officers and Employees.** The Council may authorize  
2 other positions to be filled by appointment and may organize the Town government as deemed  
3 appropriate, subject to the requirements of general law.

4 "ARTICLE V. PUBLIC ENTERPRISE SERVICES.

5 "Section 5.1. **Collection of Delinquent Bills.** If any fee charged by the Town for a public  
6 enterprise service under Article 16 of Chapter 160A of the General Statutes remains unpaid for  
7 a period of at least 90 days, the Town may collect it in any manner by which delinquent personal  
8 or real property taxes can be collected.

9 "Section 5.2. **Liens.** If the delinquent fees are collected in the same manner as delinquent real  
10 property taxes, the delinquent fees are a lien on the real property owned by the person contracting  
11 with the Town for the service. If a lien is placed on real property, the lien shall be valid from the  
12 time of filing in the office of the clerk of superior court of the county in which the service was  
13 provided and shall include a statement containing the name and address of the person against  
14 whom the lien is claimed, the name of the Town, the specific service that was provided, the  
15 amount of the unpaid charge for that service, and the date and place of furnishing that service. A  
16 lien on real property is not effective against an interest in real property conveyed after the fees  
17 become delinquent if the interest is recorded in the office of the register of deeds prior to the  
18 filing of the lien for delinquent fees. No lien under this Article shall be valid unless filed in  
19 accordance with this section after 90 days of the date of the failure to pay for the service or  
20 availability fees and within 180 days of the date of the failure to pay for the service or fees. The  
21 lien may be discharged as provided in G.S. 44-48. The Town shall adopt an appeals process  
22 providing notice and an opportunity to be heard in protest of the imposition of such liens. The  
23 county tax office, once notified of the Town's lien, shall include the lien amount on any tax bills  
24 printed subsequent to the notification. The county tax office shall add or remove liens from the  
25 tax bill at the request of the Town, such as in the case of an appeal where the Town decides to  
26 cancel the lien.

27 "Section 5.3. **Remedies Not Exclusive.** The remedies authorized in this Article are not  
28 exclusive, and the Town may use any and all other collection procedures authorized by general  
29 law, including, but not limited to, the debt setoff provisions of Chapter 105A of the General  
30 Statutes."

31 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of Norwood  
32 and to consolidate certain acts concerning the property, affairs, and government of the Town. It  
33 is intended to continue without interruption those provisions of prior acts which are expressly  
34 consolidated into this act so that all rights and liabilities that have accrued are preserved and may  
35 be enforced.

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

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

41 Chapter 212 of the 1905 Private Laws

42 Chapter 96 of the 1919 Private Laws

43 Chapter 46 of the 1935 Private Laws

44 Chapter 703 of the 1945 Session Laws

45 Chapter 1122 of the 1965 Session Laws

46 Chapter 91 of the 1983 Session Laws

47 Chapter 468 of the 1991 Session Laws

48 S.L. 2001-15

49 S.L. 2002-46, Section 2 only

50 S.L. 2002-127, Section 2 only

51 S.L. 2004-43

1 S.L. 2007-71  
2 S.L. 2015-253, Section 6 only.

3 **SECTION 5.** Notwithstanding any other provision of this act, the following acts,  
4 including any amendments thereto, are not repealed and the provisions of these acts remain  
5 effective as to the Town of Norwood as if this act had not been enacted:

6 S.L. 1997-410, Section 10

7 S.L. 2003-121

8 S.L. 2009-256.

9 **SECTION 6.** This act does not repeal by implication any local acts otherwise  
10 applicable to the Town of Norwood.

11 **SECTION 7.** This act does not affect any rights or interests that arose under any  
12 provisions repealed by this act.

13 **SECTION 8.** All existing ordinances, resolutions, and other provisions of the Town  
14 of Norwood not inconsistent with the provisions of this act shall continue in effect until repealed  
15 or amended.

16 **SECTION 9.** No action or proceeding pending on the date of ratification of this act  
17 by or against the Town or any of its departments or agencies shall be abated or otherwise affected  
18 by this act.

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

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



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1091

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

H1091-ABK-102 [v.1]

Page 1 of 1

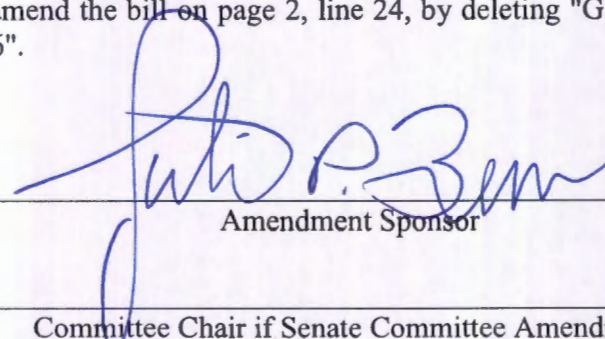
Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2018

Representative

- 1 moves to amend the bill on page 2, line 24, by deleting "G.S. 163-292" and substituting "G.S.  
2 163A-1616".

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



\* H 1 0 9 1 - A B K - 1 0 2 - V - 1 \*







# HOUSE BILL 1091: Norwood Charter Revised & Consolidated.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Burr  
**Analysis of:** First Edition

**Date:** June 13, 2018  
**Prepared by:** Jessica Sammons  
Staff Attorney

**OVERVIEW:** *House Bill 1091 would revise and consolidate the charter of the Town of Norwood in Stanly County.*

**CURRENT LAW:** The Town of Norwood was incorporated in 1881. The charter of the Town of Norwood was last revised and consolidated in 1905.

Officers for the town consist of a mayor and five Council members, all elected from the town at-large. The mayor serves a four-year term, and Council members serve staggered four-year terms. Elections are conducted on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163A-1616. S.L. 2015-253 amended the charter to provide that regular municipal elections for the Town are to be held in even-numbered years, beginning with the 2018 election. In order to implement this change, the terms of the mayor and Council members were extended from four years to five years until the next even-year election in 2018 and 2020.

**BILL ANALYSIS:** House Bill 1091 revises and consolidates the Charter of the Town of Norwood and expressly repeals various local acts because those acts have served their purpose or they have been consolidated into this act.

Specifically, the bill makes the following changes to the Charter:

- Reduces the Town Council from five members to four members. To implement this reduction, in 2018, two Council members would stand for election for a four-year term, and in 2020, two Council members would stand for election for a four-year term.
- Provides that the mayor would stand for election for a two-year term in 2018. In 2020, the mayor would stand for election for a four-year term.
- Provides that mayor will preside at meetings of the Council, and has the right to vote on any question or matter before the Council.
- Makes conforming changes to comply with existing General Statutes.

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

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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 2017

S

1

SENATE BILL 740

Short Title: Scotland Co. Register of Deeds Tax Cert. (Local)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 24, 2018

1

A BILL TO BE ENTITLED

2

AN ACT TO ALLOW SCOTLAND COUNTY TO NOT ACCEPT THE REGISTRATION OF

3

A DEED TRANSFERRING REAL PROPERTY WHEN TAXES ARE DELINQUENT.

4

The General Assembly of North Carolina enacts:

5

**SECTION 1.** G.S. 161-31 reads as rewritten:

6

**"§ 161-31. Tax certification.**

7

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

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

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

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









## SENATE BILL 740: Scotland Co. Register of Deeds Tax Cert.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Sen. McInnis  
**Analysis of:** First Edition

**Date:** June 13, 2018  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *Senate Bill 740 would authorize Scotland County to require payment of delinquent property taxes prior to recording deeds conveying property. The act would become effective when it becomes law.*

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

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

G.S. 161-31(b) lists the 80 counties to which this provision current applies.<sup>1</sup>

**BILL ANALYSIS:** Senate Bill 740 would amend G.S. 161-31(b) to add Scotland County to the list of counties in which the board of commissioners is permitted to pass a resolution requiring the register of deeds not to accept any deed transferring real property unless the county tax collector certifies that ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are not delinquent and are not a lien on the property.

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

**BACKGROUND:** The following 4 counties have a similar requirement but under different authorizing legislation:

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

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

*Staff attorney Jessica Sammons contributed to this bill summary.*

<sup>1</sup> The Register of Deeds in Duplin County must also receive a certification that no municipal taxes or any other taxes the collector is charged with collecting are a lien on the property before a deed transferring the property may be recorded. S.L. 2010-24.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1005

Short Title: Zebulon Charter/City Clerk. (Local)

Sponsors: Representatives Jackson and Malone (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

May 28, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ZEBULON TO PROVIDE THAT  
3 THE TOWN MANAGER SHALL APPOINT THE TOWN CLERK.

4 The General Assembly of North Carolina enacts:

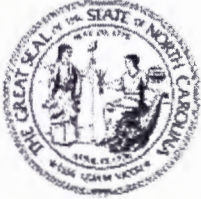
5 **SECTION 1.** Section 7.1 of the Charter of the Town of Zebulon, being Chapter 386  
6 of the Session Laws of 1973, as amended, which was renumbered as Section 5.4 by Town  
7 Ordinance No. 2004-45, adopted pursuant to G.S. 160A-496, reads as rewritten:

8 "Sec. 5.4. Town Clerk. The ~~Board of Commissioners~~ Town Manager shall appoint a Town  
9 Clerk to keep a journal of the proceedings of the Board of Commissioners and maintain in a safe  
10 place all records and documents pertaining to the affairs of the Town, and to perform such other  
11 duties as may be required by ~~law~~ law or by the Board of Commissioners or as may be directed  
12 by the Town Manager ~~may direct. He~~ Manager. The Town Clerk shall receive such compensation  
13 ~~and be required to give such bond as the Board may from time to time determine~~ as determined  
14 by the Town Manager."

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







## HOUSE BILL 1005: Zebulon Charter/City Clerk.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Reps. Jackson, Malone  
**Analysis of:** First Edition

**Date:** June 13, 2018  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 1005 would amend the Charter of the Town of Zebulon to provide that the Town Manager shall appoint and determine the compensation for the Town Clerk.*

*The act would become effective when it becomes law.*

**CURRENT LAW:** The Charter for the Town of Zebulon provides that the Board of Commissioners appoints and determines the compensation for the Town Clerk. The Town Clerk's duties are those required by law and those directed by Town Manager.

**BILL ANALYSIS:** House Bill 1005 amends Section 7.1 of Chapter 386 of the Session Laws of 1973, the Charter of the Town of Zebulon, to provide that the Town Manager shall appoint and determine the compensation for the Town Clerk and to provide that the Board of Commissioners may also impose duties upon the Town Clerk.

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

**BACKGROUND:** Section 7.1 of Chapter 386 of the Session Laws of 1973, the Charter of the Town of Zebulon, was renumbered as Section 5.4 by Zebulon Town Ordinance No. 2004-45, adopted April, 5, 2004. Authority for a town to renumber its charter provisions is contained in G.S. 160A-496.

Karen Cochrane-Brown  
Director



H 1 0 0 5 - S M B D - 9 1 E 1 - V - 2

Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 1082

Short Title: Wake/Chatham/Harnett Boundary Line. (Local)

Sponsors: Representatives Lewis, Jackson, Dollar, and Sauls (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

June 4, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE TRI-COUNTY BOUNDARY CORNER BETWEEN WAKE,  
3 HARNETT, AND CHATHAM COUNTY AND TO CORRECT A PORTION OF THE  
4 SOUTHERNMOST WAKE/CHATHAM COUNTY BOUNDARY LINE AS DESCRIBED  
5 IN A 1961 SURVEY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Pursuant to joint enabling authority by the Wake and Chatham County  
8 Board of Commissioners in 1961, E.C. Smith, registered land surveyor, was commissioned to  
9 locate the historic boundary line between Wake and Chatham County. The E.C. Smith survey  
10 was ratified by the Wake and Chatham County Board of Commissioners in 1961 as the official  
11 Wake/Chatham boundary ("1961 Wake/Chatham survey") and was recorded in Deed Book 1476,  
12 Page 332-338, and Book of Maps 1961, Page 68, Wake County Registry. The Wake/Chatham  
13 County southern boundary line as referenced in the 1961 Wake/Chatham survey included a  
14 monumented corner placed at the easternmost point of the believed intersection of Wake,  
15 Chatham, and Harnett County (tri-county corner). This tri-county corner was used as the endpoint  
16 and baseline for the demarcation of the southern boundary line between Wake and Chatham  
17 County. Wake and Chatham County have used the 1961 Wake/Chatham survey as the basis of  
18 the official dividing line between the two counties since 1961. Although Harnett County also  
19 shares common boundaries and a corner with Wake and Chatham County, Harnett County did  
20 not ratify the 1961 Wake/Chatham survey or the tri-county corner referenced in this section.

21 **SECTION 2.** Over the years, Wake and Harnett County have used differing versions  
22 of their shared boundary line. In 2017, in trying to resolve the discrepancy, the counties requested  
23 assistance from the North Carolina Geodetic Survey (hereinafter "NCGS"). During its research,  
24 NCGS discovered that the tri-county corner (Wake/Harnett/Chatham) is approximately 500 feet  
25 southwest of its 1961 Wake/Chatham survey location. NCGS was able to confirm by field  
26 verification the historic tri-county corner marked by an existing iron pipe located in a rock pile.  
27 The iron pipe was historically known as the tri-county corner as evidenced by corresponding  
28 deeds recorded in Deed Book 202, Page 242, of the Harnett County Registry. These discoveries  
29 are referenced on a preliminary map dated September 27, 2017, prepared by NCGS and entitled  
30 "Resurvey of the Chatham, Harnett, Wake County Corner" ("2017 NCGS Resurvey").

31 **SECTION 3.** Although common, uncertain county boundaries have a negative  
32 impact and effect on the provision of public services, taxation, school attendance, zoning maps,  
33 and elections. In the years since the 1961 survey of the Wake/Chatham County boundary line,  
34 Wake and Harnett County have used different county boundary lines and entered into multiple  
35 taxing agreements that have resulted in properties being taxed in one county by the adjoining





1 county. The Wake County Board of Commissioners agreed by vote and joint resolution on April  
2 16, 2018, the Harnett County Board of Commissioners on April 16, 2018, and the Chatham  
3 County Board of Commissioners on May 21, 2018, to adopt the 2017 NCGS Resurvey for the  
4 purpose of establishing the common boundary (corner) between Wake, Chatham, and Harnett  
5 County, and for correcting corresponding errors in a portion of the southern boundary line of  
6 Wake/Chatham as referenced in the 1961 Wake/Chatham survey. It is expected that the corrected  
7 tri-county corner boundary will be used as the baseline to map and resolve the Wake/Harnett  
8 boundary line and Harnett/Chatham boundary line at a future date.

9 **SECTION 4.(a)** Wake, Chatham, and Harnett County mutually agree that the  
10 easternmost concrete monument corner as referenced in the 1961 Wake/Chatham survey should  
11 be abandoned and the tri-county corner should be established based on the 2017 NCGS Resurvey.  
12 Wake, Chatham, and Harnett County have worked cooperatively to identify all parcels affected  
13 by the proposed relocation of the tri-county corner and the resultant correction in a portion of the  
14 shared southern boundary between Wake and Chatham County. Of those parcels that will be  
15 affected, all parcels are unimproved and are located in either Wake or Chatham County.  
16 Notification of the proposed relocation and corrected survey has been sent to the property owners  
17 of record. Further, the counties have held community meetings to educate the public as to the  
18 discovered errors in the 1961 Wake/Chatham survey. The adoption of the official tri-county  
19 corner by this act will not have an immediate effect on or require the relocation or reconfiguration  
20 of any Harnett County parcels. Harnett County parcels will only be affected upon further  
21 mapping of the Wake-Harnett boundary line and/or the Harnett-Chatham boundary line which  
22 may occur in the discretion of the counties at a future date.

23 **SECTION 4.(b)** All public records related to property located in areas affected by  
24 the resurvey of the tri-county corner that were filed or recorded prior to January 1, 2019, in the  
25 adjoining counties shall remain in those respective adjoining counties where filed or recorded,  
26 and the records shall be valid public records as to the property and persons involved, even though  
27 they are recorded in an adjoining county which is a county where the property is no longer located  
28 as evidenced by the 2017 NCGS Resurvey.

29 **SECTION 4.(c)** On and after July 1, 2019, all real and personal property located in  
30 areas affected by the 2017 NCGS Resurvey that was subject to ad valorem taxation on January  
31 1, 2019, shall be subject to ad valorem taxes in either Wake or Chatham County depending on  
32 where the property is situated for the fiscal year beginning July 1, 2019, to the same extent as it  
33 would have been had it been correctly recognized by the tax departments of each county on  
34 January 1, 2019. On July 1, 2019, the tax administrators of Wake and Chatham County shall  
35 transfer to the respective county tax assessors the ad valorem tax listings and valuations for all  
36 real and personal property subject to ad valorem taxation in areas affected by the resurvey of the  
37 boundary line. The following special provisions shall apply:

- 38 (1) All real property appearing on the 2017 NCGS Resurvey that is bisected  
39 between Wake and Chatham County shall be split assessed in accordance with  
40 administrative procedures adopted by the respective counties.
- 41 (2) The final tax values of property subject to ad valorem taxation in areas  
42 affected by the resurvey of portions of the Wake/Chatham southern boundary  
43 line as of January 1, 2019, shall be determined by the county tax administrator  
44 in which the property is situated as referenced in the 2017 NCGS Resurvey.
- 45 (3) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2019, or for  
46 prior years on property subject to taxation in areas affected by the 2017 NCGS  
47 Resurvey, shall continue to be valid and enforceable by the respective  
48 adjoining county, including (i) the foreclosure remedies provided for in  
49 G.S. 105-374 and G.S. 105-375 and (ii) the remedies of attachment and  
50 garnishment provided for in G.S. 105-366 through G.S. 105-368. The Wake  
51 and Chatham County tax administrators shall supply one another with a list of

1           unpaid taxes as of July 1, 2019. Any such taxes collected by either county  
2           shall be promptly paid to the appropriate adjoining county, including accrued  
3           interest. The provisions of G.S. 105-352(d) shall not apply to those areas in  
4           an adjoining county previously taxed by either county outside the areas  
5           affected by the resurvey of the boundary line that shall forthwith be properly  
6           listed and taxed in the county to which they have been situated as a result of  
7           the resurvey and those areas within each county that were in the past  
8           improperly listed and taxed by the adjoining county due to uncertainty as to  
9           the exact location of the true historic Wake/Chatham County boundary line.

10           **SECTION 5.** The General Assembly hereby ratifies the 2017 NCGS Resurvey, dated  
11           September 27, 2017, and entitled "Resurvey of the Chatham, Harnett, and Wake County Corner"  
12           as the official survey of the tri-county corner shared among Wake, Chatham, and Harnett County  
13           and the corrected portion of the southern boundary line between Wake and Chatham County.  
14           Unless otherwise modified by this act, the other boundary locations as referenced in the  
15           1961 Wake/Chatham survey shall remain in full force and effect. Wake, Chatham, and Harnett  
16           County, with the assistance of NCGS, shall cause a final version of the 2017 NCGS Resurvey to  
17           be prepared for official recording in their respective Register of Deeds Offices on or after the  
18           effective date of this act. Each county shall cause a copy of the same to be filed with the North  
19           Carolina Secretary of State.

20           **SECTION 6.** Owners and future owners of properties affected by this act shall be  
21           put on notice of the terms and conditions of this act by the recording of the final survey prepared  
22           in accordance with Section 5 of this act, which may include the Session Law assigned upon  
23           ratification of this act.

24           **SECTION 7.** Although no places of residence have been identified in any of the  
25           properties affected by the 2017 NCGS Resurvey ratified in this act, any residents of Wake,  
26           Chatham, or Harnett County who have students enrolled in the Wake, Chatham, or Harnett  
27           County school system who are subsequently impacted by this act shall be provided a choice to  
28           remain in their current school system, tuition-free, until graduation from high school, so long as  
29           they resided in the place of residence during the 2017-2018 school year and continue to reside  
30           therein. Siblings of any qualifying students benefited by this section during the transition period  
31           shall also be grandfathered in provided they meet the eligibility requirements of their older sibling  
32           provided the privilege granted by this section.

33           **SECTION 8.** The elected and appointed officials and employees of Wake, Chatham,  
34           and Harnett County shall incur no liability under any local or general law, ordinance, rule, or  
35           regulation for any act or failure to act relating to taxation, school attendance, land-use controls,  
36           elections, or any other governmental function as it relates to the boundary line of Wake, Chatham,  
37           and Harnett County.

38           **SECTION 9.** This act becomes effective January 1, 2019.





# HOUSE BILL 1082: Wake/Chatham/Harnett Boundary Line.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Finance	<b>Date:</b>	June 8, 2018
<b>Introduced by:</b>	Reps. Lewis, Jackson, Dollar, Sauls	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 1082 would re-establish the tri-county corner between Chatham, Harnett, and Wake Counties, and correct a portion of the 1961 Chatham-Wake County boundary.*

**CURRENT LAW:** The North Carolina Geodetic Survey (NCGS) via its State and County Boundary Program was created to resurvey ambiguous sections of the State's borders and county boundaries in order to prevent boundary-related disputes between bordering entities and to facilitate real estate property assessments, E-911 services, building inspections, and school assignments.

In 1961, the Wake and Chatham County Board of Commissioners commissioned a surveyor to locate the historic boundary line between Wake and Chatham County. The resulting E.C. Smith survey was ratified by the Wake and Chatham County Board of Commissioners in 1961 and included a monumented corner placed at the easternmost point of the believed intersection of Wake, Chatham, and Harnett County, referred to as the 'tri-county corner'. The tri-county corner has been used as the endpoint and baseline for the demarcation of the southern boundary line between Wake and Chatham County since 1961.

Although Harnett County shares common boundaries and the tri-corner with Wake and Chatham County, Harnett County did not ratify the 1961 Wake/Chatham survey or the tri-county corner referenced in this section. Wake and Harnett County have used differing versions of their shared boundary line. In 2017, in trying to resolve the discrepancy, the counties requested assistance from the NCGS. During its research, NCGS discovered that the tri-county corner is approximately 500 feet southwest of the 1961 E.C. Smith survey location. These discoveries are referenced on a preliminary map dated September 27, 2017, prepared by NCGS and entitled "Resurvey of the Chatham, Harnett, Wake County Corner."

At this time, no person resides on the properties impacted by the 2017 Resurvey.

**BILL ANALYSIS:** House Bill 1082 would set forth the necessary timelines for implementing the 2017 resurvey re-establishing the tri-county corner and Wake-Chatham County line, as follows:

- The tri-county corner is re-established, effective January 1, 2019, as that depicted in the 2017 NCGA Resurvey. The boards of county commissioners have adopted resolutions pursuant to G.S. 153A-18, establishing the boundary. **Sections 3 and 4(a).**
- Limitation on liability. **Section 8.**
- All public records related to residents and property located in areas affected by the 2017 survey that were filed or recorded prior to January 1, 2019, in the adjoining counties would remain in

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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# House Bill 1082

Page 2

those respective adjoining counties where filed or recorded, and the records remain valid public records as to the property and persons involved. **Section 4(b).**

- All real and personal property in areas affected by the 2017 resurvey that was subject to ad valorem taxation on January 1, 2019, would be subject to ad valorem taxes in the county to which the property is reassigned as a result of the 2017 resurvey for the fiscal year beginning July 1, 2019, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on January 1, 2019. **Section 4(c).**
- Even though there are no places of residence are on the affected properties, any student of Chatham, Harnett, and Wake Counties enrolled in the Wake, Chatham, or Harnett County school system who are subsequently impacted by the 2017 Resurvey are to be provided a choice to remain in their current school system, tuition-free, until graduation from high school, so long as they resided in the place of residence during the 2017-2018 school year and continue to reside there. This applies to any siblings of those students. **Section 7.**

**EFFECTIVE DATE:** January 1, 2019

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1057

Short Title: Red Springs Charter Amendment. (Local)

Sponsors: Representative Pierce.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

June 1, 2018

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF RED SPRINGS TO  
AUTHORIZE THE BOARD OF COMMISSIONERS TO FIX ITS COMPENSATION AND  
THE COMPENSATION OF THE MAYOR IN THE MANNER PROVIDED FOR BY  
GENERAL LAW AND MAKING CONFORMING CHANGES REQUIRED BY PRIOR  
GENERAL OR LOCAL LAWS.

The General Assembly of North Carolina enacts:

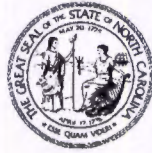
**SECTION 1.** Section 4 of the Charter of the Town of Red Springs, being Chapter 1252 of the Session Laws of 1949, as amended by Chapter 688 of the Session Laws of 1947, Chapter 344 of the Session Laws of 1951, and Chapter 457 of the Session Laws of 1957, reads as rewritten:

"Sec. 4. Creation, Salary, and Composition of the Mayor and Commission. – Except as otherwise provided in this charter, all powers of the town shall be vested in a mayor and a board of six commissioners who shall be nominated and elected from the town at large in the manner hereinafter provided. The terms of the members of the first board of commissioners elected after the ratification of this Act shall begin on May 10, 1949 and shall expire on July 1, 1951. Thereafter, the terms of office of members of the board of commissioners shall be for ~~two~~ four years, and until their successors are elected and qualified. ~~Except as provided for the members of the first board of commissioners elected after the ratification of this Act, the terms of office of the several commissioners shall begin on the first day of July next following their election. The Mayor shall be elected for a term of two years and shall serve until his or her successor is elected and qualified.~~ The mayor and commissioners shall be qualified electors of the town and shall hold no other public office except that of notary public or member of the National Guard or Naval or Military Reserve. If the mayor or any member of the commission shall cease to possess any of these qualifications or ~~shall be convicted of a crime involving moral turpitude, those qualifications set out in Article VI of the North Carolina Constitution,~~ his office shall immediately become vacant. If a vacancy occurs in the office of mayor or commission, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the commission. ~~The mayor shall receive a salary of \$200.00 per annum and each member of the commission shall receive a salary of \$25.00 per annum until changed by ordinance. No ordinance fixing or changing the salary of the mayor or members of the commission shall become effective during the current term of office of the board of commissioners.~~ The board of commissioners may fix its own compensation and the compensation of the mayor and any other elected officers of the town as authorized by G.S. 160A-64, but the compensation fixed shall not exceed the average compensation for mayors or commissioners, whichever is applicable.



1 included in the most recent annual survey of municipal salaries for towns with a population of  
2 2,500 to 5,000 published by the North Carolina League of Municipalities."

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



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1057

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

H1057-ABK-101 [v.1]

Page 1 of 1

Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2018

Representative ~~Pierce~~ Mary L. Bell

1 moves to amend the bill on page 1, line 9, by deleting the following:

2

3 "Chapter 688 of the Session Laws of 1947,".

SIGNED

[Signature]  
Amendment Sponsor

SIGNED

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

ADOPTED

FAILED

TABLED



\* H 1 0 5 7 - A B K - 1 0 1 - V - 1 \*







# HOUSE BILL 1057: Red Springs Charter Amendment.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 12, 2018
<b>Introduced by:</b>	Rep. Pierce	<b>Prepared by:</b>	Jessica Sammons
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 1057 would authorize the board of commissioners for the Town of Red Springs to set its own compensation and the compensation of the mayor and other elected town officers, and would make conforming changes to the qualifications for holding office in the Town.*

**CURRENT LAW:** Officers for the Town of Red Springs consist of a mayor and a board of six commissioners. Elections are conducted on a nonpartisan basis on the Tuesday after the first Monday in November (G.S. 163A-1585), and the results are determined using the plurality method in G.S. 163A-1616. The mayor serves for a two-year term, and commissioners serve staggered four-year terms.

The Charter for the Town of Red Springs provides that the mayor is to receive a salary of \$200.00 per year, and commissioners are to receive a salary of \$25.00 per year, until changed by ordinance. No ordinance fixing or changing the salary of the mayor or commissioners will be effective during their current term of office.

The Charter also provides that the office of mayor or commissioner is immediately vacated upon conviction of a crime involving moral turpitude, and is to be filled for the remainder of the unexpired term by a majority vote of the remaining commissioners.

**BILL ANALYSIS:** House Bill 1057 would amend the Charter of the Town of Red Springs as follows:

- Authorize the board of commissioners to set their own compensation and the compensation of the mayor and other elected town officers, and eliminate the specified salary amount and the prohibition on any salary changes becoming effective during the current term of office. The compensation set by the commissioners may not exceed the average compensation for mayors or commissioners included in the most recent annual survey of municipal salaries for towns with a population of 2,500 to 5,000 published by the North Carolina League of Municipalities.
- Provide that the office of mayor or commissioner is immediately vacated if the mayor or commissioner ceases to possess any of the qualifications for office set out in Article VI of the North Carolina Constitution.<sup>1</sup>

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

**BACKGROUND:** The population of the Town of Red Springs is 3,428.

<sup>1</sup> Article VI, Sec. 6, of the Constitution states the requirements for eligibility to elective office. Article VI, Sec. 8, of the Constitution states the disqualifications for office.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

1

SENATE BILL 753

Short Title: Franklin & Wake/Daily Deposits. (Local)

Sponsors: Senator Alexander (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 29, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT THE DEPOSIT OF CURRENCY AND COINS INTO A CASH  
3 VAULT THAT PHYSICALLY SECURES THE CASH AND ELECTRONICALLY  
4 RECORDS THE DEPOSIT DAILY IN AN OFFICIAL DEPOSITORY BANK QUALIFIES  
5 AS A DAILY DEPOSIT UNDER THE LOCAL GOVERNMENT BUDGET AND FISCAL  
6 CONTROL ACT FOR FRANKLIN AND WAKE COUNTIES AND THE  
7 MUNICIPALITIES IN THOSE COUNTIES.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Section 2 of S.L. 2011-89 reads as rewritten:

10 "SECTION 2. This act applies only to the City of ~~Winston-Salem only~~ Winston-Salem,  
11 Franklin County and the municipalities in Franklin County, and Wake County and the  
12 municipalities in Wake County."

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



\* S 7 5 3 - V - 1 \*





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

S

D

SENATE BILL 753

PROPOSED HOUSE COMMITTEE SUBSTITUTE S753-CSST-60 [v.1]

06/12/2018 07:00:23 PM

Short Title: Franklin & Wake/Daily Deposits.

(Local)

Sponsors:

Referred to:

May 29, 2018

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE DEPOSIT OF CURRENCY AND COINS INTO A CASH VAULT THAT PHYSICALLY SECURES THE CASH AND ELECTRONICALLY RECORDS THE DEPOSIT DAILY IN AN OFFICIAL DEPOSITORY BANK QUALIFIES AS A DAILY DEPOSIT UNDER THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT FOR FRANKLIN AND WAKE COUNTIES AND THE MUNICIPALITIES IN THOSE COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 159-32 reads as rewritten:

**"§ 159-32. Daily deposits.**

Except as otherwise provided by law, all taxes and other moneys collected or received by an officer or employee of a local government or public authority shall be deposited in accordance with this section. Each officer and employee of a local government or public authority whose duty it is to collect or receive any taxes or other moneys shall, on a daily basis, deposit or submit to a properly licensed and recognized cash collection service all collections and receipts. The deposit of currency and coins into a cash vault that physically secures the cash and electronically records the deposit daily in an official depository bank qualifies as a daily deposit even if the cash is not physically deposited at the bank until a later time. However, if the governing board gives its approval, deposits or submissions to a properly licensed and recognized cash collection service shall be required only when the moneys on hand amount to five hundred dollars (\$500.00) or greater. Until deposited or officially submitted to a properly licensed and recognized cash collection service, all moneys must be maintained in a secure location. All deposits shall be made with the finance officer or in an official depository. Deposits in an official depository shall be immediately reported to the finance officer by means of a duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or employee collecting or receiving taxes or other moneys, and may prescribe the form and detail of these accounts. The accounts of such an officer or employee shall be audited at least annually."

**SECTION 2.** This act applies to the Counties of Franklin and Wake, and the municipalities located in whole or in part in Wake County.

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







## SENATE BILL 753: Franklin & Wake/Daily Deposits.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 12, 2018
<b>Introduced by:</b>	Sen. Alexander	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	PCS to First Edition S753-CSST-60		Committee Co-Counsel

**OVERVIEW:** *The proposed committee substitute for Senate Bill 753 applies only to the County of Wake, and the municipalities in that county. The PCS clarifies that collections and receipts deposited and recorded on a daily basis by an official depository bank, but not physically collected, qualify as a daily deposit.*

### CURRENT LAW:

G.S. 159-32 requires local government or public authority officers and employees to deposit taxes or other collections and receipts on a daily basis. Upon approval of the governing board, deposits may be required only when the moneys on hand amount to as much as \$500, but deposits must be maintained in a secure location. All deposits must be made with the finance officer or in an official depository and immediately reported to the finance officer. An ATM would be considered an official depository.

**BILL ANALYSIS:** The PCS would allow the Counties of Franklin and Wake, and the municipalities located in Wake County, to deposit into a cash vault that physically secures and electronically recorded the deposit in an official depository bank as a daily deposit, even though the deposits may not be physically collected until a later date.

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

**BACKGROUND:** Similar legislation was enacted for the City of Winston Salem. S.L. 2011-8.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

*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 2017

H

1

HOUSE BILL 1084

Short Title: High Point/City Manager Dispose of Easements. (Local)

Sponsors: Representatives Faircloth, Hardister, Quick, and Brockman (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

June 6, 2018

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO AUTHORIZE  
3 THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY  
4 TO DISPOSE OF EASEMENTS THAT ARE NO LONGER NEEDED BY THE CITY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 1 of Article IV of the Charter of the City of High Point, being  
7 Chapter 501 of the Session Laws of 1979, as amended, reads as rewritten:

8 "ARTICLE IV.

9 "ADMINISTRATION.

10 "CHAPTER 1.

11 "CITY MANAGER.

12 "Sec. 4.1. Appointment; qualifications; term and compensation.

13 "Sec. 4.2. Powers and duties.

14 "Sec. 4.3. Other duties and procedures.

15 "Sec. 4.4. Authority to dispose of easements.

16 ...

17 "Sec. 4.4. Authority to dispose of easements. Notwithstanding the provisions of Article 12 of  
18 Chapter 160A of the General Statutes, the council may authorize the city manager to dispose of  
19 or exchange any of the following property interests upon such terms as deemed appropriate by  
20 the council without obtaining council approval for each disposition: water, sewer, traffic control,  
21 drainage, access, sidewalk, greenway, landscape, or utility easements when the easement is no  
22 longer needed by the city."

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



\* H 1 0 8 4 - V - 1 \*





**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1084**

H1084-ABD-37 [v.3]

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

Page 1 of 1

Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2018

Representative \_\_\_\_\_

1 moves to amend the bill on page 1, lines 19-22, by rewriting those lines to read:

2  
3 "or exchange any of the following property interests in easements when the easement is no longer  
4 needed by the city upon such terms as deemed appropriate by the council without obtaining  
5 council approval for each disposition: water, sewer, traffic control, drainage, access, sidewalk,  
6 greenway, landscape, or utility easements."  
7

SIGNED \_\_\_\_\_

Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

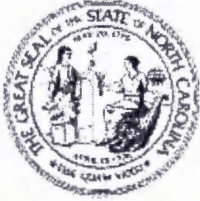
TABLED \_\_\_\_\_



\* H 1 0 8 4 - A B D - 3 7 - V - 3 \*







# HOUSE BILL 1084: High Point/City Manager Dispose of Easements.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I	<b>Date:</b>	June 13, 2018
<b>Introduced by:</b>	Reps. Faircloth, Hardister, Quick, Brockman	<b>Prepared by:</b>	Billy R. Godwin
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *House Bill 1084 would amend the Charter of the City of High Point to authorize the city council to delegate to the city manager the authority to dispose of, without council approval, easements no longer needed by the city.*

*The act would become effective when it becomes law.*

**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 - G.S.160A-277 and G.S. 160A-279.<sup>1</sup>
- Advertisement for sealed bids - G.S.160A-268.
- Negotiated offer, advertisement, and upset bid - G.S. 160A-269.
- Public auction - GS 160A-270.

Real property may also 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 1084 would amend the Charter of the City of High Point to:

- Exempt the city from the property disposal provisions of Article 12 of Chapter 160A.
- Authorize the city council to delegate to the city manager the authority to dispose of or exchange, without obtaining council approval for each disposition, the following types of easements when no longer needed by the city: water, sewer, traffic control, drainage, access, sidewalk, greenway, landscape, or utility easements.

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

<sup>1</sup> In limited circumstances, a municipality may, with or without consideration, sell real property through a non-competitive private sale process to volunteer fire departments and rescue squads (G.S.160A-277) and to non-profit entities carrying out a public purpose (G.S. 160A-279)

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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Committee Sergeants at Arms

NAME OF COMMITTEE House Committee State & Local Govt. I

DATE: 06/13/2018 Room: 643

House Sgt-At Arms:

1. Name: Terry McCraw

2. Name: Thomas Terry

Name: Kenneth Gilbert

4. Name: Glen Wall

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

Senate Sgt-At Arms:

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

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

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

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

Name: \_\_\_\_\_





**House Pages  
Assignments  
Wednesday, June 13, 2018  
Session: 2:00 PM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Finance	544	9:00 AM	Anna Andrews		Rep. John Sauls
			Joshua Frazier		Speaker Tim Moore
			Cade McConnell		Rep. Jason Saine
			Daniel Nivens		Speaker Tim Moore
State and Local Government	643	9:00 AM	Wesley Manning		Rep. Jean Farmer- Butterfield
			Merilee Newman		Rep. Mary Belk
			Chloe Renfer		Speaker Tim Moore
			Devin Stubbs		Rep. Carl Ford



## VISITOR REGISTRATION SHEET

House Committee State &amp; Local Government I

06/13/2018

Name of Committee

Date \_\_\_\_\_

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

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

CHRIS DILLON

WAKF.

Tim Mabrey

4)  $\Delta \text{H}^\circ$  (0

Alvin Cooper

10

Gary Thompson

NCEM

Charles Friddle

Wake County

Fred Boyette

City of High Point



## VISITOR REGISTRATION SHEET

House Committee State &amp; Local Government I

Name of Committee

06/13/2018

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK


NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Chris Broughton

MWC

*[Handwritten signature]*



Ammonia Donovan

KTS

Nick Billman

WM



**House Committee on State and Local Government I**  
**Wednesday, November 28, 2018 at 1:00 PM**  
**Room 544 of the Legislative Office Building**

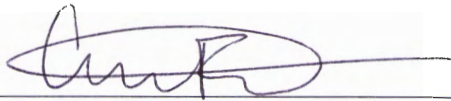
**MINUTES**

The House Committee on State and Local Government I met at 1:00 PM on December 3, 2018 in Room 423 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brawley, Brody, Butler, Cleveland, Conrad, Corbin, Fisher, Garrison, Pittman, and Warren attended.

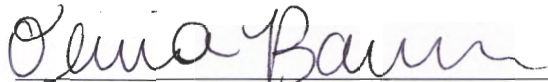
Representative Carl Ford, Chair, presided.

The Committee considered, HB 1105 Cleveland Co. BD. Of Ed./Even-Year Elections. (Representative Hastings) Representative Hastings was recognized to present the bill. The committee discussed the bill. Representative Warren motioned for HB 1105 to receive a favorable report. The chair called for a voice vote and the motion carried.

The meeting adjourned at 1:06 pm.

A handwritten signature in blue ink, appearing to be 'Carl Ford', written over a horizontal line.

Representative Carl Ford, Chair  
Presiding

A handwritten signature in blue ink, appearing to be 'Olivia Baumann', written over a horizontal line.

Olivia Baumann, Committee Clerk





**COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Wednesday, November 28, 2018

**TIME:** 1:00 PM

**LOCATION:** 544 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 1105</u>	Cleveland Co. Bd. of Ed./Even-Year Elections.	Representative Hastings

Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:45 AM on Wednesday, November 28, 2018.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Baumann (Committee Assistant)



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

**HB 1105**

Cleveland Co. Bd. of Ed./Even-Year Elections.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Hastings

TOTAL REPORTED: 1



\* C M R 2 6 6 - V - 1 \*



**House Committee on State and Local Government I**  
**Wednesday, November 28, 2018, 1:00 PM**  
**544 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Sgt. of Arms**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1105	Cleveland Co. Bd. Of Ed./Even-Year Elections.	Representative Hastings

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1105

Short Title: Cleveland Co. Bd. of Ed./Even-Year Elections.

(Local)

Sponsors: Representative Hastings.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

November 28, 2018

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION OF THE CLEVELAND COUNTY BOARD OF  
EDUCATION FROM ODD-NUMBERED YEARS TO EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Sections 6 and 7 of S.L. 2004-41, as amended by S.L. 2007-49, are repealed.

**SECTION 2.** Section 3.1 of S.L. 2017-78, as amended by S.L. 2017-200, reads as rewritten:

**"SECTION 3.1.** Notwithstanding the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools and S.L. 2004-41, as amended by S.L. 2007-49, beginning with the ~~2017~~2020 elections, members of the Cleveland County Board of Education shall be elected in elections conducted on a partisan basis, ~~as provided in G.S. 163-291.~~ basis at the time of the general election for four-year terms in each even-numbered year as terms expire. The primary and election shall be held and conducted in accordance with general laws governing primaries and elections for county officers, except as otherwise provided herein. Unaffiliated candidates shall be nominated by petition as provided in G.S. 163-296. G.S. 163A-1005(a)(3). Vacancies for members elected in 2017 and thereafter shall be filled as provided in G.S. 115C-37.1.

Notwithstanding the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools, in 2020, five members of the Board shall be elected on the date of the general election, and every four years thereafter, and in 2022, four members of the Board shall be elected on the date of the general election, and every four years thereafter.

Elected members of the Board 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. Members shall serve until a successor has been elected and qualified."

**SECTION 3.** Each member of the Cleveland County Board of Education elected in 2015 or 2017, or any member appointed to fill a vacancy of a member elected in 2015 or 2017, shall have his or her term extended by one year and shall serve until a successor has been elected and qualified.

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



\* H 1 1 0 5 - V - 1 \*







# HOUSE BILL 1105: Cleveland Co. Bd. of Ed./Even-Year Elections.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Hastings  
**Analysis of:** First Edition

**Date:** November 28, 2018  
**Prepared by:** Erika Churchill  
Staff Attorney

**OVERVIEW:** *House Bill 1105 would change the time of the election of the Cleveland County Board of Education from the odd-numbered years to the even-numbered years, effective with the 2020 elections.*

**CURRENT LAW:** The Cleveland County Board of Education, a nine member board, is elected on a partisan basis for staggered four-year terms, with the elections occurring in odd-numbered years.

**BILL ANALYSIS:** The bill would change the time of the elections to even-years, with five members elected in 2020, and every four years thereafter, and four members elected in 2022, and every four years thereafter. In the even years, the primary would be at the time of the primary for county officers, and the general election on the Tuesday next following the first Monday in November. New members would take office on the first Monday in December following the election.

To transition from odd- to even-year elections, the terms of the members elected in 2015 and 2017 would be extended by one year.

**EFFECTIVE DATE:** Effective when it becomes law, and applies to elections in 2020 and thereafter.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
(919) 733-2578



**House Committee on State and Local Government I**  
**Monday, December 3, 2018 at 3:00 PM**  
**Room 423 of the Legislative Office Building**

**MINUTES**


The House Committee on State and Local Government I met at 3:00 PM on December 3, 2018 in Room 423 of the Legislative Office Building. Representatives Speciale, Ager, Belk, Brawley, Brody, Burr, Butler, Cleveland, Conrad, Corbin, Farmer-Butterfield, Fisher, Garrison, Gill, Pittman, Strickland and Warren attended.

Representative Carl Ford, Chair, presided.

The Committee considered, HB 1109 Macon/Clay/No Right-of-Way Spotlighting. (Representative Corbin) Representative Corbin was recognized to present the bill, he presented a resolution from the County Commissioners. The committee discussed the bill. Representative Fisher motioned for HB 1109 to receive a favorable report. The chair called for a voice vote and the motion carried.

The Committee considered, HB 1110 Ten-Ten Fire District Governance. (Representative Dollar) Representative Dollar was recognized to present the bill. The committee discussed the bill. Many members of the community were recognized to give their input. Donal Pierce and Chris Pierce both with Fairview Fire Department spoke in support of the bill. David Handy of Raleigh and the Fairfield Community spoke in support of the bill. David McNulty of Raleigh spoke in support of the bill. Keith McGee with the Apex Fire Department spoke against the bill. David Bunn on the Hopkins Fire Department spoke in opposition against the bill. Wake County Assistant Manager, Chris Dillon spoke against the bill. Representative Brawley motioned for PCS of HB 1110 to receive a favorable report and an unfavorable report as to the original bill with a referral to the committee on Finance. The Chair called for a voice vote and the motion carried.

The meeting adjourned at 4:10 pm.

  
\_\_\_\_\_  
Representative Carl Ford, Chair  
Presiding

  
\_\_\_\_\_  
Olivia Baumann, Committee Clerk



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE**

HB 1109

Macon/Clay/No Right-of-Way Spotlighting.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Corbin

TOTAL REPORTED: 1



\* C M R 8 7 2 - V - 1 \*



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**STATE AND LOCAL GOVERNMENT I COMMITTEE REPORT  
Representative Carl Ford, Chair**

**FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED**

HB 1110

Ten-Ten Fire District Governance.

Draft Number: H1110-PCS10540-MHxf-9

**Serial Referral:** **FINANCE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Dollar

TOTAL REPORTED: 1



\* C M R 8 7 4 - V - 1 \*





**COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2017-2018 SESSION**

You are hereby notified that the **House Committee on State and Local Government I** will meet as follows:

**DAY & DATE:** Monday, December 3, 2018

**TIME:** 3:00 PM

**LOCATION:** 423 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
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<u>HB 1109</u>	Macon/Clay/No Right-of-Way Spotlighting.	
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		Representative Corbin
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<u>HB 1110</u>	Ten-Ten Fire District Governance	
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		Representative Dollar
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Respectfully,

Representative Carl Ford, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:45 AM on Friday, December 1, 2018.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Olivia Baumann (Committee Assistant)



**House Committee on State and Local Government I**  
**Monday, December 3, 2018, 3:00 PM**  
**423 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Sgt. of Arms**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1109	Macon/Clay/No Right-of-Way Spotlighting.	Representative Corbin
HB 1110	Ten-Ten Fire District Governance.	Representative Dollar

**Presentations**

**Other Business**

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

1

HOUSE BILL 1109

Short Title: Macon/Clay/No Right-of-Way Spotlighting. (Local)

Sponsors: Representative Corbin.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I

November 29, 2018

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN MACON AND CLAY COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding any other provision of law, it is unlawful for any person to shine a light intentionally upon any wild animal, including, but not limited to, deer, coyotes, or feral swine, from the right-of-way of any public road, street, or highway between the hours of one-half hour after sunset and one-half hour before sunrise.

**SECTION 2.** Section 1 of this act does not apply to the necessary shining of lights by motorists engaged in normal travel on the highway or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights.

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

**SECTION 4.** This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction.

**SECTION 5.** This act applies only to Macon and Clay Counties.

**SECTION 6.** This act becomes effective April 1, 2019, and applies to offenses committed on or after that date.



\* H 1 1 0 9 - V - 1 \*





## HOUSE BILL 1109: Macon/Clay/No Right-of-Way Spotlighting.

2017-2018 General Assembly

**Committee:** House State and Local Government I  
**Introduced by:** Rep. Corbin  
**Analysis of:** First Edition

**Date:** December 3, 2018  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *House Bill 1109 would make it a Class 2 misdemeanor to intentionally shine a light on any wild animal from the right-of-way of a public road between one-half hour after sunset and one-half hour before sunrise in Macon and Clay Counties. The act would become effective April 1, 2019, and apply to offenses committed on or after that date.*

**CURRENT LAW:** G.S. 113-291.1(a) provides for the taking of the taking of game only between one-half hour before sunrise and one-half hour after sunset. G.S. 113-291.1(b)(2) specifically prohibits the taking of wild animals or wild birds with the use of artificial lights except as provided by rules adopted by the Wildlife Resources Commission (WRC). In addition, pursuant to G.S. 113-291.1(e1) and (e2), the WRC may adopt rules prohibiting shining lights on deer when there is sufficient evidence that an area is subject to substantial unlawful night deer hunting and the residents have been greatly inconvenienced by the shining lights. Many counties have regulations restricting shining lights in deer areas.

By rule, the WRC allows night hunting and the use of artificial lights in the taking of raccoons, opossum, feral swine, and coyote.

G.S. 113-294(e) makes it a Class 2 misdemeanor to unlawfully take deer at night with the aid of an artificial light.

**BILL ANALYSIS:** **Section 1** of the bill would prohibit a person from intentionally shining a light on any wild animal, including deer, coyote, and feral swine, from the right-of-way of any public road, street, or highway between the hours of one-half hour after sunset to one-half hour before sunrise.

**Section 2** would provide that the prohibition does not apply to the necessary shining of lights by a motorist in normal travel on a highway, or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights.

**Sections 3 and 4** would make violation of the act a Class 2 misdemeanor, enforceable by law enforcement officers of the WRC, sheriffs and deputy sheriffs, and other law enforcement officers with general subject matter jurisdiction.

**Section 5** would make the act applicable to Macon and Clay Counties only.

**EFFECTIVE DATE:** This act becomes effective April 1, 2019, and applies to offenses committed on or after that date.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
(919) 733-2578

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.





**RESOLUTION EXPRESSING SUPPORT AND REQUESTING THE INTRODUCTION  
AND PASSAGE OF A LOCAL BILL BY THE GENERAL ASSEMBLY FOR THE  
STATE OF NORTH CAROLINA PROHIBITING RIGHT-OF-WAY SPOTLIGHTING  
IN MACON COUNTY**

THAT WHEREAS, there is a safety problem in Macon County, NC, which has resulted from individuals hunting various types of animals by spotlighting them from the right-of-ways for public roads, streets and/or highways immediately before darkness, during darkness and immediately before light; and

WHEREAS, such activities also results, at times, in the illegally killing or injuring animals; and

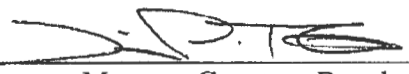
WHEREAS, historically, Local Bills, have been passed by the North Carolina General Assembly to prohibit hunting various types of animals by spotlighting them from the right-of-ways for public roads, streets and/or highways immediately before darkness, during darkness and immediately before light in certain of the Counties of North Carolina; and

WHEREAS, the Macon County Board of County Commissioners, do by this Resolution, support and desire that a Local Bill in the same form as that attached hereto be introduced and passed by the North Carolina General Assembly as soon as possible.

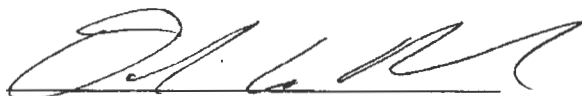
NOW THEREFORE, upon Motion of Commissioner Bede,  
seconded by Commissioner Shields, and approved by majority vote, be it hereby resolved that:

The Macon County Board of County Commissioners, do by this Resolution, support and desire that a Local Bill in the same form as that attached hereto be introduced and passed by the North Carolina General Assembly as soon as possible.

Read and approved by majority vote of the Members of the Macon County Board of Commissioners in this Regular Meeting of the Macon County Board of Commissioners this the 8<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Chairman, Macon County Board of  
Commissioners

ATTEST:

  
\_\_\_\_\_  
Clerk to the Board of the Macon County  
Commissioners





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 201\_\_

HOUSE \_\_\_\_\_

Short Title: Macon/Right-of-Way Spotlighting.

Sponsors: \_\_\_\_\_ Representatives .

Referred to: \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT to regulate hunting with artificial light in Macon County.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding any other provision of law, it is unlawful for any person to shine a light intentionally upon any wild animal, including, but not limited to, deer, coyotes, or feral swine, from the right-of-way of any public road, street, or highway between the hours of one-half hour after sunset and one-half hour before sunrise.

**SECTION 2.** Section 1 of this Act does not apply to the necessary shining lights by motorists engaged in normal travel on the highway or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights.

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

**SECTION 4.** This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction.

**SECTION 5.** This act applies only to Macon County.

**SECTION 6.** This act becomes effective \_\_\_\_\_, 2018, and applies to offenses committed on or after that date.



3

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 1110

Short Title: Ten-Ten Fire District Governance. (Local)

Sponsors: Representative Dollar.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government I, if favorable, Finance

November 29, 2018

A BILL TO BE ENTITLED

AN ACT REGARDING THE GOVERNANCE OF THE FAIRVIEW (TEN-TEN) FIRE PROTECTION DISTRICT.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Wake County Board of County Commissioners shall do all of the following:

(1) Reestablish the tax levied under Article 3A of Chapter 69 of the General Statutes within the boundaries of the Fairview fire protection district at the same rate as that currently levied in the Wake County fire protection service district.

(2) Remove the Fairview fire protection district from the Wake County fire protection service district and from the jurisdiction of the Wake County Fire Commission. Nothing in this act is intended to prevent the Wake County Fire Commission from contracting with the Fire Protection District Commission established by Section 2 of this act regarding fire protection in areas outside the boundary of the Fairview fire protection district or the provision of services other than fire protection.

**SECTION 1.(b)** All firefighting apparatus and equipment located at either station of the Fairview Rural Fire Department shall become the property of the Fairview Rural Fire Department. This subsection shall not apply to any vehicle and associated equipment located at a station of the Fairview Rural Fire Department under a contract for the provision of services other than fire protection.

**SECTION 1.(c)** Funds collected by the Fairview Rural Fire Department from donors and fundraising events and held administratively by Wake County shall remain the property of the Department, shall not be used for any general fund or fund balance requirements, and shall remain available for use at the direction of the Board of Directors of the Fairview Rural Fire Department.

**SECTION 2.** G.S. 69-25.7 reads as rewritten:

**"§ 69-25.7. Administration of special fund; fire protection district commission.**

The special fund provided by the tax herein authorized shall be administered to provide fire protection as provided in G.S. 69-25.5 by ~~the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, or by a fire protection district commission of three qualified voters of the area, to be known as~~

(Here insert name)



1 ~~Fire Protection District Commission, said board to be appointed by the board of county~~  
2 ~~commissioners or the joint boards of county commissioners, if the area lies in more than one~~  
3 ~~county, for a term of two years, said commission to serve at the discretion of and under the~~  
4 ~~supervision of the board of county commissioners or boards of county commissioners if the area~~  
5 ~~lies in more than one county.~~ a Fire Protection District Commission of three qualified voters of  
6 the district to be known as the Fairview Fire Protection District Commission. One district  
7 commissioner shall be appointed by the Board of County Commissioners, and the other two  
8 commissioners shall be selected by the Board of Directors or by open meeting of the membership  
9 of the Fairview Rural Fire Department. The member of the initial commission appointed by the  
10 Board of County Commissioners shall be appointed for a one-year term, and, of the two members  
11 appointed by the Fairview Rural Fire Department, one member shall be appointed for a three-year  
12 term and one member for a two-year term. As the terms of the initial members expire, their  
13 successors shall be appointed for three-year terms. The Fire District Commission shall select its  
14 own chairman."

15 **SECTION 3.** This act applies to Wake County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 1110  
PROPOSED COMMITTEE SUBSTITUTE H1110-CSMHxf-8 [v.2]  
12/02/2018 06:45:41 PM

Short Title: Ten-Ten Fire District Governance.

(Local)

Sponsors:

Referred to:

November 29, 2018

A BILL TO BE ENTITLED  
AN ACT REGARDING THE GOVERNANCE OF THE TEN-TEN (FAIRVIEW) FIRE  
PROTECTION DISTRICT.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Wake County Board of County Commissioners shall do all of  
the following:

- (1) Reestablish the tax previously levied under Article 3A of Chapter 69 of the  
General Statutes within the boundaries of the Ten-Ten (Fairview) fire  
protection district at the same rate as that currently levied in the Wake County  
fire protection service district. Proceeds of this tax collected by Wake County  
within the boundaries of the Ten-Ten (Fairview) fire protection district, less  
the cost of administering and collecting the tax, not to exceed two percent  
(2%) of the amount collected each year shall be remitted to the special fund  
described in G.S. 69-25.7, as modified by Section 2 of this act.
- (2) Remove the Ten-Ten (Fairview) fire protection district from the Wake County  
fire protection service district and from the jurisdiction of the Wake County  
Fire Commission. Nothing in this act is intended to prevent the Wake County  
Fire Commission from contracting with the Fire Protection District  
Commission established by Section 2 of this act regarding fire protection in  
areas outside the boundary of the Ten-Ten (Fairview) fire protection district  
or the provision of services other than fire protection.
- (3) Contract with the Fairview Rural Fire Department to furnish fire protection  
for the Ten-Ten (Fairview) fire protection district.

**SECTION 1.(b)** All firefighting apparatus and equipment located at either station of  
the Fairview Rural Fire Department shall become the property of the Fairview Rural Fire  
Department. This subsection shall not apply to any vehicle and associated equipment located at  
a station of the Fairview Rural Fire Department under a contract for the provision of services  
other than fire protection.

**SECTION 1.(c)** Funds collected by the Fairview Rural Fire Department from donors  
and fundraising events and held administratively by Wake County shall remain the property of  
the Department, shall not be used for any general fund or fund balance requirements, and shall  
remain available for use at the direction of the Board of Directors of the Fairview Rural Fire  
Department.

**SECTION 2.** G.S. 69-25.7 reads as rewritten:

"§ 69-25.7. Administration of special fund; fire protection district commission.



★ H 1 1 1 0 - C S M H X F - 8 ★



(1) The special fund provided by the tax herein authorized shall be administered to provide fire protection in portions of Wake County not described by subdivision (2) of this subsection as provided in G.S. 69-25.5 by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, or by a fire protection district commission of three qualified voters of the area, to be known as

(Here insert name)

Fire Protection District Commission, said board to be appointed by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, for a term of two years, said commission to serve at the discretion of and under the supervision of the board of county commissioners or boards of county commissioners if the area lies in more than one county.

(2) The special fund provided by the tax herein authorized shall be administered to provide fire protection as provided in G.S. 69-25.5 within the Ten-Ten (Fairview) fire protection district by a Fire Protection District Commission of three qualified voters of the district to be known as the Fairview Fire Protection District Commission. One district commissioner shall be appointed by the Board of County Commissioners, and the other two commissioners shall be selected by the Board of Directors or by open meeting of the membership of the Fairview Rural Fire Department. The member of the initial commission appointed by the Board of County Commissioners shall be appointed for a one-year term, and, of the two members appointed by the Fairview Rural Fire Department, one member shall be appointed for a three-year term and one member for a two-year term. As the terms of the initial members expire, their successors shall be appointed for three-year terms. The Fire District Commission shall select its own chairman."

**SECTION 3.** Section 2 of this act applies to the portion of Wake County designated as of the effective date of this act within the boundaries of the Ten-Ten (Fairview) fire protection district only.

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



## HOUSE BILL 1110: Ten-Ten Fire District Governance.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If	<b>Date:</b>	December 2, 2018
	favorable, re-refer to Finance		
<b>Introduced by:</b>	Rep. Dollar	<b>Prepared by:</b>	Jeff Cherry
<b>Analysis of:</b>	PCS to First Edition		Staff Attorney
	H1110-CSMHxf-8		

**OVERVIEW:** *House Bill 1110 is a local act that would change the governance structure for the Ten-Ten (also known as Fairview) Fire Protection District, and direct the Wake County board of commissioners to reimpose a previously authorized tax within the borders of the District to be administered by a newly created District Commission. The PCS also directs the Wake County Board to contract with the existing Fairview Rural Fire Department to furnish fire protection services within the District, and transfers firefighting apparatus and equipment located at stations operated by the Fairview Rural Fire Department to the Department.*

**CURRENT LAW:** Firefighting services in Wake County are currently funded through a county service district established under Article 16 of Chapter 153A of the General Statutes. Wake County Fire Services Department manages the service tax district in cooperation with the Wake County Fire Commission, which is appointed by the Board of County Commissioners. Prior to the establishment of the county service district in 1998, fire protection in certain areas of the county (including the area now served by the Fairview Rural Fire Department) were funded by rural fire protection districts created under an older, parallel statute, Article 3A of Chapter 69 of the General Statutes. Taxes in these districts were levied via a referendum of "resident freeholders" living in the district. Once approved, a Chapter 69 tax district remains in effect until abolished in the manner set forth in G.S. 69-25.10. Under G.S. 69-25.7, the proceeds of these rural fire protection district taxes are to be administered either by the board of county commissioners, or by a Fire Protection district commission appointed by the Board of County Commissioners.

G.S. 153A-304.2 provides that the county is no longer authorized to levy the county service district tax in territory that is removed from a county service district under Chapter 153A and annexed into a fire protection district created under Chapter 69. There is no corresponding statute that removes the authorization to levy a tax under Chapter 69 when that area becomes subject to a Chapter 153A service district.

**BILL ANALYSIS:** The PCS directs the Board of County Commissioners to do the following:

- Remove the Ten-Ten (Fairview) fire protection district from the Wake County fire protection service district, and reestablish the previous tax levied under Article 3A of Chapter 69 within the district.
- Contract with the Fairview Rural Fire Department to furnish fire protection within this district.

Kory Goldsmith  
Director



Legislative Drafting  
(919) 733-6660

# House PCS 1110

*Page 2*

- Transfer firefighting apparatus and equipment located at either station of the Fairview Rural Fire Department to the Department (other than equipment stationed at the stations pursuant to a contract with the Department for services other than firefighting).

The PCS also clarifies that funds collected by the Department from its own fundraising efforts and held by the County shall remain available for use and under the control of the Board of Directors of the Department and makes a local modification to G.S. 69-25.7 applicable only to that portion of Wake County lying within the Ten-Ten (Fairview) fire protection district providing that the special fund receiving the proceeds of the tax is to be administered by District Commission consisting of two members appointed by the Fairview Rural Fire Department and one member appointed by the Board of County Commissioners.

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

# Public Comment

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Donald Pierce	Fairview Fire Dept 4501 Ten-Ten Rd.
David Handy	8109 Manor Ridge Dr., Raleigh, NC
David McNulty	8332 Nantahala DR Rd
Keith McGee	Apex Fire Dept. PO Box 250, Apex, NC 27502
David Bonn	Hopkins Fire Dept 8933 Fowler RD Zebulon
CHRIS DILLON	WAKE COUNTY ASST MANAGER
Chris Pierce	Fairview F.D.



Members of the committee,

My name is David McNulty and I am the current fire Chief of the Durham Highway Fire Department in North-west Wake County. ~~I am here today with several of my Board of Directors, members, and citizens to speak to the proposed legislation, House Bill 1110, which~~ would have a significant negative impact on the remaining departments funded through the Wake County unified fire tax district who were not included or considered in the proposed legislation.

My department, just the like Fairview 10-10 Fire District, is a net contributor to the unified tax district. In this model, taxes paid by my citizens are utilized to provide services in other parts of Wake County, along with centralized services provided by Wake County Fire Services. One thing is certain, our current model is imperfect, and I have been vocal to our local leaders about changes that must occur. Individual fire districts have repeatedly lobbied for and made financial decisions that resulted in a tragedy of the commons, where disparities in financing have grown as a result of departments lobbying for their own self-interest, rather than standardizing base levels of service. Cost efficiencies must be found, direct services should be prioritized above other funding choices, and we have to arrive at a sustainable financial model. But these are local questions, which should be answered on a local not State level.

House Bill 1110 would achieve no other outcome other than to further destabilize the fire tax district before solutions can be found locally for long-term stability. The legislation as currently constructed is a threat to every other department within Wake County who are charged with providing critical fire protection, first responder, and rescue services





within the County. The uncertainty introduced by this bill not only threatens our ability to plan in the near and long-term, but it may result in other departments requesting similar legislation, which would place further strain on and threaten the fire services provided throughout Wake County.

If it is the Legislature's intent to modify the Wake County Unified Fire Tax District, the legislation should apply to the entire County, not simply address the concerns of one of the 19 districts in Wake County. The result of taking the singular action of addressing the Fairview Fire District will only put additional economic strain on the tax district and place a greater tax burden on citizens who are already subsidizing fire services in other parts of the County.

In consideration of the numerous negative consequences of this bill on departments across Wake County, I would encourage you to vote against the legislation in its current form and allow time for Wake County to find local solutions to these questions.

Thank you for your time and consideration





Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on State & Local Government

DATE: Dec 3, 2018 Room: 423

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: Kenneth Gilbert
3. Name: Jim Moran
4. Name: Glen Wall
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_



# VISITOR REGISTRATION SHEET

House Committee on State & Local Government 1

December 3, 2018

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Donald Pierce	Farmview Fire Dept. 4501 Tun-Tun Rd Apex
Tyler Ford	MWC
Leo John	NC secretary of state
Flint Benson	SEANC
Besha Fortson	SEANC
CHRIS DILLON	WAKE
Darrell Alford	Wake County Fire Services
Robert Stagg	Wake Co. Fire Commissioner
<del>BRANTON TANNER</del>	WAKE County FIRE SERVICES
Nick Campasano	Wake County Fire Services
Michael James	Wake County Budget & Management Services



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David Bunn	Hopkins Fire Dept.
Robert Carter	Hopkins Fire Dept.
GARLAND JOHNSTON	WESTERN WAKE FIRE RESCUE
Jamie Holland	Holly Springs Fire Rescue
LeRoy Smith	Holly Springs Fire Department
David Cates	Eastern Wake Fire Rescue Dept.
Nicole Dozier	Mayor Pro Tem. Apex TC
Frank Rogers	Private C. Tiger
TOM SCORZAFAVA	DURHAM HIGHWAY FIRE DEPT.
Mac Schultz	Durham Highway Fire Dept
Brian McKeearney	Durham Highway Fire Dept



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FIRM OR AGENCY AND ADDRESS

## 5m Bridges

Town of Garner

SUSAN VICK

DUKE ENERGY

Brook Heyel

Citizen in Fairview District





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FIRM OR AGENCY AND ADDRESS

Mr. West	Fairview Fire Dept
Tom Fitzgerald	FSP
Allen Pierce	Fairview Fire Dept
John Masor	Fairview Fire Dept
Barry Spain	Fairview Fire Dept
Ed Benson	" " "
Mike David	Newfame
Jason Goyer	Newfame
Sheri Deroche	Fairview Fire Dept.
John Deroche	Bellevue
Andrew Craver	Fairview Fire Department



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FIRM OR AGENCY AND ADDRESS

Mark Craver

Fairview F.D.

Brian Lehrschall

Citizen

David Handy

Citizen

Chris Price

Farrise F. b

Wor. Ann Harris

Uttara

