# 2017-2018

# SENATE
# STATE & LOCAL
# GOVERNMENT

# MINUTES

# ATTENDANCE

Committee: STATE AND LOCAL GOVERNMENT

| NAMES \ DATES | 2-28-17 | 3-7-17 | 3-14-17 | 3-21-17 | 3-28-17 | 4/4/17 | 4-11-17 | 4/25/17 | 5/23/17 | 6/6/17 | 6/13/17 | 6-20-17 | 6-21-17 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sen. John Alexander, Chair | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Sen. Ron Rabin, Chair | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Sen. Jeff Tarte, Chair | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Sen. Deanna Ballard | ✓ | ✓ | | ✓ | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | | | | |
| Sen. Tamara Barringer | ✓ | ✓ | | ✓ | | ✓ | | | ✓ | | ✓ | ✓ | | | | |
| Sen. Danny Britt | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | | | | |
| Sen. Jay Chaudhuri | | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | | ✓ | ✓ | | | |
| Sen. Bill Cook | ✓ | ✓ | | ✓ | ✓ | ✓ | | ✓ | | | ✓ | ✓ | | | | |
| Sen. David Curtis | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | | ✓ | ✓ | | | |
| Sen. Don Davis | ✓ | ✓ | ✓ | ✓ | | ✓ | | | | ✓ | ✓ | ✓ | ✓ | | | |
| Sen. Chuck Edwards | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | | | |
| Sen. Valerie Foushee | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | | ✓ | ✓ | | | |
| Sen. Rick Horner | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Sen. Jeff Jackson | ✓ | ✓ | | ✓ | | | | ✓ | | | | ✓ | | | | |
| Sen. Michael Lee | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | | | | |
| Sen. Tom McInnis | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | | ✓ | ✓ | | | |
| Sen. Norm Sanderson | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Sen. Mike Woodard | | | | ✓ | | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | | | |
| Perry Wester, Clerk | | | ✓ | | | ✓ | | | | ✓ | | | ✓ | | | |
| Chandra Reed, Clerk | | ✓ | | | ✓ | | | ✓ | | | ✓ | | | | | |
| Jan Copeland, Clerk | ✓ | | | ✓ | | | ✓ | | ✓ | | | ✓ | | | | |
| Brad Krehely, Legislative Analysis | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | | | | |
| Billy Godwin, Legislative Analysis | ✓ | — | | | ✓ | ✓ | | — | | | ✓ | ✓ | | | | |
| Jessica Sammons, Legislative Analysis | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | | | | | |
| Susan Barham, Legislative Analysis | ✓ | ✓ | | ✓ | ✓ | | | | | | ✓ | | | | | |
| Giles Perry | | | | ✓ | | | | | | | | | | | | |
| Kirsten | | | | ✓ | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |

Principal Clerk ____
Reading Clerk ____

**Corrected #1: SB 51 removed from the agenda**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | February 28, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 6 | Cornelius Annexation. | Senator Tarte |
| SB 19 | Even Yr Municipal Election/Towns of Troy/Star. | Senator Dunn |
| SB 37 | Roanoke Island Fire District Changes. | Senator Cook |
| SB 62 | Veterans' Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 63 | Military Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 69 | Local Gov't Comm/Finance Officer Training. | Senator D. Davis<br>Senator Tarte |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, February 28, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks (Senator Jeff Tarte Chairing)**

**Introduction of Sgt. at Arms and Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 6 | Cornelius Annexation. | Senator Tarte |
| SB 19 | Even Yr Municipal Election/Towns of Troy/Star. | Senator Dunn |
| SB 37 | Roanoke Island Fire District Changes. | Senator Cook |
| ~~SB 51~~ | ~~Winston-Salem/Service by Publication Cost.~~ | ~~Senator Lowe~~ ~~Senator Krawiec~~ removed |
| SB 62 | Veterans' Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 63 | Military Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 69 | Local Gov't Comm/Finance Officer Training. | Senator D. Davis<br>Senator Tarte |

**Presentations**

**Other Business**

**Adjournment**

# Senate Committee on State and Local Government
# Tuesday, February 28, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks (Senator Jeff Tarte Chairing)**

**Introduction of Sgt. at Arms and Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 6 | Cornelius Annexation. | Senator Tarte |
| SB 19 | Even Yr Municipal Election/Towns of Troy/Star. | Senator Dunn |
| ~~SB 37~~ | ~~Roanoke Island Fire District Changes.~~ | ~~Senator Cook~~ |
| SB 51 | Winston-Salem/Service by Publication Cost. | Senator Lowe<br>Senator Krawiec |
| SB 62 | Veterans' Affairs Commission/Strategic Plan. | ~~Senator D. Davis~~<br>Senator Brown |
| SB 63 | Military Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 69 | Local Gov't Comm/Finance Officer Training. | Senator D. Davis<br>Senator Tarte |

* removed from agenda

**Presentations**

**Other Business**

**Adjournment**

# Senate Committee on State and Local Government
# Tuesday, February 28, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks (Senator Jeff Tarte Chairing)**

**Introduction of Sgt. at Arms and Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
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| SB 6 | Cornelius Annexation. | Senator Tarte |
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| SB 37 | Roanoke Island Fire District Changes. | Senator Cook |
| SB 51 | Winston-Salem/Service by Publication Cost. | Senator Lowe<br>Senator Krawiec |
| SB 62 | Veterans' Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 63 | Military Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 69 | Local Gov't Comm/Finance Officer Training. | Senator D. Davis<br>Senator Tarte |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, February 28, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on February 28, 2017 in Room 423 of the Legislative Office Building. 15 members were present.

Senator Jeff Tarte, Chair, presided.

Senator Tarte called the meeting to order @ 2:01 p.m. Senator Tarte introduced and thanked the Sgt. Of Arms as well as the pages. The chair determined and announced the listed bills would be for discussion only.

**SB 6 Cornelius Annexation. (Senator Tarte) Senator Tarte explained the bill**

**SB 19 Even Yr Municipal Election/Towns of Troy/Star. (Senator Dunn) Senator Dunn explained the bill**

**SB 37 Roanoke Island Fire District Changes. (Senator Cook) Senator Cook explained the bill.**

**SB 62 Veterans' Affairs Commission/Strategic Plan. (Senators D. Davis, Brown) Senator D. Davis explained the bill.**

**SB 63 Military Affairs Commission/Strategic Plan. (Senators D. Davis, Brown) Senator D. Davis explained the bill.**

**SB 69 Local Gov't Comm/Finance Officer Training. (Senators D. Davis, Tarte) Senator D. Davis explained the bill.**

The meeting adjourned at 2:48 p.m.

Senator Jeff Tarte, Chair
Presiding

Jan Copeland, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 6
## PROPOSED COMMITTEE SUBSTITUTE S6-CSBDx-2 [v.1]
02/17/2017 01:05:59 PM

Short Title: Cornelius Annexation. (Local)

Sponsors: Senator Tarte (Primary Sponsor).

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 | 00503206 | 00502111 |
| 00513117 | 00503201 | 00502112 |
| 00541107 | 00538386 | 00506102 |
| 00502105 | 00503204 | 00502117 |
| 00502106 | 00538385 | 00502125 |
| 00502129 | 00503288 | 00502108 |
| 00503211 | 00503209 | 00502118 |
| 00114509 | 00507115 | 00513124 |
| 00114522 | 00507114 | 00513107 |
| 00511106 | 00507109 | 00513205 |
| 00503208 | 00542301 | 00502116 |
| 00538387 | 00507110 | 00182123 |
| 00538388 | 00507119 | 00182124 |
| 00513106 | 00506101 | 00182122 |
| 00513120 | 00507117 | 00182121 |
| 00513105 | 00506110 | 00182120 |
| 00513129 | 00506111 | 00182125 |

| | | |
|---|---|---|
| 00513119 | 00502124 | 00182119 |
| 00513118 | 00502126 | 00182118. |

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

# SENATE BILL 6:
# Cornelius Annexation.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | February 20, 2017 |
| **Introduced by:** | Sen. Tarte | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | PCS to First Edition<br>S6-CSBDx-2 | | |

***OVERVIEW:*** ***Senate Bill 6 (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.***

**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 (proposed committee substitute) 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*

S6-SMBD-4 CSBDX-2 -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

S 1

# SENATE BILL 6

| | | |
|---|---|---|
| Short Title: | Cornelius Annexation. | (Local) |
| Sponsors: | Senator Tarte (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

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 |
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| 00502122 | 00511105 | 00533105 |
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| 00504225 | 00507118 | 00533102 |
| 00504C98 | 00507116 | 00502109 |
| 00504230 | 00507112 | 00502114 |
| 00504C96 | 00503214 | 00502113 |
| 00513122 | 00503206 | 00502111 |
| 00513117 | 00503201 | 00502112 |
| 00541107 | 00538386 | 00506102 |
| 00502105 | 00503204 | 00502117 |
| 00502106 | 00538385 | 00502125 |
| 00502129 | 00503288 | 00502108 |
| 00503211 | 00503209 | 00502118 |
| 00114509 | 00507115 | 00513124 |
| 00114522 | 00507114 | 00513107 |
| 00511106 | 00507109 | 00513205 |
| 00503208 | 00542301 | 00502116 |
| 00538387 | 00507110 | 00182123 |
| 00538388 | 00507119 | 00182124 |
| 00513106 | 00506101 | 00182122 |
| 00513120 | 00507117 | 00182121 |
| 00513105 | 00506110 | 00182120 |
| 00513129 | 00506111 | 00182125 |

00513119 00502124 00182119
00513118 00502126 00182118.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 19
PROPOSED COMMITTEE SUBSTITUTE S19-CSBK-2 [v.1]
02/20/2017 09:19:51 AM

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

Sponsors:

Referred to:

February 1, 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~~

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

# SENATE BILL 19:
# Even Yr Municipal Election/Towns of Troy/Star.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | February 20, 2017 |
| **Introduced by:** | Sen. Dunn | **Prepared by:** | Brad Krehely |
| **Analysis of:** | PCS to First Edition S19-CSBK-2 | | Jessica Sammons Committee Counsel |

***OVERVIEW: Senate Bill 19 (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 H8, as introduced by Rep. Burr, which is currently in House Elections and Ethics Law.]**

**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*

S19-SMBK-4 CSBK-2 -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.*

**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

S 1

# SENATE BILL 19*

| | | |
|---|---|---|
| Short Title: | Even Yr Municipal Election/Towns of Troy/Star. | (Local) |
| Sponsors: | Senator Dunn (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

February 1, 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~~

~~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 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 37
## PROPOSED COMMITTEE SUBSTITUTE S37-CSBDx-3 [v.1]
02/20/2017 10:48:59 AM

Short Title: Roanoke Island Fire District Changes. (Local)

Sponsors: Senator Cook (Primary Sponsor).

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.

...."

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

# SENATE BILL 37:
# Roanoke Island Fire District Changes.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | February 20, 2017 |
| **Introduced by:** | Sen. Cook | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | PCS to First Edition<br>S37-CSBDx-3 | | |

***OVERVIEW:*** ***Senate Bill 37 (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.***

***[As introduced, this bill was identical to H45, as introduced by Rep. Boswell, which is currently in House State and Local Government I.]***

**CURRENT LAW:** Fire Service Tax Districts are authorized under Article 16 of Chapter 153A of the General Statutes. 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 (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 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.

*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

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# SENATE BILL 37

| | | |
|---|---|---|
| Short Title: | Roanoke Island Fire District Changes. | (Local) |
| Sponsors: | Senator Cook (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

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.

...."

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

# SENATE BILL 62:
# Veterans' Affairs Commission/Strategic Plan.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | February 24, 2017 |
| **Introduced by:** | Sens. D. Davis, Brown | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | PCS to First Edition<br>S62-CSRN-1 | | |

***OVERVIEW:*** ***Senate Bill 62 would require the Veterans' Affairs Commission to adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. The act is effective when it becomes law. The Proposed Committee Substitute (PCS) makes technical changes to correct a citation and to provide that the first update of the strategic plan must be made by November 1, 2022 (four years from the date on which the initial strategic plan must be adopted).***

**CURRENT LAW:** The Veterans' Affairs Commission is part of the Department of Military and Veterans Affairs. The Commission advises the Secretary of Military and Veterans Affairs on matters relating to the affairs of veterans in North Carolina, reviews and makes recommendations of existing programs for veterans and their dependents in the State, promulgates rules for the awarding of scholarships for children of North Carolina veterans, and promulgates rules concerning the awarding of the North Carolina Services Medal to all veterans who have served in any period of war.

The Commission consists of one voting member from each congressional district, all of whom shall be veterans. Members are appointed by the Governor for four year terms. The Governor designates a chairman and vice chairman who serve at the pleasure of the Governor.

**BILL ANALYSIS:** The PCS for Senate Bill 62 would require the Veterans' Affairs Commission to adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. The strategic plan must include the following objectives:

- Improving, for veterans and their dependents, accessibility of and satisfaction with health, education, training, counseling, financial, and burial benefits and services.
- Educating and empowering veterans and their dependents through outreach and advocacy.
- Any other topic related to enhancing benefits for veterans and their dependents.

The Commission must adopt a strategic plan by November 1, 2018. Each year, the Commission must review the State's performance and must report the results annually to the Joint Legislative Oversight Committee on General Government. The first annual review and report must be completed by November 1, 2019.

The Commission must update the strategic plan every four years; the first update must be completed by November 1, 2022.

**EFFECTIVE DATE:** The act is 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

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# SENATE BILL 62
## PROPOSED COMMITTEE SUBSTITUTE S62-CSRN-1 [v.2]

02/24/2017 03:12:35 PM

Short Title: Veterans' Affairs Commission/Strategic Plan. (Public)

Sponsors:

Referred to:

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE VETERANS' AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE BENEFITS FOR VETERANS AND THEIR DEPENDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1221.1. Strategic plan.**

(a) Strategic Plan. – The Veterans' Affairs Commission shall adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. The strategic plan shall include specific objectives related to the following topics:

(1) Improving accessibility of health, education, training, counseling, financial, and burial benefits and services to veterans and their dependents.

(2) Increasing the satisfaction of veterans and their dependents with benefits and services by meeting their expectations for availability, quality, timeliness, and responsiveness.

(3) Educating and empowering veterans and their dependents through proactive outreach and effective advocacy.

(4) Any other topic related to enhancing benefits for veterans and their dependents.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government."

**SECTION 2.** The Veterans' Affairs Commission shall adopt a strategic plan by November 1, 2018. The Veterans' Affairs Commission shall complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2019. The Veterans' Affairs Commission shall complete its first update of the strategic plan by November 1, 2022.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
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# SENATE BILL 62

| | | |
|---|---|---|
| Short Title: | Veterans' Affairs Commission/Strategic Plan. | (Public) |
| Sponsors: | Senators D. Davis, Brown (Primary Sponsors); Daniel and Sanderson. | |
| Referred to: | Rules and Operations of the Senate | |

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE VETERANS' AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE BENEFITS FOR VETERANS AND THEIR DEPENDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1220.1. Strategic plan.**

(a) Strategic Plan. – The Veterans' Affairs Commission shall adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. The strategic plan shall include specific objectives related to the following topics:

(1) Improving accessibility of health, education, training, counseling, financial, and burial benefits and services to veterans and their dependents.

(2) Increasing the satisfaction of veterans and their dependents with benefits and services by meeting their expectations for availability, quality, timeliness, and responsiveness.

(3) Educating and empowering veterans and their dependents through proactive outreach and effective advocacy.

(4) Any other topic related to enhancing benefits for veterans and their dependents.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government."

**SECTION 2.** The Veterans' Affairs Commission shall adopt a strategic plan by November 1, 2018. The Veterans' Affairs Commission shall complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2019. The Veterans' Affairs Commission shall complete its first update of the strategic plan by November 1, 2020.

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

# SENATE BILL 63:
# Military Affairs Commission/Strategic Plan.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | February 20, 2017 |
| **Introduced by:** | Sens. D. Davis, Brown | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW:*** ***Senate Bill 63 adds a new section to Article 14 of Chapter 143B of the General Statutes to require the North Carolina Military Affairs Commission (NCMAC) to adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions and to update the plan every four years.***

**CURRENT LAW:** The N.C. Military Affairs Commission, established under Part 11 of Article 14 of Chapter 143B of the General Statutes, is a commission within the Department of Military and Veterans Affairs. The Commission is to provide advice, counsel, and recommendations to the General Assembly, the Secretary of Military and Veterans Affairs, and other State agencies on initiatives, programs, and legislation that will continue and increase the role that North Carolina's military installations, the National Guard, and Reserves play in America's defense strategy and the economic health and vitality of the State.

**BILL ANALYSIS:**

**Section 1.** Adds new section G.S. 143B-1310.1 to Article 14 of Chapter 143B of the General Statutes requiring the NCMAC to:

(a) Adopt a comprehensive strategic plan to enhance NC's military installations and their missions related to the following topics:

(1) Supporting and enhancing existing military installations and missions.
(2) Attracting new military assets and missions to North Carolina.
(3) Expanding military-related economic development North Carolina.
(4) Improving the quality of life for military members and their families, military retirees, and veterans.
(5) Advocating military-related issues to the General Assembly, the U.S. Congress, and State and federal agencies.
(6) Any other topic related to enhancing North Carolina military installations and their missions.

(b) Update this strategic plan every four years; to annually review North Carolina's performance under the plan; and, to report the results to the Joint Legislative Oversight Committee on General Government.

*Karen Cochrane-Brown*
*Director*

S63-SMBD-5 E1 -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.*

**Section 2.** Provides that:

- The NCMAC's February 2016 "*Strategic Plan for Supporting and Enhancing North Carolina Military Missions and Installations*" satisfies the requirements of G.S. 143B-1310.1(a).
- The NCMAC shall complete its first *annual review* and its first *annual report* to the Joint Legislative Oversight Committee on General Government by November 1, 2017.
- The NCMAC shall complete its first *update* of the strategic plan by November 1, 2020.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 63

| | | |
|---|---|---|
| Short Title: | Military Affairs Commission/Strategic Plan. | (Public) |
| Sponsors: | Senators D. Davis, Brown (Primary Sponsors); Daniel and Sanderson. | |
| Referred to: | Rules and Operations of the Senate | |

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE MILITARY AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE NORTH CAROLINA MILITARY INSTALLATIONS AND THEIR MISSIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1310.1. Strategic plan.**

(a) Strategic Plan. – The Military Affairs Commission shall adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions. The strategic plan shall include specific objectives related to the following topics:

(1) Supporting and enhancing existing military installations and missions.
(2) Attracting new military assets and missions to North Carolina.
(3) Expanding military-related economic development in North Carolina.
(4) Improving the quality of life for military members and their families, military retirees, and veterans.
(5) Advocating military-related issues to the General Assembly, the United States Congress, and State and federal agencies.
(6) Any other topic related to enhancing North Carolina military installations and their missions.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government."

**SECTION 2.** The Military Affairs Commission's February 2016 "Strategic Plan for Supporting and Enhancing North Carolina Military Missions and Installations" satisfies the requirements of G.S. 143B-1310.1(a). The Military Affairs Commission shall complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2017. The Military Affairs Commission shall complete its first update of the strategic plan by November 1, 2020.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 69
## PROPOSED COMMITTEE SUBSTITUTE S69-CSRN-2 [v.1]
02/27/2017 04:04:47 PM

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.

# SENATE BILL 69:
# Local Gov't Comm/Finance Officer Training.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | February 27, 2017 |
| **Introduced by:** | Sens. D. Davis, Tarte | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | PCS to First Edition<br>S69-CSRN-2 | | |

***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 Proposed Committee Substitute (PCS) corrects the effective date so that the bill 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



*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.*

LGC also is authorized to charge and collect fees for expenses incurred in developing and delivering the training.

**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).

*R. Erika Churchill and Nicholas Giddings, Attorneys for the Legislative Analysis Division, contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 69

| | | |
|---|---|---|
| Short Title: | Local Gov't Comm/Finance Officer Training. | (Public) |
| Sponsors: | Senators D. Davis and Tarte (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

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 becomes effective June 30, 2017.

no votes/ only discussion

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State + Local **Start time** 2:00 **End time** _____
**Meeting Date:** 2-28-17 **Chair:** Tarte **Clerk:** Jan Copeland

## ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | SB 6 | **Sponsor** | Tarte |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 19 | **Sponsor** | Dunn |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 37 | **Sponsor** | Cook |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 51 | **Sponsor** | Lowe, Krawiec |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State + Local **Start time** 2:00 pm **End time** _____
**Meeting Date:** 2-28-17 **Chair:** Tarte **Clerk:** Jan Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | SB 62 | **Sponsor** | D. Davis, Brown |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 63 | **Sponsor** | D. Davis, Brown |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

no PCS

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|---|---|---|---|
| **Bill** | SB 69 | **Sponsor** | D. Davis, Tarte |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

## Senate Committee on State and Local Government

## February 28, 2017 – Room 423/424 LOB – 2:00 PM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| PATRICK HARRIS | Johnston County |
| BRUCE THOMPSON | PACKET PCS |
| Padraic Gibbons | CenturyLink |
| STEVEN WEBB | NCABA |
| Sam Bridges | Town of Garner |
| [illegible] | MWC |
| [illegible] | NCRMA |
| Ryan Howard | Duke Energy |
| David Collins | SEANC |
| Reshe Fortson | SEANC |
| Hayden Bauguess | FSP |
| Kirk Ross | CPR/CRO |
| TJ Bunzee | NP |
| Shannon Dunn | WRAL |
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## Senate Committee on State and Local Government

## February 28, 2017 – Room 423/424 LOB – 2:00 PM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Kara Weishaar | SA |
| | |
| Sarah Collins | NCLM |
| Robert Hosford | NCDA |
| Starnes | OST |
| Tonya Horton | TJS |
| Mark Lanier | UNCW |
| Gerry Cohen | Nelson Mullins |
| | UNC |
| Susan Rice | Duke Energy |
| Erin Wynia | NCLM |
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# Senate Committee on State and Local Government
# Tuesday, March 7, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 5 | Mecklenburg/Police Countywide Jurisdiction. | Senator Tarte<br>Senator Bishop<br>Senator J. Jackson |
| SB 6 | Cornelius Annexation. | Senator Tarte |
| SB 19 | Even Yr Municipal Election/Towns of Troy/Star. | Senator Dunn |
| SB 37 | Roanoke Island Fire District Changes. | Senator Cook |
| SB 62 | Veterans' Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 63 | Military Affairs Commission/Strategic Plan. | Senator D. Davis<br>Senator Brown |
| SB 69 | Local Gov't Comm/Finance Officer Training. | Senator D. Davis<br>Senator Tarte |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, March 7, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on March 7, 2017 in Room 423 of the Legislative Office Building. 17 members were present.

Senator Ronald J. Rabin, Chair, presided.

Senator Rabin called the meeting to order at 2:04 p.m. Senator Rabin introduced and thanked the Sgt. of Arms as well as the pages. The chair announced the bills that would be voted on.

**SB 5 Mecklenburg/Police Countywide Jurisdiction. (Senators Tarte, Bishop, J. Jackson)** Senator Tarte explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.

**SB 6 Cornelius Annexation. (Senator Tarte)** Senator Tarte explained the bill. Senator Cook motioned for a favorable Proposed Committee Substitute (PCS) report. The motion was approved unanimously.

**SB 19 Even Yr Municipal Election/Towns of Troy/Star. (Senator Dunn)** Senator Dunn explained the bill. Senator D. Davis motioned for a favorable Proposed Committee Substitute (PCS) report. The motion was approved unanimously.

**SB 37 Roanoke Island Fire District Changes. (Senator Cook)** Senator Foushee explained the bill. Senator McInnis motioned for a favorable Proposed Committee Substitute PCS report. The motion was approved unanimously.

**SB 62 Veterans' Affairs Commission/Strategic Plan. (Senators D. Davis, Brown)** Senator D. Davis explained the bill. Senator Cook motioned for a Proposed Committee Substitute (PCS) favorable report. The motion was approved unanimously.

**SB 63 Military Affairs Commission/Strategic Plan. (Senators D. Davis, Brown)** Senator D. Davis explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.

**SB 69 Local Gov't Comm/Finance Officer Training. (Senators D. Davis, Tarte)** Senator D. Davis explained the bill. Senator Cook motioned for a favorable Proposed Committee Substitute (PCS) report. The motion was approved unanimously.

The meeting adjourned at 2:39 p.m.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, March 07, 2017

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

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

SB **6** Cornelius Annexation.
Draft Number: S6-PCS35098-BDx-2
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

SB **19** Even Yr Municipal Election/Towns of Troy/Star.
Draft Number: S19-PCS45161-BK-2
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

SB **37** Roanoke Island Fire District Changes.
Draft Number: S37-PCS45163-BDx-3
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

SB **62** Veterans' Affairs Commission/Strategic Plan.
Draft Number: S62-PCS45164-RN-1
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

SB **69** Local Gov't Comm/Finance Officer Training.
Draft Number: S69-PCS35099-RN-2
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5



Senator Jeff Tarte will handle SB 6
Senator Cathy Dunn will handle SB 19
Senator Bill Cook will handle SB 37
Senator Don Davis will handle SB 62
Senator Don Davis will handle SB 69



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

# SENATE BILL 5
**Corrected Copy 1/30/17**

| | | |
|---|---|---|
| Short Title: | Mecklenburg/Police Countywide Jurisdiction. | (Local) |
| Sponsors: | Senators Tarte, Bishop, and J. Jackson (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

January 26, 2017

A BILL TO BE ENTITLED

AN ACT GRANTING COUNTYWIDE JURISDICTION TO THE POLICE DEPARTMENTS OF THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MATTHEWS, MINT HILL, AND PINEVILLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of Chapter 1170 of the 1969 Session Laws reads as rewritten:

"**Section 1.** Upon approval of the Board of Commissioners of Mecklenburg ~~County~~ County, all ~~policemen~~ police officers of the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville shall thereafter be authorized and empowered to exercise throughout the unincorporated areas of the County of ~~Mecklenburg~~ Mecklenburg, as designated by the Board of Commissioners, the same jurisdiction, authority, powers and rights, including arrest and service of criminal ~~and civil~~ process, which they are authorized by law to exercise within ~~the City of Charlotte,~~ the corporate boundaries of their own municipality, and shall have the privileges and immunities, including coverage under Workmen's Compensation laws, which they now ~~have within the City of Charlotte,~~ have, provided that the ~~City of Charlotte~~ municipality and Mecklenburg County shall, prior to the exercise of any of ~~said~~ the powers or authority, enter into an agreement setting forth the guidelines and procedures for implementation of this ~~Act.~~act. The Board of Commissioners shall not approve the exercise of powers or authority by a municipality's police officers in an unincorporated area of Mecklenburg County if the area is in another municipality's extraterritorial planning jurisdiction, unless the governing body of the other municipality consents in writing. However, nothing in this section shall restrict or prohibit the authority granted to the police officers of the City of Charlotte by the Board of Commissioners to exercise powers or authority over an unincorporated area of the County on or before the date this act becomes effective. Nothing in this section shall restrict or prohibit the Sheriff of Mecklenburg County from exercising the powers and authority of the Sheriff's Office."

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

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## S5. Mecklenburg/Police Countywide Jurisdiction. (January 25, 2017)

*Filed 01/25/17.* AN ACT GRANTING COUNTYWIDE JURISDICTION TO THE POLICE DEPARTMENTS OF THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MATTHEWS, MINT HILL, AND PINEVILLE.

Amends Section 1 of SL 1969-1170 to allow the Mecklenburg County Board of Commissioners (BOC) to authorize the police departments of the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville, in addition to the existing authorization for the City of Charlotte police, to exercise general policing power throughout the unincorporated areas of Mecklenburg County, as designated by the Board of Commissioners. However, removes service of civil process from the grant of jurisdiction, authority, powers, and rights. Provides that officers will have the same privileges and immunities in this extended jurisdiction as in their respective municipality, as long as the municipality and Mecklenburg County enter into an agreement setting forth guidelines and procedures for implementation of this act. Provides that the BOC cannot approve this extended exercise of power and authority to unincorporated areas of the county that fall within the sphere of influence or extraterritorial jurisdiction of another municipality, unless such a municipality consents in writing. Clarifies that nothing in this section restricts or prohibits the authority already granted to the police officers of the City of Charlotte over unincorporated areas of the county as it stands on or before the date this act becomes effective. Further, clarifies that nothing in this section restricts or prohibits the Sheriff of Mecklenburg County from exercising the powers and authority of the Sheriff's Office. Makes conforming and clarifying changes.

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| **Intro By: Tarte** | Mecklenburg | Public Safety, Government |

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 6

| | | |
|---|---|---|
| Short Title: | Cornelius Annexation. | (Local) |
| Sponsors: | Senator Tarte (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

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 | 00503206 | 00502111 |
| 00513117 | 00503201 | 00502112 |
| 00541107 | 00538386 | 00506102 |
| 00502105 | 00503204 | 00502117 |
| 00502106 | 00538385 | 00502125 |
| 00502129 | 00503288 | 00502108 |
| 00503211 | 00503209 | 00502118 |
| 00114509 | 00507115 | 00513124 |
| 00114522 | 00507114 | 00513107 |
| 00511106 | 00507109 | 00513205 |
| 00503208 | 00542301 | 00502116 |
| 00538387 | 00507110 | 00182123 |
| 00538388 | 00507119 | 00182124 |
| 00513106 | 00506101 | 00182122 |
| 00513120 | 00507117 | 00182121 |
| 00513105 | 00506110 | 00182120 |
| 00513129 | 00506111 | 00182125 |

00513119 00502124 00182119
00513118 00502126 00182118.

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

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## S6. Cornelius Annexation. (January 25, 2017)

*Filed 01/25/17.* AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CORNELIUS.

As title indicates. Effective June 30, 2017.

| | | |
|---|---|---|
| **Intro By: Tarte** | Mecklenburg | |

**GENERAL ASSEMBLY OF NORTH CAROLINA**
**SESSION 2017**

**S** **1**

# SENATE BILL 19*

| | | |
|---|---|---|
| Short Title: | Even Yr Municipal Election/Towns of Troy/Star. | (Local) |
| Sponsors: | Senator Dunn (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

February 1, 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~~

~~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 3.** This act is effective when it becomes law.

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## S19. Even Yr Municipal Election/Towns of Troy/Star. (January 31, 2017)

*Filed 01/31/17.* 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.

Identical to H 8, filed 1/25/17.

Amends Section 1 of SL 1957-125 to provide that, beginning in 2018, Town Council municipal elections for the Town of Troy must be held in even-numbered years. Provides that the mayor whose term expires in 2017 must continue to serve until 2018, and thereafter, the mayor is to be elected for a term of two years. Replaces the existing provisions concerning the election of commissioners, and instead provides that in 2017, three commissioners are to be elected for five-year terms, and the two commissioners whose terms expire in 2019 are to continue to serve until 2020. Provides that in 2020 and quadrennially thereafter, two commissioners are to be elected to serve four-year terms, and in 2022 and quadrennially thereafter, three commissioners are to be elected to serve four-year terms. Makes technical changes.

Amends Section 1 of SL 1957-448 to provide that, beginning in 2018, Town Council municipal elections for the Town of Star must be held in even-numbered years. Makes changes identical to the changes made to Section 1 of SL 1957-125, relating to the election and terms of the mayor and commissioners. Makes technical changes.

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| **Intro By: Dunn** | Montgomery | |

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 37

| | | |
|---|---|---|
| Short Title: | Roanoke Island Fire District Changes. | (Local) |
| Sponsors: | Senator Cook (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

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.

...."

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

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## S37. Roanoke Island Fire District Changes. (February 7, 2017)

*Filed 02/7/17.* AN ACT TO CLARIFY THE AUTHORITY OF THE ROANOKE ISLAND VOLUNTEER FIRE DEPARTMENT.

Identical to H 45, filed 2/7/17.

Currently, SL 1937-246 authorizes the Board of Commissioners of Dare County to levy taxes to be paid over to the governing authorities of the Town of Manteo for the purpose of providing and maintaining fire equipment and providing fire protection within that fire district. This act clarifies that the Roanoke Island Volunteer Fire Department or its successor (was, the governing authorities of the Town of Manteo) are authorized and empowered to receive the proceeds of the taxes levied under the Act to provide fire protection to the fire district. Makes conforming changes.

Applies to taxes levied or collected on or after the date this act becomes law.

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| **Intro By: Cook** | Dare | Public Safety, Government |

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 62

| | | |
|---|---|---|
| Short Title: | Veterans' Affairs Commission/Strategic Plan. | (Public) |
| Sponsors: | Senators D. Davis, Brown (Primary Sponsors); Daniel and Sanderson. | |
| Referred to: | Rules and Operations of the Senate | |

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE VETERANS' AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE BENEFITS FOR VETERANS AND THEIR DEPENDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1220.1. Strategic plan.**

(a) Strategic Plan. – The Veterans' Affairs Commission shall adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. The strategic plan shall include specific objectives related to the following topics:

(1) Improving accessibility of health, education, training, counseling, financial, and burial benefits and services to veterans and their dependents.

(2) Increasing the satisfaction of veterans and their dependents with benefits and services by meeting their expectations for availability, quality, timeliness, and responsiveness.

(3) Educating and empowering veterans and their dependents through proactive outreach and effective advocacy.

(4) Any other topic related to enhancing benefits for veterans and their dependents.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government."

**SECTION 2.** The Veterans' Affairs Commission shall adopt a strategic plan by November 1, 2018. The Veterans' Affairs Commission shall complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2019. The Veterans' Affairs Commission shall complete its first update of the strategic plan by November 1, 2020.

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

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## S62. Veterans' Affairs Commission/Strategic Plan. (February 8, 2017)

*Filed 02/8/17.* AN ACT TO REQUIRE THE VETERANS' AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE BENEFITS FOR VETERANS AND THEIR DEPENDENTS.

Enacts new GS 143B-1220.1, which requires the Veterans' Affairs Commission (Commission) to adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. Requires the plan to include specific objectives related to: (1) improving accessibility of health, education, training, counseling, financial, and burial benefits and services to veterans and their dependents; (2) increasing the satisfaction of veterans and their dependents with benefits and services by meeting their expectations for availability, quality, timeliness, and responsiveness; (3) educating and empowering veterans and their dependents through proactive outreach and effective advocacy; and (4) any other topic related to enhancing benefits for veterans and their dependents. Requires the Commission to update the plan every four years, and to annually review the State's performance based on this plan and annually report the results of its review to the Joint Legislative Oversight Committee on General Government.

The act also requires the Commission to adopt a strategic plan by November 1, 2018. Requires the Commission to complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2019, and complete its first update of the strategic plan by November 1, 2020.

| | | |
|---|---|---|
| **Intro By: D. Davis** | GS 143B | Military and Veteran's Affairs |

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 63

| | | |
|---|---|---|
| Short Title: | Military Affairs Commission/Strategic Plan. | (Public) |
| Sponsors: | Senators D. Davis, Brown (Primary Sponsors); Daniel and Sanderson. | |
| Referred to: | Rules and Operations of the Senate | |

February 9, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE MILITARY AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE NORTH CAROLINA MILITARY INSTALLATIONS AND THEIR MISSIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 14 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1310.1. Strategic plan.**

(a) Strategic Plan. – The Military Affairs Commission shall adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions. The strategic plan shall include specific objectives related to the following topics:

(1) Supporting and enhancing existing military installations and missions.

(2) Attracting new military assets and missions to North Carolina.

(3) Expanding military-related economic development in North Carolina.

(4) Improving the quality of life for military members and their families, military retirees, and veterans.

(5) Advocating military-related issues to the General Assembly, the United States Congress, and State and federal agencies.

(6) Any other topic related to enhancing North Carolina military installations and their missions.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government."

**SECTION 2.** The Military Affairs Commission's February 2016 "Strategic Plan for Supporting and Enhancing North Carolina Military Missions and Installations" satisfies the requirements of G.S. 143B-1310.1(a). The Military Affairs Commission shall complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2017. The Military Affairs Commission shall complete its first update of the strategic plan by November 1, 2020.

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

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## S63. Military Affairs Commission/Strategic Plan. (February 8, 2017)

*Filed 02/8/17.* AN ACT TO REQUIRE THE MILITARY AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE NORTH CAROLINA MILITARY INSTALLATIONS AND THEIR MISSIONS.

Enacts new GS 143B-1310.1 to require the Military Affairs Commission (Commission) to adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions. Requires the plan to include specific objectives related to: (1) supporting and enhancing existing military installations and missions; (2) attracting new military assets and missions to North Carolina; (3) expanding military-related economic development in North Carolina; (4) improving the quality of life for military members and their families, military retirees, and veterans; (5) advocating military-related issues to the General Assembly, the United States Congress, and State and federal agencies; and (6) any other topic related to enhancing North Carolina military installations and their missions. Requires the Commission to update the plan every four years. Requires the Commission to annually review the State's performance based on this plan and annually report the results of its review to the Joint Legislative Oversight Committee on General Government.

The act provides that the Commission's February 2016 "Strategic Plan for Supporting and Enhancing North Carolina Military Missions and Installations" satisfies the requirements of GS 143B-1310.1(a) concerning the creation of the strategic plan. Requires the Commission to complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2017. Requires the Commission to complete its first update of the strategic plan by November 1, 2020.

| | | |
|---|---|---|
| **Intro By: D. Davis** | GS 143B | Military and Veteran's Affairs |

# SENATE BILL 69

| | | |
|---|---|---|
| Short Title: | Local Gov't Comm/Finance Officer Training. | (Public) |
| Sponsors: | Senators D. Davis and Tarte (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

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 becomes effective June 30, 2017.

# Daily Bulletin

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


## S69. Local Gov't Comm/Finance Officer Training. (February 9, 2017)

*Filed 02/9/17.* 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.

Amends GS 159-35(d), which authorizes the Local Government Commission (Commission) to require any finance officer or any employee performing the duties of a finance officer to participate in training related to the powers, duties, and responsibilities of the finance officer. This act directs the Commission to notify the finance officer or other employee and the employing local government or public authority when the Commission requires a finance officer or other employee to participate in training. Requires the employing local government or public authority to submit proof to the Commission in writing that the training requirements have been satisfied.

Effective June 30, 2017.

| | | |
|---|---|---|
| **Intro By: D. Davis** | GS 159 | Local Government, Banking and Finance, Government |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Government
**Meeting Date:** 7 MARCH 2017 **Chair:** Ron Rabin **Clerk:** Chandra Reed

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | SB5 | **Sponsor** | Tarte |
| **Favorable** | All | **Motion by** | Cook |
| **Unfavorable** | 0 | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Tarte | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB6 | **Sponsor** | Tarte |
| **Favorable** | | **Motion by** | Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | All | **Motion by** | Cook |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Tarte | | |

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|---|---|---|---|
| **Bill** | S19 | **Sponsor** | Dunn |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | All | **Motion by** | Davis / McInnis |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Dunn | | |

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|---|---|---|---|
| **Bill** | S37 | **Sponsor** | Cook |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | All | **Motion by** | Foushee |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Cook | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State & Local Government

**Meeting Date:** 7 March 2017 **Chair:** Rabin **Clerk:** Chandra Reed

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | S62 | **Sponsor** | D. Davis |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | ALL | **Motion by** | McInnis |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | D. Davis | | |

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|---|---|---|---|
| **Bill** | S63 | **Sponsor** | D. Davis |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | ALL | **Motion by** | Cook |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | D. Davis | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# VISITOR REGISTRATION SHEET

**SENATE STATE & LOCAL GOV.**
**(Committee Name)**

7 MARCH 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Brian Menard | WM |
| Starnes | OST |
| Madeline Hurley | Ward and Smith, P.A. |
| Whitney Christerson | Ward & Smith, P.A. |
| Doug Miskew | PSG |
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09-21-201

# VISITOR REGISTRATION SHEET

**SENATE STATE & LOCAL GOV.**
**(Committee Name)**

7 MARCH 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| | |
| Dana Fenton | City of Charlotte |
| | |
| Chris Broughton | MLC |
| Teri Graham | North Carolina Veteran Coalition |
| | NMRS |
| Erin Wynia | NCLM |
| Sarah Collin | NCLM |
| Hugh Johnson | NCACC |
| | |
| Kara Weishaar | SA |
| | |
| | |
| | |
| | |
| | |
| | |

09-21-201

Principal Clerk
Reading Clerk

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | March 14, 2017 | 2:00 PM | 423 LOB |

Consider issuance of subpoena to Machelle Sanders for appearance at committee meeting.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, March 14, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Other Business**

Matter of the subpoena

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, March 14, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on March 14, 2017 in Room 423 of the Legislative Office Building. 11 members were present.

Senator John M. Alexander, Jr., Chair, presided.

Chairman Alexander opened the meeting at 2:03 pm. He welcomed the Senate Pages and Sergeant at Arms and thanked them for their assistance.

Chairman Alexander began with the statement of intention to discuss issuing a subpoena to Machelle Sanders to appear before the committee as acting Secretary of the Department of Administration.

Senator Lee made a motion to bring the matter of the subpoena before the committee. There was no debate. The motion passed with 10 Ayes, 1 No, and 1 Abstention.

Senator Tarte then made the motion to issue the subpoena to Machelle Sanders. There was no debate. The motion passed with 10 Ayes, 1 No, and 1 Abstention.

The subpoena will be sent to Machelle Sanders.

The meeting adjourned at 2:08 pm.

Senator John M. Alexander, Jr., Chair
Presiding

Perry Wester, Committee Clerk

North Carolina General Assembly
Senate Committee on State and Local Government

STATE OF NORTH CAROLINA
County of Wake

In the General Assembly of North Carolina

SUBPOENA

TO: Secretary Machelle Sanders
North Carolina Department of Administration
116 West Jones Street
Raleigh, North Carolina 27603-8003
(919) 807-2425

GREETING:

YOU ARE HEREBY COMMANDED to appear before the Senate Committee on State and Local Government (hereinafter "Committee") in Raleigh, North Carolina, on the 21st day of March, 2017, at 2:00 o'clock p.m., in Room 423, of the Legislative Office Building, 300 North Salisbury Street, Raleigh, NC 27603, and as continued from time to time, to testify on matters before the Committee concerning your qualifications, potential conflicts of interest, and willingness to follow the law in your capacity as Secretary of the Department of Administration, as further detailed in the attached letter from the Committee Chairs dated, March 14, 2017.

This subpoena is issued upon authorization of:

_____
Senator Phil Berger
President Pro Tempore of the Senate

Issued this 14th day of March, 2017, by majority vote of the Committee:

_____
Senator John M. Alexander, Jr.
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 625
Raleigh, NC 27603-5925

_____
Senator Ronald J. Rabin
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 411
Raleigh, North Carolina 27603-5925

_____
Senator Jeff Tarte
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 623
Raleigh, NC 27603-5925

OFFICER'S RETURN

I certify that the above subpoena was received on the _____ day of _____, 20_____, and that on the _____ day of _____, 20_____, it was served on _____ in the following manner:_____ _____.

_____

_____

G.S. 120-19.2; G.S. 1A-1, Rule 45

**Rule 45. Subpoena.**

...

(c) Protection of Persons Subject to Subpoena. –

(1) Avoid undue burden or expense. – A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court shall enforce this subdivision and impose upon the party or attorney in violation of this requirement an appropriate sanction that may include compensating the person unduly burdened for lost earnings and for reasonable attorney's fees.

(2) For production of public records or hospital medical records. – Where the subpoena commands any custodian of public records or any custodian of hospital medical records, as defined in G.S. 8-44.1, to appear for the sole purpose of producing certain records in the custodian's custody, the custodian subpoenaed may, in lieu of personal appearance, tender to the court in which the action is pending by registered or certified mail or by personal delivery, on or before the time specified in the subpoena, certified copies of the records requested together with a copy of the subpoena and an affidavit by the custodian testifying that the copies are true and correct copies and that the records were made and kept in the regular course of business, or if no such records are in the custodian's custody, an affidavit to that effect. When the copies of records are personally delivered under this subdivision, a receipt shall be obtained from the person receiving the records. Any original or certified copy of records or an affidavit delivered according to the provisions of this subdivision, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. Copies of hospital medical records tendered under this subdivision shall not be open to inspection or copied by any person, except to the parties to the case or proceedings and their attorneys in depositions, until ordered published by the judge at the time of the hearing or trial. Nothing contained herein shall be construed to waive the physician-patient privilege or to require any privileged communication under law to be disclosed.

(3) Written objection to subpoenas. – Subject to subsection (d) of this rule, a person commanded to appear at a deposition or to produce and permit the inspection and copying of records, books, papers, documents, electronically stored information, or tangible things may, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, serve upon the party or the attorney designated in the subpoena written objection to the subpoena, setting forth the specific grounds for the objection. The written objection shall comply with the requirements of Rule 11. Each of the following grounds may be sufficient for objecting to a subpoena:

a. The subpoena fails to allow reasonable time for compliance.

b. The subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection.

c. The subpoena subjects a person to an undue burden or expense.

d. The subpoena is otherwise unreasonable or oppressive.

e. The subpoena is procedurally defective.

(4) Order of court required to override objection. – If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person's appearance at a deposition or to inspect and copy materials to which an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person's appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the deposition or production of materials is to occur.

(5) Motion to quash or modify subpoena. – A person commanded to appear at a trial, hearing, deposition, or to produce and permit the inspection and copying of records, books, papers, documents, electronically stored information, or other tangible things, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, may file a motion to quash or modify the subpoena. The court shall quash or modify the subpoena if the subpoenaed person demonstrates the existence of any of the reasons set forth in subdivision (3) of this subsection. The motion shall be filed in the court in the county in which the trial, hearing, deposition, or production of materials is to occur.

(6) Order to compel; expenses to comply with subpoena. – When a court enters an order compelling a deposition or the production of records, books, papers, documents, electronically stored information, or other tangible things, the order shall protect any person who is not a party or an agent of a party from significant expense resulting from complying with the subpoena. The court may order that the person to whom the subpoena is addressed will be reasonably compensated for the cost of producing the records, books, papers, documents, electronically stored information, or tangible things specified in the subpoena.

(7) Trade secrets; confidential information. – When a subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information, a court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or when the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship, the court may order a person to make an appearance or produce the materials only on specified conditions stated in the order.

(8) Order to quash; expenses. – When a court enters an order quashing or modifying the subpoena, the court may order the party on whose behalf the subpoena is issued to pay all or part of the subpoenaed person's reasonable expenses including attorney's fees.

(d) Duties in Responding to Subpoenas. –

(1) Form of response. – A person responding to a subpoena to produce records, books, documents, electronically stored information, or tangible things shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

(2) Form of producing electronically stored information not specified. – If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it ordinarily is maintained or in a reasonably useable form or forms.

(3) Electronically stored information in only one form. – The person responding need not produce the same electronically stored information in more than one form.

(4) Inaccessible electronically stored information. – The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, after considering the limitations of Rule 26(b)(1a). The court may specify conditions for discovery, including requiring the party that seeks discovery from a nonparty to bear the costs of locating, preserving, collecting, and producing the electronically stored information involved.

(5) Specificity of objection. – When information subject to a subpoena is withheld on the objection that it is subject to protection as trial preparation materials, or that it is otherwise privileged, the objection shall be made with specificity and shall be supported by a description of the nature of the communications, records, books, papers, documents, electronically stored information, or other tangible things not produced, sufficient for the requesting party to contest the objection.

...

**NORTH CAROLINA GENERAL ASSEMBLY**

NORTH CAROLINA SENATE

March 14, 2017

***VIA HAND DELIVERY***

Secretary Machelle Sanders
North Carolina Department of Administration
116 West Jones Street
Raleigh, North Carolina 27603-8003

Dear Ms. Sanders:

Congratulations on your nomination by Governor Cooper to serve as Secretary of the Department of Administration.

Your position is one that requires the advice and consent of the North Carolina Senate under N.C. Gen. Stat. § 143B-9 and Article III, Section 5(8) of the North Carolina Constitution. Additionally, because you were sworn in an acting capacity as Secretary of the Department, you are subject to the reporting and appearance obligations set out in Articles 5 and 5A of Chapter 120 of the General Statutes.

You have been asked to appear before the Senate Committee on State and Local Government on March 21, 2017, at 2:00 p.m. The point of the meeting is to allow the Committee to make an informed recommendation regarding your nomination. While we do not expect the meeting to be adversarial, you will be asked questions relating to your experience, potential conflicts of interest and your willingness to follow the law. While each member has discretion in selecting the questions he or she asks, we are providing to you a more detailed idea of what we expect will be potential areas of discussion.

To that end, enclosed is a rubric entitled "Potential Areas of Inquiry for Gubernatorial Nominees." You are not required to answer these questions prior to the meeting. However, we encourage you to give the potential questions thoughtful consideration and be prepared to discuss your answers with the committee's members. Of course, you are free to provide written responses, which may streamline or simplify the questions you receive during the meeting. Note

separately that the Committee will need a copy of your current Statement of Economic Interest prior to the hearing.

We look forward to seeing you on March 21st. If you have further questions about the process, please do not hesitate to contact any of us.

Sincerely,

Sen. John M. Alexander, Jr., Co-Chair

Sen. Ronald J. Rabin, Co-Chair

Sen. Jeff Tarte, Co-Chair

cc: Gov. Roy Cooper

Enclosure

# POTENTIAL AREAS OF INQUIRY FOR GUBERNATORIAL NOMINEES

**Unless specified otherwise, include responsive information for the past 15 years.*

## QUALIFICATIONS

**Education:** Describe your undergraduate and graduate education history, including the institution(s), dates attended, degrees received and dates of degrees.

**Honors and Awards:** Detail all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and other special recognition you have received for outstanding service or achievement.

**Employment History:** Detail all positions held since college, including the title and description of each position, name of employer, location of work, and inclusive dates of employment.

**Government Experience:** Describe any experience in or direct association with federal, state, or local governments, including any advisory, consultative, board, honorary or other part time service or positions.

**Membership, Affiliations and Activities:** Detail all memberships and offices held in and services rendered to, professional, fraternal, business, scholarly, civic, charitable, political parties, election committees or other organizations. Include names of the organizations, as well as the office(s) and dates held.

**Published Writings; Speeches:** List/describe all books, articles, reports, seminar or other educational materials, editorials, speeches, prepared remarks or other published materials you have written, co-written or recorded, including those published only on the Internet. Please be prepared to provide a copy of documents that are not independently accessible. If copies are unavailable to you, list the title, publisher, date of publication, and a description of the published work. Include any videos that are responsive.

**Teaching:** Detail all courses you have taught. For each course, provide the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught.

## POTENTIAL CONFLICTS OF INTERESTS

**Employment Relationships, Outside Commitments During Service:** Explain whether:

- You plan to sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
- As far as can be foreseen, you have any plans after completing this government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
- Anyone has made you a commitment to a job after you leave government.
- You expect to serve the full term for which you have been appointed.
- You have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service.

**Impact of Prior Employment/Activities:**

- Detail all previous job responsibilities for employers included in Section IV, "Employment History," that may stand in conflict to current or proposed rules, regulations, laws, or other policies of the state of North Carolina for which, if confirmed, you would be responsible for regulating.
- If you have engaged in any activities (including but not limited to consulting, advocacy, charitable, educational, electioneering, state or federal lobbying, goodwill lobbying, political, or otherwise) that relate, affect, or impact any of the areas that you would be responsible for regulating, if confirmed, provide all activities, time expended, and if financial or other benefits or compensation were received.
- Describe any business relationships, contracts, dealings or financial transactions (other than paying taxes) which you have had with the state of North Carolina, whether for yourself, on behalf of a client, or acting as an agent. Explain whether any of these relationships, dealings or transactions may, in any way, constitute or result in a possible conflict of interest with the position to which you have been nominated.
- For each area of potential or actual conflict identified, if any, detail how it will be remedied to fulfill your duty to faithfully discharge your duties of the office in which you have been nominated.

**Political Contributions:** List the political contributions over $50.00 that you have made to an individual, campaign organization, political party, political action committee or similar entity during the last 10 years and identify specific amounts, dates, and names of recipients.

**Legal Actions:**

- Provide the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a federal, state, or local agency in which you were the subject of the inquiry or investigation.
- Provide the full details of any proceeding, inquiry or investigation by any professional association, including any professional association in which you were the subject of the proceeding, inquiry or investigation.
- Have you or any business or organization of which you are or were an officer or board member, ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

# VISITOR REGISTRATION SHEET

**State and Local Government**

3/14/2017

**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Douglas Anderson | George Washington University 950 New Hampshire Ave, NW Wash, DC |
| Dennis Rowell | ILCD |
| Katie Gammon | Governor's office |
| Brent Johnson | NASW-NC |
| Kara Weishaar | SA |
| Sam Bridges | Town of Gamin |
| Henry M Lancaster | LCA |
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09-21-201

# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423

**DATE:** 3-14 **TIME:** 2 pm

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Alyssa Alfaro | Goldsboro | Sn. Louis Pate |
| 2. Diana Jasany | Mooresville | Sn. David Curtis |
| 3. Candace Bowden | Wilmington | Sn. Michael Lee |
| 4. Grayson Burnett | Southport | Sn. Bill Rabon |
| 5. Elizabeth Hartsell | W S | Senator Joyce Krawiec |
| 6. | | |
| 7. | | |
| 8. | | |

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

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

# Senate Committee

# ON

# State and Local Government

---

## March 14, 2017

## Room 423/424 LOB

## 2:00 ~~AM~~ PM

## Senate Sergeant at Arms:

**LARRY HANCOCK**

**LINDA MATTHEWS**

Principal Clerk
Reading Clerk

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | March 21, 2017 | 2:00 PM | 423 LOB |

Senator Tarte will chair the confirmation of secretary nominee Machelle Sanders for the Department of Administration

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

**Senate Committee on State and Local Government**
**Tuesday, March 21, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on March 21, 2017 in Room 423 of the Legislative Office Building. All 18 committee members were present, meeting the requirements of the quorum.

Senator Jeff Tarte, Chair, presided.

Senator Tarte introduced the Sgt. At arms and Pages. He announced the purpose of the committee is to ensure the qualifications of the candidate, determine there are no conflicts of interest and confirm intentions to follow the law.

Carol Smith (court reporter) swore in Machelle Sanders for her testimony before the committee.

Machelle Sanders introduced herself to the committee.

**Questions posed by committee members:**

Senator Tarte:
Do you have a conflict of interest that would interfere with your position as secretary of DOA?
Is there any reason you cannot perform the duties of your position?
Do you agree to subpoena requirements by the committee?
Will you be willing to answer reasonable questions posed by the Senators of this committee?

Senator Rabin:
Did you receive questions from committee?
How does your background lead to further efficiency?
How can we help you?

Senator McInnis:
Do you have plans to return to the private sector?
What other roles will you have during your term?
Plans for unused state property?

Senator Barringer:
Any criminal or civic subjects of inquiry?
Have they been resolved?
SEI questions?

Senator Lee:
Any conflicts you might see between your former employer and DOA?

Senator Cook:
Oregon inlet project? Any further info?
What is your greatest challenge?

Senator Woodard:
How are you going to promote the general welfare? How are you going to secure the blessings of liberty?
How will you ensure workplace diversity?

Senator Foushee:
How do you envision the relationship between state government and local business leaders?

Senator Alexander:
Do you receive any income from your consulting work?
Does your husband's company have any interaction with the state?
Will you apply zero based budgeting to your efforts to save tax dollars?

Senator Horner:
What is your plan for asset management?
How does your background and experience relate to this position?

Senator Chaudhuri:
How will you develop a positive work culture?
How will you encourage creativity in a government atmosphere?

Senator Davis:
Intent to update SEI information?
Endorsements other than chamber of commerce?
Reasonable timeframe for metrics being implemented?

Senator Lee:
Did you host a fundraiser for Governor Cooper?

Senator Tarte:
What does leadership mean to you?
What are your critical success factors?
What will DOA look like when you leave?

Senator Lee motioned to confirm Machelle Sanders as Secretary of DOA. The motioned was seconded by Senator Alexander. Machelle Sanders was confirmed by a unanimous vote of the committee.

The meeting adjourned at 3:20 p.m..

Senator Jeff Tarte, Chair
Presiding

Jan Copeland, Committee Clerk

21
March ~~15~~, 2017

Dear Sen. Rabon and Sen. Tucker,

This letter is to advise the Committee on Nominations that the Committee on State and Local Government voted to recommend to the Committee on Nominations that Machelle Sanders be confirmed to the office of Secretary of the Department of Administration and that this recommendation be communicated to the Committee on Nominations herewith.

Sincerely,

Senator Jeffery P. Tarte
North Carolina General Assembly
300 N. Salisbury St. Rm 623
Raleigh, NC 27603



Governor Roy Cooper appointed Machelle Sanders Secretary of the N.C. Department of Administration on January 12, 2017.

As Administration secretary, Sanders oversees the state agencies whose mission is to provide high quality services, effectively, efficiently, and economically to its customers - the citizens, agencies and communities of North Carolina. The department is committed to quality, service, excellence, transparency and integrity.

The department oversees such operations as building constructions, purchasing and contracting for good and services, maintaining facilities, managing state vehicles, acquiring and disposing of real property and operating auxiliary services surch as courier mail delivery and the sale of state and federal surplus property. In addition, to its role as a service provider to other state agencies, the department provides staff support to several councils and commissions which advocate for the special needs of North Carolina's citizens.

Sanders brings to the Cooper administration experience in both management and leadership roles. She is a seasoned, pharmaceutical and biotechnology executive recognized for her general management leadership, diverse operations management skills, and quality assurance expertise.

Sanders previously held the role of Vice President of Manufacturing and General Manager of Biogen's largest and most advanced manufacturing facilities in Research Triangle Park (RTP), North Carolina. Prior to that, Machelle held leadership positions overseeing Manufacturing, Global Quality Assurance, and Quality Control functions at Biogen, Purdue Pharmaceuticals, and Diosynth-Akzo Nobel.

Sanders obtained a Bachelor of Science degree in Biochemistry from North Carolina State University and a Masters of Health Administration (MHA) from Pfeiffer University.

# STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

JOHN E. BRANCH, III
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR


January 31, 2017

The Honorable Roy A. Cooper, III
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

*Via Email*

**Re: Evaluation of Statement of Economic Interest Filed By Ms. Andrea Machelle Sanders**
**Secretary, Department of Administration**

Dear Governor Cooper:

Our office is in receipt of **Ms. Andrea Machelle Sanders'** 2017 Statement of Economic Interest as Secretary of the **Department of Administration**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

**We did not find an actual conflict of interest or the potential for a conflict of interest.**

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Ms. Sanders will fill the role of Secretary in the Department of Administration.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Pamela B. Cashwell

Pamela B. Cashwell
Assistant Director

cc: Ms. Andrea Machelle Sanders

Attachment: Ethics Education Flyer

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE SERVICES OFFICE
16 W. JONES STREET ROOM 2129
RALEIGH, NC 27601-1030



PAUL Y. COBLE
LEGISLATIVE SERVICES OFFICER
paul.coble@ncleg.net

LEGISLATIVE SERVICES OFFICE
TELEPHONE: (919) 733-7044
FAX: (919) 715-2739

SUBPOENA MEMORANDUM

TO: Senate Committee on State and Local Government
FR: Paul Y. Coble, Legislative Services Officer
DA: March 15, 2017
RE: Return of Subpoenas in Regard to Sanders Hearing

Pursuant to G.S. 120-19.2 (f) the Legislative Services Officer is required to maintain a permanent record of all subpoena returns issued by the General Assembly for five years.

The Legislative Services Officer will distribute one copy of the subpoena returns for the Sanders Hearing to the North Carolina Senate Committee on State and Local Government Co-Chairman Senator John M. Alexander, Jr., Co-Chairman Senator Ronald J. Rabin, and Co-Chairman Senator Jeff Tarte; one copy of the return will be transmitted to the President of the Senate, Lieutenant Governor Dan Forest; and the President Pro Tempore of the Senate, Phil Berger.

A copy of this letter and the subpoena return must also be kept by the above mentioned offices.

cc: Lieutenant Governor Dan Forest, President of the Senate
Senator Phil Berger, President Pro Tempore of the Senate
Senator John M. Alexander, Jr., Co-Chairman Senate Committee on State and Local Government
Senator Ronald J. Rabin, Co-Chairman Senate Committee on State and Local Government
Senator Jeff Tarte, Co-Chairman Senate Committee on State and Local Government

North Carolina General Assembly
Senate Committee on State and Local Government

STATE OF NORTH CAROLINA
County of Wake

In the General Assembly of North Carolina

SUBPOENA

TO: Secretary Machelle Sanders
North Carolina Department of Administration
116 West Jones Street
Raleigh, North Carolina 27603-8003
(919) 807-2425

GREETING:

YOU ARE HEREBY COMMANDED to appear before the Senate Committee on State and Local Government (hereinafter "Committee") in Raleigh, North Carolina, on the 21st day of March, 2017, at 2:00 o'clock p.m., in Room 423, of the Legislative Office Building, 300 North Salisbury Street, Raleigh, NC 27603, and as continued from time to time, to testify on matters before the Committee concerning your qualifications, potential conflicts of interest, and willingness to follow the law in your capacity as Secretary of the Department of Administration, as further detailed in the attached letter from the Committee Chairs dated, March 14, 2017.

This subpoena is issued upon authorization of:

Senator Phil Berger
President Pro Tempore of the Senate

Issued this 14th day of March, 2017, by majority vote of the Committee:

Senator John M. Alexander, Jr.
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 625
Raleigh, NC 27603-5925

Senator Ronald J. Rabin
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 411
Raleigh, North Carolina 27603-5925

Senator Jeff Tarte
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 623
Raleigh, NC 27603-5925

OFFICER'S RETURN

I certify that the above subpoena was received on the 14th day of March, 20 17, and that on the 14th day of March, 20 17, it was served on John Maddrey, General Counsel NC DOA in the following manner: Personal Service

Capt. Wes Stiltner, NC GAPD
Capt. Wes Stiltner

G.S. 120-19.2; G.S. 1A-1, Rule 45

**Rule 45. Subpoena.**

...

(c) Protection of Persons Subject to Subpoena. –

(1) Avoid undue burden or expense. – A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court shall enforce this subdivision and impose upon the party or attorney in violation of this requirement an appropriate sanction that may include compensating the person unduly burdened for lost earnings and for reasonable attorney's fees.

(2) For production of public records or hospital medical records. – Where the subpoena commands any custodian of public records or any custodian of hospital medical records, as defined in G.S. 8-44.1, to appear for the sole purpose of producing certain records in the custodian's custody, the custodian subpoenaed may, in lieu of personal appearance, tender to the court in which the action is pending by registered or certified mail or by personal delivery, on or before the time specified in the subpoena, certified copies of the records requested together with a copy of the subpoena and an affidavit by the custodian testifying that the copies are true and correct copies and that the records were made and kept in the regular course of business, or if no such records are in the custodian's custody, an affidavit to that effect. When the copies of records are personally delivered under this subdivision, a receipt shall be obtained from the person receiving the records. Any original or certified copy of records or an affidavit delivered according to the provisions of this subdivision, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. Copies of hospital medical records tendered under this subdivision shall not be open to inspection or copied by any person, except to the parties to the case or proceedings and their attorneys in depositions, until ordered published by the judge at the time of the hearing or trial. Nothing contained herein shall be construed to waive the physician-patient privilege or to require any privileged communication under law to be disclosed.

(3) Written objection to subpoenas. – Subject to subsection (d) of this rule, a person commanded to appear at a deposition or to produce and permit the inspection and copying of records, books, papers, documents, electronically stored information, or tangible things may, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, serve upon the party or the attorney designated in the subpoena written objection to the subpoena, setting forth the specific grounds for the objection. The written objection shall comply with the requirements of Rule 11. Each of the following grounds may be sufficient for objecting to a subpoena:

a. The subpoena fails to allow reasonable time for compliance.

b. The subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection.

c. The subpoena subjects a person to an undue burden or expense.

d. The subpoena is otherwise unreasonable or oppressive.

e. The subpoena is procedurally defective.

(4) Order of court required to override objection. – If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person's appearance at a deposition or to inspect and copy materials to which an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person's appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the deposition or production of materials is to occur.

(5) Motion to quash or modify subpoena. – A person commanded to appear at a trial, hearing, deposition, or to produce and permit the inspection and copying of records, books, papers, documents, electronically stored information, or other tangible things, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, may file a motion to quash or modify the subpoena. The court shall quash or modify the subpoena if the subpoenaed person demonstrates the existence of any of the reasons set forth in subdivision (3) of this subsection. The motion shall be filed in the court in the county in which the trial, hearing, deposition, or production of materials is to occur.

(6) Order to compel; expenses to comply with subpoena. – When a court enters an order compelling a deposition or the production of records, books, papers, documents, electronically stored information, or other tangible things, the order shall protect any person who is not a party or an agent of a party from significant expense resulting from complying with the subpoena. The court may order that the person to whom the subpoena is addressed will be reasonably compensated for the cost of producing the records, books, papers, documents, electronically stored information, or tangible things specified in the subpoena.

(7) Trade secrets; confidential information. – When a subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information, a court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or when the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship, the court may order a person to make an appearance or produce the materials only on specified conditions stated in the order.

(8) Order to quash; expenses. – When a court enters an order quashing or modifying the subpoena, the court may order the party on whose behalf the subpoena is issued to pay all or part of the subpoenaed person's reasonable expenses including attorney's fees.

(d) Duties in Responding to Subpoenas. –

(1) Form of response. – A person responding to a subpoena to produce records, books, documents, electronically stored information, or tangible things shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

(2) Form of producing electronically stored information not specified. – If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it ordinarily is maintained or in a reasonably useable form or forms.

(3) Electronically stored information in only one form. – The person responding need not produce the same electronically stored information in more than one form.

(4) Inaccessible electronically stored information. – The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, after considering the limitations of Rule 26(b)(1a). The court may specify conditions for discovery, including requiring the party that seeks discovery from a nonparty to bear the costs of locating, preserving, collecting, and producing the electronically stored information involved.

(5) Specificity of objection. – When information subject to a subpoena is withheld on the objection that it is subject to protection as trial preparation materials, or that it is otherwise privileged, the objection shall be made with specificity and shall be supported by a description of the nature of the communications, records, books, papers, documents, electronically stored information, or other tangible things not produced, sufficient for the requesting party to contest the objection.

...

NORTH CAROLINA GENERAL ASSEMBLY

NORTH CAROLINA SENATE

March 14, 2017

***VIA HAND DELIVERY***

Secretary Machelle Sanders
North Carolina Department of Administration
116 West Jones Street
Raleigh, North Carolina 27603-8003

Dear Ms. Sanders:

Congratulations on your nomination by Governor Cooper to serve as Secretary of the Department of Administration.

Your position is one that requires the advice and consent of the North Carolina Senate under N.C. Gen. Stat. § 143B-9 and Article III, Section 5(8) of the North Carolina Constitution. Additionally, because you were sworn in an acting capacity as Secretary of the Department, you are subject to the reporting and appearance obligations set out in Articles 5 and 5A of Chapter 120 of the General Statutes.

You have been asked to appear before the Senate Committee on State and Local Government on March 21, 2017, at 2:00 p.m. The point of the meeting is to allow the Committee to make an informed recommendation regarding your nomination. While we do not expect the meeting to be adversarial, you will be asked questions relating to your experience, potential conflicts of interest and your willingness to follow the law. While each member has discretion in selecting the questions he or she asks, we are providing to you a more detailed idea of what we expect will be potential areas of discussion.

To that end, enclosed is a rubric entitled "Potential Areas of Inquiry for Gubernatorial Nominees." You are not required to answer these questions prior to the meeting. However, we encourage you to give the potential questions thoughtful consideration and be prepared to discuss your answers with the committee's members. Of course, you are free to provide written responses, which may streamline or simplify the questions you receive during the meeting. Note

separately that the Committee will need a copy of your current Statement of Economic Interest prior to the hearing.

We look forward to seeing you on March 21st. If you have further questions about the process, please do not hesitate to contact any of us.

Sincerely,

Sen. John M. Alexander, Jr., Co-Chair

Sen. Ronald J. Rabin, Co-Chair

Sen. Jeff Tarte, Co-Chair

cc: Gov. Roy Cooper

Enclosure

# POTENTIAL AREAS OF INQUIRY FOR GUBERNATORIAL NOMINEES

**Unless specified otherwise, include responsive information for the past 15 years.*

## QUALIFICATIONS

**Education:** Describe your undergraduate and graduate education history, including the institution(s), dates attended, degrees received and dates of degrees.

**Honors and Awards:** Detail all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and other special recognition you have received for outstanding service or achievement.

**Employment History:** Detail all positions held since college, including the title and description of each position, name of employer, location of work, and inclusive dates of employment.

**Government Experience:** Describe any experience in or direct association with federal, state, or local governments, including any advisory, consultative, board, honorary or other part time service or positions.

**Membership, Affiliations and Activities:** Detail all memberships and offices held in and services rendered to, professional, fraternal, business, scholarly, civic, charitable, political parties, election committees or other organizations. Include names of the organizations, as well as the office(s) and dates held.

**Published Writings; Speeches:** List/describe all books, articles, reports, seminar or other educational materials, editorials, speeches, prepared remarks or other published materials you have written, co-written or recorded, including those published only on the Internet. Please be prepared to provide a copy of documents that are not independently accessible. If copies are unavailable to you, list the title, publisher, date of publication, and a description of the published work. Include any videos that are responsive.

**Teaching:** Detail all courses you have taught. For each course, provide the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught.

## POTENTIAL CONFLICTS OF INTERESTS

**Employment Relationships, Outside Commitments During Service:** Explain whether:

- You plan to sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
- As far as can be foreseen, you have any plans after completing this government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
- Anyone has made you a commitment to a job after you leave government.
- You expect to serve the full term for which you have been appointed.
- You have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service.

**Impact of Prior Employment/Activities:**

- Detail all previous job responsibilities for employers included in Section IV, "Employment History," that may stand in conflict to current or proposed rules, regulations, laws, or other policies of the state of North Carolina for which, if confirmed, you would be responsible for regulating.
- If you have engaged in any activities (including but not limited to consulting, advocacy, charitable, educational, electioneering, state or federal lobbying, goodwill lobbying, political, or otherwise) that relate, affect, or impact any of the areas that you would be responsible for regulating, if confirmed, provide all activities, time expended, and if financial or other benefits or compensation were received.
- Describe any business relationships, contracts, dealings or financial transactions (other than paying taxes) which you have had with the state of North Carolina, whether for yourself, on behalf of a client, or acting as an agent. Explain whether any of these relationships, dealings or transactions may, in any way, constitute or result in a possible conflict of interest with the position to which you have been nominated.
- For each area of potential or actual conflict identified, if any, detail how it will be remedied to fulfill your duty to faithfully discharge your duties of the office in which you have been nominated.

**Political Contributions:** List the political contributions over $50.00 that you have made to an individual, campaign organization, political party, political action committee or similar entity during the last 10 years and identify specific amounts, dates, and names of recipients.

**Legal Actions:**

- Provide the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a federal, state, or local agency in which you were the subject of the inquiry or investigation.
- Provide the full details of any proceeding, inquiry or investigation by any professional association, including any professional association in which you were the subject of the proceeding, inquiry or investigation.
- Have you or any business or organization of which you are or were an officer or board member, ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

NORTH CAROLINA STATE ETHICS COMMISSION
**2017 STATEMENT OF ECONOMIC INTEREST**

919-814-3600 www.ethicscommission.nc.gov

FOR ETHICS COMMISSION USE ONLY
Date Received:

2017 JAN 27 PM 3:55
BH Checked for completion
____Scanned _____Date
Incomplete ?s ____ ____ ____ ____
Supp. Sent Date _____ By _____
Supp. Received Date _____
Entered in database 1/27 By BH

**THIS ENTIRE FORM MUST BE COMPLETED TO FULFILL YOUR SEI FILING OBLIGATION**

FILER'S NAME (FIRST, MIDDLE, LAST)

| Prefix | First Name | Middle Name | Last Name | Suffix |
|---|---|---|---|---|
| | Andrea | Machelle | Sanders | |

CURRENT EMPLOYER: NC State government

JOB TITLE: Secretary of Department of Administration

NATURE OR TYPE OF BUSINESS: government

REASON FOR FILING (COMPLETE ALL THAT APPLY)

STATE GOVERNMENT JOB (Specify Agency): Department of Administration

BOARD/COMMISSION (List complete name of all State boards on which you are serving or are being considered): Will serve on any commissions related to Secretary responsibilities

JUDICIAL OFFICER (Specify Office):

LEGISLATOR (Specify House or Senate):

A. Do other immediate family members reside in your household?

☒ Yes ☐ No

When used throughout this form, the term **Immediate family** includes your spouse (unless legally separated). It also includes members of your extended family (your and your spouse's children, grandchildren, parents, grandparents, and siblings, and the spouses of each of those persons) **who reside in your household.**

List the full name of **all adults** and **emancipated minors** in your household. A minor is a child under 18 years old. Minors are emancipated by marriage, enlistment in the US military, or court order for emancipation.

| FULL NAME OF ADULTS & EMANCIPATED MINORS | RELATIONSHIP | EMPLOYER | JOB TITLE | NATURE OF BUSINESS |
|---|---|---|---|---|
| Robert Sanders | husband | Fujifilm | Manufacturing Associate | Biotech company |
| | | | | |
| | | | | |
| | | | | |

**B.** List **ONLY the initials** of all unemancipated minors in your household below. A minor is a child under 18 years old.

**Note: You must list the full name of each minor child on the Confidential Form available at the end of this document.**

| INITIALS FOR UNEMANCIPATED MINORS | RELATIONSHIP | EMPLOYER | JOB TITLE | NATURE OF BUSINESS |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**PROPERTY INTERESTS**

1. As of December 31, 2016, did you, your spouse, or members of your immediate family:

A. Have an ownership interest in North Carolina real estate (including your residence) with a market value of $10,000 or more?

☑ Yes ☐ No

| Owner of Real Estate | % Ownership Interest | Location by City | Location by County |
|---|---|---|---|
| Robert & Michelle Sanders | 50% / 50% | Cary | Wake |
| | | | |
| | | | |
| | | | |

B. Lease or rent real estate or personal property to or from the State of North Carolina with a market value of $10,000 or more?

☐ Yes ☒ No

| Name of Lessor | Name of Lessee (Renter) | If Real Estate, Location by City & County | If Personal Property, Describe |
|---|---|---|---|
| | | | |
| | | | |

2. At any time during 2015 or 2016, did you, your spouse, or members of your immediate family sell to or buy from the State of North Carolina personal property with a market value of $10,000 or more?

☐ Yes ☒ No

| Name of Purchaser | Name of Seller | Type of Property |
|---|---|---|
| | | |
| | | |

## FINANCIAL INTERESTS

3. As of December 31, 2016, did you, your spouse, or members of your immediate family own any of the following financial interests valued at $10,000 or more? **LIST EACH COMPANY INDIVIDUALLY.**

A. Stock in a publicly owned company?

☐ Yes ☐ No

►Do not list ownership interests in a widely held investment fund (including mutual funds, regulated investment companies, or pension or deferred compensation plans) if: (i) the fund is publicly traded or its assets are widely diversified; and (ii) neither you nor an immediate family member are able to control the assets held in the mutual fund, investment company, or pension or deferred compensation plan.

| Owner of Interest | Full Name of Company (Do not use a ticker symbol) |
|---|---|
| A. Machelle Sanders | Mutual Fund - Wells Fargo |
| A Machelle Sanders | Annuity - Wells Fargo |
| | |
| | |
| | |
| | |
| | |

B. Stock Options in a company or business?

☐ Yes ☒ No

| Owner of Stock Option | Full Name of Company (Do not use a ticker symbol) |
|---|---|
| | |
| | |

C. Interests in a non-publicly owned company or business entity (including interests in sole proprietorships, partnerships, limited partnerships, joint ventures, limited liability companies, limited liability partnerships, and closely held corporations)?

☒ Yes ☐ No - If "No," proceed to question 4.

| Owner of Interest | Name of Company or Business Entity |
|---|---|
| A. Machelle Sanders | Andrea's Consulting Services, LLC |
| | |
| | |

C (1). For each non-publicly owned company or business entity (the "primary company") identified in question 3.C above, please list the names of *any other companies or business entities* in which the primary company owns securities or equity interests valued at over $10,000, *if known*.

| Non-Publicly Owned Company or Business Entity (the Primary Company) | Other Companies in which the Primary Company Owns Security or Equity Interests |
|---|---|
| ☒ None or Not Known | |
| | |
| | |
| | |

C (2). If you know that any company or business entity listed in 3.C or 3.C(1) above has any material business dealings or business contracts *with the State of North Carolina*, or is *regulated by the State*, provide a brief description of that business activity.

| Name of Company or Business Entity | Description of Business Activity with the State |
|---|---|
| ☐ None or Not Known | |
| NC Biotechnology Center | consulting contract (ended 12/31/16) |
| | |
| | |

4. As of December 31, 2016, were you, your spouse, or members of your immediate family the beneficiaries of a vested trust with a value of $10,000 or more that was created, established, or controlled *by you*?

Do not list assets held in blind trusts. See 2017 SEI Helpful Tips for the definition of "Vested Trust" and "Blind Trust."

☐ Yes ☒ No

| Name and Address of Trustee | Description of the Trust | Your Relationship to the Trust |
|---|---|---|
| | | |
| | | |

5. As of December 31, 2016, did you, your spouse, or members of your immediate family have liabilities of $10,000 or more, excluding the mortgage on your primary personal residence? Examples include credit card debts, auto loans, student loans, personal loans and intra-family debt.

☒ Yes ☐ No

| Name of Debtor (You, Spouse, Immediate Family Member) | Type of Creditor (Commercial Bank, Credit Union, Individual, etc.) |
|---|---|
| BMW Financial | commercial bank |
| American Express | individual |

6. List each source of income (not specific amounts) of more than $5,000 received by you, your spouse, or members of your immediate family during 2016. Include salary, wages, state/local government retirement, professional fees, honoraria, interest, dividends, rental income, business income, and other types of income required to be reported on your State and federal tax returns.

**Do *not* include income received from the following sources:**

- ▶ **Capital gains**
- ▶ **Federal government retirement**
- ▶ **Military retirement**
- ▶ **Social security income/SSDI**

| Recipient of Income | Name of Source | Type of Business/Industry | Type of Income |
|---|---|---|---|
| ☐ I had no reportable income over $5,000 in 2016. | | | |
| Robert Sanders | Fujifilm | biotech | salary |
| Marielle Sanders | NC Biotech Center | non-profit | consulting salary |
| | | | |
| | | | |

## PROFESSIONAL AND CIVIC RELATIONSHIPS

7(a). During 2016, were you, your spouse or members of your immediate family a director, officer, governing board member, employee, independent contractor, or registered lobbyist of a nonprofit corporation or organization operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes?

☒ Yes ☐ No - If "No," proceed to question 8.

► Do not list State boards or entities, or entities created by a political subdivision of the State.
► Do not list organizations of which you are a mere member.

| Name of Person | His/Her Position | Name of Nonprofit Corporation or Organization | Nature of Business or Purpose of Organization |
|---|---|---|---|
| Machelle Sanders | Director | NCSU Kenan Institute | scientific |
| Machelle Sanders | Board of Visitors | NCSU | educational |
| Machelle Sanders | Board of Advisors | Healthcare Businesswoman Assoc. | public health |
| | | | |
| | | | |

7(b). If the nonprofit corporations or organizations listed above do business with the State of North Carolina or receive State funds, please provide a brief description of the nature of that business, if known or with which due diligence could reasonably be known.

| Name of Nonprofit Corporation or Organization | Describe State Business or State Funding |
|---|---|
| ☐ None or Not Known | |
| NCSU Kenan Institute | Grants for research (resigned from board 01/25/17) |
| | |

8. During 2016, were you, your spouse, or members of your immediate family a director, officer, or governing board member of any society, organization, or advocacy group with an interest in matters over which your agency or board may have jurisdiction?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer or you are filing as an appointee to those offices.

►Do not list organizations of which you are only a member (not serving in a leadership role).

| Name of Person | Name of Society, Organization or Advocacy Group | Leadership Position (Director, Officer, Board Member) |
|---|---|---|
| | | |
| | | |
| | | |

9(a). List the name of each company or business with which you were associated where you or a member of your immediate family was an employee, director, officer, partner, proprietor, or member or manager as of December 31, 2016.

| Name of Person | Relationship to Filer | Name of Company | Role of Person |
|---|---|---|---|
| ☐ No Business Associations | | | |
| Robert Sanders | husband | Fujifilm | employee |
| Machelle Sanders | self | NC BioTech Center | consultant |
| Machelle Sanders | self | Andrea's Consulting Services, LLC | Owner |
| | | | |

9(b). If you know that any company or business entity listed in 9(a) above had any material business dealings or business contracts with the State of North Carolina or was regulated by the State as of December 31, 2016, provide a brief description of that business activity.

| Name of Company or Business Entity | Description of Business Activity with the State |
|---|---|
| ☐ Not applicable (No entities listed on #9a) | |
| NC Biotechnology Center | non-profit; economic development across NCSU; grant funding |
| | |

10. Are you a practicing attorney?

☐ Yes ☒ No ☐ Judicial Officer/State Attorney

If "Yes", check each category of legal representation in which you or the law firm with which you are affiliated has earned legal fees of more than $10,000 during 2016.

| | | | |
|---|---|---|---|
| ☐ Administrative | ☐ Admiralty | ☐ Corporate | ☐ Criminal |
| ☐ Decedent's Estates | ☐ Environmental | ☐ Insurance | ☐ Labor |
| ☐ Local Government | ☐ Real Property | ☐ Securities | ☐ Tax |
| ☐ Tort litigation (including negligence) | ☐ Utilities Regulation | ☐ Other category not listed. | |

11. During 2016, were you a licensed professional (other than an attorney) or did you provide consulting services individually or as a member of a professional association for which you charged or were paid over $10,000?

☒ Yes ☐ No

| Type of Business | Nature of Services Rendered |
|---|---|
| consulting (NC BioTech Center) | consulting for talent development & HR practices |
| | |

12. Are you or your employer, your spouse or members of your immediate family, or their employer currently:

- Licensed by the State board or employing entity with which you are or will be associated **or**
- Regulated by the State board or employing entity with which you are or will be associated **or**
- Have a business relationship with the State board or employing entity with which you are or will be associated?

☐ Yes ☒ No ☐ Legislator/Judicial Officer - You are not required to complete this question if you are filing because you are a legislator or a judicial officer ("judicial officer" is defined in the SEI Helpful Tips) or you are filing as an appointee to those offices.

| Name of Person | Name of Employer (if applicable) | Type of Relationship (Licensing, Regulatory, Business) |
|---|---|---|
| | | |
| | | |
| | | |

13. Are you, your spouse or a member of your immediate family currently registered as a lobbyist or lobbyist principal, or were you registered as such within the 12 months preceding your filing of this form?

☐ Yes ☒ No

| Name of Lobbyist | Lobbyist's Principal | Date of Registration | Registration Expiration |
|---|---|---|---|
| | | | |
| | | | |

**OTHER DISCLOSURES**

14. During any calendar quarter in 2016 (but only the time period after you were appointed, employed or filed or were nominated as a candidate), did you

- receive any "gift(s)" exceeding $200 per quarter from a person or group of persons acting together, **and**
- when both you and those person(s) were outside North Carolina at the time you accepted the gift(s), **and**
- the gift(s) were given under circumstances that would lead a reasonable person to conclude that they were given for lobbying?

☐ Yes ☒ No

►Do not report gifts given by members of your extended family.

►Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

| Date Item Received | Name and Address of Donor(s) | Describe Item Received | Estimated Market Value |
|---|---|---|---|
| | | | |

15. During 2016 (but only the time period after you were appointed, employed, or filed or were nominated as a candidate) did you

- accept a "scholarship" exceeding $200 from a person or group of persons acting together **and**
- those person(s) were outside North Carolina **and**
- the scholarship was related to your public position? **A "scholarship" is a grant-in-aid, either direct or indirect, to attend a conference, meeting, or similar event, including tuition, travel, lodging, meals, and other similar expenses.**

☐ Yes ☒ No ☐ Judicial Officer - You are not required to complete this question if you are a judicial officer or you are filing as a judicial officer appointee.

▶ Do not report gifts that have previously been reported by you to the Department of the Secretary of State on the "Expense Report for Exempted Persons."

▶ Legislators are not required to report scholarships paid by a nonpartisan legislative organization of which the legislator or the General Assembly is a member or participant or an affiliate of that organization.

| Date of Scholarship | Name and Address of Donor(s) | Describe Event | Estimated Market Value |
|---|---|---|---|
| | | | |
| | | | |

16. Were you appointed or are you being considered for an appointment to a covered board by the **Governor** or another Council of State member?

**Council of State members are**:

- ▶ Governor
- ▶ Lt. Governor
- ▶ Secretary of State
- ▶ State Auditor
- ▶ State Treasurer
- ▶ Superintendent of Public Instruction
- ▶ Attorney General
- ▶ Commissioner of Agriculture
- ▶ Commissioner of Labor
- ▶ Commissioner of Insurance

☐ Yes ☒ No

**If "Yes", list all contributions you (NOT immediate family members) made during 2016 with a cumulative total of more than $1,000 to the Governor or other Council of State member who appointed you.**

▶ Contributions are defined in N.C.G.S. 163-278.6(6) and include, but are not limited to, "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever."

| Date | Amount | Contributed to |
|---|---|---|
| ☐ No contribution(s) with a cumulative total of more than $1,000 | | |
| | | |
| | | |

| 17. Are you an appointee or prospective appointee to: | |
|---|---|
| a. the head of a principal state department (e.g. cabinet secretary) appointed by the Governor; or<br>b. a North Carolina Supreme Court Justice, Court of Appeals, Superior or District Court Judge; or<br>c. a member of any of the following boards:<br>• ABC Commission<br>• Coastal Resources Commission<br>• State Board of Education<br>• State Board of Elections<br>• Division of Employment Security<br>• Environmental Management Commission<br>• Industrial Commission<br>• Human Resources Commission<br>• Rules Review Commission<br>• Board of Transportation<br>• UNC Board of Governors<br>• Utilities Commission<br>• Wildlife Resources Commission | ☒ **Yes** ☐ **No**<br>**If "No," proceed to question 18.** |
| d. If so, were you appointed or are you being considered for appointment to that public position by a Council of State member? Council of State members are listed in question 16. | ☒ **Yes** ☐ **No**<br>**If "No," proceed to question 18.** |
| e. If so, you must indicate whether during 2016 you (not immediate family members) engaged in any of the following activities with respect to or on behalf of the candidate or campaign committee of the Council of State member who appointed you to your public position: | |
| i. Collected contributions from multiple contributors, took possession of such multiple contributions, and transferred or delivered those collected contributions to the candidate or committee? Contributions are defined in question 16. | ☐ **Yes** ☒ **No** |
| ii. Hosted a fundraiser at your residence or place of business? | ☐ **Yes** ☒ **No** co-hosted at restaurant |
| iii. Volunteered for campaign-related activities, which include, but are not limited to, phone banks, event assistance, mailings, canvassing, surveying, or any other activity that advances the campaign of a candidate? | ☒ **Yes** ☐ **No** |

18. Have you ever been convicted of a felony for which you have not received either: (i) a pardon of innocence; or (ii) an order of expungement regarding that conviction?

☐ Yes ☒ No

| Offense | Date of Conviction | County of Conviction | State of Conviction |
|---|---|---|---|
| | | | |

19. Are you aware of any other information that *you believe* may assist the State Ethics Commission in advising you concerning your compliance with the State Government Ethics Act?

☒ Yes ☐ No If yes, please provide such information below.

I plan to serve on a public board for Novan, Inc as a director. I have completed the secondary employment form and received legal counsel from Kathleen Edwards and Pam Cashwell at NC State Ethics Commission on 01/19/17. Per their evaluation there are no conflicts with my board participation. My participation will begin in early 2017, likely February.

**AFFIRMATION**

I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge and belief.

I also certify that I have not transferred, and will not transfer, any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest.

I understand that my Statement of Economic Interest and any attachments or supplements thereto (with the exception of the Confidential Form regarding Unemancipated Children) are public record.

I acknowledge that I have read and understand N.C.G.S. 138A-26 regarding concealing or failing to disclose material information and N.C.G.S. 138A-27 regarding providing false information:

> § 138A-26. Concealing or failing to disclose material information.
>
> A filing person who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a statement of economic interest under this Article shall be guilty of a Class 1 misdemeanor and shall be subject to disciplinary action under G.S. 138A-45.
>
> § 138A-27. Penalty for false information.
>
> A filing person who provides false information on a statement of economic interest as required under this Article knowing that the information is false is guilty of a Class H felony and shall be subject to disciplinary action under G.S. 138A-45.

☑ **I Agree**

Michelle Sanders
**Signature**

01/26/17
**Date**

Michelle Sanders
**Printed Name**

**Submit SIGNED, ORIGINAL documents only.** **Do not fax or email this form.**

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE SERVICES OFFICE
16 W. JONES STREET ROOM 2129
RALEIGH, NC 27601-1030



PAUL Y. COBLE
LEGISLATIVE SERVICES OFFICER
paul.coble@ncleg.net

LEGISLATIVE SERVICES OFFICE
TELEPHONE (919) 733-7044
FAX (919) 715-2739

# SUBPOENA MEMORANDUM

TO: Senate Committee on State and Local Government
FR: Paul Y. Coble, Legislative Services Officer
DA: March 15, 2017
RE: Return of Subpoenas in Regard to Sanders Hearing

Pursuant to G.S. 120-19.2 (f) the Legislative Services Officer is required to maintain a permanent record of all subpoena returns issued by the General Assembly for five years.

The Legislative Services Officer will distribute one copy of the subpoena returns for the Sanders Hearing to the North Carolina Senate Committee on State and Local Government Co-Chairman Senator John M. Alexander, Jr., Co-Chairman Senator Ronald J. Rabin, and Co-Chairman Senator Jeff Tarte; one copy of the return will be transmitted to the President of the Senate, Lieutenant Governor Dan Forest; and the President Pro Tempore of the Senate, Phil Berger.

A copy of this letter and the subpoena return must also be kept by the above mentioned offices.

cc: Lieutenant Governor Dan Forest, President of the Senate
Senator Phil Berger, President Pro Tempore of the Senate
Senator John M. Alexander, Jr., Co-Chairman Senate Committee on State and Local Government
Senator Ronald J. Rabin, Co-Chairman Senate Committee on State and Local Government
Senator Jeff Tarte, Co-Chairman Senate Committee on State and Local Government

North Carolina General Assembly
Senate Committee on State and Local Government

STATE OF NORTH CAROLINA
County of Wake

In the General Assembly of
North Carolina

SUBPOENA

TO: Secretary Machelle Sanders
North Carolina Department of Administration
116 West Jones Street
Raleigh, North Carolina 27603-8003
(919) 807-2425

GREETING:

YOU ARE HEREBY COMMANDED to appear before the Senate Committee on State and Local Government (hereinafter "Committee") in Raleigh, North Carolina, on the 21st day of March, 2017, at 2:00 o'clock p.m., in Room 423, of the Legislative Office Building, 300 North Salisbury Street, Raleigh, NC 27603, and as continued from time to time, to testify on matters before the Committee concerning your qualifications, potential conflicts of interest, and willingness to follow the law in your capacity as Secretary of the Department of Administration, as further detailed in the attached letter from the Committee Chairs dated, March 14, 2017.

This subpoena is issued upon authorization of:

Senator Phil Berger
President Pro Tempore of the Senate

Issued this 14th day of March, 2017, by majority vote of the Committee:

Senator John M. Alexander, Jr.
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 625
Raleigh, NC 27603-5925

Senator Ronald J. Rabin
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 411
Raleigh, North Carolina 27603-5925

Senator Jeff Tarte
Co-Chairman, Senate Committee on
State and Local Government
300 N. Salisbury Street, Room 623
Raleigh, NC 27603-5925

## OFFICER'S RETURN

I certify that the above subpoena was received on the 14th day of March, 20 17, and that on the 14th day of March, 20 17, it was served on John Maddrey, General Counsel NC DOA in the following manner: Personal Service

Capt. Wes Stiltner, NC GAPD
Capt. Wm. Stiltner

G.S. 120-19.2; G.S. 1A-1, Rule 45

**Rule 45. Subpoena.**

...

(c) Protection of Persons Subject to Subpoena. –

(1) Avoid undue burden or expense. – A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court shall enforce this subdivision and impose upon the party or attorney in violation of this requirement an appropriate sanction that may include compensating the person unduly burdened for lost earnings and for reasonable attorney's fees.

(2) For production of public records or hospital medical records. – Where the subpoena commands any custodian of public records or any custodian of hospital medical records, as defined in G.S. 8-44.1, to appear for the sole purpose of producing certain records in the custodian's custody, the custodian subpoenaed may, in lieu of personal appearance, tender to the court in which the action is pending by registered or certified mail or by personal delivery, on or before the time specified in the subpoena, certified copies of the records requested together with a copy of the subpoena and an affidavit by the custodian testifying that the copies are true and correct copies and that the records were made and kept in the regular course of business, or if no such records are in the custodian's custody, an affidavit to that effect. When the copies of records are personally delivered under this subdivision, a receipt shall be obtained from the person receiving the records. Any original or certified copy of records or an affidavit delivered according to the provisions of this subdivision, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. Copies of hospital medical records tendered under this subdivision shall not be open to inspection or copied by any person, except to the parties to the case or proceedings and their attorneys in depositions, until ordered published by the judge at the time of the hearing or trial. Nothing contained herein shall be construed to waive the physician-patient privilege or to require any privileged communication under law to be disclosed.

(3) Written objection to subpoenas. – Subject to subsection (d) of this rule, a person commanded to appear at a deposition or to produce and permit the inspection and copying of records, books, papers, documents, electronically stored information, or tangible things may, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, serve upon the party or the attorney designated in the subpoena written objection to the subpoena, setting forth the specific grounds for the objection. The written objection shall comply with the requirements of Rule 11. Each of the following grounds may be sufficient for objecting to a subpoena:

a. The subpoena fails to allow reasonable time for compliance.

b. The subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection.

c. The subpoena subjects a person to an undue burden or expense.

d. The subpoena is otherwise unreasonable or oppressive.

e. The subpoena is procedurally defective.

(4) Order of court required to override objection. – If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person's appearance at a deposition or to inspect and copy materials to which an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person's appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the deposition or production of materials is to occur.

(5) Motion to quash or modify subpoena. – A person commanded to appear at a trial, hearing, deposition, or to produce and permit the inspection and copying of records, books, papers, documents, electronically stored information, or other tangible things, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, may file a motion to quash or modify the subpoena. The court shall quash or modify the subpoena if the subpoenaed person demonstrates the existence of any of the reasons set forth in subdivision (3) of this subsection. The motion shall be filed in the court in the county in which the trial, hearing, deposition, or production of materials is to occur.

(6) Order to compel; expenses to comply with subpoena. – When a court enters an order compelling a deposition or the production of records, books, papers, documents, electronically stored information, or other tangible things, the order shall protect any person who is not a party or an agent of a party from significant expense resulting from complying with the subpoena. The court may order that the person to whom the subpoena is addressed will be reasonably compensated for the cost of producing the records, books, papers, documents, electronically stored information, or tangible things specified in the subpoena.

(7) Trade secrets; confidential information. – When a subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information, a court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or when the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship, the court may order a person to make an appearance or produce the materials only on specified conditions stated in the order.

(8) Order to quash; expenses. – When a court enters an order quashing or modifying the subpoena, the court may order the party on whose behalf the subpoena is issued to pay all or part of the subpoenaed person's reasonable expenses including attorney's fees.

(d) Duties in Responding to Subpoenas. –

(1) Form of response. – A person responding to a subpoena to produce records, books, documents, electronically stored information, or tangible things shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

(2) Form of producing electronically stored information not specified. – If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it ordinarily is maintained or in a reasonably useable form or forms.

(3) Electronically stored information in only one form. – The person responding need not produce the same electronically stored information in more than one form.

(4) Inaccessible electronically stored information. – The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, after considering the limitations of Rule 26(b)(1a). The court may specify conditions for discovery, including requiring the party that seeks discovery from a nonparty to bear the costs of locating, preserving, collecting, and producing the electronically stored information involved.

(5) Specificity of objection. – When information subject to a subpoena is withheld on the objection that it is subject to protection as trial preparation materials, or that it is otherwise privileged, the objection shall be made with specificity and shall be supported by a description of the nature of the communications, records, books, papers, documents, electronically stored information, or other tangible things not produced, sufficient for the requesting party to contest the objection.

...

**NORTH CAROLINA GENERAL ASSEMBLY**

NORTH CAROLINA SENATE

March 14, 2017

***VIA HAND DELIVERY***

Secretary Machelle Sanders
North Carolina Department of Administration
116 West Jones Street
Raleigh, North Carolina 27603-8003

Dear Ms. Sanders:

Congratulations on your nomination by Governor Cooper to serve as Secretary of the Department of Administration.

Your position is one that requires the advice and consent of the North Carolina Senate under N.C. Gen. Stat. § 143B-9 and Article III, Section 5(8) of the North Carolina Constitution. Additionally, because you were sworn in an acting capacity as Secretary of the Department, you are subject to the reporting and appearance obligations set out in Articles 5 and 5A of Chapter 120 of the General Statutes.

You have been asked to appear before the Senate Committee on State and Local Government on March 21, 2017, at 2:00 p.m. The point of the meeting is to allow the Committee to make an informed recommendation regarding your nomination. While we do not expect the meeting to be adversarial, you will be asked questions relating to your experience, potential conflicts of interest and your willingness to follow the law. While each member has discretion in selecting the questions he or she asks, we are providing to you a more detailed idea of what we expect will be potential areas of discussion.

To that end, enclosed is a rubric entitled "Potential Areas of Inquiry for Gubernatorial Nominees." You are not required to answer these questions prior to the meeting. However, we encourage you to give the potential questions thoughtful consideration and be prepared to discuss your answers with the committee's members. Of course, you are free to provide written responses, which may streamline or simplify the questions you receive during the meeting. Note

separately that the Committee will need a copy of your current Statement of Economic Interest prior to the hearing.

We look forward to seeing you on March 21st. If you have further questions about the process, please do not hesitate to contact any of us.

Sincerely,

Sen. John M. Alexander, Jr., Co-Chair

Sen. Ronald J. Rabin, Co-Chair

Sen. Jeff Tarte, Co-Chair

cc: Gov. Roy Cooper

Enclosure

# POTENTIAL AREAS OF INQUIRY FOR GUBERNATORIAL NOMINEES

**Unless specified otherwise, include responsive information for the past 15 years.*

## QUALIFICATIONS

**Education:** Describe your undergraduate and graduate education history, including the institution(s), dates attended, degrees received and dates of degrees.

**Honors and Awards:** Detail all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and other special recognition you have received for outstanding service or achievement.

**Employment History:** Detail all positions held since college, including the title and description of each position, name of employer, location of work, and inclusive dates of employment.

**Government Experience:** Describe any experience in or direct association with federal, state, or local governments, including any advisory, consultative, board, honorary or other part time service or positions.

**Membership, Affiliations and Activities:** Detail all memberships and offices held in and services rendered to, professional, fraternal, business, scholarly, civic, charitable, political parties, election committees or other organizations. Include names of the organizations, as well as the office(s) and dates held.

**Published Writings; Speeches:** List/describe all books, articles, reports, seminar or other educational materials, editorials, speeches, prepared remarks or other published materials you have written, co-written or recorded, including those published only on the Internet. Please be prepared to provide a copy of documents that are not independently accessible. If copies are unavailable to you, list the title, publisher, date of publication, and a description of the published work. Include any videos that are responsive.

**Teaching:** Detail all courses you have taught. For each course, provide the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught.

## POTENTIAL CONFLICTS OF INTERESTS

**Employment Relationships, Outside Commitments During Service:** Explain whether:

- You plan to sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
- As far as can be foreseen, you have any plans after completing this government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
- Anyone has made you a commitment to a job after you leave government.
- You expect to serve the full term for which you have been appointed.
- You have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service.

**Impact of Prior Employment/Activities:**

- Detail all previous job responsibilities for employers included in Section IV, "Employment History," that may stand in conflict to current or proposed rules, regulations, laws, or other policies of the state of North Carolina for which, if confirmed, you would be responsible for regulating.
- If you have engaged in any activities (including but not limited to consulting, advocacy, charitable, educational, electioneering, state or federal lobbying, goodwill lobbying, political, or otherwise) that relate, affect, or impact any of the areas that you would be responsible for regulating, if confirmed, provide all activities, time expended, and if financial or other benefits or compensation were received.
- Describe any business relationships, contracts, dealings or financial transactions (other than paying taxes) which you have had with the state of North Carolina, whether for yourself, on behalf of a client, or acting as an agent. Explain whether any of these relationships, dealings or transactions may, in any way, constitute or result in a possible conflict of interest with the position to which you have been nominated.
- For each area of potential or actual conflict identified, if any, detail how it will be remedied to fulfill your duty to faithfully discharge your duties of the office in which you have been nominated.

**Political Contributions:** List the political contributions over $50.00 that you have made to an individual, campaign organization, political party, political action committee or similar entity during the last 10 years and identify specific amounts, dates, and names of recipients.

**Legal Actions:**

- Provide the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a federal, state, or local agency in which you were the subject of the inquiry or investigation.
- Provide the full details of any proceeding, inquiry or investigation by any professional association, including any professional association in which you were the subject of the proceeding, inquiry or investigation.
- Have you or any business or organization of which you are or were an officer or board member, ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Carol Smith is the Court Reporter

# CONFIRMATION HEARING ON MACHELLE SANDERS

## I. Welcome

## II. Explanation of why the committee is meeting

- We are meeting today to consider the matter of Machelle Sanders' appointment to the office of Secretary of the Department of Administration.

- During today's meeting the members will hopefully have a thorough, respectful and open discussion with Ms. Sanders.

- Assuming we finish this afternoon, the plan will be to vote as a committee on whether to recommend Ms. Sanders' confirmation to the Nominations Committee.

- The committee chairs previously gave Ms. Sanders a list of potential questions, so those questions will be open to discussion, as well as other questions members may have.

- Our goals for today are to inform ourselves as to whether Ms. Sanders is well qualified for the office, whether she has any conflicts of interest, and whether she intends to follow the law.

## III. A Couple of Ground Rules for Today

- We have a court reporter here (Carol Smith), who will be recording the proceedings, so speak clearly and don't talk over each other.

- You will need to direct your question to the Chair first, then I will direct Ms. Sanders to answer.

## IV. Invite Ms. Sanders to be Sworn in and Make Opening Statements to the Committee

## V. Open up to Members for Questions

## VI. Vote on a Recommendation:

- Motion will be made to vote on the recommendation

**Motion: "the question before the committee is whether to recommend to the Committee on Nominations that Machelle. Sanders be confirmed to the office of Secretary of the Department of Administration: All in favor say "Aye," opposed say "No."**

*Chair's Note: If there is an audible "no", consider calling for a division where the Aye's and No's raise their hands to confirm the count.*

## VII. Direct the clerks to submit a report of the recommendation to Chairs of the Committee on Nominations.

# VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government
(Committee Name)

3-21-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Marquetta Walton | WELTON GROUP LLC |
| Robyn Sanders | graduate Student/daughter |
| Ashlyn Sanders | Student/ " " |
| Patricia Miller | N/A |
| Paula McDougal-Richards | N/A |
| Diane Barber-Whitaker | Mothers and Their Children, Inc |
| Michael A Mackey | N/A |
| Carlos R. Serrano | N/A |
| JUAN TORRES | BIOGEN |
| Esther Alegria | Catalyst EA LLC |
| Meredythe Holmes | Made in Durham |
| Lex Janes | DNCR |
| SAM KIM | FRIEND |
| Elizabeth Ellis | N/A |
| Craig Guikema | CMSstaffing |
| Shane Gee | N/A |
| Betty Morrow-Taylor | N/A |
| Mitchell J. Blackwell | Purdue - Friend |
| Roswell Streeter | Friend |

09-22-2012

| Name | Firm / Agency |
| --- | --- |
| Sarah Crawford | NA |
| STEVEN GOLDSMITH | NA |
| Lisa Goldsmith | n/a. |
| Bryn Goldsmith | N/A |
| Robert Sanders | N/A |
| Mike McBrety | Biogen |
| Betsy Bennett | Cap Dev |

# VISITOR REGISTRATION SHEET

Senate Committee on State and Local Government
(Committee Name)

3-21-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Jeff Delwey | LA - Sen. Chaudhuri |
| Sam Taylor | NCBIO |
| Laura Gunter | NCBIO |
| Iza Reyes | NAACP |
| Sally Johnson | ANAACP |
| BARRETT BROWN | NAACP |
| Dawn Courtney | NAACP |
| Rev. Dr. Michelle Lewis | Union Baptist Church - Durham |
| Lori Ann Harris | LAHA |
| Kathy Meserve | TCG, LLC |
| Jessica Englert | Governor |
| Noah Read | NAACP |
| ALICE WIETING | " |
| ANDREW TAPP | STAFF |
| GARY SALAMIDO | NC Chamber |
| JASON SOPER | NC Chamber |
| Meghan Lewis | NC Chamber |

| NAME | FIRM OR AGENCY |
| --- | --- |
| Bryan Brannon | dept. of Administration |
| Chris Agner | DoA |
| Katie Stanley | Rep. Joe John |
| Dana Conde | SA |
| Justin Clayton | Governor |
| JOHN F. MADDREY | DoA |
| MARK EDWARDS | DOA |
| Steve Mitchell | Astellas |
| Sec. LARRY D. HALL | NC DMVA |
| | NWC |

# Senate Pages Attending

**COMMITTEE:** State & local Gov't **ROOM:** 423

**DATE:** 3-21 **TIME:** 2 pm

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Eric Wylie | Garner | Berger |
| 2. Bethany Forrest | Norwood | McInnis |
| 3. April Butts | Wallace | Berger |
| 4. Glory Eaddy | Raleigh | Sanderson |
| 5. Isabelle Mayfield | Asheville | Van Dyn |
| 6. | | |
| 7. | | |
| 8. | | |

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

March 21, 2017
(DATE)

Senate Committee on State and Local Government
(COMMITTEE)

SENATE SERGEANT-AT-ARMS

Terry Barnhardt _____

Hal Roach _____

Becky Myrick _____

HOUSE SERGEANT-AT-ARMS

_____ _____

_____ _____

_____ _____

_____ _____

Principal Clerk _____
Reading Clerk _____

**Corrected #3: Remove SB 292**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | March 28, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 304 | Required Financial Audits. | Senator Tarte<br>Senator Hise<br>Senator B. Jackson |
| SB 140 | Revise State Nature and Historic Preserve. | Senator Hise |
| SB 122 | Repeal Centerville Charter. | Senator Barefoot |

Senator Rabin will chair.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk ____
Reading Clerk ____

**Corrected #2: Remove SB 225**

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | March 28, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 304 | Required Financial Audits. | Senator Tarte<br>Senator Hise<br>Senator B. Jackson |
| SB 140 | Revise State Nature and Historic Preserve. | Senator Hise |
| SB 122 | Repeal Centerville Charter. | Senator Barefoot |
| SB 292 | Ordinance Violation Not a Misdemeanor. | Senator Lee<br>Senator J. Jackson<br>Senator Britt |

Senator Rabin will chair.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk ____
Reading Clerk ____

**Corrected #1: Correction 1- Date Change**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | March 28, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 304 | Required Financial Audits. | Senator Tarte<br>Senator Hise<br>Senator B. Jackson |
| SB 140 | Revise State Nature and Historic Preserve. | Senator Hise |
| SB 225 | Abolish Cleveland County Coroner. | Senator Daniel |
| SB 122 | Repeal Centerville Charter. | Senator Barefoot |
| SB 292 | Ordinance Violation Not a Misdemeanor. | Senator Lee<br>Senator J. Jackson<br>Senator Britt |

Senator Rabin will chair.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk
Reading Clerk

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Thursday | March 23, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 304 | Required Financial Audits. | Senator Tarte<br>Senator Hise<br>Senator B. Jackson |
| SB 140 | Revise State Nature and Historic Preserve. | Senator Hise |
| SB 225 | Abolish Cleveland County Coroner. | Senator Daniel |
| SB 122 | Repeal Centerville Charter. | Senator Barefoot |
| SB 292 | Ordinance Violation Not a Misdemeanor. | Senator Lee<br>Senator J. Jackson<br>Senator Britt |

Senator Rabin will serve as Chair.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, March 28, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 304 | Required Financial Audits. | Senator Tarte<br>Senator Hise<br>Senator B. Jackson |
| SB 140 | Revise State Nature and Historic Preserve. | Senator Hise |
| SB 122 | Repeal Centerville Charter. | Senator Barefoot |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, March 28, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on March 28, 2017 in Room 423 of the Legislative Office Building. 14 members were present.

Senator Ronald J. Rabin, Chair, presided.

**SB 304 Required Financial Audits. (Senators Tarte, Hise, B. Jackson)** Senator Tarte explained the bill. Senator Chaudhuri motioned for a favorable Proposed Committee Substitute (PCS) report. The motion was approved unanimously.

**SB 140 Revise State Nature and Historic Preserve. (Senator Hise)** Senator Hise explained the bill. Senator McInnis motioned for a favorable report. The motion was approved unanimously.

**SB 122 Repeal Centerville Charter. (Senator Barefoot)** Senator Barefoot explained the bill. Senator Tarte motioned for a favorable report. The motion was approved with 13-1.

The meeting adjourned at 2:45.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, March 28, 2017

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

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

SB **122** Repeal Centerville Charter.

| | |
|---|---|
| Draft Number: | S122-PCS15114-BD-13 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

SB **304** Required Financial Audits.

| | |
|---|---|
| Draft Number: | S304-PCS45310-RN-6 |
| Sequential Referral: | Appropriations/Base Budget |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 2

Senator Chad Barefoot will handle SB 122
Senator Jeff Tarte will handle SB 304



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, March 28, 2017

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

**FAVORABLE**

SB **140** Revise State Nature and Historic Preserve.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 1

Senator Ralph Hise will handle SB 140



# SENATE BILL 304: Required Financial Audits.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | March 27, 2017 |
| **Introduced by:** | Sens. Tarte, Hise, B. Jackson | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | PCS to First Edition<br>S304-CSRN-6 | | |

***OVERVIEW: The Proposed Committee Substitute (PCS) for Senate Bill 304 would require financial audits of certain nonprofit corporations and all State offices, departments, and agencies and an annual submission of completed audits to the State Auditor by units of local government and public authorities. The PCS clarifies which nonprofits are subject to quadrennial financial reviews and audits, creates exceptions for certain nonprofit corporations, clarifies that the nonprofit corporation selects the accounting firm and is responsible for costs of the audit or review, provides that the Auditor may select an independent certified public accountant to perform audits of State offices, departments, and agencies, changes the effective date to July 1, 2018, and makes other conforming changes.***

**BILL ANALYSIS:** The PCS for Senate Bill 304 would require financial audits as follows.

- **Principal State Departments-** The principal State Departments under G.S. 143A-11 would be subject to an *annual* financial audit (Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Public Instruction, Justice, Agriculture and Consumer Services, Labor, and Insurance).
- **Principal Departments-** The principal departments in G.S. 143B-6 would be subject to an *annual* financial audit: (Departments of Natural and Cultural Resources, Department of Health and Humans Services, Revenue, Public Safety, Environmental Quality, Transportation, Administration, Commerce, Community Colleges System Office, Information Technology, and Military and Veterans Affairs).
- **Other State Agencies-** Other State agencies are subject to a biennial financial audit. (i.e. must occur every two years).
- **Nonprofit Corporations-** Nonprofit corporations that receive State funds or funds from a county or municipality are subject to a quadrennial financial audit or financial review (i.e. once every four years) as described below:
    - If the nonprofit corporation has annual total revenues of $1 million or greater and the nonprofit corporation receives funds from the State, a county, or a municipality, an independent financial audit must be prepared and reported.

*Karen Cochrane-Brown*
*Director*

S304-SMRN-12 CSRN-6 -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.*

- If the nonprofit corporation has annual total revenues of $999,999 or less and the nonprofit corporation receives funds from the State, a county, or a municipality, an independent financial review must be prepared and reported. An independent financial audit is also permissible.
- A nonprofit corporation may select the certified public accounting firm to perform the required independent financial audit or independent financial review, as appropriate, and the nonprofit corporation is responsible for the costs.

- **Exceptions to Nonprofit Corporation Requirement-** The requirement to file a financial audit or financial review does not apply to:
  - A nonprofit corporation that has performed an independent financial audit or an independent financial review in compliance with federal law.
  - A nonprofit corporation that has submitted an audit or review as prepared by a certified public accountant in the ordinary course of business.
  - A nonprofit corporation that has dissolved or ceased operations at the time an audit is required.
- **Local Governments-** Each unit of local government and public authority subject to annual auditing requirements under the Chapter 159 must submit to the Auditor, the General Assembly, and the Governor any audit of its accounts. Audits submitted in accordance with this subsection shall be a public record. A public authority subject to G.S. 159-34 may comply with this subsection by submitting the audit required by the Local Government Commission, if this audit meets the criteria of an independent financial audit as generally recognized by the North Carolina Association of Certified Public Accountants.
- **Performance of Audits-** The State Auditor may select independent certified public accountants to perform the audits of State offices, departments, and agencies, and if an independent accountant is selected, then the audits are completed under the supervision of the Auditor. The results are submitted to the Auditor, the General Assembly, and the Governor.
- **Timing-** The Auditor is directed to align the completion of required audits with the completion of the State's Comprehensive Annual Financial Report.
- **Contracting-** In contracting for independent certified public accountants, the Auditor must follow purchase and contracting requirements in the General Statutes. Additionally, the maximum length of any contact shall be 10 years, and a CPA must not perform more than 10 consecutive audits on the same entity.
- **Costs-** The Auditor may charge and collect costs for the audits or financial reviews from each State office, department or agency. However, the costs of audits and financial reviews of nonprofit corporations are the responsibility of the nonprofit corporation.
- **Discretionary Audits-** Audits performed under this section are in addition to audits the Auditor may make under her powers and duties.

The act also makes a conforming change to the State Auditor's powers and duties.

**EFFECTIVE DATE:** The act would become effective July 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 304

| | | |
|---|---|---|
| Short Title: | Required Financial Audits. | (Public) |
| Sponsors: | Senators Tarte, Hise, B. Jackson (Primary Sponsors); Brock, Krawiec, and Sanderson. | |
| Referred to: | Rules and Operations of the Senate | |

March 20, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE FINANCIAL AUDITS OF CERTAIN NONPROFIT CORPORATIONS AND ALL STATE OFFICES, DEPARTMENTS, AND AGENCIES AND AN ANNUAL SUBMISSION OF COMPLETED AUDITS TO THE STATE AUDITOR BY UNITS OF LOCAL GOVERNMENT AND PUBLIC AUTHORITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 5A of Chapter 147 of the General Statutes is amended by adding a new section to read:

"**§ 147-64.6E. Required financial audits.**

(a) Principal State Department Requirement. – All principal offices and departments listed in G.S. 143A-11 and G.S. 143B-6 shall be subject to an annual financial audit.

(b) Requirement for Other State Agencies. – State agencies not subject to the requirement set forth in subsection (a) of this section shall be subject to a biennial financial audit.

(c) Nonprofit Corporation Requirement. – All nonprofit corporations that receive State funds, as defined in G.S. 143C-1-1, or local funds shall be subject to a quadrennial financial audit. This subsection shall not apply to nonprofit corporations that have dissolved or ceased operations at the time an audit under this subsection is required.

(d) Local Government Requirement. – Each unit of local government and public authority subject to G.S. 159-34 shall submit to the Auditor, the General Assembly, and the Governor any audit of its accounts completed in accordance with G.S. 159-34. Audits submitted in accordance with this subsection shall be a public record.

(e) Performance of Audits. – The State Auditor shall select independent certified public accountants to perform the audits required under subsections (a) through (c) of this section, and the audits shall be completed under the supervision of the Auditor. The results of the audits shall be submitted to the Auditor, the General Assembly, and the Governor and shall be a public record.

(f) Timing. – To the extent possible, and to avoid duplication of efforts, the Auditor shall align the completion of audits required under subsections (a) and (b) of this section with the completion of the State's Comprehensive Annual Financial Report.

(g) Contract. – Contracting for services under subsection (e) of this section shall be in accordance with Article 3 of Chapter 143 of the General Statutes. In addition, the following requirements shall be met:

(1) The maximum length of any contract under this section shall be 10 years.

(2) An independent certified public accountant shall not perform more than 10 consecutive financial audits for the same State office, department, or agency, or nonprofit corporation.

(h) Costs. – Notwithstanding any provision of law to the contrary, the Auditor is authorized to charge and collect from each State office, department, or agency, and each nonprofit corporation, the actual costs of audit work required under subsections (a) through (c) of this section.

(i) Discretionary Audits. – Audits performed under this section shall be in addition to any audit made at the discretion of the Auditor under G.S. 147-64.6."

**SECTION 2.** G.S. 147-64.6(c)(2) reads as rewritten:

"(c) The Auditor shall be responsible for the following acts and activities:

...

(2) ~~Financial~~ Except as otherwise provided in G.S. 147-64.6E, financial and compliance audits may be made at the discretion of the Auditor without advance notice to the organization being audited. Audits of economy and efficiency and program results shall be discussed in advance with the prospective auditee unless an unannounced visit is essential to the audit."

**SECTION 3.** This act becomes effective January 1, 2018.

# SENATE BILL 140:
# Revise State Nature and Historic Preserve.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | March 28, 2017 |
| **Introduced by:** | Sen. Hise | **Prepared by:** | Jennifer McGinnis<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 140 would remove a parcel in Chimney Rock State Park from the State Nature and Historic Preserve (Preserve).***

**CURRENT LAW:** Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 113-44.14 provides conditions and procedures for additions to, and deletions from, the State Parks System that must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

**BACKGROUND:** Properties were last accepted into the Preserve in 2014. Since that time over 7,900 acres have been added to the North Carolina Park System. The Council of State is scheduled to meet on April 4, 2017 to petition the General Assembly to accept into the Preserve various State parklands and historic sites. The petition is slated to also include a request to delete certain parcels from dedication in the Preserve for various reasons (in order to improve the management of units, allow for existing road relocations, allow for utility easements and cell towers, etc).

**BILL ANALYSIS:** The bill would except from dedication and/or delete from the Preserve a parcel in Chimney Rock State Park on which an existing communications tower is present. When this property was originally acquired by the State, the communications tower site was under lease for use by the State Highway Patrol and UNC-TV. The lease has expired, but an interagency agreement has been executed to allow the State Highway Patrol and UNC-TV to continue use the parcel in question for a communications tower, however, the tower subject to the former lease is in need of replacement, thus it will be replaced with a new tower in a location with easier road access, less visual impact, and less overall impact on the Park. As communication towers and tower sites are not public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, and the applicable provisions of the General Statutes that govern properties in the Preserve, this tract must be deleted.

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

*Karen Cochrane-Brown*
*Director*

S140-SMRI-1 E1 -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.*

# SENATE BILL 140

| | | |
|---|---|---|
| Short Title: | Revise State Nature and Historic Preserve. | (Public) |
| Sponsors: | Senators Hise (Primary Sponsor); and Rabin. | |
| Referred to: | Rules and Operations of the Senate | |

March 1, 2017

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE INSTALLATION OF A PUBLIC SAFETY TELECOMMUNICATIONS FACILITY IN CHIMNEY ROCK STATE PARK.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-260.10 reads as rewritten:

"**§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

...

(21) All lands and waters within the boundaries of Chimney Rock State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and

other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes.

...."

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

# SENATE BILL 122:
# Repeal Centerville Charter.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | March 27, 2017 |
| **Introduced by:** | Sen. Barefoot | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***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 that the Town governing board continues in office for 30 days for the sole purpose of liquidating the assets and liabilities of the Town and filing any financial reports that may be required by law.
- Provide that any remaining assets of the Town will be paid over to the Centerville Fire Department 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*

S122-SMBD-16 E1 -V-3

*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**
**Senate Bill 122**

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

S122-ABD-2 [v.3]



Amends Title [NO]
First Edition

Date _____,2017

Senator _____

moves to amend the bill on page 1, lines 6-10, by rewriting the lines to read:

"**SECTION 2.** The governing board of the Town of Centerville as of the date this act becomes law is continued 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.

**SECTION 3.** Any net assets of the Town shall be paid over to Fire and Rescue Association, Inc., of Centerville, North Carolina, which shall use those funds for some public purpose.

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 122

| | | |
|---|---|---|
| Short Title: | Repeal Centerville Charter. | (Local) |
| Sponsors: | Senator Barefoot (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

February 23, 2017

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF CENTERVILLE IN FRANKLIN COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 695 of the Session Laws of 1965 is repealed.

**SECTION 2.** This act is effective when it becomes law, except that the governing board of the Town of Centerville as of the date this act becomes law is continued in office for 30 days thereafter for the sole purpose of liquidating the assets and liabilities of the Town and filing any financial reports that may be required by law. Any net assets of the Town shall be paid over to Centerville Fire Department, which shall use those funds for some public purpose.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 122**

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S122-ABD-2 [v.3]



Amends Title [NO]
First Edition

Date MAR 28 ,2017

Senator TARTE

moves to amend the bill on page 1, lines 6-10, by rewriting the lines to read:

"**SECTION 2.** The governing board of the Town of Centerville as of the date this act becomes law is continued 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.

**SECTION 3.** Any net assets of the Town shall be paid over to Fire and Rescue Association, Inc., of Centerville, North Carolina, which shall use those funds for some public purpose.

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

*S122-ABD-2-V-3*

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

# Senate Committee on

# State and Local Government

---

## March 28, 2017

## Room 423/424 LOB

## 2:00 PM

## Senate Sergeant at Arms:

**Terry Edmondson**

**John Enloe**

**Sham Patel**

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Government
**Meeting Date:** 28 March 2017 **Chair:** Rabin **Clerk:** Chandra Reed

### ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | SB 304 | **Sponsor** | Tarte, Hise, B. Jackson |
| **Favorable** | | **Motion by** | Sandi |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | Chaus. |
| **Original Bill** | | | |
| **Re-referred** | Approp. | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 140 | **Sponsor** | Hise |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | McInnis |
| **Other Action** | | | |
| **Floor Manager** | | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | SB 122 | **Sponsor** | Barefoot |
| **Favorable** | pass | **Motion by** | Sanderson |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | Tarte, Horner Britt no |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | P | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# VISITOR REGISTRATION SHEET

**State and Local Government**

28 MARCH 2017

**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| | NCAEC |
| Christie Craig | WakeMed |
| Doug Heron | DUKE |
| TJ Boykee | NP |
| Starnes | OST |
| | NMRS |
| Susanna D | OSHR |
| Brian Menard | CWM |
| Donna Allen | NCCSA |
| Tim Hoegemeyer | NCCSA |
| David Crawford | AIA NC |
| Tiesha Pope | NCDOS |
| Phoebe Landon | MWC |
| Kelly Kirkpatrick | DP |
| David Heinen | NC Center for Nonprofits |
| Bill Holmes | Office of the State Auditor |
| Brian Mildrett | NCSBA |

# VISITOR REGISTRATION SHEET

**State and Local Government**

28 MARCH 2017

**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Sarah Kearce | NCDOL |
| Katie Stanley | NCDOA |
| Dave Horne | S.A. |
| Crystal Feldmen | ST |
| [illegible] | UNC SOG |
| Daniel Vanlieve | Vidant Health |
| Hugh Johns | NCAE |
| Ryan Blankenship | Cone Health |
| Jon Carr | Jordan Price |
| Carol Tingley | NC DNCR |
| Tonya Horton | TSS |
| Lori Ann Harris | SHHA |
| | |
| | |
| | |
| | |
| | |

09-21-201

**Perry Wester (Sen. John Alexander)**

**From:** Perry Wester (Sen. John Alexander)
**Sent:** Tuesday, April 04, 2017 11:01 AM
**To:** Sen. Danny Britt; Sen. Andrew Brock; Sen. Jim Davis; Sen. Joyce Krawiec; Sen. Michael Lee; Sen. Louis Pate; Sen. Ralph Hise; Sen. Paul Lowe; Sen. Mike Woodard
**Cc:** Cindy Davis (Sen. Danny Britt); Judy Edwards (Sen. Andrew Brock); Kaye Culberson (Sen. Jim Davis); Brian Mooney (Sen. Joyce Krawiec); Emily Barnes (Sen. Michael Lee); Sinclaire Owen (Sen. Louis Pate); Susan Fanning (Sen. Ralph Hise); Pat Christmas (Sen. Paul Lowe); Carol Resar (Sen. Mike Woodard)
**Subject:** <NCGA> Senate State and Local Government Committee Meeting Notice for Tuesday, April 04, 2017 at 2:00 PM - CORRECTED #3
**Attachments:** Add Meeting to Calendar_LINC_.ics

Principal Clerk _____
Reading Clerk _____

**Corrected #3: SB 238 REMOVED**

# SENATE

## NOTICE OF COMMITTEE MEETING AND BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | April 4, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 105 | Fairmont/Voluntary Annexation. | Senator Britt |
| SB 115 | Proctorville/Sewer Fee Collections. | Senator Britt |
| SB 261 | Kannapolis Deannexation. | Senator Brock |
| SB 222 | Search & Rescue Name/Funds. | Senator Lee<br>Senator Krawiec<br>Senator J. Davis |
| SB 317 | Hypertension Awareness Day. | Senator Krawiec<br>Senator Pate<br>Senator Hise |
| SB 51 | Winston-Salem/Service by Publication Cost. | Senator Lowe<br>Senator Krawiec |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk ____
Reading Clerk ____

**Corrected #1: DATE CHANGE**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | April 4, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 105 | Fairmont/Voluntary Annexation. | Senator Britt |
| SB 115 | Proctorville/Sewer Fee Collections. | Senator Britt |
| SB 261 | Kannapolis Deannexation. | Senator Brock |
| SB 222 | Search & Rescue Name/Funds. | Senator Lee<br>Senator Krawiec<br>Senator J. Davis |
| SB 292 | Ordinance Violation Not a Misdemeanor. | Senator Lee<br>Senator J. Jackson<br>Senator Britt |
| SB 317 | Hypertension Awareness Day. | Senator Krawiec<br>Senator Pate<br>Senator Hise |
| SB 51 | Winston-Salem/Service by Publication Cost. | Senator Lowe<br>Senator Krawiec |
| SB 238 | Caswell County Meals Tax. | Senator Woodard |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk
Reading Clerk

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Monday | April 3, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 105 | Fairmont/Voluntary Annexation. | Senator Britt |
| SB 115 | Proctorville/Sewer Fee Collections. | Senator Britt |
| SB 261 | Kannapolis Deannexation. | Senator Brock |
| SB 222 | Search & Rescue Name/Funds. | Senator Lee<br>Senator Krawiec<br>Senator J. Davis |
| SB 292 | Ordinance Violation Not a Misdemeanor. | Senator Lee<br>Senator J. Jackson<br>Senator Britt |
| SB 317 | Hypertension Awareness Day. | Senator Krawiec<br>Senator Pate<br>Senator Hise |
| SB 51 | Winston-Salem/Service by Publication Cost. | Senator Lowe<br>Senator Krawiec |
| SB 238 | Caswell County Meals Tax. | Senator Woodard |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, April 4, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 105 | Fairmont/Voluntary Annexation. | Senator Britt |
| SB 115 | Proctorville/Sewer Fee Collections. | Senator Britt |
| SB 261 | Kannapolis Deannexation. | Senator Brock |
| SB 222 | Search & Rescue Name/Funds. | Senator Lee<br>Senator Krawiec<br>Senator J. Davis |
| SB 317 | Hypertension Awareness Day. | Senator Krawiec<br>Senator Pate<br>Senator Hise |
| SB 51 | Winston-Salem/Service by Publication Cost. | Senator Lowe<br>Senator Krawiec |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, April 4, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on April 4, 2017 in Room 423 of the Legislative Office Building. 13 members were present.

Senator John M. Alexander, Jr., Chair, presided.

**SB 105 Fairmont/Voluntary Annexation. (Senator Britt)**
Senator Britt explained the bill, and offered an amendment. Senator Horner motioned for a favorable to the amendment and it was accepted unanimously. The bill as amended (Proposed Committee Substitute) was brought back for a vote, Senator McInnis motioned for a favorable report, and the bill passed unanimously and was sent to Finance.

Senator Don Davis questioned the bill sponsor on the necessity of this bill, and staff explained.

**SB 115 Certain Towns/Sewer Fee Collections. (Senator Britt)**
Senator Britt explained the bill, and offered an amendment. Senator Don Davis motioned favorable as to the amendment and it was accepted unanimously. The bill as amended (Proposed Committee Substitute) was brought back for a vote, Senator Cook motioned for a favorable report, and the bill passed unanimously and was sent to Finance.

**SB 261 Kannapolis Deannexation. (Senator Brock)**
Senator Brock explained the bill, and Senator Barringer offered an amendment. Senator Don Davis motioned favorable as to the amendment and it was accepted unanimously. The bill as amended (Proposed Committee Substitute) was brought back for a vote, Senator Don Davis motioned for a favorable report, and the bill passed unanimously and was sent to Finance.

**SB 222 Search & Rescue Name/Funds. (Senators Lee, Krawiec, J. Davis)**
Senator Lee explained the bill. Senator Chaudhuri motioned for a favorable report which passed unanimously. The bill was sent to Appropriations and Base Budget.

**SB 317 Hypertension Awareness Day. (Senators Krawiec, Pate, Hise)**
Senator Krawiec explained the bill. Senator McInnis motioned for a favorable report which passed unanimously. The bill was sent to Health Care.

Senator McInnis applauded the bill sponsors, and encouraged the idea of bringing trained professionals to the General Assembly for an event to check blood pressure to raise awareness.

**SB 51 Winston-Salem/Service by Publication Cost. (Senators Lowe, Krawiec)**
Senator Lowe explained the bill, and Senator Don Davis offered an amendment. Senator Cook motioned favorable as to the amendment and it was accepted unanimously. The bill as amended (Proposed Committee Substitute) was brought back for a vote, Senator Don Davis motioned for a favorable report, and the bill passed unanimously and was sent to Finance.

The meeting adjourned at 2:30.

Senator John M. Alexander, Jr., Chair
Presiding

Perry Wester, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 04, 2017

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

**FAVORABLE**

SB **222** Search & Rescue Name/Funds.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Appropriations/Base Budget |
| Recommended Referral: | None |
| Long Title Amended: | No |

SB **317** Hypertension Awareness Day.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Health Care |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 2

Senator Michael V. Lee will handle SB 222
Senator Joyce Krawiec will handle SB 317



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 04, 2017

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

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

SB **51** Winston-Salem/Service by Publication Cost.
- Draft Number: S51-PCS15180-BK-16
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **105** Fairmont/Voluntary Annexation.
- Draft Number: S105-PCS35285-BDxr-18
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

SB **115** Proctorville/Sewer Fee Collections.
- Draft Number: S115-PCS35280-BK-15
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: Yes

SB **261** Kannapolis Deannexation.
- Draft Number: S261-PCS15181-BDx-17
- Sequential Referral: Finance
- Recommended Referral: None
- Long Title Amended: No

TOTAL REPORTED: 4

Senator Paul A. Lowe, Jr. will handle SB 51
Senator Danny Earl Britt, Jr. will handle SB 105
Senator Danny Earl Britt, Jr. will handle SB 115
Senator Andrew C. Brock will handle SB 261



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 105*

| | | |
|---|---|---|
| Short Title: | Fairmont/Voluntary Annexation. | (Local) |
| Sponsors: | Senator Britt (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

February 20, 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

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

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 105***

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S105-ABDxr-1 [v.4]



Amends Title [NO]
First Edition

Date 4-3 ,2017

Senator Britt

moves to amend the bill on page 2, line 21, by rewriting the line to read:

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

# SENATE BILL 105: Fairmont/Voluntary Annexation.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | March 30, 2017 |
| **Introduced by:** | Sen. Britt | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW:*** ***Senate Bill 105 would annex two non-contiguous satellite tracts totaling 324 acres into the Town of Fairmont. The bill would be effective when it becomes law.***

**[As introduced, this bill was identical to H4, as introduced by Rep. Pierce, which is currently in House Finance.]**

**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 be meet the statutory standards above may be annexed by local act of the General Assembly.

**BILL ANALYSIS:** Senate Bill 105 would annex two non-contiguous satellite tracts to the Town of Fairmont totaling 324 acres: (1) The Fox Tract, 207.36 acres; and (2) The 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 and 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.

*Staff Attorney Giles Perry substantially contributed to this bill summary.*

*Karen Cochrane-Brown*
*Director*

S105-SMBD-21 E1 -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

S 1

# SENATE BILL 115

| | | |
|---|---|---|
| Short Title: | Proctorville/Sewer Fee Collections. | (Local) |
| Sponsors: | Senator Britt (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

February 22, 2017

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF PROCTORVILLE 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, Garner, Kernersville, Knightdale, Morrisville, Proctorville, Stem, Wendell, and Zebulon, and the Village of Clemmons.

...."

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 115**

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S115-ABK-4 [v.6]



Amends Title [YES]
First Edition

Date 4-3 ,2017

Senator Britt

moves to amend the bill on page 1, lines 2-3, by rewriting the lines to read:

"AN ACT AUTHORIZING THE TOWNS OF BOLTON, FAIRMONT, PEMBROKE, PROCTORVILLE, ROWLAND, AND ST. PAULS TO BILL AND COLLECT FEES FOR SEWER SERVICES AS PROPERTY TAXES.";

and on page 1, lines 16-19 by rewriting the lines to read:

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

SIGNED _____
Amendment Sponsor

SIGNED John M Alexander Jr
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

# SENATE BILL 115:
# Proctorville/Sewer Fee Collections.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 4, 2017 |
| **Introduced by:** | Sen. Britt | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 115 would authorize the Town of Proctorville to collect delinquent fees for sewer services in the same manner that property taxes are collected. The act would be 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 pubic 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:** Senate Bill 115 would authorize the Town of Proctorville 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:** This act would be effective when it becomes law.

*Karen Cochrane-Brown*
*Director*

S115-SMBK-10 E1 -V-3

*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.*

**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. 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. 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 261

| | | |
|---|---|---|
| Short Title: | Kannapolis Deannexation. | (Local) |
| Sponsors: | Senator Brock (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 15, 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.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 261**

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S261-ABDx-3 [v.2]



Amends Title [NO]
First Edition

Date 4-3 ,2017

Senator BARRINGER

moves to amend the bill on page 1, lines 32-34, by rewriting those lines to read:

"**SECTION 2.** This act has no effect upon the validity of any liens of the City of Kannapolis for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the City of Kannapolis.

**SECTION 3.** This act becomes effective June 30, 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.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

# SENATE BILL 261: Kannapolis Deannexation.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 3, 2017 |
| **Introduced by:** | Sen. Brock | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: Senate Bill 261 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.***

**[As introduced, this bill was identical to H262, as introduced by Rep. Ford, which is currently in House Finance.]**

**CURRENT LAW:** Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes which governs municipal annexations. 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:** Senate Bill 261 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.

*Karen Cochrane-Brown*
*Director*

S261-SMBD-24 E1 -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.*

# SENATE BILL 222

| | | |
|---|---|---|
| Short Title: | Search & Rescue Name/Funds. | (Public) |
| Sponsors: | Senators Lee, Krawiec, and J. Davis (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE NAME OF SEARCH AND RESCUE SERVICES AND TO PROVIDE FUNDS FOR SEARCH AND RESCUE OPERATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 6 of Chapter 166A of the General Statutes reads as rewritten:

"Article 6.

"~~Urban~~ State Search and Rescue.

**"§ 166A-65. Definitions.**

The following definitions apply in this Article:

(1) Contract response team. – ~~An urban~~A search and rescue team, specialty rescue team, or incident support team.

(2) Incident support team. – A team of trained emergency response personnel, organized to provide coordination between governmental agencies and nongovernmental organizations as well as technical and logistical support to ~~urban~~ search and rescue teams and specialty rescue teams.

(2a) Search and rescue team. – A specialized team or group of teams, organized with capabilities equivalent to search and rescue teams established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and other technical rescue situations.

(3) Secretary. – The Secretary of the Department of Public Safety.

(4) Specialty rescue team. – A specialized response team, organized to provide technical rescue assistance to first responders. The term includes, but is not limited to, a canine search and rescue or disaster response team, a cave search and rescue team, a collapse search and rescue team, a mine and tunnel search and rescue team, and a swift water or flood search and rescue team. A specialty rescue team shall be aligned with one or more of the search and rescue categories within the Federal Emergency Management Agency's national resource typing system.

(5) ~~Urban search and rescue team. – A specialized team or group of teams, organized with capabilities equivalent to urban search and rescue teams established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and in other technical rescue situations.~~

**"§ 166A-66. ~~Urban~~ State Search and Rescue Program.**

(a) The Secretary shall adopt rules establishing a program for ~~urban~~ search and rescue that relies on contracts with contract response teams. The program shall be administered by the Division of Emergency Management. To the extent possible, the program shall be coordinated with other emergency planning activities of the State. The program shall include contract response teams located strategically across the State that are available to provide 24-hour dispatch from the Division of Emergency Management Operations Center. The rules for the program shall include:

(1) Standards, including training, equipment, and personnel standards required to operate a contract response team.

(2) Guidelines for the dispatch of a contract response team to ~~an urban~~ a search and rescue team or specialty rescue team mission.

(3) Guidelines for the on-site operations of a contract response team.

(4) Standards for administration of a contract response team, including procedures for reimbursement of response costs.

(5) Refresher and specialist training for members of contract response teams.

(6) Procedures for recovering the costs of ~~an urban~~ a search and rescue team or specialty rescue team mission.

(7) Procedures for bidding and contracting for ~~urban~~ search and rescue team and specialty rescue team missions.

(8) Criteria for evaluating bids for ~~urban~~ search and rescue team and specialty rescue team missions.

(9) Delineation of the roles of the contract response team, local public safety personnel, the Division of Emergency Management's area coordinator, and other State agency personnel participating in ~~an urban~~ a search and rescue team or specialty rescue team mission.

(10) Procedures for the Division of Emergency Management to audit the contract response teams to ensure compliance with State and federal guidelines.

(b) Within available appropriations, the Division of Emergency Management shall spend the necessary funds for training, equipment, and other items necessary to support the operations of contract response teams. The Division of Emergency Management may also administer any grants of other funds made available for contract response teams, in accordance with applicable rules and regulations approved by the Director of the State Budget.

(c) In developing the ~~Urban~~ State Search and Rescue Program and adopting the rules required by this section, the Secretary shall consult with the ~~Urban~~ State Search and Rescue Team Advisory Committee established pursuant to G.S. 166A-69.

**"§ 166A-67. Contracts; equipment loans.**

(a) The Secretary may contract with any unit or units of local government for the provision of a contract response team to implement the ~~Urban~~ State Search and Rescue Program. Contracts are to be let consistent with the bidding and contract standards and procedures adopted pursuant to G.S. 166A-66(a)(7) and G.S. 166A-66(a)(8). In entering into contracts with units of local government, the Secretary may agree to provide any of the following:

(1) A loan of equipment.

(2) Reimbursement of personnel costs, including the cost of callback personnel, when a contract response team is authorized by the Department to respond to ~~urban~~ search and rescue team and specialty rescue team missions.

(3) Reimbursement for use of equipment and vehicles owned by the contract response team.

(4) Replacement of disposable materials and damaged equipment.

(5) Training expenses.

(6) Anything else agreed to by the Secretary and the contract response team.

(b) The Secretary shall not agree to provide reimbursement for standby time.

(c) Any contract entered into between the Secretary and a unit of local government for the provision of a contract response team shall specify that the members of the contract response team, when performing under the contract, shall not be employees of the State and shall not be entitled to benefits under the Teachers' and State Employees' Retirement System or for the payment by the State of federal Social Security, employment insurance, or workers' compensation.

(d) Contract response teams that have the use of a State vehicle may use the vehicle for local purposes. Where a State vehicle is used for purposes other than authorized contract response to ~~an urban~~ a search and rescue team and specialty rescue team mission, the contract response team shall be liable for repairs or replacements directly attributable to that use.

"**§ 166A-68. Immunity of contract response team personnel.**

Members of a contract response team shall be protected from liability under the provisions of G.S. 166A-19.60(a) while on ~~an urban~~ a search and rescue team or specialty rescue team mission pursuant to authorization from the Division of Emergency Management.

"**§ 166A-69. ~~Urban~~ State Search and Rescue Team Advisory Committee.**

(a) The ~~Urban~~ State Search and Rescue Team Advisory Committee is created. The Secretary shall appoint the members of the Committee and shall designate the Director or Deputy Director of the North Carolina Division of Emergency Management as the chair. In making appointments, the Secretary shall take into consideration the expertise of the appointees in the management of ~~urban~~ search and rescue or specialty response team missions. The Secretary shall appoint one representative from each of the following:

(1) The Division of North Carolina Emergency Management, who shall be the Director or Deputy Director of the North Carolina Division of Emergency Management and who shall serve as the chair.
(2) Each state ~~USAR~~ regional contract response team's Chief or Deputy Chief.
(3) The North Carolina Office of State Fire Marshal.
(4) The North Carolina Highway Patrol.
(5) The North Carolina National Guard.
(6) The North Carolina Association of Rescue and E.M.S., Inc.
(7) The North Carolina Association of Fire Chiefs.
(8) The North Carolina State Firefighters' Association.
(9) The North Carolina Emergency Management Association.

(b) The Advisory Committee shall meet on the call of the chair, or at the request of the Secretary, provided that the Committee shall meet no less than once every year. The Department of Public Safety shall provide space for the Advisory Committee to meet. The Department shall also provide the Advisory Committee with necessary support staff and supplies to enable the Committee to carry out its duties in an effective manner.

(c) Members of the Advisory Committee shall serve without pay, but shall receive travel allowance, lodging, subsistence, and per diem as provided by G.S. 138-5.

(d) The Contract Response Team Advisory Committee shall advise the Secretary on the establishment of the ~~Urban~~ State Search and Rescue Program. The Committee shall also evaluate and advise the Secretary of the need for additional contract response teams to serve the State."

**SECTION 2.** There is appropriated from the General Fund to the Department of Public Safety, Division of Emergency Management, for the 2017-2018 fiscal year the sum of two million three hundred ninety-seven thousand dollars ($2,397,000) in recurring funds to be used to support the State Search and Rescue Program, as provided in Article 6 of Chapter 166A of the General Statutes, as amended by Section 1 of this act. The funds shall be used in partnership with units of local government to supplement local expenses to purchase equipment, maintain equipment, and provide other items necessary to ensure statewide search and rescue services. Any match requirement established by the Secretary may be satisfied by the sponsoring local agency with cash payments or in-kind contributions.

**SECTION 3.** Section 2 of this act becomes effective July 1, 2017. The remainder of this act is effective when it becomes law.

# SENATE BILL 222:
# Search & Rescue Name/Funds.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 3, 2017 |
| **Introduced by:** | Sens. Lee, Krawiec, J. Davis | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW:*** ***Senate Bill 222 would modify the name of search and rescue services and would provide funds for search and rescue operations. The name and terminology changes would become effective when the act becomes law, and the appropriation would become effective July 1, 2017.***

**[As introduced, this bill was identical to H189, as introduced by Reps. Davis, Hardister, Clampitt, Grange, which is currently in House Appropriations.]**

**CURRENT LAW:** G.S. 166A-66 is the Urban Search and Rescue Program. The Secretary of the Department of Public Safety must adopt rules establishing a program for urban search and rescue that relies on contracts with contract response teams. The program is administered by the Division of Emergency Management. To the extent possible, the program must be coordinated with other emergency planning activities of the State. The program must include contract response teams located strategically across the State that are available to provide 24 hour dispatch from the Division of Emergency Management Operations Center.

The Division of Emergency Management must spend funds for training, equipment, and other items necessary to support operations of contract response teams. The Secretary may contract with units of local government to provide contract response teams to implement the program.

**BILL ANALYSIS:** Senate Bill 222 would amend existing law by changing the name of the Urban Search and Rescue Program to the State Search and Rescue Program. It eliminates a definition for "urban search and rescue team" and creates a definition for "search and rescue team" which is very similar to the current definition for "urban search and rescue team." The act would make a number of conforming changes.

Senate Bill 222 also would appropriate $2,397,000 to the Department of Public Safety, Division of Emergency Management. They moneys would be recurring funds to be used to support the State Search and Rescue Program. The funds must be used in partnership with units of local government to supplement local expenses in buying equipment, maintaining equipment, and providing other necessary items.

**EFFECTIVE DATE:** The provisions dealing with name changes and terminology changes would become effective when the act becomes law. The appropriation would become effective July 1, 2017.

*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.*

# SENATE BILL 317*

| | | |
|---|---|---|
| Short Title: | Hypertension Awareness Day. | (Public) |
| Sponsors: | Senators Krawiec, Pate, Hise (Primary Sponsors); Smith-Ingram and Waddell. | |
| Referred to: | Rules and Operations of the Senate | |

March 20, 2017

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE THIRD WEDNESDAY IN MAY OF EACH YEAR AS HYPERTENSION/HIGH BLOOD PRESSURE AWARENESS DAY.

Whereas, the health of our citizens is the foundation for a caring and productive society; and our future rests with our ability to treat and ultimately to prevent a variety of illnesses including high blood pressure; and

Whereas, heart disease and stroke are the second and fourth leading causes of death in North Carolina; and high blood pressure, also known as hypertension, is a major and modifiable risk factor for heart disease and stroke and is a major contributor to adult disability; and

Whereas, in 2015, 35.2% of North Carolina adults recalled being told that they had hypertension; and

Whereas, current awareness and treatment for high blood pressure is not adequate; and

Whereas, more than two out of every three people who have a first heart attack also have high blood pressure, and three out of every four people who have a first stroke also have high blood pressure; and

Whereas, adequate medical treatments and proven preventive health strategies that include a low-salt diet with more fruits and vegetables are beneficial; and

Whereas, patients with high blood pressure who are treated early have a longer life expectancy; and

Whereas, education can help with early diagnosis, prevention, and better treatment; and

Whereas, the Justus-Warren Heart Disease and Stroke Prevention Task Force, the American Heart Association/American Stroke Association, and the North Carolina Academy of Family Physicians are organizations that have agreed to support Hypertension/High Blood Pressure Awareness Day, scheduled for the third Wednesday in May in 2017 and continuing in perpetuity; and these partners seek ways to improve the health of the citizens of North Carolina by improving prevention and treatment of high blood pressure through support of education, advocacy, and awareness; Now therefore,

The General Assembly of North Carolina enacts:

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

"**§ 103-15. Hypertension/High Blood Pressure Awareness Day.**

The third Wednesday in May of each year is designated as Hypertension/High Blood Pressure Awareness Day in North Carolina."

# SENATE BILL 317:
# Hypertension Awareness Day.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Health Care. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 4, 2017 |
| **Introduced by:** | Sens. Krawiec, Pate, Hise | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW:*** ***Senate Bill 317 would designate the third Wednesday in May of each year as Hypertension/High Blood Pressure Awareness Day.***

**[As introduced, this bill was identical to H411, as introduced by Reps. Carney, Murphy, Holley, Yarborough, which is currently in House Health.]**

**BILL ANALYSIS:** Senate Bill 317 would add a new section to Chapter 130 of the General Statutes (Sundays, Holidays, and Special Days) to designate the third Wednesday in May of each year as Hypertension/High Blood Pressure Awareness Day in North Carolina.

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

*Karen Cochrane-Brown*
*Director*

S317-SMRK-31 E1 -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

S 1

# SENATE BILL 51*

| | | |
|---|---|---|
| Short Title: | Winston-Salem/Service by Publication Cost. | (Local) |
| Sponsors: | Senators Lowe and Krawiec (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

February 8, 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 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.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 51***

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S51-ABK-1 [v.5]



Amends Title [NO]
First Edition

Date 4-3 ,2017

Senator D. DAVIS

moves to amend the bill on page 1, line 11, by rewriting the line to read:

"a. That the amount of the actual cost of service of complaints and orders by";

and on page 1, line 19, by rewriting the line to read:

"**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 of the General Statutes issued on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

# SENATE BILL 51:
# Winston-Salem/Service by Publication Cost.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 4, 2017 |
| **Introduced by:** | Sens. Lowe, Krawiec | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 51 would allow the City of Winston-Salem to include any cost incurred in the 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. This act would be effective when it becomes law.***

**CURRENT LAW:** Part 6 of Article 19 of Chapter 160A, Minimum Housing Standards, authorizes cities and counties to exercise the 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.

(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



*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.*

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, 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:** Senate Bill 51 would allow 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 be effective when it becomes law.

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State+Local **Start time** _____ **End time** _____
**Meeting Date:** 4-4-17 **Chair:** Alexander **Clerk:** P.Wester

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | SB 317 | **Sponsor** | Krawiec/Pate/Hise |
| **Favorable** | ✓ | **Motion by** | McInnis / Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Health Care | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Krawiec | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB51 | **Sponsor** | Lowe/Krawiec |
| **Favorable** | ✓ | **Motion by** | Davis / Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | ✓ | **Motion by** | ~~Davis~~ Cook / Chaudhuri |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Lowe | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State and Local **S:** 2:00 **E:** 2:32
**Meeting Date:** 4-9-17 **Chair:** Alexander **Clerk:** Perry Wester

### ACTION ON BILLS

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| | | | | |
|---|---|---|---|---|
| * **Bill** | SB105 | **Sponsor** | Britt | |
| **Favorable** | ✓ | **Motion by** | McInnis | |
| **Unfavorable** | | **Motion by** | | |
| **Amended** | ✓ | **Motion by** | fav by Homer / Cook | rolled to PCS |
| **Comm. Sub.** | | **Motion by** | | |
| **Original Bill** | | | | |
| **Re-referred** | Finance | **Motion by** | | |
| **Other Action** | | | | |
| **Floor Manager** | Britt | | | |

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|---|---|---|---|---|
| * **Bill** | SB 115 | **Sponsor** | Britt | |
| **Favorable** | ✓ | **Motion by** | Cook | |
| **Unfavorable** | | **Motion by** | | |
| **Amended** | ✓ | fav **Motion by** | D.Davis / Cook | |
| **Comm. Sub.** | | **Motion by** | | |
| **Original Bill** | | | | |
| **Re-referred** | Finance | **Motion by** | | |
| **Other Action** | | | | |
| **Floor Manager** | Britt | | | |

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|---|---|---|---|---|
| * **Bill** | SB 261 | **Sponsor** | Brock | |
| **Favorable** | ✓ | **Motion by** | Davis | |
| **Unfavorable** | | **Motion by** | | |
| **Amended** | ✓ | **Motion by** | Barringer | |
| **Comm. Sub.** | | **Motion by** | | |
| **Original Bill** | | | | |
| **Re-referred** | Finance | **Motion by** | | |
| **Other Action** | | | | |
| **Floor Manager** | Brock | | | |

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|---|---|---|---|---|
| **Bill** | SB 222 | **Sponsor** | Lee / Krawiec / J. Davis | |
| **Favorable** | ✓ | **Motion by** | Chaudhuri / Britt | |
| **Unfavorable** | | **Motion by** | | |
| **Amended** | | **Motion by** | | |
| **Comm. Sub.** | | **Motion by** | | |
| **Original Bill** | | | | |
| **Re-referred** | Approps | **Motion by** | | |
| **Other Action** | | | | |
| **Floor Manager** | Lee | | | |

# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423

**DATE:** 4-4 **TIME:** 2 PM

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Jackson Dumas | Charlotte | Bishop |
| 2. Macie Nasty | Roanoke Rapids | Bryant |
| 3. Zachary Smith | Bailey | Horner |
| 4. Caroline Harris | Fountain | Pate |
| 5. Wynter Mathis | concord | Newton |
| 6. | | |
| 7. | | |
| 8. | | |

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

April 4, 2017
(DATE)

Senate State + Local Government
(COMMITTEE)

SENATE SERGEANT-AT-ARMS

Terry Barnhardt _____

Billy Fritscher _____

Becky Myrick _____

HOUSE SERGEANT-AT-ARMS

_____ _____

_____ _____

_____ _____

_____ _____

# VISITOR REGISTRATION SHEET

Senate State + Local Government
(Committee Name)

4-4-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Dan Gurt | NA |
| Flint Benson | SEANC |
| Dan Collins | SEANC |
| Phoebe Landon | MWC |
| Brian Taylor | DOI/OSFM |
| Rhaegan Jackson | Focus Consulting |
| Isabel Villafania | NC REALTORS |
| Cady Thomas | Focus Carolina |
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# VISITOR REGISTRATION SHEET

Senate State + Local Government
(Committee Name)

4-4-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Fred Baker | Baker & Assoc. |
| Angela Carmon | City of W-S. |
| Sarah Wolfe | UNC |
| Brent Johnson | NASW-NC |
| Jere Royall | NCFPC |
| BUDDY MARTINETTE | WILMINGTON FIRE DEPT |
| LOUIS PATE | NC SENATE |
| Anna Bess Brown | DSTNS-Western Heart Disease + Stroke Prev. Taskforce |
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Principal Clerk _____
Reading Clerk _____

**Corrected #2: Remove SB292**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | April 11, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 185 | Abolish Columbus County Coroner. | Senator Britt |
| SB 238 | Caswell County Meals Tax. | Senator Woodard |
| SB 260 | Wake Forest Annexation. | Senator Barefoot<br>Senator Alexander |
| SB 469 | Preserve Municipal Solid Waste Capacity. | Senator Brown |

Senator Jeff Tarte will chair the Senate Standing Committee

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

**Senate Committee on State and Local Government**
**Tuesday, April 11, 2017, 2:00 PM**
**423 Legislative Office Building**

# AGENDA

**Welcome and Opening Remarks**

**Introduction of Sgt @ Arms and ~~Pages~~** no pages

**Bills**

| | BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|---|
| (3) | SB 185 | Abolish Columbus County Coroner. | Senator Britt |
| Pull → | ~~SB 238~~ | Caswell County Meals Tax. | Senator Woodard ~~—~~ |
| (2) | SB 260 | Wake Forest Annexation. | Senator Barefoot<br>Senator Alexander |
| (1) | SB 469 | Preserve Municipal Solid Waste Capacity. | Senator Brown |

**Other Business**

**Adjournment**

Pull
Matthews
Act
Update

# Senate Committee on State and Local Government
# Tuesday, April 11, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Sgt @ Arms and Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 185 | Abolish Columbus County Coroner. | Senator Britt |
| SB 238 | Caswell County Meals Tax. | Senator Woodard |
| SB 260 | Wake Forest Annexation. | Senator Barefoot<br>Senator Alexander |
| SB 469 | Preserve Municipal Solid Waste Capacity. | Senator Brown |

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, April 11 at 2:00 p.m.**
**Room 423**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 p.m. on April 11, 2017 in Room 423 LOB. Twelve members were present.

Senator Jeff Tarte presided.

**SB 185 – Abolish Columbus County Coroner received a favorable report**

**SB260 – Wake Forest Annexation received a favorable report**

**SB469 – Preserve Municipal Solid Waste Capacity received a favorable report**

The meeting adjourned at 2:27 p.m.

Senator Jeff Tarte
Presiding

Jan Copeland, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 11, 2017

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

**FAVORABLE**

SB **185** Abolish Columbus County Coroner.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

SB **260** Wake Forest Annexation.

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

SB **469** Preserve Municipal Solid Waste Capacity.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Agriculture/Environment/Natural Resources |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 3

Senator Danny Earl Britt, Jr. will handle SB 185
Senator Chad Barefoot will handle SB 260
Senator Harry Brown will handle SB 469



# SENATE BILL 185:
# Abolish Columbus County Coroner.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 11, 2017 |
| **Introduced by:** | Sen. Britt | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 185 would abolish the office of coroner in Columbus County.***

**[As introduced, this bill was identical to H290, as introduced by Rep. Brenden Jones, which is currently in House Elections and Ethics Law.]**

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

**BILL ANALYSIS:** Senate Bill 185 would abolish the office of the coroner in Columbus County. Chapter 152 of the General Statutes would not apply to Columbus County.

**EFFECTIVE DATE:** Senate Bill 185 would be 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.

*Giles Perry, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.



*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

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# SENATE BILL 185

| | | |
|---|---|---|
| Short Title: | Abolish Columbus County Coroner. | (Local) |
| Sponsors: | Senator Britt (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 7, 2017

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE OFFICE OF CORONER IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The office of coroner in Columbus County is abolished.

**SECTION 2.** Chapter 152 of the General Statutes is not applicable to Columbus County.

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

# SENATE BILL 238:
# Caswell County Meals Tax.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 10, 2017 |
| **Introduced by:** | Sen. Woodard | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | PCS to First Edition S238-CSSVx-6 | | Staff Attorney |

***OVERVIEW:*** ***Senate Bill 238 (proposed committee substitute – PCS) would authorize Caswell County to levy a prepared food and beverages tax of one percent (1%) of the retail sales price of prepared food and beverages sold within Caswell County, the net proceeds of which would be used for any lawful purpose. The bill would become effective when it becomes law.***

***The PCS would require voter approval of the tax in a referendum.***

**CURRENT LAW:** The Counties of Cumberland, Dare, Mecklenburg[1], and Wake, and the Town of Hillsborough currently levy a prepared food and beverage tax. The General Assembly has also authorized the City of Monroe and Durham County to hold a referendum on the issue of whether to levy a prepared food and beverage tax, but the issue was defeated in both localities. The rate of tax for all localities that levy it is one percent (1%).

**BILL ANALYSIS:** The PCS to Senate Bill 238 would do the following:

***Call for referendum & levy of tax.*** – The PCS would authorize the Caswell County Board of Commissioners (BOC) to direct the Caswell County Board of Elections to conduct an advisory referendum on the question whether to levy the tax. The referendum would be conducted on November 6, 2018, and if approved by a majority of those voting, the BOC may, by resolution, levy a prepared food and beverages tax of **one percent (1%)** on the sales price of prepared food and beverages sold within Caswell County at retail for consumption on or off the premises by a retailer.

**Prepared food** would be defined under G.S. 105-164.3(28) as food that meets at least one of the following conditions:

- It is sold in a heated state or it is heated by the retailer.
- It consists of two or more foods mixed or combined by the retailer for sale as a single item. This 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.
- It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws.

[1] The City of Charlotte has authority to levy a prepared food and beverage tax to the extent Mecklenburg County does not levy the tax, but the County does currently levy the tax.

*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.*

Prepared food does not include food the retailer sliced, repackaged, or pasteurized but did not heat, mix, or sell with eating utensils.

Prepared food would also **include an alcoholic beverage** defined as "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."

***Exemptions.*** – The tax would not apply to the following:

(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.

***Collection.*** – Every retailer subject to the tax would be required to collect the tax.

***Administration.*** – Caswell County would administer the tax.

***Refunds and Exemptions.*** – Certain non-profit hospitals, volunteer fire departments, and emergency medical service entities and, certain governmental entities, would be eligible for refunds if those entities are also eligible for refund of a sales or use tax under G.S. 105-164.14 or, if the sale is otherwise exempt from sales and use tax under G.S. 105-164.14.

***Use.*** – The net proceeds, after deducting up to three percent (3%) for administrative costs, could be used for any lawful purpose.

***Effective date of Levy.*** – Any tax levied would become effective on the date specified in the Caswell County BOC resolution levying the tax but must be on the first day of a calendar month no sooner than the fourth month after the authorizing resolution.

***Repeal Authority.*** – The tax could be repealed by the Caswell County BOC.

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

*Staff Attorney Trina Griffin substantially contributed to this bill summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 238
## PROPOSED COMMITTEE SUBSTITUTE S238-CSSVx-6 [v.5]
04/10/2017 03:59:15 PM

Short Title: Caswell County Meals Tax. (Local)

Sponsors:

Referred to:

March 14, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A PREPARED FOOD AND BEVERAGE TAX IF APPROVED BY THE VOTERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Authorization. – If the majority of those voting in a referendum held pursuant to this act vote for the levy of the tax, the Caswell County Board of Commissioners may, by resolution, levy a local prepared food and beverage tax of one percent (1%) of the sales price of prepared food and beverages sold within Caswell County at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). For purposes of catering, the tax applies to food and beverage served in the county without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

**SECTION 2.** Vote. – The Caswell County Board of Commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local prepared food and beverage tax in the taxing unit as provided in this act. The election shall be held on November 6, 2018.

**SECTION 3.** Ballot Question. – 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 percent (1%) local prepared food and beverage tax, in addition to the current local sales and use taxes."

**SECTION 4.** 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 county of administering and collecting the tax.

(3) Prepared food and beverage. – 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 5.** Exemptions. – The prepared food and beverage 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 6.** 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 county. 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 county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

**SECTION 7.** Administration. – The county shall administer the tax levied under this section. A tax levied under this section is due and payable to the local finance officer in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the county. 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. 153A-148.1.

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. 153A-154.1 apply to a tax levied under this section.

**SECTION 8.** Refunds. – The county shall refund to a nonprofit or governmental entity the prepared food and beverage 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 beverage 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 applicant for a refund under this subsection shall provide any information required by the county to substantiate the claim.

**SECTION 9.** 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 any lawful purpose.

**SECTION 10.** 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 11.** Repeal. – A tax levied under this section may be repealed or reduced by a resolution adopted by the Caswell County Board of Commissioners. 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 12.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 238
## PROPOSED COMMITTEE SUBSTITUTE S238-CSSVx-6 [v.5]
04/10/2017 03:59:15 PM

Short Title: Caswell County Meals Tax. (Local)

Sponsors:

Referred to:

March 14, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A PREPARED FOOD AND BEVERAGE TAX IF APPROVED BY THE VOTERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Authorization. – If the majority of those voting in a referendum held pursuant to this act vote for the levy of the tax, the Caswell County Board of Commissioners may, by resolution, levy a local prepared food and beverage tax of one percent (1%) of the sales price of prepared food and beverages sold within Caswell County at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). For purposes of catering, the tax applies to food and beverage served in the county without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

**SECTION 2.** Vote. – The Caswell County Board of Commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local prepared food and beverage tax in the taxing unit as provided in this act. The election shall be held on November 6, 2018.

**SECTION 3.** Ballot Question. – 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 percent (1%) local prepared food and beverage tax, in addition to the current local sales and use taxes."

**SECTION 4.** 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 county of administering and collecting the tax.
(3) Prepared food and beverage. – 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 5.** Exemptions. – The prepared food and beverage 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 6.** 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 county. 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 county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

**SECTION 7.** Administration. – The county shall administer the tax levied under this section. A tax levied under this section is due and payable to the local finance officer in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the county. 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. 153A-148.1.

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. 153A-154.1 apply to a tax levied under this section.

**SECTION 8.** Refunds. – The county shall refund to a nonprofit or governmental entity the prepared food and beverage 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 beverage 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 applicant for a refund under this subsection shall provide any information required by the county to substantiate the claim.

**SECTION 9.** 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 any lawful purpose.

**SECTION 10.** 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 11.** Repeal. – A tax levied under this section may be repealed or reduced by a resolution adopted by the Caswell County Board of Commissioners. 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 12.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 238

| | | |
|---|---|---|
| Short Title: | Caswell County Meals Tax. | (Local) |
| Sponsors: | Senator Woodard (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 14, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A PREPARED FOOD AND BEVERAGES TAX.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Authority. – The Board of Commissioners of Caswell County may, by resolution and after not less than 10 days' public notice and a public hearing, levy a prepared food and beverages tax of up to one percent (1%) of the sales price of prepared food and beverages sold within Caswell County at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). For purposes of catering, the tax applies to food served in the county without regard to the residency of the caterer. This tax is in addition to State and local sales tax.

**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 county 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.

**SECTION 1.(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 1.(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 county. 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 county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

**SECTION 1.(e)** Administration. – The county shall administer the tax levied under this section. A tax levied under this section is due and payable to the local finance officer in monthly installments on or before the twentieth day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the twentieth day of each month, prepare and render a return on a form prescribed by the county. 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. 153A-148.1.

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. 153A-154.1 apply to a tax levied under this section.

**SECTION 1.(f)** Refunds. – The county 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 applicant for a refund under this 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 any lawful purpose.

**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 Caswell County Board of Commissioners. 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.** This act is effective when it becomes law.

# SENATE BILL 260:
# Wake Forest Annexation.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 3, 2017 |
| **Introduced by:** | Sens. Barefoot, Alexander | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***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.

*Karen Cochrane-Brown*
*Director*

S260-SMRV-14 E1 -V-3

*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



# 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

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

The entire right-of-way of Capital Boulevard (US-1) from the Franklin County line (north end) to the north bank of the Neuse River at the Neuse River Bridge (south end).

**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 subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

# SENATE BILL 469:
# Preserve Municipal Solid Waste Capacity.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 11, 2017 |
| **Introduced by:** | Sen. Brown | **Prepared by:** | Jennifer McGinnis |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: Senate Bill 469 would prohibit units of local government from enacting ordinances to prohibit the disposal of construction and demolition (C&D) debris in C&D landfills.***

**CURRENT LAW and BACKGROUND:**

C&D waste or debris is defined under the statutes to mean "solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land clearing debris or yard debris." Such debris may be disposed in C&D landfills, municipal solid waste landfills, and portions of the C&D waste stream, including clean wood and clean brick, block, etc., could be eligible for disposal in a land clearing and inert debris landfill. In addition, demolition debris from the decommissioning of manufacturing buildings may be disposed of on the same site as the decommissioned buildings if certain requirements are met.

The statutes currently authorize units of local government to, by ordinance, require that all solid waste generated within the geographic area and placed in the waste stream for disposal, be delivered to a permitted solid waste management facility or facilities serving the geographic area. Such ordinances are often called "flow control" ordinances, which are provisions that allow state and local governments to designate the places where solid waste must be taken for processing, treatment, or disposal. Flow controls ordinances are tools sometimes used by local governments to plan and fund solid waste management systems.

**BILL ANALYSIS:** The bill would prohibit units of local government from enacting ordinances to prohibit the disposal of C&D debris in a C&D landfill.

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

*Karen Cochrane-Brown*
*Director*

S469-SMRI-12 E1 -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



# SENATE BILL 469

| | | |
|---|---|---|
| Short Title: | Preserve Municipal Solid Waste Capacity. | (Public) |
| Sponsors: | Senator Brown (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO CONSERVE MUNICIPAL SOLID WASTE LANDFILL CAPACITY BY PREVENTING THE ENACTMENT OF CERTAIN FLOW CONTROL MEASURES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-309.09B(a) reads as rewritten:

"(a) Each unit of local government shall establish and maintain a solid waste reduction program. The following requirements shall apply:

(1) Demolition debris consisting of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material may be used as fill and need not be disposed of in a permitted landfill or solid waste disposal facility, provided that demolition debris may not be placed in the waters of the State or at or below the seasonal high water table.

(2) Repealed by Session Laws 1991, c. 621, s. 8.

(3) Units of local government are encouraged to separate marketable plastics, glass, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other organic solid waste into compost available for agricultural and other acceptable uses.

(4) Notwithstanding G.S. 130A-291(b), units of local government shall not, by ordinance or otherwise, prohibit the disposal of construction and demolition debris in any sanitary landfill permitted for the disposal of construction and demolition debris."

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

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Gov **Start time** 2:00 **End time** _____
**Meeting Date:** 4-11-17 **Chair:** Tarte **Clerk:** Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | S185 | **Sponsor** | Sen. Britt |
| **Favorable** | ✓ | **Motion by** | Sen. Woodard, Sen Curtis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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pulled from the agenda at the last minute

| | | | |
|---|---|---|---|
| **Bill** | S238 | **Sponsor** | sen. woodard |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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|---|---|---|---|
| **Bill** | S260 | **Sponsor** | Sen. Barefoot, Sen. Alexander |
| **Favorable** | ✓ | **Motion by** | Sen. Sanderson, Sen. Robin |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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|---|---|---|---|
| **Bill** | S469 | **Sponsor** | Sen Brown |
| **Favorable** | ✓ | **Motion by** | Sen Robin, |
| **Unfavorable** | | **Motion by** | Sen Alexander |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | Sen McInnis Sen Britt |
| **Original Bill** | | | |
| **Re-referred** | Ag + Environment | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | ~~Sen. Brown~~ | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** _____ **Start time**_____ **End time**_____
**Meeting Date:** _____ **Chair:** _____ **Clerk:** _____

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | _____ | **Sponsor** | _____ |
| **Favorable** | _____ | **Motion by** | _____ |
| **Unfavorable** | _____ | **Motion by** | _____ |
| **Amended** | _____ | **Motion by** | _____ |
| **Comm. Sub.** | _____ | **Motion by** | _____ |
| **Original Bill** | _____ | | |
| **Re-referred** | _____ | **Motion by** | _____ |
| **Other Action** | _____ | | |
| **Floor Manager** | _____ | | _____ |

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|---|---|---|---|
| **Bill** | _____ | **Sponsor** | _____ |
| **Favorable** | _____ | **Motion by** | _____ |
| **Unfavorable** | _____ | **Motion by** | _____ |
| **Amended** | _____ | **Motion by** | _____ |
| **Comm. Sub.** | _____ | **Motion by** | _____ |
| **Original Bill** | _____ | | |
| **Re-referred** | _____ | **Motion by** | _____ |
| **Other Action** | _____ | | |
| **Floor Manager** | _____ | | _____ |

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|---|---|---|---|
| **Bill** | _____ | **Sponsor** | _____ |
| **Favorable** | _____ | **Motion by** | _____ |
| **Unfavorable** | _____ | **Motion by** | _____ |
| **Amended** | _____ | **Motion by** | _____ |
| **Comm. Sub.** | _____ | **Motion by** | _____ |
| **Original Bill** | _____ | | |
| **Re-referred** | _____ | **Motion by** | _____ |
| **Other Action** | _____ | | |
| **Floor Manager** | _____ | | |

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| **Bill** | _____ | **Sponsor** | _____ |
| **Favorable** | _____ | **Motion by** | _____ |
| **Unfavorable** | _____ | **Motion by** | _____ |
| **Amended** | _____ | **Motion by** | _____ |
| **Comm. Sub.** | _____ | **Motion by** | _____ |
| **Original Bill** | _____ | | |
| **Re-referred** | _____ | **Motion by** | _____ |
| **Other Action** | _____ | | |
| **Floor Manager** | _____ | | _____ |

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

# Senate Committee

# ON

# State and Local Government

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## April 11, 2017

## Room 423/424 LOB

## 2:00 PM

## Senate Sergeant at Arms:

**JOHN EINLOE**

**CHARLES MARSALIS**

**LINDA MATTHEWS**

ED KESSLER

# VISITOR REGISTRATION SHEET

Senate State and Local Government
(Committee Name)

4-11-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Jeffrey M. Leonard | Town of Wake Forest |
| Kip Padgett | Town of Wake Forest |
| VIVIAN JONES | TOWN OF WAKE FOREST |
| BRUCE THOMPSON | PARKER POE |
| Crystal Feldman | SA |
| Jillian D Johnson | MWC LLC |
| Hugh Johnson | [illegible] |
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# VISITOR REGISTRATION SHEET

**Senate State and Local Government**
**April 11, 2017**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Hayden Bauguess | ElectriCities |
| David Barnes | ElectriCities |
| Flint Benson | SEANC |
| Lori Anna Harris | LAHA |
| Frank Tracy | NCRCA |
| Kim Stanton | NCRCA |
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09-21-201

**Corrected #5: REMOVE SB 531**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | April 25, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 289 | Town of Sunset Beach/Deannexation. | Senator Rabon |
| SB 545 | State Nature and Historic Preserve Adds/Dels. | Senator Hise<br>Senator Britt |
| SB 374 | State Auditor/Verifications & Access. | Senator Hise |
| SB 375 | State Emps./No Payroll Dues Deductions. | Senator Hise |
| SB 510 | Surplus Equipment Auctions. | Senator Meredith<br>Senator Tucker |
| SB 292 | Ordinance Violation Not a Misdemeanor. | Senator Lee<br>Senator J. Jackson<br>Senator Britt |
| SB 217 | Richmond/Right-of-Way Safety. | Senator McInnis |
| SB 265 | Creedmoor Charter Revised & Consolidated. | Senator McKissick |
| SB 266 | Durham Donut Annexations. | Senator McKissick |
| SB 181 | Amend W-S Charter/Certain Candidates. | Senator Lowe |
| SB 219 | 2nd Senatorial District Local Act-1. | Senator Sanderson |

Senator Ron Rabin will chair the Senate Standing Committee

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

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This message was sent to you by Chandra Reed (Sen. Ron Rabin) (rabinla@ncleg.net) because you signed up to receive NC General Assembly Committee Notices by email. To unsubscribe, visit
http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewDLForm&sActionDetails=House%20Standing&sActionDetails2=S149

# Senate Committee on State and Local Government
# Tuesday, April 25, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 289 | Town of Sunset Beach/Deannexation. | Senator Rabon |
| SB 545 | State Nature and Historic Preserve Adds/Dels. | Senator Hise<br>Senator Britt |
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| SB 266 | Durham Donut Annexations. | Senator McKissick |
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**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, April 25, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:05 PM on April 25, 2017 in Room 423 of the Legislative Office Building. 15 members were present.

Senator Ronald J. Rabin, Chair, presided.

**SB 289 Town of Sunset Beach/Deannexation. (Senator Rabon) Senator Rabon explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**SB 545 State Nature and Historic Preserve Adds/Dels. (Senators Hise, Britt) Senator Hise explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**SB 374 State Auditor/Verifications & Access. (Senator Hise) Senator Hise explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**SB 375 Limit Payroll Deduct./Wage Withhold. (Senator Hise) Senator Hise explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**SB 510 Surplus Equipment Auctions. (Senators Meredith, Tucker) Senator Meredith explained the bill. Senator Sanderson motioned for a favorable report. The motion was approved unanimously.**

**SB 292 Ord. Violation/No Auto Misdemeanor. (Senators Lee, J. Jackson, Britt) Senator Lee explained the bill. Senator Britt motioned for a favorable report. The motion was approved unanimously.**

**SB 217 Richmond/Right-of-Way Safety. (Senator McInnis) Senator McInnis explained the bill. Senator Cook motioned for a favorable report. The motion was approved by committee.**

**SB 265 Creedmoor Charter Revised & Consolidated. (Senator McKissick) Senator McKissick explained the bill. Senator Woodard motioned for a favorable report. The motion was approved unanimously.**

**SB 266 Durham and Walkertown Annexations. (Senator McKissick) Senator McKissick explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**SB 181 Amend W-S Charter/Certain Candidates. (Senator Lowe) Senator Lowe explained the bill. Senator Foushee motioned for a favorable report. The motion was approved unanimously.**

**SB 219 Indian Beach Annex/Morehead City Charter Chgs. (Senator Sanderson) Senator Sanderson explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

The meeting adjourned at 2:52 P.M.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

**Senate Committee on State and Local Government**
**Tuesday, April 25, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

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**SB 265 Creedmoor Charter Revised & Consolidated. (Senator McKissick) Senator McKissick explained the bill. Senator Woodard motioned for a favorable report. The motion was approved unanimously.**

**SB 266 Durham and Walkertown Annexations. (Senator McKissick) Senator McKissick explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**SB 181 Amend W-S Charter/Certain Candidates. (Senator Lowe) Senator Lowe explained the bill. Senator Foushee motioned for a favorable report. The motion was approved unanimously.**

**SB 219 Indian Beach Annex/Morehead City Charter Chgs. (Senator Sanderson) Senator Sanderson explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

The meeting adjourned at 2:52 P.M.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 25, 2017

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

**FAVORABLE**

SB **217** Richmond/Right-of-Way Safety.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | No |

SB **289** Town of Sunset Beach/Deannexation.

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

SB **374** State Auditor/Verifications & Access.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | No |

SB **510** Surplus Equipment Auctions.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Transportation |
| Recommended Referral: | Transportation |
| Long Title Amended: | No |

SB **545** State Nature and Historic Preserve Adds/Dels.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Agriculture/Environment/Natural Resources |
| Long Title Amended: | No |

TOTAL REPORTED: 5



Committee Clerk Comments:

1 of multiple

Senator Tom McInnis will handle SB 217
Senator Bill Rabon will handle SB 289
Senator Ralph Hise will handle SB 374
Senator Wesley Meredith will handle SB 510
Senator Ralph Hise will handle SB 545

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 25, 2017

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

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

SB **292** Ordinance Violation Not a Misdemeanor.

| | |
|---|---|
| Draft Number: | S292-PCS45421-ST-16 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

SB **375** State Emps./No Payroll Dues Deductions.

| | |
|---|---|
| Draft Number: | S375-PCS15196-RN-15 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

TOTAL REPORTED: 2

Committee Clerk Comments:

2 of multiple

Senator Michael V. Lee will handle SB 292
Senator Ralph Hise will handle SB 375



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 25, 2017

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

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

SB **181** Amend W-S Charter/Certain Candidates.

| | |
|---|---|
| Draft Number: | S181-PCS45423-BK-22 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | No |

SB **266** Durham Donut Annexations.

| | |
|---|---|
| Draft Number: | S266-PCS45424-BDxr-23 |
| Sequential Referral: | Finance |
| Recommended Referral: | Finance |
| Long Title Amended: | Yes |

TOTAL REPORTED: 2

Committee Clerk Comments:

3 of multiple

Senator Paul A. Lowe, Jr. will handle SB 181
Senator Floyd B. McKissick, Jr. will handle SB 266



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, April 25, 2017

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

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

SB **219** 2nd Senatorial District Local Act-1.

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|---|---|
| Draft Number: | S219-PCS15197-TExr-2 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

SB **265** Creedmoor Charter Revised & Consolidated.

| | |
|---|---|
| Draft Number: | S265-PCS35303-BDx-24 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 2

Senator Norman W. Sanderson will handle SB 219
Senator Floyd B. McKissick, Jr. will handle SB 265



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 289

| | | |
|---|---|---|
| Short Title: | Town of Sunset Beach/Deannexation. | (Local) |
| Sponsors: | Senator Rabon (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 16, 2017

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

The General Assembly of North Carolina enacts:

**SECTION 1.** The following described property is removed from the corporate limits of the Town of Sunset Beach:

BEING ALL THAT CERTAIN lot or parcel of land lying and being located in Shallotte Township, Brunswick County, North Carolina, and being more particularly described as follows:

BEGINNING at a 1/2" rebar set in the eastern right-of-way of NC Highway 904 (60 foot right-of-way), said rebar having NC grid coordinates (NAD 83/86) of N = 56,756.6469' and E = 2,154,937.6319'; thence from said point and place of BEGINNING North 87°15'02" East, a distance of 127.37 feet to a 1/2" rebar set; thence North 79°27'13" East, a distance of 94.01 feet to a 1/2" rebar set; thence along a curve to the left having a radius of 189.50 feet, an arc length of 42.57 feet and a chord bearing and distance of North 73°01'03" East, a distance of 42.48 feet to a 1/2" rebar set; thence North 66°34'53" East, a distance of 924.41 feet to a 1/2" rebar set; thence South 08°40'20" East, a distance of 542.20 feet to a point in the center of Calabash Creek; thence with the run of Calabash Creek the following seven (7) calls: (1) South 66°23'43" West, a distance of 50.49 feet to a point; (2) South 63° 31'28" West, a distance of 34.25 feet to a point; (3) South 63°41'31" West, a distance of 62.72 feet to a point; (4) South 50°34'20" West, a distance of 74.29 feet to a point; (5) South 59°44'42" West, a distance of 55.60 feet to a point; (6) South 62°31'45" West, a distance of 97.58 feet to a point; and (7) South 65°42'52" West, a distance of 60.39 feet to a point; thence leaving said Calabash Creek North 09°17'38" West, a distance of 530.44 feet to a 1/2" rebar set; thence South 66°34'53" West, a distance of 484.18 feet to a 1/2" rebar set; thence along a curve to the right having a radius of 239.50 feet, an arc length of 53.81 feet and a chord bearing and distance of South 73°01'03" West, a distance of 53.69 feet to a 1/2" rebar set; thence South 79°27'13" West, a distance of 133.32 feet to a 1/2" rebar set; thence South 72°51'33" West, a distance of 88.22 feet to a 1/2" rebar set in the eastern right-of-way of NC Highway 904; thence with the eastern right-of-way of NC Highway 904 the following two (2) calls: (1) North 09°57'05" West, a distance of 41.07 feet to a 1/2" rebar set; and (2) North 10°02'08" West, a distance of 36.34 feet to a 1/2" rebar set, being the point and place of BEGINNING, containing 6.22 acres, more or less, as shown on a survey entitled "ALTA/ACSM Land Title Survey For: Sunset Creek Commons" prepared by Norris & Ward Land Surveyors, P.A., dated June 17, 2015.

**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.

# SENATE BILL 289:
# Town of Sunset Beach/Deannexation.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 20, 2017 |
| **Introduced by:** | Sen. Rabon | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW: Senate Bill 289 removes property from the Town of Sunset Beach.***

**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:** Senate Bill 289 removes property from the Town of Sunset Beach.

**EFFECTIVE DATE:** The act becomes effective June 30, 2017.

*Karen Cochrane-Brown*
*Director*

S289-SMRN-33 E1 -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

S 1

# SENATE BILL 545

| | | |
|---|---|---|
| Short Title: | State Nature and Historic Preserve Adds/Dels. | (Public) |
| Sponsors: | Senators Hise and Britt (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

April 3, 2017

A BILL TO BE ENTITLED

AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE.

Whereas, Section 5 of Article XIV of the North Carolina Constitution authorizes the dedication of State and local government properties as part of the State Nature and Historic Preserve upon acceptance by a law enacted by a three-fifths vote of the members of each house of the General Assembly and provides for removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly; and

Whereas, the General Assembly enacted the State Nature and Historic Preserve Dedication Act, Chapter 443 of the 1973 Session Laws, to prescribe the conditions and procedures under which properties may be specifically dedicated for the purposes set out in Section 5 of Article XIV of the North Carolina Constitution; and

Whereas, more than 7,900 acres have been added to the State Parks System since the last dedication and acceptance of properties as part of the State Nature and Historic Preserve pursuant to a petition to the Council of State dated May 6, 2014; and

Whereas, in accordance with G.S. 143-260.8, on April 4, 2017, the Council of State voted to petition to the General Assembly to enact a law pursuant to Section 5 of Article XIV of the North Carolina Constitution to dedicate and accept properties added to the State Parks System and designated in the petition for inclusion as parts of the State Nature and Historic Preserve; and

Whereas, as a part of its petition of April 4, 2017, the Council of State also requested the General Assembly to remove certain properties from the State Nature and Historic Preserve; and

Whereas, G.S. 113-44.14 provides for additions to, and deletions from, the State Parks System upon authorization by the General Assembly; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-260.10 reads as rewritten:

"**§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

(1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~May 6, 2014:~~ April 4, 2017: Baldhead Island State Natural Area, Bay Tree Lake State ~~Park,~~ Natural Area, Bear Paw State Natural Area, Beech Creek Bog State Natural Area, Bullhead Mountain

State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Carvers Creek State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk Knob State Park, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Grandfather Mountain State Park, Haw River State Park, Hammocks Beach State Park, Jones Lake State Park, Lake Norman State Park, Lea Island State Natural Area, Mayo River State Park, Medoc Mountain State Park, Merchants Millpond State Park, Mount Mitchell State Park, Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot Mountain State Park, Pineola Bog State Natural Area, Raven Rock State Park, Run Hill State Natural Area, Sandy Run Savannas State Natural Area, Singletary Lake State Park, Sugar Mountain State Natural Area, Theodore Roosevelt State Natural Area, Weymouth Woods-Sandhills State Natural Area, and Yellow Mountain State Natural Area.

(2) All lands and waters within the boundaries of William B. Umstead State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

(3) Repealed by Session Laws 1999-268, s. 2.

(4) All lands within the boundaries of Morrow Mountain State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tract: That certain tract or parcel of land at Morrow Mountain State Park in Stanly County, North Albemarle Township, containing 0.303 acres, more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a map dated August 27, 1988, and filed in the State Property Office, reference to which is hereby made for a more complete description.

(5) Repealed by Session Laws 1999-268, s. 2.

(6) All land within the boundaries of Crowders Mountain State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Crowders Mountain State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

a. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1939, page 800, and containing 757.28 square feet and as shown in a survey by Tanner and McConnaughey, P.A. dated July 22, 1988 and filed in the State Property Office.

b. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, east of and including the right-of-way along and across Old Peach Orchard Road, as shown in a survey by the City of Gastonia, File No. 400-194, dated November 23, 1998, and filed in the State Property Office.

c. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem Road) and containing 14,964 square feet as shown on the survey entitled "Survey for Crowders Mountain State Park, Deed Book 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by David W. Dickson, P.A. dated February 28, 2008.

d. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page 85, and containing 0.06 acres and 0.515 acres as shown on the survey entitled "Boundary Survey for the State of N.C. Department of Administration, Township No. Four Cleveland County, N.C." by Carolinas Design Group, PLLC, dated November 6, 2007.

e. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, described in Deed Book 2829, page 518, and containing 0.15 acres as shown on the survey entitled "Survey Made at Request of Larry Hyde, Park Superintendent, Crowders Mountain State Park" by Gray Surveying Co., Inc., dated September 12, 2012.

(7) All lands owned in fee simple by the State within the boundaries of New River State Park as of ~~May 6, 2014.~~ April 4, 2017.

(8) All lands and waters within the boundaries of Stone Mountain State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts: The portion of that certain tract or parcel of land at Stone Mountain State Park in Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book 633-193, and more particularly described as all of the land in this parcel lying to the west of the eastern edge of the Air Bellows Road, as shown on the National Park Service Land Status Map 33 dated March 24, 1981 and filed in the State Property Office, containing approximately 72 acres. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.

(9) All lands and waters located within the boundaries of the following State Historic Sites as of ~~May 6, 2014:~~ April 4, 2017: Alamance Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm, House in the Horseshoe, North Carolina Transportation Museum, President James K. ~~Polk Memorial,~~ Polk, Reed Gold Mine, Somerset Place, Historic Stagville, State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, Endor Iron Furnace, and Thomas Wolfe Memorial.

(10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.

(12) All lands and waters located within the boundaries of Hanging Rock State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tract: The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.

(13) All lands and waters located within the boundaries of South Mountains State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54.

a, b. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

c. The portions of land at South Mountains State Park that lie south of the centerline of the CCC road as shown on the drawing entitled "Land Trade between South Mountains State Park and Adjacent Game Lands along CCC Road" prepared by the Wildlife Resources Commission in January 2013 and filed in the State Property Office and that lie within: (i) the tract or property in Burke County, Lower Fork Township, described in Deed Book 495, Page 501; (ii) the tract or property in Burke County, Lower Fork and Upper Fork Townships, described in Deed Book 715, Page 719; (iii) within the tracts or property in Burke County, Upper Fork Township, described in Deed Book 860, Page 341, and Deed Book 884, Page 1640; (iv) within that tract or property in Burke County, Silver Creek Township, described in Deed Book 1847, Page 287; (v) within that tract or property in Burke County, Upper Creek Township, described in Deed Book 882, Page 2347; (vi) within that tract or property in Burke County, Upper Creek Township, described in Deed Book 882, Page 2352; (vii) within that tract or property in Burke County, Upper Fork Township, described in Deed Book 886, Page 1964; (viii) within that tract or property in Burke County, Upper Fork Township, Deed Book 767, Page 1360; (ix) within that tract or property in Burke County, Upper Fork Township, Deed Book 884, Page 1648; or (x) within that tract or property in Burke County, Upper Fork Township, Book 886, Page 2228. The State of North Carolina may only exchange this land for other land for the expansion of South Mountains State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

d. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

(14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.

(15) All lands and waters within the boundaries of Jockey's Ridge State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts: The portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 499, and Deed Book 227, Page 501, and containing 33,901 square feet

as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; the portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 222, Page 726, and containing 42,909 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; ~~and~~ the portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 224, Page 790, and Deed Book 224, Page 794, and containing 34,471 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; and the portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 501, and Deed Book 230, Page 525, and containing 12,655 square feet as shown on the preliminary plat entitled "Easement Survey for Town of Nags Head" prepared by Seaboard Surveying & Planning, Inc., dated August 29, 2012.

(16) All lands and waters located within the boundaries of Mount Jefferson State Natural Area as of ~~May 6, 2014.~~April 4, 2017. With respect to the communications tower site on the top of Mount Jefferson and located on that certain tract or parcel of land at Mount Jefferson State Natural Area in Ashe County, West Jefferson Township, described in Deed Book F-3, Page 94, the State may provide space at the communications tower site to State public safety and emergency management agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. ~~Notwithstanding~~ In conformance with G.S. 146-29.2, the State may lease space at the communications tower site to local governments in Ashe County for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment that is necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 7 [Article 2] of Chapter 143B of the General Statutes.

(17) All lands and waters within the Eno River State Park as of ~~May 6, 2014,~~ April 4. 2017, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Eno River State Park in Durham County, Durham Outside Township, described in Deed Book 435, Page 673, and Plat Book 87, Page 66, containing 11,000 square feet and being the portion of Lot No. 2 shown as the existing scenic easement hereby removed on the drawing prepared by Sear-Brown entitled "Recombination Plat Eno Forest Subdivision" bearing the preparer's file name 00-208-07.dwg, and filed with State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State

Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Eno River State Park in Orange County, described in Deed Book 3878, Page 461, and Plat Book 98, Page 11, containing 5,313 square feet and required for the permanent easements for bridge replacement project B-4216 on SR 1002 (St. Mary's Road), as shown in the drawing entitled "Preliminary Plans, Project Reference No. B-4216" prepared for North Carolina Department of Transportation by Mulkey Engineers and Consultants dated March 10, 2009, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(18) All land and waters within the boundaries of Hemlock Bluffs State Natural Area as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts: The portion of that certain tract or parcel of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461, Page 037, containing 2,025 square feet and being the portion of this tract shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office; and the portion of those certain tracts or parcels of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 4670, Page 420, containing 24,092 square feet and being the portion of these tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hemlock Bluffs State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(19) All lands and waters within the boundaries of Lake James State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Lake James State Park containing 13.85 acres, and being 100 feet to the east and 150 feet to the west of a centerline shown on a survey by Witherspoon Surveying PLLC, dated February 9, 2007, and filed in the State Property Office. The State of North Carolina may grant a temporary easement to Duke Energy Corporation across this tract to facilitate

the Catawba Dam Embankment Seismic Stability Improvements Project. The grant of the easement within Lake James State Park to Duke Energy Corporation under this sub-subdivision constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 7 [Article 2] of Chapter 143B of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of Lake James State Park or another State park. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Lake James State Park in McDowell County, Nebo Township, described in Deed Book 377, Page 423, and also shown as Tract B on the plat of survey prepared by Kenneth D. Suttles, RLS, dated December 4, 1987, entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book 4, Page 275 of the McDowell County Registry, for a 40-foot right-of-way beginning at the southwest corner of Tract B and continuing along the southern boundary 86 38' 51" E for 400 feet to the now or former John D. Walker property. The State of North Carolina may grant an easement across this tract to extinguish prescriptive easements on Tract B to improve management of the State park property. The State may not otherwise sell or exchange this land. The easement excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 143B-135.54.

c. That portion of that certain tract or parcel of land at Lake James State Park in Burke County, Linville Township, described in Deed Book 1431, Page 859, and shown on the survey prepared by Suttles Surveying, PA dated May 2, 2014, entitled "Survey for State of North Carolina," containing 3.41 acres and on file with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lake James State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(20) All lands and waters within the boundaries of Lake Waccamaw State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts: The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County described in Deed Book 835, Page 590, containing 48,210 square feet and being the portion of this tract shown as new R/W and permanent utility easement on drawing prepared by State of North Carolina Department of Transportation entitled "Map of Proposed Right of Way Property of State of North Carolina (Parks and Recreation) Columbus County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E. Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant

to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lake Waccamaw State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(21) All lands and waters within the boundaries of Chimney Rock State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(22) All State-owned land and waters within the boundaries of the Mountains-to-Sea Trail as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tract: The portion of that certain tract or parcel in Johnston County described in Deed Book 3634, Page 278, containing 4.72 acres and being described as proposed easement area for Piedmont Natural Gas Company transmission line on drawing entitled "Easement Survey Prepared for Piedmont Natural Gas Company, Line 142, Easement to be Acquired from the State of North Carolina" by McKim & Creed and dated July 31, 2008, and revised March 11, 2009. The State of North Carolina may grant an easement to Piedmont Natural Gas Company across this tract to facilitate the transmission of natural gas. The grant of the easement within the Mountains-to-Sea Trail to Piedmont Natural Gas Company under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 7 [Article 2] of Chapter 143B of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of the Mountains-to-Sea Trail or another State park. The State may not otherwise sell or exchange this land.

(23) All State-owned land and waters within the boundaries of Gorges State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts: The portions of that certain tract or parcel of land in Transylvania County, described in Deed Book 267, Page 838, containing a total of 7.26 acres for the North Carolina Department of Transportation project TIP R-2409C US 64 Safety Improvements. As shown on right-of-way drawing from the North

Carolina Department of Transportation dated May 22, 2014, for TIP R-2409C, Parcel 002, on file with the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Gorges State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(24) All State-owned land and waters within the boundaries of Lower Haw State Natural Area as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tract: the portion of that certain tract or parcels in Chatham County, described in Deed Book 1319, Page 1047, containing 12,501 square feet and shown on a survey entitled "Recombination Survey for the North Carolina Division of Parks and Recreation and PK Ventures I LTD Partnership" prepared by S.D. Puckett and Associates dated April 22, 2014, and on file with the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lower Haw State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(25) All State-owned land and waters within the boundaries of Lumber River State Park as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tracts:

a. The portions of those certain tracts or parcels of land in Robeson County, described in Deed Book 919, Page 862, Deed Book 1097, Page 837, Deed Book 935, Page 170, Deed Book 1125, Page 562, and Deed Book 1117, Page 680, containing a total of 3.39 acres for the North Carolina Department of Transportation secondary road project 6C.078030 SR 2245 (VC Britt Road) and shown on the survey entitled "Survey of Tracts 1A and 1B, VC Britt Rd, Orrum NC" prepared by the North Carolina Department of Transportation. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lumber River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. The portions of that certain tract or parcel of property at Lumber River State Park in Robeson County, described in Deed Book 575, Page 523, and containing approximately 1.08 acre (Tract A) and 0.12 acre (Tract C) as shown in a survey by Jerry W. Lee entitled "Survey for State of North Carolina" dated June 28, 2017. The land described in this sub-subdivision is deleted from the Start Park System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lumber River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(26) All State-owned land and waters within the boundaries of Mitchells Millpond State Natural Area as of ~~May 6, 2014,~~ April 4, 2017, with the exception of the following tract: the portions of that certain tract or parcel in

Wake County, described in Deed Book 2445, Page 62, containing approximately 0.215 acres as shown on the right-of-way plan for SR 2224 (Mitchell Mill Road) bridge No. 162 replacement project and on file with the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of the State Parks system or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(27) All lands and waters within the boundaries of Carvers Creek State Park as of April 4, 2017, with the exception of the following tract: The portion of that certain tract or parcel of land at Carvers Creek State Park in Cumberland County, described in Deed Book 8466, Page 67, and containing 0.33 acres, more or less, as shown on the survey entitled "Ingress-Egress Easement for Stone Mountain Farm, LLC & William C. Elliott, Estate & The State of North Carolina" by George L. Lott, PLS, dated November 2013, and revised in May 2015 and filed with the State Property Office."

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

# SENATE BILL 545:
# State Nature and Historic Preserve Adds/Dels.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 25, 2017 |
| **Introduced by:** | Sens. Hise, Britt | **Prepared by:** | Jennifer McGinnis |
| **Analysis of:** | First Edition | | Committee Counsel |

***OVERVIEW: Senate Bill 545 would remove two parcels from the State Nature and Historic Preserve (Preserve).***

**CURRENT LAW:** Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 143B-135.54 provides conditions and procedures for additions to, and deletions from, the State Parks System that must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

**BACKGROUND:** Properties were last accepted into the Preserve in 2014. Since that time over 7,900 acres have been added to the North Carolina Park System. The Council of State is scheduled to meet on May 2, 2017 to petition the General Assembly to accept into the Preserve various State parklands and historic sites. The petition is slated to also include a request to delete certain parcels from dedication in the Preserve for various reasons (in order to improve the management of units, allow for existing road relocations, allow for utility easements and cell towers, etc).

**BILL ANALYSIS:** The bill would except from dedication and/or delete from the Preserve two parcels as follows:

- Lumber River State Park: This clause excepts two small tracts totaling approximately 1.2 acres needed for an exchange of property with the adjacent church. When survey work was done on a recent addition to the State Park, graves from the church's cemetery were found on State Park property. This property will be exchanged for frontage along the Lumber River.
- Carvers Creek State Park: This clause excepts two areas totaling approximately 0.33 acres for a non-exclusive access easement across State-owned lands. The access easement, known as "Elliot Road", was in existence prior to State ownership, and its use was prescriptive. However, the adjoining landowner requested a permanent recorded easement for insurance purposes.

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

*Karen Cochrane-Brown*
*Director*

S545-SMRI-38 E1 -V-3

*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 374

| | | |
|---|---|---|
| Short Title: | State Auditor/Verifications & Access. | (Public) |
| Sponsors: | Senator Hise (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 27, 2017

A BILL TO BE ENTITLED

AN ACT RELATING TO VERIFICATION BY THE STATE AUDITOR OF STATUTORY REQUIREMENTS SUCH AS CONDITIONS PRECEDENT, CLASSIFICATIONS, AND SIMILAR ELIGIBILITY OR QUALIFYING STANDARDS AND PROVIDING THE AUDITOR ACCESS TO INFORMATION NECESSARY FOR VERIFICATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 147-64.6 reads as rewritten:

"**§ 147-64.6. Duties and responsibilities.**

...

(b) The duties of the Auditor are independently to examine into and make findings of fact on whether State agencies:

...

(6) Are adhering to statutory requirements that include conditions precedent, classifications, and similar eligibility or qualifying standards to assure that statutory intent is carried out while such provisions are in effect.

(c) The Auditor shall be responsible for the following acts and activities:

...

(22) Verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly.

...

(e) Access to Records. – The Auditor may examine the accounts and records of any organization or State agency relating to a verification audit for compliance with a statutory condition precedent, classification, or other similar eligibility or qualifying standard."

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

# SENATE BILL 374:
# State Auditor/Verifications & Access.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 25, 2017 |
| **Introduced by:** | Sen. Hise | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW:*** ***Senate Bill 374 would provide that the State Auditor is responsible for verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly. The Auditor would be allowed to examine accounts and records or organizations or State agencies for verifications audits. The act would be effective when it becomes law.***

**BILL ANALYSIS:** Senate Bill 374 would amend the duties of the State Auditor to provide that the auditor must make findings of fact on whether State agencies are adhering to statutory requirements that include conditions precedent, classifications, and similar eligibility or qualifying standards to assure that statutory intent is carried out.

The act also would provide that the State Auditor is responsible for verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly. The Auditor would be allowed to examine accounts and records or organizations or State agencies for verifications audits.

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

**BACKGROUND:** The State Auditor has broad powers to examine all books, records, files, papers, documents, and financial affairs of every State agency. The State Auditor also has the power to summon people to produce records and to answer questions under oath. The State Auditor performs an array of work, including financial statement audits, financial related audits, performance audits, information technology audits, and investigative reports.

*Karen Cochrane-Brown*
*Director*

S374-SMRN-36 E1 -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.*

# SENATE BILL 374:
# State Auditor/Verifications & Access.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate Rules and Operations of the Senate | **Date:** | April 25, 2017 |
| **Introduced by:** | Sen. Hise | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW:*** ***Senate Bill 374 would provide that the State Auditor is responsible for verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly. The Auditor would be allowed to examine accounts and records or organizations or State agencies for verifications audits. The act would be effective when it becomes law.***

**BILL ANALYSIS:** Senate Bill 374 would amend the duties of the State Auditor to provide that the auditor must make findings of fact on whether State agencies are adhering to statutory requirements that include conditions precedent, classifications, and similar eligibility or qualifying standards to assure that statutory intent is carried out.

The act also would provide that the State Auditor is responsible for verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly. The Auditor would be allowed to examine accounts and records or organizations or State agencies for verifications audits.

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

**BACKGROUND:** The State Auditor has broad powers to examine all books, records, files, papers, documents, and financial affairs of every State agency. The State Auditor also has the power to summon people to produce records and to answer questions under oath. The State Auditor performs an array of work, including financial statement audits, financial related audits, performance audits, information technology audits, and investigative reports.

*Karen Cochrane-Brown*
*Director*

S374-SMRN-39 E1 -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

S 2

# SENATE BILL 375
**State and Local Government Committee Substitute Adopted 4/25/17**

Short Title: Limit Payroll Deduct./Wage Withhold. (Public)

Sponsors:

Referred to:

March 27, 2017

A BILL TO BE ENTITLED

AN ACT REPEALING PUBLIC EMPLOYEE PAYROLL DEDUCTION FOR PAYMENTS TO EMPLOYEES' ASSOCIATIONS AND TO PROHIBIT WITHHOLDING OF EMPLOYEE WAGES FOR LABOR ORGANIZATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-426.40A reads as rewritten:

"**§ 143B-426.40A. Assignments of claims against State.**

…

~~(g) Payroll Deduction for Payments to Certain Employees' Associations Allowed. An employee of the State or any of its political subdivisions, institutions, departments, bureaus, agencies or commissions, or any of its local boards of education or community colleges, who is a member of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the State, a political subdivision of the State, or public school employees, may authorize, in writing, the periodic deduction each payroll period from the employee's salary or wages a designated lump sum to be paid to the employees' association. A political subdivision may also allow periodic deductions for a domiciled employees' association that does not otherwise meet the minimum membership requirements set forth in this paragraph. The total membership count and the State, political subdivision of the State, or public school employee membership count of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the State, a political subdivision of the State, or public school employees, shall be verified and certified annually by the State Auditor.~~

~~An employee of any local board of education who is a member of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, may authorize in writing the periodic deduction each payroll period from the employee's salary or wages a designated lump sum or sums to be paid for dues and voluntary contributions for the employees' association. The total membership count and the public school teacher membership count of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, shall be verified and certified annually by the State Auditor.~~

~~An authorization under this subsection shall remain in effect until revoked by the employee. A plan of payroll deductions pursuant to this subsection for employees of the State and other association members shall become void if the employees' association engages in collective bargaining with the State, any political subdivision of the State, or any local school administrative unit. This subsection does not apply to county or municipal governments or any local governmental unit, except for local boards of education.~~

…."

**SECTION 2.** G.S. 95-25.8 reads as rewritten:

"**§ 95-25.8. Withholding of wages.**

...

(a1) Notwithstanding subsection (a) of this section or any other provision of law, an employer shall not withhold or divert any portion of an employee's wages for the benefit of any labor organization or any agent, employee, or officer of a labor organization if the employee is not covered by the Federal Railway Labor Act, the National Labor Relations Act, or the Labor Management Relations Act. For purposes of this subsection, the term "labor organization" means any trade union, labor union, or other labor association.

...."

**SECTION 3.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

**SECTION 4.** Section 2 of this act is effective when it becomes law and applies to agreements between employers and employees or labor organizations entered into, renewed, or extended on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 375
# PROPOSED COMMITTEE SUBSTITUTE S375-PCS15196-RN-15

Short Title: Limit Payroll Deduct./Wage Withhold. (Public)

Sponsors:

Referred to:

March 27, 2017

A BILL TO BE ENTITLED

AN ACT REPEALING PUBLIC EMPLOYEE PAYROLL DEDUCTION FOR PAYMENTS TO EMPLOYEES' ASSOCIATIONS AND TO PROHIBIT WITHHOLDING OF EMPLOYEE WAGES FOR LABOR ORGANIZATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-426.40A reads as rewritten:

"**§ 143B-426.40A. Assignments of claims against State.**

…

~~(g) Payroll Deduction for Payments to Certain Employees' Associations Allowed. An employee of the State or any of its political subdivisions, institutions, departments, bureaus, agencies or commissions, or any of its local boards of education or community colleges, who is a member of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the State, a political subdivision of the State, or public school employees, may authorize, in writing, the periodic deduction each payroll period from the employee's salary or wages a designated lump sum to be paid to the employees' association. A political subdivision may also allow periodic deductions for a domiciled employees' association that does not otherwise meet the minimum membership requirements set forth in this paragraph. The total membership count and the State, political subdivision of the State, or public school employee membership count of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the State, a political subdivision of the State, or public school employees, shall be verified and certified annually by the State Auditor.~~

~~An employee of any local board of education who is a member of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, may authorize in writing the periodic deduction each payroll period from the employee's salary or wages a designated lump sum or sums to be paid for dues and voluntary contributions for the employees' association. The total membership count and the public school teacher membership count of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, shall be verified and certified annually by the State Auditor.~~

~~An authorization under this subsection shall remain in effect until revoked by the employee. A plan of payroll deductions pursuant to this subsection for employees of the State and other association members shall become void if the employees' association engages in collective bargaining with the State, any political subdivision of the State, or any local school administrative unit. This subsection does not apply to county or municipal governments or any local governmental unit, except for local boards of education.~~

…."

**SECTION 2.** G.S. 95-25.8 reads as rewritten:

"**§ 95-25.8. Withholding of wages.**

...

(a1) Notwithstanding subsection (a) of this section or any other provision of law, an employer shall not withhold or divert any portion of an employee's wages for the benefit of any labor organization or any agent, employee, or officer of a labor organization if the employee is not covered by the Federal Railway Labor Act, the National Labor Relations Act, or the Labor Management Relations Act. For purposes of this subsection, the term "labor organization" means any trade union, labor union, or other labor association.

...."

**SECTION 3.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

**SECTION 4.** Section 2 of this act is effective when it becomes law and applies to agreements between employers and employees or labor organizations entered into, renewed, or extended on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 510

| | | |
|---|---|---|
| Short Title: | Surplus Equipment Auctions. | (Public) |
| Sponsors: | Senators Meredith and Tucker (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE SURPLUS PROPERTY AGENCY TO ENTER INTO A REQUEST FOR PROPOSAL TO CONDUCT AUCTIONS FOR SURPLUS EQUIPMENT FOR THE DEPARTMENT OF TRANSPORTATION AND OTHER STATE AGENCIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-64.03 reads as rewritten:

"**§ 143-64.03. Powers and duties of the State agency for surplus property.**

(a) The State Surplus Property Agency is authorized and directed to:

(1) Sell all State owned supplies, materials, and equipment that are surplus, obsolete, or unused and sell all seized vehicles and other conveyances that the State Surplus Property Agency is authorized to sell;

(2) Warehouse such property; and

(3) Distribute such property to tax-supported or nonprofit tax-exempt organizations.

(b) The State Surplus Property Agency is authorized and empowered to act as a clearinghouse of information for agencies and private nonprofit tax-exempt organizations, to locate property available for acquisition from State agencies, to ascertain the terms and conditions under which the property may be obtained, to receive requests from agencies and private nonprofit tax-exempt organizations, and transmit all available information about the property, and to aid and assist the agencies and private nonprofit tax-exempt organizations in transactions for the acquisition of State surplus property.

(c) The State agency for surplus property, in the administration of Part 1 of this Article, shall cooperate to the fullest extent consistent with the provisions of Part 1 of this Article, with the departments or agencies of the State.

(d) The State agency for surplus property may sell or otherwise dispose of surplus property, including motor ~~vehicles,~~vehicles and equipment through ~~an~~ a public auction or electronic auction service."

**SECTION 2.(a)** By October 1, 2017, the State Surplus Property Agency shall issue a request for proposal (RFP) for the sale of surplus titled and nontitled equipment, not owned by the Department of Transportation, at public auction. The equipment auctions shall be held on the campus of the community college closest in proximity to the majority of the items for sale at a given auction. The Agency shall allocate staff to provide information about the equipment being offered at auction and shall provide full equipment condition to the auction company at no cost. The Agency shall provide reasonable access to the equipment at the location the equipment is being stored prior to the auction. The RFP shall require that proposals conform to the following:

(1) Must offer the equipment via live simulcast with live, interactive bidding in real time and provide a minimum of seven days pre-bidding prior to the live simulcast.
(2) Must accept cash or credit payments. The auction company may charge credit card and platform fees of up to three percent (3%) of the highest and final bid.
(3) Must remit the net proceeds from the auction to the State within 14 business days after the auction is completed. The auction company may offset up to one-quarter of one percent (0.25%) of the gross sale for advertisement cost reimbursement.
(4) Must post a cash bond or equivalent guarantee in the amount of two hundred fifty thousand dollars ($250,000), made payable to the State of North Carolina.
(5) Must have a minimum coverage of two million dollars ($2,000,000) in commercial general liability insurance.
(6) Must agree to charge no commission to the State. The auction company may charge a buyer premium, not to exceed ten percent (10%) to the final and highest bid.
(7) Must be a licensed auction company with a current and valid North Carolina Auctioneer license issued pursuant to Chapter 85B of the General Statutes. Preference shall be given to an auction company based in this State.
(8) Must have ability to conduct auctions on the various campuses of community colleges in this State.

**SECTION 2.(b)** By March 1, 2018, the State Surplus Property Agency shall review the proposals submitted and shall enter into a contract with the lowest responsible bidder who provides evidence satisfactory to the Agency that it meets the requirements of this section.

**SECTION 3.(a)** By October 1, 2017, the State Surplus Property Agency shall issue a request for proposal (RFP) for the sale of surplus titled and nontitled equipment owned by the Department of Transportation at public auction. The Department shall group the various divisions into three regions for the purposes of holding auctions. The Department of Transportation shall be responsible for the movement and cost of transporting equipment to the auction site. The auction company shall be responsible for any equipment that leaves the care, custody, and control of the auctioneer. The Department of Transportation shall provide the equipment maintenance file and the preventative maintenance schedule for each item of equipment being auctioned. Notwithstanding G.S. 143-64.05(b), receipts generated from the sale of surplus equipment pursuant to this section shall be remitted to the Department of Transportation. The RFP shall require that proposals conform to the following:

(1) Must accept payment by any commercially reasonable manner. The auction company may charge credit card and platform fees of up to three percent (3%) of the highest and final bid.
(2) Must provide at least three different times for public inspection of equipment offered for each auction.
(3) Must remit the net proceeds from the auction to the Department of Transportation within 14 business days after the auction is completed. The auction company may offset up to one-quarter of one percent (0.25%) of the gross sale for advertisement cost reimbursement.
(4) Must post a cash bond or equivalent guarantee in the amount of two hundred fifty thousand dollars ($250,000), made payable to the State of North Carolina.

(5) Must have a minimum coverage of two million dollars ($2,000,000) in commercial general liability insurance.

(6) Must agree to charge no commission to the State. The auction company may charge a buyer premium, not to exceed ten percent (10%) to the final and highest bid.

(7) Must be a licensed auction company with a current and valid North Carolina Auctioneer license issued pursuant to Chapter 85B of the General Statutes. Preference shall be given to an auction company based in this State.

(8) Must require that successful bidders provide and complete proper transfer documents for titled equipment.

(9) Must be capable of conducting auctions in regions specified by the Department of Transportation.

**SECTION 3.(b)** By March 1, 2018, the State Surplus Property Agency shall review the proposals submitted and shall enter into a contract with the lowest responsible bidder who provides evidence satisfactory to the Agency that it meets the requirements of this section.

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

# SENATE BILL 510:
# Surplus Equipment Auctions.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Transportation. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 25, 2017 |
| **Introduced by:** | Sens. Meredith, Tucker | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 510 would direct the Department of Administration (DOA) to issue request for proposals for the sale of surplus equipment at public auction by October 1, 2017, and contract with the lowest responsible bidder meeting the requirements by March 1, 2018.***

**CURRENT LAW:** DOA acts as the State Surplus Property Agency in North Carolina. As such, DOA is authorized to sell or warehouse all State owned surplus, obsolete, or unused supplies, materials, and equipment, as well as seized vehicles and other conveyances. DOA is also authorized to distribute State owned surplus property to tax-supported or nonprofit tax-exempt organizations.[1] DOA may utilize an electronic auction service to sell or dispose of State owned surplus property.

- "State owned" means supplies, materials, and equipment in the possession of the State and purchased with State funds, personal property donated to the State, or personal property purchased with other funds that give ownership to the State.

**BILL ANALYSIS:** Senate Bill 510 would authorize DOA to sell or dispose of surplus property, including motor vehicles and equipment, through a public auction. DOA would be required to issue requests for proposals by October 1, 2017 for the sale of surplus titled and nontitled equipment at public auction for (i) equipment owned by the State, but not the Department of Transportation (DOT), and (ii) equipment owned by DOT.

The request for proposals for both types of auction contracts would mandate that the bidders conform to the following requirements:

- Accept cash or credit payments for non-DOT surplus equipment, and accept payment by any commercially reasonably manner for DOT surplus equipment. The auction company may charge credit card and platform fees of up to 3% of the highest and final bid.
- Agree to charge no commission to the State, though the company may charge a buyer premium of up to 10% to the final and highest bidder.
- Be a licensed auction company with a current and valid North Carolina Auctioneer license.
- Post a cash bond or equivalent guarantee of $250,000, made payable to the State.

[1] G.S. 143-64.02(2) defines nonprofit tax-exempt organizations to include various nonprofit tax-exempt medical institutions, schools, educational radio and television stations, public libraries, and civil defense organizations that have been certified as tax-exempt nonprofit organizations by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code.



*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.*

- Have a minimum coverage of $2,000,000 in commercial general liability insurance.
- Remit the net proceeds within 14 business days after the auction is completed. The auction company may offset up to 0.25% of the gross sale to reimburse for advertisement costs.
- *Particular to non-DOT owned surplus equipment:*
    - The auction company must be able to conduct auctions on the various campuses of community colleges in this State. Each auction would be held on the community college campus closest in proximity to the majority of the items for sale at a given auction.
    - The auction company must offer the equipment via live simulcast with live, interactive bidding in real time and provide a minimum of 7 days pre-bidding prior to the live simulcast.
    - DOA must provide information about the equipment and reasonable access to the equipment at the location the equipment is being stored prior to the auction.
- *Particular to DOT owned surplus equipment:*
    - The auction company must be capable of conducting auctions in three regions specified by DOT.
    - The auction company must provide at least three different times for public inspection of equipment at each auction.
    - The auction company is to be responsible for any equipment that leaves the care, custody, and control of the auctioneer.
    - Successful bidders are to provide and complete proper transfer documents for titled equipment.
    - DOT is to provide the equipment maintenance file and the preventative maintenance schedule for each item of equipment being auctioned.
    - The receipts generated are to be remitted to DOT.

Preference will be given to an auction company based in this State. However, DOA is to contract with the lowest responsible bidder who provides evidence satisfactory that it meets the requirements. This contract must be entered into on or before March 1, 2018.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

# SENATE BILL 292
**State and Local Government Committee Substitute Adopted 4/25/17**

Short Title: Ord. Violation/No Auto Misdemeanor. (Public)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT VIOLATION OF A CITY OR COUNTY ORDINANCE IS NOT AUTOMATICALLY PUNISHABLE AS A MISDEMEANOR OR INFRACTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-123 reads as rewritten:

"**§ 153A-123. Enforcement of ordinances.**

...

(b) ~~Unless the board of commissioners has provided otherwise,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~G.S. 14-4 only if the county specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.

(3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.

(4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.

(5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising.

(6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors.

(7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

(8) Any ordinance regulating trees.

...."

**SECTION 2.** G.S. 160A-175 reads as rewritten:

"**§ 160A-175. Enforcement of ordinances.**

...

(b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.

(3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.

(4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising.

(5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors.

(6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.

(7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.

(8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.

(9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.

(10) Any ordinance regulating trees.

...."

**SECTION 3.** This act becomes effective December 1, 2017, and applies to enforcement of any ordinance by a county or city on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 292
# PROPOSED COMMITTEE SUBSTITUTE S292-PCS45421-ST-16

Short Title: Ord. Violation/No Auto Misdemeanor. (Public)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT VIOLATION OF A CITY OR COUNTY ORDINANCE IS NOT AUTOMATICALLY PUNISHABLE AS A MISDEMEANOR OR INFRACTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-123 reads as rewritten:

"**§ 153A-123. Enforcement of ordinances.**

...

(b) ~~Unless the board of commissioners has provided otherwise,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~G.S. 14-4 only if the county specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.

(3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.

(4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.

(5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising.

(6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors.

(7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

(8) Any ordinance regulating trees.

...."

**SECTION 2.** G.S. 160A-175 reads as rewritten:

"**§ 160A-175. Enforcement of ordinances.**

...

(b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.

(3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.

(4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising.

(5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors.

(6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.

(7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.

(8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.

(9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.

(10) Any ordinance regulating trees.

...."

**SECTION 3.** This act becomes effective December 1, 2017, and applies to enforcement of any ordinance by a county or city on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 217

| | | |
|---|---|---|
| Short Title: | Richmond/Right-of-Way Safety. | (Local) |
| Sponsors: | Senator McInnis (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 9, 2017

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN RICHMOND COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** It is unlawful to discharge a firearm or bow and arrow, or to attempt to discharge a firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of any public road. For purposes of this section, the term "public road" shall not include any unpaved roads within the Wildlife Resources Commission's Sandhills Game Land.

**SECTION 2.** Violation of the provisions of this act is punishable as a Class 3 misdemeanor.

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

**SECTION 4.** This act applies only to Richmond County.

**SECTION 5.** This act becomes effective October 1, 2017, and applies to offenses committed on or after that date.

# SENATE BILL 217: Richmond/Right-of-Way Safety.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 19, 2017 |
| **Introduced by:** | Sen. McInnis | **Prepared by:** | Mariah Matheson<br>Research Assistant |
| **Analysis of:** | First Edition | | |

***BILL ANALYSIS: Senate Bill 217 is a local bill that prohibits the discharge or attempted discharge of a firearm or bow and arrow from or across the roadway or right-of-way of any public road in Richmond County.***

**BILL ANALYSIS:** Senate Bill 217 does all of the following:

- Prohibits the discharge or attempted discharge of a firearm or bow and arrow from, on, across, or over the roadway or right-of-way of any public road. This does not include any unpaved roads within the Wildlife Resources Commission's Sandhills Game Land.
- Provides that a violation of the bill is a Class 3 misdemeanor.[1]
- Provides that the act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

The act applies only to Richmond County.

**EFFECTIVE DATE:** This act would become effective October 1, 2017, and applies to offenses committed on or after that date.

[1] Assuming no prior convictions, a Class III misdemeanor would be subject to 1 to 10 days of community service.

*Karen Cochrane-Brown*
*Director*

S217-SMTF-6 E1 -V-3

*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.*

# SENATE BILL 217: Richmond/Right-of-Way Safety.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 25, 2017 |
| **Introduced by:** | Sen. McInnis | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 217 would prohibit the discharge or attempted discharge of a firearm or bow and arrow from or across the roadway or right-of-way of any public road in Richmond County.***

**BILL ANALYSIS:** Senate Bill 217 would do all of the following:

- Prohibit the discharge or attempted discharge of a firearm or bow and arrow from, on, across, or over the roadway or right-of-way of any public road in Richmond County. This does not include any unpaved roads within the Wildlife Resources Commission's Sandhills Game Land.
- Provide that a violation of the act would be a Class 3 misdemeanor.[1]
- Provide that the act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

**EFFECTIVE DATE:** This act would become effective October 1, 2017, and would apply to offenses committed on or after that date.

**BACKGROUND:** Similar local laws have been enacted in the following counties:

- Beaufort County – S.L. 2013-176
- Craven County (only applies to a portion of State Road 1862) – S.L. 2009-116
- Martin County – S.L. 2008-50
- Jackson County – S.L. 2008-18
- Tyrrell County (only prohibits reckless use of firearm, bow and arrow, or crossbow) – S.L. 2007-273
- Bertie County – S.L. 2007-313
- Cherokee and Clay Counties – S.L. 2004-63

Mariah Matheson, Research Assistant for the Legislative Analysis Division, substantially contributed to this summary.

[1] The punishment for a Class 3 misdemeanor for someone with no more than 3 prior convictions is a fine. For someone with five or more prior convictions, the punishment would be 1-20 days of community, intermediate, or active punishment. Fines for Class 3 misdemeanors generally may not exceed $200. G.S. 15A-1340.23(b).

*Karen Cochrane-Brown*
*Director*

S217-SMBK-53 E1 -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.*

# SENATE BILL 217: Richmond/Right-of-Way Safety.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate Rules and Operations of the Senate | **Date:** | April 26, 2017 |
| **Introduced by:** | Sen. McInnis | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Jessica Sammons |
| | | | Committee Co-Counsel |

***OVERVIEW: Senate Bill 217 would prohibit the discharge or attempted discharge of a firearm or bow and arrow from or across the roadway or right-of-way of any public road in Richmond County.***

**BILL ANALYSIS:** Senate Bill 217 would do all of the following:

- Prohibit the discharge or attempted discharge of a firearm or bow and arrow from, on, across, or over the roadway or right-of-way of any public road in Richmond County. This does not include any unpaved roads within the Wildlife Resources Commission's Sandhills Game Land.
- Provide that a violation of the act would be a Class 3 misdemeanor.[1]
- Provide that the act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

**EFFECTIVE DATE:** This act would become effective October 1, 2017, and would apply to offenses committed on or after that date.

**BACKGROUND:** Similar local laws have been enacted in the following counties:

- Beaufort County – S.L. 2013-176
- Craven County (only applies to a portion of State Road 1862) – S.L. 2009-116
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Mariah Matheson, Research Assistant for the Legislative Analysis Division, substantially contributed to this summary.

[1] The punishment for a Class 3 misdemeanor for someone with no more than 3 prior convictions is a fine. For someone with five or more prior convictions, the punishment would be 1-20 days of community, intermediate, or active punishment. Fines for Class 3 misdemeanors generally may not exceed $200. G.S. 15A-1340.23(b).

*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 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

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.

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

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

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

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

"ARTICLE III. ELECTIONS

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

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

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

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

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

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

"Section 4.7. Other Administrative Officers and Employees. The Board 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 or local law.

"ARTICLE V. ORDINANCES

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

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

**SECTION 2.** The purpose of this act is to revise the Charter of the City of Creedmoor 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.** Section 1 of Chapter 826 of the 1969 Session Laws having served the purpose for which it was enacted or having been consolidated into this act, is expressly repealed.

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

Chapter 610 of the 1987 Session Laws.

S.L. 2012-55.

**SECTION 6.** The Mayor and Commissioners 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 of the City of Creedmoor, as enacted in Section 1 of this act.

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 265
# PROPOSED COMMITTEE SUBSTITUTE S265-PCS35303-BDx-24

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

Sponsors:

Referred to:

March 16, 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.

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

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

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

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

"ARTICLE III. ELECTIONS

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

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

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

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

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

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

"Section 4.7. Other Administrative Officers and Employees. The Board 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 or local law.

"ARTICLE V. ORDINANCES

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

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

**SECTION 2.** The purpose of this act is to revise the Charter of the City of Creedmoor 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.** Section 1 of Chapter 826 of the 1969 Session Laws having served the purpose for which it was enacted or having been consolidated into this act, is expressly repealed.

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

Chapter 610 of the 1987 Session Laws.

S.L. 2012-55.

**SECTION 6.** The Mayor and Commissioners 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 of the City of Creedmoor, as enacted in Section 1 of this act.

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

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

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

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

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

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

# SENATE BILL 265:
# Creedmoor Charter Revised & Consolidated.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 21, 2017 |
| **Introduced by:** | Sen. McKissick | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***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 House Finance.]**

**BILL ANALYSIS:** Senate Bill 265 would repeal the 1969 Charter of the City of Creedmoor except where otherwise noted and would make additional general Charter revisions. Specifically, the bill would:

- Eliminate the 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 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 and formally establish the council-manager form of government in the Charter.
- Preserve the authority of the City to collect a motor vehicle tax.
- Preserve the authority of the City 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*

S265-SMBD-36 E1 -V-3

*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

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# 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 |

161207 161208 161209 161210 161241 161242 161245
161690 161691 161693 161694 161695 162699 162700
163906 164912 164925 164927 165180 165181 165182
165184 165188 165216 165217 165218 165219 165220
165222 165223 165224 165225 165226 165227 165228
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172502 172503 172504 173134 173138 173139 173140
173355 173357 173359 173361 173363 173365 173367
173369 173371 173373 173375 173378 173381 173386
173394 173404 173756 177609 177677 177679 177681
177682 177684 177686 177688 177689 177691 177693
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177708 177709 177710 177711 177712 177713 178129
178130 178131 178132 178133 179545 179547 181037
181038 183413 183415 192363 193257 193258 193259
193261 193262 193263 193274 201479 201633 202916
202917 208032 208033 208034 208343 208521 211428
213378 213509 213557 213558 213560 213589 213601
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.

**SECTION 4.** The following described property, referenced by the Forsyth County Tax Office Parcel Identification Number, is added to the corporate limits of Walkertown:

6858-70-9984.00, 6858-70-7963.00, 6858-70-7880.00, 6858-70-2870.00, 6858-70-0135.00, 6858-80-0791.00, 6858-80-0713.00, 6858-70-9760.00, 6858-70-9634.00, 6858-70-8780.00, 6858-70-8721.00, 6858-70-7751.00, 6858-70-6790.00, 6858-70-6637.00, 6858-70-5675.00, 6858-70-5630.00, 6858-70-5504.00, 6858-70-4570.00, 6858-70-4445.00, 6858-70-4410.00, 6858-70-3386.00, 6858-70-3332.00, 6858-70-3207.00, 6858-70-2261.00, 6858-70-2145.00, 6858-70-2049.00, 6858-70-2043.00, 6857-79-2957.00, 6857-79-2961.00, 6857-79-2876.00, 6857-79-2880.00, 6857-79-3458.00, 6857-79-4524.00, 6857-79-4654.00, 6857-79-4750.00, 6857-79-4756.00, 6857-79-4833.00, 6857-79-4839.00, 6857-79-4935.00, 6857-79-5911.00, 6857-79-5858.00, 6857-79-6808.00, 6857-79-6867.00, 6857-79-7816.00, 6857-79-7873.00, 6857-79-8811.00, 6857-79-6764.00, 6857-79-6634.00, 6857-79-6513.00, 6857-79-5481.00, 6857-79-9451.00, 6857-79-9554.00, 6857-79-9696.00, 6857-79-9898.00, 6858-80-0249.00, 6858-70-9143.00, 6857-79-8996.00, 6857-79-8958.00, 6858-70-8001.00, 6858-70-7001.00, 6858-70-7027.00, 6858-70-7161.00, 6858-70-7196.00, 6858-70-8220.00, 6858-70-8264.00, 6858-70-9209.00, 6858-70-9333.00, 6858-70-9378.00, 6858-80-0412.00, 6858-80-0445.00, 6858-80-0581.00, 6858-70-8572.00, 6858-70-8447.00, 6858-70-8403.00, 6858-70-7359.00, 6858-70-7325.00, 6858-70-6391.00, 6858-70-6266.00, 6858-70-6222.00, 6858-70-5187.00, 6858-70-5152.00, 6858-70-5036.00, 6858-70-4027.00, 6858-70-4133.00, 6858-70-4159.00, 6858-70-4284.00, 6858-70-5237.00, 6858-70-5372.00, 6858-70-6316.00, 6858-70-6441.00, 6858-70-6465.00, 6858-70-6590.00, 6858-70-7564.00, 6858-90-2901.00, 6857-99-0986.00, 6857-89-4787.00, 6857-89-4903.00, 6857-89-2869.00, 6857-89-7654.00, 6857-89-7736.00, 6857-89-6473.00, 6857-89-7489.00, 6858-80-4251.00, 6858-80-4128.00, 6858-80-4107.00, 6858-80-3177.00, 6858-80-3102.00, 6858-80-2170.00, 6858-80-2067.00, 6858-80-2044.00, 6857-89-2908.00, 6857-89-1995.00, 6857-89-1991.00, 6857-89-1888.00, 6857-89-1871.00, 6857-89-1778.00, 6857-89-1785.00, 6857-89-1782.00, 6857-89-3729.00, 6857-89-3823.00, 6857-89-3849.00, 6857-89-3963.00, 6857-89-3999.00, 6857-89-3986.00, 6858-80-4044.00, 6858-80-4076.00, 6858-80-5007.00, 6858-80-5038.00, 6858-80-6141.00, 6858-80-6172.00, 6858-80-6193.00, 6858-80-7124.00, 6857-89-6891.00, 6857-89-6797.00, 6857-89-6783.00, 6857-89-6780.00, 6857-89-6568.00, 6857-89-6565.00, 6857-89-6561.00, 6857-89-6459.00, 6857-89-6456.00, 6857-89-8842.00, 6857-89-8749.00, 6857-89-8745.00, 6857-89-8732.00, 6857-89-8633.00, 6857-89-8620.00, 6857-89-8518.00, 6857-89-8525.00, 6857-89-8511.00, 6858-90-5343.00, 6857-99-7765.00, 6867-09-3707.00, 6868-00-4188.00, 6868-00-7074.00, 6857-98-2319.00, 6857-88-9622.00, 6857-88-5395.00, 6857-88-5072.00, 6857-88-4072.00, 6857-88-3072.00, 6857-87-2777.00, 6857-87-3797.00, 6857-87-0752.00, 6857-76-5993.00, 6857-76-8922.00, 6857-77-9896.00, 6857-88-1121.00, 6857-88-3671.00, 6857-89-6111.00, 6857-78-1569.00, 6857-77-3256.00, 6857-77-3103.00, 6857-77-1462.00, 6857-67-9378.00, 6857-67-9126.00, 6857-67-7550.00, 6857-67-5522.00, 6857-67-5222.00, 6857-67-3379.00, 6857-57-9440.00, 6857-57-9124.00, 6858-71-4812.00, 6858-72-9434.00, 6858-72-7762.00, 6858-72-2315.00, 6858-72-0351.00, 6858-72-0260.00, 6858-72-0048.00, 6858-61-3262.00, 6858-61-0019.00, 6858-51-8041.00, 6858-60-1807.00, 6858-51-8041.00, 6858-50-4466.00, 6858-50-8389.00, 6858-60-2375.00, 6858-60-6316.00, 6857-69-6659.00, 6857-69-2712.00, 6857-59-8761.00, 6857-59-5836.00, 6857-59-2981.00, 6858-40-9092.00, 6857-49-8654.00, 6857-49-7554.00, 6857-49-6400.00, 6857-49-2167.00, 6857-48-4969.00, 6857-48-5885.00, 6857-48-9984.00, 6857-59-1288.00.

**SECTION 5.** This act becomes effective June 30, 2017. Property in the territory described in Sections 1, 2, 3, and 4 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 266
## PROPOSED COMMITTEE SUBSTITUTE S266-PCS45424-BDxr-23

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 |

161207 161208 161209 161210 161241 161242 161245
161690 161691 161693 161694 161695 162699 162700
163906 164912 164925 164927 165180 165181 165182
165184 165188 165216 165217 165218 165219 165220
165222 165223 165224 165225 165226 165227 165228
165229 165230 165231 165233 165234 166185 166188
166189 166191 172365 172366 172381 172383 172384
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172495 172496 172497 172498 172499 172500 172501
172502 172503 172504 173134 173138 173139 173140
173355 173357 173359 173361 173363 173365 173367
173369 173371 173373 173375 173378 173381 173386
173394 173404 173756 177609 177677 177679 177681
177682 177684 177686 177688 177689 177691 177693
177694 177695 177696 177697 177698 177699 177700
177701 177702 177703 177704 177705 177706 177707
177708 177709 177710 177711 177712 177713 178129
178130 178131 178132 178133 179545 179547 181037
181038 183413 183415 192363 193257 193258 193259
193261 193262 193263 193274 201479 201633 202916
202917 208032 208033 208034 208343 208521 211428
213378 213509 213557 213558 213560 213589 213601
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.

**SECTION 4.** The following described property, referenced by the Forsyth County Tax Office Parcel Identification Number, is added to the corporate limits of Walkertown:
6858-70-9984.00, 6858-70-7963.00, 6858-70-7880.00, 6858-70-2870.00, 6858-70-0135.00, 6858-80-0791.00, 6858-80-0713.00, 6858-70-9760.00, 6858-70-9634.00, 6858-70-8780.00, 6858-70-8721.00, 6858-70-7751.00, 6858-70-6790.00, 6858-70-6637.00, 6858-70-5675.00, 6858-70-5630.00, 6858-70-5504.00, 6858-70-4570.00, 6858-70-4445.00, 6858-70-4410.00, 6858-70-3386.00, 6858-70-3332.00, 6858-70-3207.00, 6858-70-2261.00, 6858-70-2145.00, 6858-70-2049.00, 6858-70-2043.00, 6857-79-2957.00, 6857-79-2961.00, 6857-79-2876.00, 6857-79-2880.00, 6857-79-3458.00, 6857-79-4524.00, 6857-79-4654.00, 6857-79-4750.00, 6857-79-4756.00, 6857-79-4833.00, 6857-79-4839.00, 6857-79-4935.00, 6857-79-5911.00, 6857-79-5858.00, 6857-79-6808.00, 6857-79-6867.00, 6857-79-7816.00, 6857-79-7873.00, 6857-79-8811.00, 6857-79-6764.00, 6857-79-6634.00, 6857-79-6513.00, 6857-79-5481.00, 6857-79-9451.00, 6857-79-9554.00, 6857-79-9696.00, 6857-79-9898.00, 6858-80-0249.00, 6858-70-9143.00, 6857-79-8996.00, 6857-79-8958.00, 6858-70-8001.00, 6858-70-7001.00, 6858-70-7027.00, 6858-70-7161.00, 6858-70-7196.00, 6858-70-8220.00, 6858-70-8264.00, 6858-70-9209.00, 6858-70-9333.00, 6858-70-9378.00, 6858-80-0412.00, 6858-80-0445.00, 6858-80-0581.00, 6858-70-8572.00, 6858-70-8447.00, 6858-70-8403.00, 6858-70-7359.00, 6858-70-7325.00, 6858-70-6391.00, 6858-70-6266.00, 6858-70-6222.00, 6858-70-5187.00, 6858-70-5152.00, 6858-70-5036.00, 6858-70-4027.00, 6858-70-4133.00, 6858-70-4159.00, 6858-70-4284.00, 6858-70-5237.00, 6858-70-5372.00, 6858-70-6316.00, 6858-70-6441.00, 6858-70-6465.00, 6858-70-6590.00, 6858-70-7564.00, 6858-90-2901.00, 6857-99-0986.00, 6857-89-4787.00, 6857-89-4903.00, 6857-89-2869.00, 6857-89-7654.00, 6857-89-7736.00, 6857-89-6473.00, 6857-89-7489.00, 6858-80-4251.00, 6858-80-4128.00, 6858-80-4107.00, 6858-80-3177.00, 6858-80-3102.00, 6858-80-2170.00, 6858-80-2067.00, 6858-80-2044.00, 6857-89-2908.00, 6857-89-1995.00, 6857-89-1991.00, 6857-89-1888.00, 6857-89-1871.00, 6857-89-1778.00, 6857-89-1785.00, 6857-89-1782.00, 6857-89-3729.00, 6857-89-3823.00, 6857-89-3849.00, 6857-89-3963.00, 6857-89-3999.00, 6857-89-3986.00, 6858-80-4044.00, 6858-80-4076.00, 6858-80-5007.00, 6858-80-5038.00, 6858-80-6141.00, 6858-80-6172.00, 6858-80-6193.00, 6858-80-7124.00, 6857-89-6891.00, 6857-89-6797.00, 6857-89-6783.00, 6857-89-6780.00, 6857-89-6568.00, 6857-89-6565.00, 6857-89-6561.00, 6857-89-6459.00, 6857-89-6456.00, 6857-89-8842.00, 6857-89-8749.00, 6857-89-8745.00, 6857-89-8732.00, 6857-89-8633.00, 6857-89-8620.00, 6857-89-8518.00, 6857-89-8525.00, 6857-89-8511.00, 6858-90-5343.00, 6857-99-7765.00, 6867-09-3707.00, 6868-00-4188.00, 6868-00-7074.00, 6857-98-2319.00, 6857-88-9622.00, 6857-88-5395.00, 6857-88-5072.00, 6857-88-4072.00, 6857-88-3072.00, 6857-87-2777.00, 6857-87-3797.00, 6857-87-0752.00, 6857-76-5993.00, 6857-76-8922.00, 6857-77-9896.00, 6857-88-1121.00, 6857-88-3671.00, 6857-89-6111.00, 6857-78-1569.00, 6857-77-3256.00, 6857-77-3103.00, 6857-77-1462.00, 6857-67-9378.00, 6857-67-9126.00, 6857-67-7550.00, 6857-67-5522.00, 6857-67-5222.00, 6857-67-3379.00, 6857-57-9440.00, 6857-57-9124.00, 6858-71-4812.00, 6858-72-9434.00, 6858-72-7762.00, 6858-72-2315.00, 6858-72-0351.00, 6858-72-0260.00, 6858-72-0048.00, 6858-61-3262.00, 6858-61-0019.00, 6858-51-8041.00, 6858-60-1807.00, 6858-51-8041.00, 6858-50-4466.00, 6858-50-8389.00, 6858-60-2375.00, 6858-60-6316.00, 6857-69-6659.00, 6857-69-2712.00, 6857-59-8761.00, 6857-59-5836.00, 6857-59-2981.00, 6858-40-9092.00, 6857-49-8654.00, 6857-49-7554.00, 6857-49-6400.00, 6857-49-2167.00, 6857-48-4969.00, 6857-48-5885.00, 6857-48-9984.00, 6857-59-1288.00.

**SECTION 5.** This act becomes effective June 30, 2017. Property in the territory described in Sections 1, 2, 3, and 4 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 266: Durham Donut Annexations.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 24, 2017 |
| **Introduced by:** | Sen. McKissick | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: Senate Bill 266 would add certain properties to the corporate limits of the City of Durham and would become effective June 30, 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 (including 4 parcels located in Wake County) into the corporate limits of the City of Durham.

**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*

S266-SMBD-37 E1 -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

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

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.~~ The Any candidate seeking nomination by petition for municipal office shall comply with the requirements of Article 11 of Chapter 163 of the General Statutes, provided the Forsyth County board of elections may prescribe rules and regulations ~~covering~~ governing the following:

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

(2) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 181
## PROPOSED COMMITTEE SUBSTITUTE S181-PCS45423-BK-22

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

Sponsors:

Referred to:

March 7, 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.~~ The Any candidate seeking nomination by petition for municipal office shall comply with the requirements of Article 11 of Chapter 163 of the General Statutes, provided the Forsyth County board of elections may prescribe rules and regulations ~~covering~~ governing the following:

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

(2) 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.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 181: Amend W-S Charter/Certain Candidates.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | April 25, 2017 |
| **Introduced by:** | Sen. Lowe | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | Amendment to First Edition<br>S181-ABK-12 | | |

***OVERVIEW: The amendment, S181-ABK-12 v2, 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, 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.*

**AMENDMENT ANALYSIS:** The amendment 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

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*Director*



*Legislative Analysis Division*
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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.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 375**

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

S375-ARN-19 [v.2]



Amends Title [YES]
First Edition

Date _____,2017

Senator Edwards

moves to amend the bill on page 1, line 3, by rewriting that line to read:
"TO EMPLOYEES' ASSOCIATIONS AND TO PROHIBIT WITHHOLDING OF EMPLOYEE WAGES FOR LABOR ORGANIZATIONS.";

and on page 1, line 35, by rewriting that line to read:

"**SECTION 2.** G.S. 95-25.8 reads as rewritten:
**§ 95-25.8. Withholding of wages.**

. . .

(a1) Notwithstanding subsection (a) of this section or any other provision of law, an employer shall not withhold or divert any portion of an employee's wages for the benefit of any labor organization or any agent, employee, or officer of a labor organization if the employee is not covered by the Federal Railway Labor Act, the National Labor Relations Act, or the Labor Management Relations Act. For purposes of this subsection, the term "labor organization" means any trade union, labor union, or other labor association.

. . . .

**SECTION 3.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

**SECTION 4.** Section 2 of this act is effective when it becomes law and applies to agreements between employers and employees or labor organizations entered into, renewed, or extended on or after that date. The remainder of this act is effective when it becomes law.";

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 375**

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

S375-ARN-19 [v.2]



And by rewriting the short title to read: "Limit Payroll Deduct./ Wage Withhold.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 292**

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

S292-AST-17 [v.2]



Amends Title [NO]
First Edition

Date 4-12 ,2017

Senator Britt

moves to amend the bill on page 1, lines 3-4, by rewriting those lines to read:
"IS NOT AUTOMATICALLY PUNISHABLE AS A MISDEMEANOR OR INFRACTION.";

and on page 1, line 6 through page 2, line 2, by rewriting those lines to read:

"**SECTION 1.** G.S. 153A-123 reads as rewritten:

"**§ 153A-123. Enforcement of ordinances.**

...

(b) ~~Unless the board of commissioners has provided otherwise,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~G.S. 14-4 only if the county specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.

(3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.

(4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.

(5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising.

(6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors.

(7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

(8) Any ordinance regulating trees.

..."

**SECTION 2.** G.S. 160A-175 reads as rewritten:

"**§ 160A-175. Enforcement of ordinances.**

...

(b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.

(3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.

(4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising.

(5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors.

(6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.

(7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.

(8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.

(9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.

(10) Any ordinance regulating trees.

..."

**SECTION 3.** This act becomes effective December 1, 2017, and applies to enforcement of any ordinance by a county or city on or after that date.";

and by amending the short title to read "Ord. Violation/No Auto Misdemeanor".

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 292**

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

S292-AST-17 [v.2]



SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ___X___ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 265***

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S265-ABDx-9 [v.1]



Amends Title [NO]
First Edition

Date APRIL 25 ,2017

Senator WOODARD

moves to amend the bill on page 3, lines 20-22, by rewriting the lines to read:

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 266**

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S266-ATExr-2 [v.3]



Amends Title [YES]
First Edition

Date APRIL 25 ,2017

Senator Edwards

moves to amend the bill by rewriting the short title to read:
"Durham and Walkertown Annexations"; and

On page 1, line 7, by rewriting the line to read:
"PROPERTY; AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF WALKERTOWN."; and

On page 2, lines 41-43, by rewriting the lines to read:
"**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.

**SECTION 4.** The following described property, referenced by the Forsyth County Tax Office Parcel Identification Number, is added to the corporate limits of Walkertown: 6858-70-9984.00, 6858-70-7963.00, 6858-70-7880.00, 6858-70-2870.00, 6858-70-0135.00, 6858-80-0791.00, 6858-80-0713.00, 6858-70-9760.00, 6858-70-9634.00, 6858-70-8780.00, 6858-70-8721.00, 6858-70-7751.00, 6858-70-6790.00, 6858-70-6637.00, 6858-70-5675.00, 6858-70-5630.00, 6858-70-5504.00, 6858-70-4570.00, 6858-70-4445.00, 6858-70-4410.00, 6858-70-3386.00, 6858-70-3332.00, 6858-70-3207.00, 6858-70-2261.00, 6858-70-2145.00, 6858-70-2049.00, 6858-70-2043.00, 6857-79-2957.00, 6857-79-2961.00, 6857-79-2876.00, 6857-79-2880.00, 6857-79-3458.00, 6857-79-4524.00, 6857-79-4654.00, 6857-79-4750.00, 6857-79-4756.00, 6857-79-4833.00, 6857-79-4839.00, 6857-79-4935.00, 6857-79-5911.00, 6857-79-5858.00, 6857-79-6808.00, 6857-79-6867.00, 6857-79-7816.00, 6857-79-7873.00, 6857-79-8811.00, 6857-79-6764.00, 6857-79-6634.00, 6857-79-6513.00, 6857-79-5481.00, 6857-79-9451.00, 6857-79-9554.00, 6857-79-9696.00, 6857-79-9898.00, 6858-80-0249.00, 6858-70-9143.00, 6857-79-8996.00, 6857-79-8958.00, 6858-70-8001.00, 6858-70-7001.00, 6858-70-7027.00, 6858-70-7161.00, 6858-70-7196.00, 6858-70-8220.00, 6858-70-8264.00,

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 266**

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S266-ATExr-2 [v.3]



6858-70-9209.00, 6858-70-9333.00, 6858-70-9378.00, 6858-80-0412.00, 6858-80-0445.00, 6858-80-0581.00, 6858-70-8572.00, 6858-70-8447.00, 6858-70-8403.00, 6858-70-7359.00, 6858-70-7325.00, 6858-70-6391.00, 6858-70-6266.00, 6858-70-6222.00, 6858-70-5187.00, 6858-70-5152.00, 6858-70-5036.00, 6858-70-4027.00, 6858-70-4133.00, 6858-70-4159.00, 6858-70-4284.00, 6858-70-5237.00, 6858-70-5372.00, 6858-70-6316.00, 6858-70-6441.00, 6858-70-6465.00, 6858-70-6590.00, 6858-70-7564.00, 6858-90-2901.00, 6857-99-0986.00, 6857-89-4787.00, 6857-89-4903.00, 6857-89-2869.00, 6857-89-7654.00, 6857-89-7736.00, 6857-89-6473.00, 6857-89-7489.00, 6858-80-4251.00, 6858-80-4128.00, 6858-80-4107.00, 6858-80-3177.00, 6858-80-3102.00, 6858-80-2170.00, 6858-80-2067.00, 6858-80-2044.00, 6857-89-2908.00, 6857-89-1995.00, 6857-89-1991.00, 6857-89-1888.00, 6857-89-1871.00, 6857-89-1778.00, 6857-89-1785.00, 6857-89-1782.00, 6857-89-3729.00, 6857-89-3823.00, 6857-89-3849.00, 6857-89-3963.00, 6857-89-3999.00, 6857-89-3986.00, 6858-80-4044.00, 6858-80-4076.00, 6858-80-5007.00, 6858-80-5038.00, 6858-80-6141.00, 6858-80-6172.00, 6858-80-6193.00, 6858-80-7124.00, 6857-89-6891.00, 6857-89-6797.00, 6857-89-6783.00, 6857-89-6780.00, 6857-89-6568.00, 6857-89-6565.00, 6857-89-6561.00, 6857-89-6459.00, 6857-89-6456.00, 6857-89-8842.00, 6857-89-8749.00, 6857-89-8745.00, 6857-89-8732.00, 6857-89-8633.00, 6857-89-8620.00, 6857-89-8518.00, 6857-89-8525.00, 6857-89-8511.00, 6858-90-5343.00, 6857-99-7765.00, 6867-09-3707.00, 6868-00-4188.00, 6868-00-7074.00, 6857-98-2319.00, 6857-88-9622.00, 6857-88-5395.00, 6857-88-5072.00, 6857-88-4072.00, 6857-88-3072.00, 6857-87-2777.00, 6857-87-3797.00, 6857-87-0752.00, 6857-76-5993.00, 6857-76-8922.00, 6857-77-9896.00, 6857-88-1121.00, 6857-88-3671.00, 6857-89-6111.00, 6857-78-1569.00, 6857-77-3256.00, 6857-77-3103.00, 6857-77-1462.00, 6857-67-9378.00, 6857-67-9126.00, 6857-67-7550.00, 6857-67-5522.00, 6857-67-5222.00, 6857-67-3379.00, 6857-57-9440.00, 6857-57-9124.00, 6858-71-4812.00, 6858-72-9434.00, 6858-72-7762.00, 6858-72-2315.00, 6858-72-0351.00, 6858-72-0260.00, 6858-72-0048.00, 6858-61-3262.00, 6858-61-0019.00, 6858-51-8041.00, 6858-60-1807.00, 6858-51-8041.00, 6858-50-4466.00, 6858-50-8389.00, 6858-60-2375.00, 6858-60-6316.00, 6857-69-6659.00, 6857-69-2712.00, 6857-59-8761.00, 6857-59-5836.00, 6857-59-2981.00, 6858-40-9092.00, 6857-49-8654.00, 6857-49-7554.00, 6857-49-6400.00, 6857-49-2167.00, 6857-48-4969.00, 6857-48-5885.00, 6857-48-9984.00, 6857-59-1288.00.

**SECTION 5.** This act becomes effective June 30, 2017. Property in the territory described in Sections 1, 2, 3, and 4 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 219**

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S219-ABDxr-10 [v.2]



Amends Title [YES]
First Edition

Date APRIL 25 ,2017

Senator Sanderson

moves to amend the bill by rewriting the short title to read:
"Indian Beach Annex/Morehead City Charter Chgs.";

and on page 1, line 2, by rewriting the line to read:
"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.";

and on page 1, lines 4-5, by rewriting the lines to read:
"**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.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 219**

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S219-ABDxr-10 [v.2]



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.

**SECTION 3.** Notwithstanding any Town ordinance relating to nonconforming structures or uses, all structures, existing on June 30, 2017, on the property added to the corporate limits of the Town of Indian Beach by Section 1 of this act, shall be deemed conforming to the Town's land use ordinances and may be repaired, restored, or rebuilt at any time after June 30, 2017, regardless of the extent of any damage or destruction unless the Town ordinance prohibiting repair, restoration, or rebuilding is required to maintain eligibility for participation in the National Flood Insurance Program under the laws, rules or regulations of the United States or the State of North Carolina.

**SECTION 4.** Article 8 of the revised and consolidated charter of the city of Morehead City, as enacted by Chapter 879 of the Session Laws of 1969, is repealed.

**SECTION 5.** Sections 1-3 of this act become effective June 30, 2017. Property in the territory described by Section 1 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017. The remainder of this act is effective when it becomes law.".

SIGNED Norman Sanderson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 181***

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

S181-ABK-12 [v.2]



Amends Title [NO]
First Edition

Date _____,2017

Senator Foushee

moves to amend the bill on page 1, lines 11-26, by rewriting the lines to read:

"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.~~ The Any candidate seeking nomination by petition for municipal office shall comply with the requirements of Article 11 of Chapter 163 of the General Statutes, provided the Forsyth County board of elections may prescribe rules and regulations ~~covering~~ governing the following:

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

(2) 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.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

*S181-ABK-12-V-2*

2:05
25th

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State & Local Government
**Meeting Date:** 25 April 2017 **Chair:** Rabin **Clerk:** Chandra

## ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| ✓ Sum **Bill** | SB289 | **Sponsor** | Rabon |
| **Favorable** | ✓ | **Motion by** | Cook unan. |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Rabon | | |

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| | | | |
|---|---|---|---|
| ✓ Sum **Bill** | SB 545 | **Sponsor** | Hise, Britt |
| **Favorable** | ✓ | **Motion by** | Cook unan |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Ag | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Hise | | |

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| | | | |
|---|---|---|---|
| ✓ **Bill** | SB 374 | **Sponsor** | Hise |
| **Favorable** | ✓ | **Motion by** | Cook unan |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Hise | | |

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| | | | |
|---|---|---|---|
| ✓ **Bill** | SB 375 | **Sponsor** | Hise |
| **Favorable** | passed | **Motion by** | Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | Rules | **Motion by** | Edwards unan |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | PCS | | |
| **Floor Manager** | Hise | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Government
**Meeting Date:** 25 April 2017 **Chair:** Rabin **Clerk:** Chandra

### ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | SB 510 | **Sponsor** | Meredith, Tucker |
| **Favorable** | ✓ | **Motion by** | Sturdevant unan. |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Trans | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Meredith | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 292 | **Sponsor** | Lee, J. Jackson, Britt |
| **Favorable** | | **Motion by** | McInnis unan. |
| **Unfavorable** | | **Motion by** | |
| **Amended** | passed | **Motion by** | Britt unan |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | PCS | | |
| **Floor Manager** | Lee | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | SB 217 | **Sponsor** | McInnis |
| **Favorable** | | **Motion by** | Cook unan |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | McInnis | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 265 | **Sponsor** | McKissick |
| **Favorable** | | **Motion by** | Woodard |
| **Unfavorable** | | **Motion by** | |
| **Amended** | [illegible] | **Motion by** | Woodard |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | PCS | | |
| **Floor Manager** | McKissick | | |

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Government
**Meeting Date:** 25 April 2017 **Chair:** Rabin **Clerk:** Chandra

## ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | SB 266 | **Sponsor** | McKissick |
| **Favorable** | passed | **Motion by** | Cook unan |
| **Unfavorable** | | **Motion by** | |
| **Amended** | passed | **Motion by** | Fowlkes unan |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | FCS | | |
| **Floor Manager** | McKissick | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 181 | **Sponsor** | Lowe |
| **Favorable** | pass | **Motion by** | Lowe Foush |
| **Unfavorable** | | **Motion by** | |
| **Amended** | pass | **Motion by** | Foushee unan |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | FCS | | |
| **Floor Manager** | Lowe | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB 219 | **Sponsor** | Sanderson |
| **Favorable** | passed | **Motion by** | Cook unan |
| **Unfavorable** | | **Motion by** | |
| **Amended** | passed | **Motion by** | Cook unan |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sanderson | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423

**DATE:** 4-25 **TIME:** 2pm

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Thea Barrett | Chapel Hill | Sen. Foushee |
| 2. Madison Galloway | Forest City | Hise |
| 3. Sydny Lee Howell | Laurinburg | McInnis |
| 4. Sarah ~~Sarah~~ DeForest | Hickory | Wells |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |

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

## SPEAKER REGISTRATION SHEET

4.25-17

Name of Committee | Date

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| ~~MARK ROGERS~~ | ~~AUCTION INDUSTRY~~ |
| Ardis Watkins | SEANC (S375) |
| | |
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# VISITOR REGISTRATION SHEET

**SENATE STATE & LOCAL GOV.**
**(Committee Name)**

25 April 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Scott Snow | Town of Walkertown 5177 Main St, Walkertown |
| Doc Davis | Town of Walkertown 5177 Main St, Walkertown, NC. 27051 |
| Rhian Memald | Williams Mullen |
| Andis Watkins | SEANC |
| Amanda Finelli | SEANC |
| Suzanne Beasley | SEANC |
| Sara Cowell | SEANC |
| Erin Wynia | NCLM |
| Jennifer Haygood | NCCCS |
| Lex Janes | DNCR |
| Katherine Joyce | NCASA |
| Marge Foreman | NCAE |
| | NCCCO |
| | |
| | NCACP |
| Justin Clayton | Governor |
| Hugh Johnson | NCACC |

# VISITOR REGISTRATION SHEET

Senate State + Local Gov.
(Committee Name)

25 April 2017
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Andy Chase | KMA |
| Stephen Kouba | KMA |
| Scott Whiteman | City of Durham |
| Karmisha R Wallace | City of Durham |
| BRIAN LEWIS | NEW FRAME |
| Erica Geppi | Humane Society of US |
| [signature] | Comcast |
| CHRIS DILLON | AARP |
| | |
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# VISITOR REGISTRATION SHEET

**SENATE STATE & LOCAL GOV.**
**(Committee Name)**

25 April 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| JAKE PARKER | NCFB |
| PAUL SHERMAN | NCFB |
| Joy Hicks | NCDOT |
| Chris Agner | NCDOT |
| MARK ROGERS | AUCTION INDUSTRY |
| Deidre B. Rogers | Auction Industry |
| Joe McClees | McClees Consulting |
| TYLER NEMAN | BASE |
| Peter Daniel | Connect C |
| Tyler Ford | staff |
| [signature] | WRC |
| | |
| | |
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| | |

09-21-201

Principal Clerk
Reading Clerk

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | May 23, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| | BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|---|
| (6) | HB 25 | Randolph County Zoning Procedure Changes. | Representative McNeill<br>Representative Hurley |
| (7) | HB 111 | Winston-Salem/Service by Publication Cost. | Representative Conrad<br>Representative Lambeth<br>Representative Terry<br>Representative Hanes |
| (5) | HB 120 | National Guard Can Purchase From CE. | Representative McNeill<br>Representative Warren<br>Representative Grange<br>Representative Goodman |
| (4) | HB 151 | Stanly Cty/Economic Development Commission. | Representative Burr |
| (3) | HB 420 | Rockingham Cty Tourism Development Authority. | Representative Bert Jones<br>Representative K. Hall |
| (2) | HB 449 | Henderson Cty/Law Enforcement Training Center. | Representative McGrady<br>Representative Henson |
| (1) | HB 764 | Expansion of MSD/Bd Appt. | Representative McGrady |

Senator Tarte will chair the Senate Standing Committee

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk
Reading Clerk

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | May 23, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 25 | Randolph County Zoning Procedure Changes. | Representative McNeill<br>Representative Hurley |
| HB 111 | Winston-Salem/Service by Publication Cost. | Representative Conrad<br>Representative Lambeth<br>Representative Terry<br>Representative Hanes |
| HB 120 | National Guard Can Purchase From CE. | Representative McNeill<br>Representative Warren<br>Representative Grange<br>Representative Goodman |
| HB 151 | Stanly Cty/Economic Development Commission. | Representative Burr |
| HB 420 | Rockingham Cty Tourism Development Authority. | Representative Bert Jones<br>Representative K. Hall |
| HB 449 | Henderson Cty/Law Enforcement Training Center. | Representative McGrady<br>Representative Henson |
| HB 764 | Expansion of MSD/Bd Appt. | Representative McGrady |

Senator Tarte will chair the Senate Standing Committee

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, May 23, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages and Sgt. @ Arms**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 764 | Expansion of MSD/Bd Appt. | Representative McGrady |
| HB 449 | Henderson Cty/Law Enforcement Training Center. | Representative McGrady<br>Representative Henson |
| HB 420 | Rockingham Cty Tourism Development Authority. | Representative Bert Jones<br>Representative K. Hall |
| HB 151 | Stanly Cty/Economic Development Commission. | Representative Burr |
| HB 120 | National Guard Can Purchase From CE. | Representative McNeill<br>Representative Warren<br>Representative Grange<br>Representative Goodman |
| HB 25 | Randolph County Zoning Procedure Changes. | Representative McNeill<br>Representative Hurley |
| HB 111 | Winston-Salem/Service by Publication Cost. | Representative Conrad<br>Representative Lambeth<br>Representative Terry<br>Representative Hanes |

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, May 23, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on May 23, 2017 in Room 423 of the Legislative Office Building. Nine members were present.

Senator Jeff Tarte, Chair, presided.

**HB 764 Expansion of MSD/Bd Appt. (Representative McGrady)** – favorable with a re-referral to Rules and Operations of the Senate

**HB 449 Henderson Cty/Law Enforcement Training Center. (Representatives McGrady, Henson) – Favorable with a re-refferal to Rules and Operations of the Senate**

**HB 420 Rockingham Cty Tourism Development Authority. (Representatives Bert Jones, K. Hall) – unfavorable as to bill, but favorable as to senate committee substitute bill with a sequential referral to Rules and Operations of the Senate.**

**HB 151 Stanly Cty/Economic Development Commission. (Representative Burr) – unfavorable as to committee substitute bill no. 1, but favorable as to senate committee substitute bill with a sequential referral to Rules and Operations of the senate.**

**HB 120 National Guard Can Purchase From CE. (Representatives McNeill, Warren, Grange, Goodman) - favorable with a re-referral to Rules and Operations of the Senate**

**HB 25 Randolph County Zoning Procedure Changes. (Representatives McNeill, Hurley) favorable with a re-referral to Rules and Operations of the Senate**

**HB 111 Winston-Salem/Service by Publication Cost. (Representatives Conrad, Lambeth, Terry, Hanes) - favorable with a re-referral to Rules and Operations of the Senate**

The meeting adjourned at 3:03 p.m.

Senator Jeff Tarte, Chair
Presiding

Jan Copeland, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, May 23, 2017

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

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

HB **420** Rockingham Cty Tourism Development Authority.

| | |
|---|---|
| Draft Number: | H420-PCS10355-RN-17 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

HB **151** **(CS#1)** Stanly Cty/Economic Development Commission.

| | |
|---|---|
| Draft Number: | H151-PCS40582-RN-16 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

TOTAL REPORTED: 2

Senator David L. Curtis will handle HB 420
Senator Tom McInnis will handle HB 151



# HOUSE BILL 764:
# Expansion of MSD/Bd Appt.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 22, 2017 |
| **Introduced by:** | Rep. McGrady | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | Second Edition | | Staff Attorney |

***OVERVIEW: House Bill 764 would amend the laws governing expansion of metropolitan sewerage districts to do both of the following:***

- ***Allow a political subdivision to request inclusion into the metropolitan sewerage district of all, or part of, the political subdivision, rather than all; and***
- ***Require that when new territory is expanded into a metropolitan sewerage district, any county without representation on the district board shall be represented by three additional board members from among the qualified voters residing in the new territory appointed by the county board of commissioners governing the new territory.***

**CURRENT LAW:** Chapter 162A governs water and sewer systems, and in particular metropolitan sewerage districts (MSD). A MSD may be created upon request to the governing body of each political subdivision, and petition of at least 51% of the qualified voters residing in any unincorporated area, and approval of the Environmental Management Commission. Once approved, a district board is appointed.

Once established, a MSD may expand its territory upon receiving a resolution from a political subdivision or petition of at least 51% of the qualified voters residing in any unincorporated area requesting to be included. The district board then files a report with the Environmental Management Commission, who in turn shall determine if the request would preserve and promote the public health and welfare and may include the new area in the district. Alternatively, the qualified registered voters of the district may request an election to determine the question of expansion.

If the MSD is expanded, appointments to the district board are to be made by the additional political subdivisions, in accordance with G.S. 162A-68(i).

**BILL ANALYSIS:** House Bill 764 would amend the statute governing expansion of existing metropolitan sewerage districts to do the following:

1. Allow a political subdivision, including a county, to request the expansion of the MSD into all, or part, of that political subdivision's jurisdiction.
2. Require that any new county into which the territory of the existing MSD is expanding to be represented by three additional members on the MSD board. The three additional members would have to be qualified voters residing within the new territory and be appointed by the county board of commissioners governing the new territory.

**EFFECTIVE DATE:** This act would be effective when it becomes law and apply to any expansion of a metropolitan sewerage district on or after that date.

*Staff attorneys Erika Churchill and Nicholas Giddings substantially contributed to this bill summary.*

*Karen Cochrane-Brown*
*Director*

H764-SMBD-47-E2-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.*

# HOUSE BILL 764
**Committee Substitute Favorable 4/24/17**

Short Title: Expansion of MSD/Bd Appt. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISIONS REGARDING EXPANSION OF A METROPOLITAN SEWERAGE DISTRICT AND TO MAKE ADDITIONAL BOARD APPOINTMENTS PARALLEL TO THE PROCESS TO EXPAND A METROPOLITAN WATER AND SEWERAGE DISTRICT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 162A-68 reads as rewritten:

"**§ 162A-68. Procedure for inclusion of additional political subdivision or unincorporated area; notice and hearing; elections; actions to set aside proceedings.**

(a) If, at any time subsequent to the creation of a district, there shall be filed with the district board (i) a resolution of the governing body of a political ~~subdivision,~~subdivision requesting inclusion in the district all or part of such political subdivision or (ii) a ~~petition,~~ petition signed by not less than fifty-one per centum (51%) of the qualified voters resident within an unincorporated ~~area,~~area requesting inclusion in the district ~~of such political subdivision or~~ unincorporated area, and if the district board shall favor the inclusion in the district of such ~~political subdivision or unincorporated area,~~new territory, the district board shall notify the board or boards of commissioners of the county or counties within which the district lies and shall file with the board or boards of commissioners and with the Environmental Management Commission a report setting forth the plans of the district for extending sewerage service to the ~~political subdivision or unincorporated area.~~new territory. The report shall include:

(1) A map or maps of the district and adjacent territory showing the present and proposed boundaries of the district; the existing major sewer interceptors and outfalls; and the proposed extension of such interceptors and outfalls.

(2) A statement setting forth the plans of the district for extending sewerage services to the territory proposed to be included, which plans shall:

a. Provide for extending sewerage service to the territory included on substantially the same basis and in the same manner as such services are provided within the rest of the district prior to inclusion of the new territory.

b. Set forth a proposed time schedule for extending sewerage service to the territory proposed to be included.

c. Set forth the estimated cost of extending sewerage service to the territory proposed to be included; the method by which the district proposes to finance the extension; the outstanding existing indebtedness of the district, if any; and the valuation of assessable

property within the district and within the territory proposed to be included.

d. Contain a declaration of intent of the district board to conform with the plans set forth in the report in extending sewerage services to the territory proposed to be included; and a certification by the chairman of the district board to the effect that the matters and things set forth in the report are true to his knowledge or belief.

...

(i) Immediately following the inclusion of any additional political subdivision within an existing district, members representing such additional political subdivision shall be appointed to the district board in the manner provided in this section:

(1) Any additional unincorporated area that is included within an existing district shall be represented by the members representing the county in which the unincorporated area lies as follows:

a. If inclusion of the additional unincorporated area extends the district into more than one county, members representing the unincorporated area in the new county shall be appointed immediately following the inclusion of the additional area. Upon the inclusion of the additional area, the board members appointed in accordance with G.S. 162A-67(a)(1) or G.S. 162A-67(a)(1a) shall continue to serve on the district board. The board of commissioners of the county in which the largest portion of the district lies shall appoint qualified voters residing in the county and district as their successors such that the county in which the largest portion of the district lies shall always have three members on the district board. The board of commissioners of the county in which the lesser portion of the district lies shall appoint to the district board two qualified voters residing in the county and district to serve a term of three years and shall appoint qualified voters residing in the county and district as their successors such that the county in which the lesser portion of the district lies shall always have two members on the district board. For purposes of this subdivision, the county in which the largest portion and lesser portion of the district lies shall be determined with reference to the land area of the district lying within the county as a percentage of land area of the entire district at the time such appointment or reappointment is made.

b. If the inclusion of the additional unincorporated area has the effect of changing the county in which the largest portion of the district lies, new members representing the county comprising the larger portion of the district shall be appointed in accordance with G.S. 162A-67(a)(2) immediately following the inclusion, and no reappointment shall be made by the county in which the lesser portion of the district lies upon expiration of the first term of a member representing that county following the inclusion.

(1a) Notwithstanding subdivision (1) of this subsection, when the territory of the district is expanding into new territory, any county without representation on the district board shall be represented by three additional members who are qualified voters residing within the new territory, appointed by the county board of commissioners governing the new territory.

(2) ~~Following~~ Except as otherwise provided in this subsection, following the inclusion of any additional political subdivision within an existing district,

the political subdivisions added shall appoint members to the district board in accordance with G.S. 162A-67(a)(4) only if the governing body of the political subdivision owns or operates a public system for the collection of wastewater at the time of such appointment.

(j) The terms of office of the members first appointed under subsection (i) of this section to represent such additional political subdivision or area may be varied for a period not to exceed six months from the terms provided for in G.S. 162A-67, so that the appointment of successors to such members may more nearly coincide with the appointment of successors to members of the existing board; and all successor members shall be appointed for the terms provided for in G.S. 162A-67."

**SECTION 2.** This act is effective when it becomes law and applies to any expansion of a metropolitan sewerage district on or after that date.

# HOUSE BILL 449: Henderson Cty/Law Enforcement Training Center.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 22, 2017 |
| **Introduced by:** | Reps. McGrady, Henson | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | 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.

*Karen Cochrane-Brown*
*Director*

H449-SMBD-46 E1 -V-3

*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.*

**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 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.

*Staff attorney Giles Perry substantially contributed to this bill summary.*

# HOUSE BILL 449

| | | |
|---|---|---|
| Short Title: | Henderson Cty/Law Enforcement Training Center. | (Local) |
| Sponsors: | Representatives McGrady and Henson (Primary Sponsors).<br>*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

of Trustees of Blue Ridge Community College. If no debt is incurred against the property described in this section by Henderson County for the construction or renovation of community college buildings on or before December 31, 2020, Henderson County shall transfer title to the property back to the Board of Trustees of Blue Ridge Community College.

**SECTION 4.** Henderson County and the Board of Trustees of Blue Ridge Community College may enter into a lease agreement in accordance with G.S. 160A-274 for any space in County-owned buildings located within Henderson County if deemed appropriate by the parties.

**SECTION 5.** Sections 1 through 3 of this act are effective when they become law and apply only to construction and renovation projects by Henderson County on the campus of Blue Ridge Community College located within Henderson County between January 1, 2016, and December 31, 2021. The remainder of this act is effective when it becomes law.

# HOUSE BILL 420: Rockingham Cty Tourism Development Authority.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 22, 2017 |
| **Introduced by:** | Reps. Bert Jones, K. Hall | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***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 420 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:

- The Executive Director of Rockingham Economic Development and Tourism.
- A Rockingham County Commissioner.



*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.*

- 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* businesses 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.

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

*Billy Godwin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

# HOUSE BILL 420

| | | |
|---|---|---|
| Short Title: | Rockingham Cty Tourism Development Authority. | (Local) |
| Sponsors: | Representatives Bert Jones and K. Hall (Primary Sponsors).<br>*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.~~ Authority. 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.~~

All members of the Authority shall serve without compensation. Vacancies in the Authority shall be filled by the ~~appointing authority of the member creating the vacancy.~~Rockingham County Board of Commissioners. Members appointed to fill vacancies shall serve for the remainder of the unexpired term which they are appointed to fill. ~~Except as provided in subsection (b) for initial members, members~~ Members shall serve three-year terms. ~~Members~~ Voting members may serve no more than two consecutive terms. The members shall elect a chair from the ~~membership~~ voting members of the Authority, who shall serve for a term of ~~two years.~~ one year. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Rockingham County shall be the ex officio finance officer of the Authority.

...."

**SECTION 2.** The members of Rockingham County Economic Development and Tourism serving on the date this act becomes law shall continue to serve until the expiration of their terms. Upon the expiration of each of the members' terms, the Rockingham County Board of Commissioners shall appoint a person to Rockingham County Economic Development and Tourism as provided in Section 2 of Chapter 322 of the Session Laws of 1991, as amended by Chapter 52 of the Session Laws of 1995, S.L. 2005-233, and Section 1 of this act.

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 420**

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

H420-ARN-21 [v.5]



Amends Title [NO]
First Edition

Date May 23 ,2017

Senator Sanderson

moves to amend the bill on page 1, line 6, by rewriting that line to read:

"by Chapter 52 of the Session Laws of 1995, Part V of S.L. 2005-233, and Part III of S.L. 2009-428, reads as rewritten:"; and

on page 2, line 17, by rewriting that line to read:

"Chapter 52 of the Session Laws of 1995, Part V of S.L. 2005-233, Part III of S.L. 2009-428, and Section 1 of this act.".

SIGNED Norma Sanderson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 22, 2017 |
| **Introduced by:** | Rep. Burr | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | Second Edition | | |

***OVERVIEW: House Bill 151 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.***

**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 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.
- 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.

*Karen Cochrane-Brown*
*Director*

H151-SMRN-45 E2 -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.*

- Expend any nontax funds, regardless of the source from which the funds are received.

**BILL ANALYSIS:** House Bill 151 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.

*Giles Perry and Jessica Sammons, Staff Attorneys for the Legislative Analysis Division, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 2

# HOUSE BILL 151
**Committee Substitute Favorable 3/1/17**

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 1961 Session Laws, as amended by Chapter 706 of the 1965 Session Laws, Chapter 355 of the 1975 Session Laws, Chapter 237 of the 1983 Session Laws, Chapter 185 of the 1987 Session Laws, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

appointed and qualified. The Stanly County Board of Commissioners shall appoint 13 members to serve on the Stanly County Economic Development Commission as provided in Section 2 of this act. The terms of the 13 members appointed by the Stanly County Board of Commissioners shall be for one and two years, as provided in Section 4 of this act, and shall begin on June 1, 2017.

**SECTION 14.** This act does not affect any rights or interests that arose under any provisions repealed by this act.

**SECTION 15.** All existing ordinances, resolutions, and other provisions of Stanly County not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

**SECTION 16.** No action or proceeding pending on the effective date of this act by or against Stanly County or any of its departments or agencies shall be abated or otherwise affected by this act.

**SECTION 17.** Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision which is superseded or recodified.

**SECTION 18.** This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 151**

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

H151-ARN-22 [v.5]



Amends Title [YES]
Second Edition

Date _____,2017

Senator McInnis

moves to amend the bill on page 1, line 2, through page 4, line 17, by rewriting those lines to read:

"AN ACT TO CONSOLIDATE THE LOCAL ACTS DEALING WITH THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION AND TO MAKE CHANGES TO THE COMPOSITION OF THE COMMISSION.

The General Assembly of North Carolina enacts:

**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, 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.

**SECTION 2.** Members Appointed. – (a) The Commission shall be composed of 13 members to be appointed by the 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.

(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.

**SECTION 3.** Ex Officio Members. – The Stanly County Manager and the Stanly County Attorney shall, by virtue of their respective offices, serve in a nonvoting ex officio capacity on the 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.

**SECTION 4.** Terms. – The terms of office of the members of the Commission shall be two 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. 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 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 term of office shall commence on June 1 and shall end on May 31. 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.

**SECTION 5.** Election of Officers; Bylaws; Employees. – At the time of the holding of the first meeting of the Commission following the appointment of members in 2017, the members shall, by a majority vote, name and select from their membership a chair, vice-chair, and secretary, and shall draw up and ratify their own bylaws and procedural rules and policies, subject to the approval of the Board. Whenever necessary, members of the Commission shall by a majority vote make necessary changes to their bylaws, procedural rules and policies subject to the approval of the Board. All disbursements shall be made to the 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 Board. Except for the executive officer appointed under Section 7 of this act, the Commission shall have authority to employ personnel as it may deem necessary and within the budget for the Commission to be prescribed by the Board, and all such personnel shall be considered for all purposes employees of Stanly County.

**SECTION 6.** Additional Funds. – The Commission may accept, receive and disburse in furtherance of its functions any funds, grants, and services made available by the Federal Government and its agencies, the State Government and its agencies, any municipalities or counties, and by private and civic sources.

**SECTION 7.** Executive Officer; Contracts; Board Supervision. – (a) With the approval of the Board, the County Manager shall have authority to appoint the executive officer of the Commission, upon consultation with the Commission.

(b) In lieu of appointing an executive officer under subsection (a) of this section, with the approval of the Board, the Commission shall have authority to enter into a contract with the Stanly County Chamber of Commerce pursuant to which the Chamber of Commerce will provide to the Commission and to the County of Stanly the services of an executive officer qualified in the field of economic development who shall be subject to the direction of the Commission in implementing the purposes for which the Commission is created. The executive officer may be an employee of the Chamber of Commerce or the County of Stanly. The Commission is authorized to pay to the Chamber of Commerce, out of funds appropriated to the Commission by the Board, such amount as the Commission and the Board deem proper for the services of the executive officer and for office space, supplies, record keeping and other

necessary and proper expenses incurred in the implementation of the purposes for which the Commission is created.

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

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

**SECTION 8.** Use of Nontax Funds. – The Board is hereby authorized, in its discretion, to expend any nontax funds, regardless of the source from which the nontax funds are received, in order to implement the purposes for which the Commission is created.

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

**SECTION 10.** The purpose of this act is to consolidate certain acts concerning the Stanly County Economic Development Commission. 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 that have accrued are preserved and may be enforced.

**SECTION 11.** 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 12.** The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 141 of the 1961 Session Laws.
Chapter 706 of the 1965 Session Laws.
Chapter 355 of the 1975 Session Laws.
Chapter 237 of the 1983 Session Laws.
Chapter 185 of the 1987 Session Laws.
Chapter 928 of the 1987 Session Laws.
Chapter 595 of the 1995 Session Laws.
Sections 2 and 3 of S.L. 2009-253.
Section 3 of S.L. 2011-175.

**SECTION 13.** The terms of all members serving on the Stanly County Economic Development Commission, including members of the Stanly County Board of Commissioners, shall expire on May 31, 2017, but all appointees shall serve until their successors have been

appointed and qualified. The Stanly County Board of Commissioners shall appoint 13 members to serve on the Stanly County Economic Development Commission as provided in Section 2 of this act. The terms of the 13 members appointed by the Stanly County Board of Commissioners shall be for one and two years, as provided in Section 4 of this act, and shall begin on June 1, 2017.

**SECTION 14.** This act does not affect any rights or interests that arose under any provisions repealed by this act.

**SECTION 15.** All existing ordinances, resolutions, and other provisions of Stanly County not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

**SECTION 16.** No action or proceeding pending on the effective date of this act by or against Stanly County or any of its departments or agencies shall be abated or otherwise affected by this act.

**SECTION 17.** Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision which is superseded or recodified.

**SECTION 18.** This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# HOUSE BILL 120:
# National Guard Can Purchase From CE.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 23, 2017 |
| **Introduced by:** | Reps. McNeill, Warren, Grange, Goodman | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 120 would add National Guard members, employees, and retirees to the list of individuals eligible to purchase from Correction Enterprises.***

**CURRENT LAW:** The Section of Correction Enterprises of the Division of Adult Correction is a division of the Department of Public Safety statutorily authorized to develop and operate industrial, agricultural, and service enterprises that employ incarcerated offenders to provide them with meaningful work experiences and rehabilitative opportunities. The Section offers a wide variety of services and products to non-profit organizations; city, county, state, and federal agencies; contractors working on state funded projects within the State; and state or local government employees and retirees of the State.

G.S. 148-132 specifies the entities that may purchase products and services produced by Correction Enterprises.

**BILL ANALYSIS:** House Bill 120 would add National Guard members, employees, and retirees to the list of persons who may purchase products and services from Correction Enterprises. These persons would be verified through federal or State issued identification, or proof of retirement status.

The purchases may not exceed $2,500 per calendar year and may not be resold.

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

*Tawanda Foster, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*

*Karen Cochrane-Brown*
*Director*

H120-SMBK-70 E1 -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.*

# HOUSE BILL 120

| | | |
|---|---|---|
| Short Title: | National Guard Can Purchase From CE. | (Public) |
| Sponsors: | Representatives McNeill, Warren, Grange, and Goodman (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State Personnel | |

February 20, 2017

A BILL TO BE ENTITLED

AN ACT TO ADD NATIONAL GUARD MEMBERS, EMPLOYEES, AND RETIREES TO THE LIST OF INDIVIDUALS ELIGIBLE TO PURCHASE FROM CORRECTION ENTERPRISES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 148-132 reads as rewritten:

"**§ 148-132. Distribution of products and services.**

The Section of Correction Enterprises of the Division of Adult Correction is empowered and authorized to market and sell products and services produced by Correction Enterprises to any of the following entities:

(1) Any public agency or institution owned, managed, or controlled by the State.

(2) Any county, city, or town in this State.

(3) Any federal, state, or local public agency or institution in any other state of the union.

(4) An entity or organization that has tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code. Products purchased by an entity pursuant to this subdivision may not be resold.

(5) Any current employee or retiree of the State of North ~~Carolina~~Carolina, member, employee, or retiree of the North Carolina National Guard, or of a unit of local government of this State, verified through federal or State-issued identification, or through proof of retirement status, but purchases by a State employee or retiree, National Guard member, employee, or retiree, or local governmental employee or retiree may not exceed two thousand five hundred dollars ($2,500) during any calendar year. Products purchased by State employees or retirees, National Guard members, employees or retirees, and local governmental employees and retirees under this section may not be resold.

(6) Private contractors when the goods purchased will be used to perform work under a contract with a public agency."

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

# HOUSE BILL 25:
# Randolph County Zoning Procedure Changes.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 23, 2017 |
| **Introduced by:** | Reps. McNeill, Hurley | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | Second Edition | | |

***OVERVIEW: House Bill 25 would authorize the Planning Boards of Randolph County and the municipalities located entirely or partially therein to make the final decisions on zoning amendments.***

**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** would add 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:
  - 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.
  - 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** would add 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.

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

*Karen Cochrane-Brown*
*Director*

H25-SMBK-69 E2 -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.*

**BACKGROUND:** The following other local government planning boards, agencies, or commissions have delegated final zoning amendment decisions:

- City of Fayetteville: S.L. 1995-684
- City of Durham: S.L. 1993-264
- Cabarrus County & its various municipalities: S.L. 1993-247
- City of Gastonia: S.L. 1993-247
- Guilford County: S.L. 1985-485
- City of Greensboro: S.L. 1969-142

*Billy Godwin, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 2

# HOUSE BILL 25
**Committee Substitute Favorable 2/15/17**

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

Sponsors:

Referred to:

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 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.

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 city-initiated zoning map amendment.

(c) When a zoning map amendment is proposed, the city 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 city shall post sufficient notices to provide reasonable notice to interested persons.

(d) The city council 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. 160A-383. The city council 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 city council by providing written notice to the city manager within 15 days of the final decision. On appeal, the city council shall review the decision of the planning board de novo. The city council may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to this subsection."

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

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

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

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | May 23, 2017 |
| **Introduced by:** | Reps. Conrad, Lambeth, Terry, Hanes | **Prepared by:** | Brad Krehely<br>Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | Second Edition | | |

***OVERVIEW: House Bill 111 would allow the City of Winston-Salem to include the actual 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 act would be 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 Finance.]**

**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.
- A public officer, on their own motion, that the dwelling is unfit for 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:

- 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.
- 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



*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.*

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 statute, the cost of repairs, alterations, improvements, vacating and closing, 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:

- The lien 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.

For service of process, the complaints, notices, and orders are served personally or by registered or certified mail. If the owners' identities or location 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 must also be posted in a conspicuous place on the premises. G.S. 160A-445.

**BILL ANALYSIS:** House Bill 111 would allow the City of Winston-Salem, in cases enforcing its minimum housing ordinance, to add the actual cost of service by publication to the costs that may be a lien against the property under G.S. 160A-443(6).

**EFFECTIVE DATE:** House Bill 111 would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 2

# HOUSE BILL 111*
**Committee Substitute Favorable 3/15/17**

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.**

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160A-441 exist within a city, the governing body of the city is hereby authorized to adopt and enforce ordinances relating to dwellings within the city's territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

...

(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 of the General Statutes issued on or after that date.

Refer all back to Rules

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State & Local **Start time** 2:00 **End time** _____
**Meeting Date:** May 23, 2017 **Chair:** Tarte **Clerk:** Jan Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H 764 | **Sponsor** | McGrady |
| **Favorable** | ✓ | **Motion by** | Edwards |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen. Edwards | | |

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|---|---|---|---|
| **Bill** | H 449 | **Sponsor** | McGrady |
| **Favorable** | ✓ | **Motion by** | Edwards |
| **Unfavorable** | | **Motion by** | Curtis |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen. Edwards | | |

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|---|---|---|---|
| **Bill** | H 420 | **Sponsor** | ~~Bert James~~ Rep. Hall |
| **Favorable** | ✓ | **Motion by** | Curtis Foushee |
| **Unfavorable** | | **Motion by** | Curtis |
| **Amended** | ✓ | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Curtis | | |

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|---|---|---|---|
| **Bill** | H 151 | **Sponsor** | ~~Bert~~ |
| **Favorable** | ✓ | **Motion by** | ~~Curtis~~ Foushee motion to amend |
| **Unfavorable** | | **Motion by** | |
| **Amended** | ✓ | **Motion by** | Sanderson McInnis amendment |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | McInnis | | |

rolled into PCS

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State + Local **Start time** 2:00 **End time** _____
**Meeting Date:** May 23, 2017 **Chair:** Tarte **Clerk:** Jan Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H 120 | **Sponsor** | McNeill |
| **Favorable** | ✓ | **Motion by** | Sen. Britt |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen. Gunn | | |

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|---|---|---|---|
| **Bill** | H 25 | **Sponsor** | McNeill |
| **Favorable** | ✓ | **Motion by** | McInnis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen. Tillman | | |

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|---|---|---|---|
| **Bill** | H 111 ✓ | **Sponsor** | ~~Conrad~~ Sen Lowe |
| **Favorable** | | **Motion by** | ~~Sen. Alexander~~ |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen. Lowe | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# VISITOR REGISTRATION SHEET

**SENATE STATE & LOCAL GOV.**
**(Committee Name)**

May 23, 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Hector Pharr | — |
| Donna Clark | UNC |
| Zoe Schuh | — |
| Samantha Grimm | UNC |
| Rachel Dixon | Smith Anderson |
| LTC Troy Howard | NCNG |
| Phoebe Landon | MLJC |
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# VISITOR REGISTRATION SHEET

**SENATE STATE & LOCAL GOV.**
**(Committee Name)**

May 23, 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| CADY Thomas | FOCUS |
| KEVIN AUSTIN | NCACC |
| Johanna Reese | NCACC |
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09-21-201

# VISITOR REGISTRATION SHEET

(Committee Name)

Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Maureen Krueger | DA-MAPE |
| Holly Bouick | 30th Jud. District |
| ASHLEY WELCH | DA - 30th District |
| Barbara Mone | NC AOC |
| Melissa Boughton | NC Policy Watch |
| Kim Quintes | NC DPS, Juvenile Justice |
| William Lassiter | NC DPS |
| CATHERINE L ANDERSON | NC DPS |
| Yancey Warrington | Cde Danville Co. |
| Michael Bell | CSC - Johnston County |
| Christopher Chavis | citizen (919) 755-9363 |
| Peg Dorn | Cent of Dts |
| Patrick Blagrove | CJPC |
| JESSICA TURNER | ACLU of NC |
| Kristin Parker | DLAC |
| KM Anderson | ACLU-NC |
| Matthew Herr | DLNC |

09-22-2012

# VISITOR REGISTRATION SHEET

SENATE STATE & LOCAL GOV

(Committee Name)

5/23/17

Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Lara Ide | DPS |
| Brad Salmon | DPS |
| Andy Brandon | NCDPS |
| Karen Brown | DPS Correction Enterprises |
| Reshe Fortson | SEANC |
| Flint Benson | SEANC |
| Dail Collins | SEANC |
| B. Borsuk | Rep. J. Burr |
| Sarah Woolpe | UNC |
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# Senate Pages Attending

**COMMITTEE:** State & local Gov't **ROOM:** 423 LOB

**DATE:** 5-23 **TIME:** 2 PM

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

| | Page Name | Hometown | Sponsoring Senator |
|---|---|---|---|
| 1. | Alex Ballou | Raleigh | McKissick |
| 2. | ~~[illegible]~~ | ~~[illegible]~~ | ~~[illegible]~~ |
| 3. | Korbin Cummings | Charlotte | Waddell |
| 4. | ~~[illegible]~~ | ~~[illegible]~~ | ~~[illegible]~~ |
| 5. | Jonathan Haycox | Huntersville | Tarte |
| 6. | Luke Richardson | Charlotte | Tarte |
| 7. | Andrew Faircloth | Huntersville | Tarte |
| 8. | | | |

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

5/23/17
(DATE)

SENATE COMMITTE ON STATE AND LOCAL GOVERNMENT
(COMMITTEE)

SENATE SERGEANT-AT-ARMS

HAL ROACH

ARCHIE SMITH

GILES Jeffreys

KROGER

HOUSE SERGEANT-AT-ARMS

Principal Clerk _____
Reading Clerk _____

**Corrected #2: Bills Added**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | June 6, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 154 | Gastonia Charter Revisions. | Representative Bumgardner |
| HB 245 | Amend W-S Charter/Certain Candidates. | Representative Conrad<br>Representative Terry<br>Representative Lambeth<br>Representative Hanes |
| HB 268 | City of Belmont Charter Revisions. | Representative Bumgardner |
| HB 559 | Outdoor Heritage Enhanced. | Representative Millis<br>Representative J. Bell |
| HB 55 | Apex/Cary/Police Assistance on School Grounds. | Representative Adcock<br>Representative Williams<br>Representative Dollar<br>Representative Duane Hall |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk
Reading Clerk

**Corrected #1: Bills Added**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

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| HB 245 | Amend W-S Charter/Certain Candidates. | Representative Conrad<br>Representative Terry<br>Representative Lambeth<br>Representative Hanes |
| HB 268 | City of Belmont Charter Revisions. | Representative Bumgardner |
| HB 559 | Outdoor Heritage Enhanced. | Representative Millis<br>Representative J. Bell |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk ____
Reading Clerk ____

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | June 6, 2017 | 2:00 PM | 423 LOB |

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, June 6, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 154 | Gastonia Charter Revisions. | Representative Bumgardner |
| HB 245 | Amend W-S Charter/Certain Candidates. | Representative Conrad<br>Representative Terry<br>Representative Lambeth<br>Representative Hanes |
| HB 268 | City of Belmont Charter Revisions. | Representative Bumgardner |
| HB 559 | Outdoor Heritage Enhanced. | Representative Millis<br>Representative J. Bell |
| HB 55 | Apex/Cary/Police Assistance on School Grounds. | Representative Adcock<br>Representative Williams<br>Representative Dollar<br>Representative Duane Hall |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, June 6, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on June 6, 2017 in Room 423 of the Legislative Office Building. 14 members were present.

Senator John Alexander presided.

**HB 154 Gastonia Charter Revisions. (Representative Bumgardner)**
There was no discussion regarding this bill. It was reported Favorable.

**HB 245 Amend W-S Charter/Certain Candidates. (Representatives Conrad, Terry, Lambeth, Hanes)**
There was no discussion regarding this bill. It was reported Favorable.

**HB 268 City of Belmont Charter Revisions. (Representative Bumgardner)**
Senator Tarte introduced an amendment to this bill and it was adopted. Senator Tarte asked for further explanation of this bill, regarding its relevance. It was reported Unfavorable as to the Bill, but Favorable as to the Senate Committee Substitute Bill.

**HB 559 Outdoor Heritage Enhanced. (Representatives Millis, J. Bell)**
Senator Alexander passed the Chair to Senator Tarte in order to present this bill. Senator Alexander then introduced an amendment which passed. Senator Rabin asked a question about the terminology "accessory structure" in the bill. Senator Curtis asked the reasoning behind private residences being removed from protected space. Senator Sanderson asked if the churches had given their approval, and a followup regarding the specifics of migratory bird hunting. Gordon Myers, Director of the NC Wildlife Resources Commission, was introduced to answer. Senator Rabin asked about pushing the boundary back to 750 yards, instead of 500 yards, to further protect from noise abatement. Senator McInnis commented to voice his support for this bill. Senator Edwards asked specifically what could now be hunted that could not before. Senator Sanderson voiced his gratefulness for the opt out being included in the bill. Ultimately, the bill was reported Unfavorable as to Committee Substitute Bill No. 1, but Favorable as to the Senate Committee Substitute Bill.

**HB 55 Apex/Cary/Police Assistance on School Grounds. (Representatives Adcock, Williams, Dollar, Duane Hall)**
There was no discussion regarding this bill. It was reported Favorable.

The meeting adjourned at 2:25 pm.

Senator John M. Alexander, Jr., Presiding Chair

Perry Wester

Perry Wester, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 06, 2017

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

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

HB **268** City of Belmont Charter Revisions.

| | |
|---|---|
| Draft Number: | H268-PCS40591-RNx-18 |
| Sequential Referral: | Finance |
| Recommended Referral: | None |
| Long Title Amended: | No |

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

HB **559** **(CS#1)** Outdoor Heritage Enhanced.

| | |
|---|---|
| Draft Number: | H559-PCS10367-TY-21 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 2

Senator Kathy Harrington will handle HB 268
Senator John M. Alexander, Jr. will handle HB 559



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 06, 2017

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

**FAVORABLE**

HB **55** Apex/Cary/Police Assistance on School Grounds.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **154** Gastonia Charter Revisions.
Draft Number: None
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

HB **245** **(CS#1)** Amend W-S Charter/Certain Candidates.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Senator Tamara Barringer will handle HB 55
Senator Kathy Harrington will handle HB 154
Senator Paul A. Lowe, Jr. will handle HB 245



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017



# HOUSE BILL 154

| | | |
|---|---|---|
| Short Title: | Gastonia Charter Revisions. | (Local) |
| Sponsors: | Representative Bumgardner.<br>*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

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

"Sec. 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 the Mayor's absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Council.

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

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

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

"ARTICLE III. ELECTIONS.

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

"Sec. 3.2. **Election of Council.** All Council members elected shall serve for terms of four years as elected in staggered biennial elections. 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. Each Council member shall be a resident of the ward he or she represents.

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION, CITY MANAGER.

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

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

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

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

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

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

"ARTICLE V. OTHER OFFICES AND POSITIONS.

"Sec. 5.1. **City Attorney.** The Council shall appoint a City Attorney licensed to practice law in North Carolina. It is 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. The Council may appoint or provide for one or more associate or assistant city attorneys who shall receive such compensation as may be fixed by the Council and who shall have full authority to exercise and perform any of the powers and duties of the City Attorney that may be specified by the Council or the City Attorney.

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

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

"Sec. 5.4. **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 VI. PUBLIC IMPROVEMENTS.

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

"ARTICLE VII. HOUSING MATTERS.

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

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

"ARTICLE VIII. MISCELLANEOUS PROVISIONS.

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

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

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

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

**SECTION 2.** The purpose of this act is to revise the Charter of the City of Gastonia 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 that have accrued are preserved and may be enforced.

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

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

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

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

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

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

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

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

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

# HOUSE BILL 154:
# Gastonia Charter Revisions.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 5, 2017 |
| **Introduced by:** | Rep. Bumgardner | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***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 – repeals several sections that previously set out a unique procedure for assessing, waiving, and providing exemptions for special assessments. The assessment procedure in Article 10 of Chapter 160A of the General Statutes will now apply to Gastonia.
- Section 7.2 – sets out in the Charter the language from S.L. 1995-320, existing law applicable to Gastonia concerning designation of a rental property owner's agent for service of process.
- Article 8 – repeals two obsolete sections concerning two previously abolished City employee retirement funds.
- 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.

*Staff Attorneys Giles Perry and Trina Griffin, substantially contributed to this summary.*

*Karen Cochrane-Brown*
*Director*

H154-SMBD-SO-E1-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 2

# HOUSE BILL 245*
## Committee Substitute Favorable 3/29/17

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. The~~Any candidate seeking nomination by petition for municipal office shall comply with the requirements of Article 11 of Chapter 163 of the General Statutes, provided the Forsyth County board of elections may prescribe rules and regulations ~~covering~~ governing the following:

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

(2) 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*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 6, 2017 |
| **Introduced by:** | Reps. Conrad, Terry, Lambeth, Hanes | **Prepared by:** | Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | Second Edition | | |

***OVERVIEW: House Bill 245 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 S181, as introduced by Sen. Lowe, which is currently in House State and Local Government I.]**

**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:** 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*

H245-SMBK-75 E2 -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.*

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.

# HOUSE BILL 268

| | | |
|---|---|---|
| Short Title: | City of Belmont Charter Revisions. | (Local) |
| Sponsors: | Representative Bumgardner.<br>*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

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

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

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

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

"ARTICLE III. ELECTIONS.

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

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

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

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

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

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

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 268**

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

H268-ARN-23 [v.1]



Amends Title [NO]
First Edition

Date _____, 2017

Senator Tarte

moves to amend the bill on page 3, lines 43-44, by inserting the following between those lines:
"Chapter 125 of the 1947 Session Laws".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 268**

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

H268-ARN-23 [v.1]



Amends Title [NO]
First Edition

Date _____,2017

Senator _____

moves to amend the bill on page 3, lines 43-44, by inserting the following between those lines:
"Chapter 125 of the 1947 Session Laws".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 5, 2017 |
| **Introduced by:** | Rep. Bumgardner | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW: House Bill 268 would revise and consolidate the Charter of the City of Belmont.***

**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 would revise and consolidate the Charter of the City of Belmont.

Specifically, the Bill would:

- Repeal the initial Charter, and replace it with standard modern Charter provisions setting out the City's basic powers and name.
- Repeal street and sidewalk improvement and assessment Charter provisions unique to Belmont, substituting general State law.
- Repeal a force account limit in the Charter, substituting general State law.
- Repeal unique Charter provisions concerning implementation of the council-manager form of government.
- Incorporate 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.
- Repeal local acts on elections, police authority, and boxing that have been superseded by State law.
- Repeal obsolete local acts describing the City's boundaries.

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

*Giles Perry and Greg Roney, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*

*Karen Cochrane-Brown*
*Director*

H268-SMRJ-48-E1-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.*

# HOUSE BILL 559*
**Committee Substitute Favorable 4/24/17**

Short Title: Outdoor Heritage Enhanced. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE USE OF FIREARMS FOR HUNTING OF WILD ANIMALS AND UPLAND GAME BIRDS ON SUNDAY AND TO ALLOW HUNTING OF MIGRATORY BIRDS ON SUNDAY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 103-2 reads as rewritten:

"**§ 103-2. Method of take when hunting on Sunday.**

(a) Any landowner or member of the landowner's family, or any person with written permission from the landowner, ~~may~~ may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on the landowner's property, except that all of the following limitations apply:

~~(1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).~~

~~(2) Hunting of migratory birds on Sunday is prohibited.~~

(3) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(4) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence not owned by the landowner, is prohibited.

~~(5) Hunting on Sunday in a county having a population greater than 700,000 people is prohibited.~~

(a1) Any person may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on public lands of the State managed for hunting, except that the following limitations apply:

(1) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(2) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence, is prohibited.

(a2) The hunting of migratory birds on Sunday is prohibited unless authorized by proclamation or rules of the Wildlife Resources Commission, subject to the following limitation. The Wildlife Resources Commission shall not authorize hunting of migratory birds on Sunday prior to March 1, 2018.

(1) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence, is prohibited.

(b) A person who hunts on Sunday in a manner prohibited under ~~subsection (a) of~~ this section or rules adopted by the Wildlife Resources Commission shall be guilty of a Class 3

misdemeanor. Provided, that the provisions of this section are not applicable to military reservations, the jurisdiction of which is exclusively in the federal government, to field trials authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's property. Wildlife protectors are granted authority to enforce the provisions of this section."

**SECTION 2.** The Wildlife Resources Commission shall complete a study that includes, but is not limited to, examining biological and resource management impacts, economic impacts, and social impacts associated with hunting migratory birds on Sunday. The Wildlife Resources Commission shall submit its findings to the Speaker of the House, President Pro-Tempore of the Senate, and the chair or chairs of the House Committee on Wildlife Resources no later than March 1, 2018.

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-28 [v.2]



Amends Title [NO]
Second Edition

Date _____,2017

Senator Alexander

moves to amend the bill on page 1, lines 17-19 by rewriting the lines to read:

"(4) Hunting on Sunday within 500 yards of a place of worship in existence on or before June 1, 2017, or any accessory structure thereof, ~~or within 500 yards of a residence not owned by the landowner,~~ is prohibited.";

and on page 1, lines 27-28 by rewriting the lines to read:

"(2) Hunting on Sunday within 500 yards of a place of worship in existence on or before June 1, 2017, or any accessory structure thereof, is prohibited.";

and on page 1, lines 31-34 by rewriting the lines to read:

"limitations:

(1) The Wildlife Resources Commission shall not authorize hunting of migratory birds on Sunday prior to March 1, 2018.

(2) Hunting on Sunday within 500 yards of a place of worship in existence on or before June 1, 2017, or any accessory structure thereof, is prohibited.";

and on page 2, lines 4-5 by inserting the following between the lines:

"**SECTION 2.** Section 5.(c) of S.L. 2015-144 reads as rewritten:

"**SECTION 5.(c)** Subsection (b) of this section becomes effective October 1, ~~2017.~~ 2020. A county may adopt an ordinance to prohibit Sunday hunting prior to October 1, ~~2017,~~2020, but any such ordinance shall not become effective until October 1, ~~2017.~~2020. The remainder of this section becomes effective October 1, 2015."";

and on page 2, line 5 by deleting "**SECTION 2.**" and inserting "**SECTION 3.**";

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-28 [v.2]



and on page 2, line 11 by deleting "**SECTION 3.**" and inserting "**SECTION 4.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-28 [v.2]



Amends Title [NO]
Second Edition

Date _____,2017

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moves to amend the bill on page 1, lines 17-19 by rewriting the lines to read:

"(4) Hunting on Sunday within 500 yards of a place of worship in existence on or before June 1, 2017, or any accessory structure thereof, ~~or within 500 yards of a residence not owned by the landowner,~~ is prohibited.";

and on page 1, lines 27-28 by rewriting the lines to read:

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and on page 1, lines 31-34 by rewriting the lines to read:

"limitations:

(1) The Wildlife Resources Commission shall not authorize hunting of migratory birds on Sunday prior to March 1, 2018.

(2) Hunting on Sunday within 500 yards of a place of worship in existence on or before June 1, 2017, or any accessory structure thereof, is prohibited.";

and on page 2, lines 4-5 by inserting the following between the lines:

"**SECTION 2.** Section 5.(c) of S.L. 2015-144 reads as rewritten:

"**SECTION 5.(c)** Subsection (b) of this section becomes effective October 1, ~~2017.~~ 2020. A county may adopt an ordinance to prohibit Sunday hunting prior to October 1, ~~2017,~~2020, but any such ordinance shall not become effective until October 1, ~~2017.~~2020. The remainder of this section becomes effective October 1, 2015."";

and on page 2, line 5 by deleting "**SECTION 2.**" and inserting "**SECTION 3.**";

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-28 [v.2]



and on page 2, line 11 by deleting "**SECTION 3.**" and inserting "**SECTION 4.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# HOUSE BILL 559:
# Outdoor Heritage Enhanced.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | | **Date:** | April 25, 2017 |
| **Introduced by:** | Reps. Millis, J. Bell | **Prepared by:** | Augustus D. Willis |
| **Analysis of:** | Second Edition | | Committee Counsel |

***OVERVIEW:*** ***House Bill 559 would expand Sunday hunting with firearms by removing certain restrictions on Sunday hunting on private land, allowing Sunday hunting on game lands, and allowing the hunting of migratory birds on Sunday, all subject to rules adopted by the Wildlife Resources Commission.***

**[As introduced, this bill was identical to S624, as introduced by Sens. Alexander, McInnis, Britt, which is currently in Senate Rules and Operations of the Senate.]**

**CURRENT LAW:** Currently, hunting with the use of firearms on Sundays is limited to private property in counties with 700,000 people or fewer, and subject to the following prohibitions on:

- The use of firearms to hunt between 9:30 A.M. and 12:30 P.M., except on licensed controlled hunting preserves.
- Hunting migratory birds.
- Use of firearms to hunt deer chased by dogs.
- Hunting within 500 yards of a place of worship or a residence not owned by the landowner.

Violations are punished as Class 3 misdemeanors.

**BILL ANALYSIS:**

Section 1 would remove the restrictions on hunting with the use of firearms on private land to allow hunting of wild animals and upland game birds in all counties, at any time, except for within 500 yards of a place of worship or residence not owned by the landowner, which would remain prohibited. Using dogs to hunt deer with the use of firearms would remain unlawful on Sundays.

The bill would also allow for the hunting of wild animals and upland game birds on public lands of the State that are managed for hunting, subject to the restrictions prohibiting the use of firearms to hunt deer chased by dogs and prohibiting the use of firearms to hunt within 500 yards of a place of worship or residence.

The bill would expressly prohibit the hunting of migratory birds on Sunday unless authorized by proclamation or rules of the Wildlife Resource Commission, however the WRC would not be able to authorize the hunting of migratory birds on Sunday prior to March 1, 2018. The prohibition on hunting within 500 yards of a place of worship or residence would apply to the hunting of migratory birds on Sunday if authorized by the WRC.

*Karen Cochrane-Brown*
*Director*

H559-SMTY-48-E2-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.*

Hunting permitted within each of these provisions would all be subject to rules adopted by the Wildlife Resources Commission (WRC) and violations would remain Class 3 misdemeanors.

Section 2 would require WRC to complete a study that includes the examination of biological and resource management impacts, economic impacts, and social impacts associated with the hunting of migratory birds on Sunday. The findings of this study would have to be submitted to the Speaker of the House, President Pro-Tem of the Senate, and the chairs of the House Committee on Wildlife Resources by March 1, 2018.

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

# HOUSE BILL 55

| | | |
|---|---|---|
| Short Title: | Apex/Cary/Police Assistance on School Grounds. | (Local) |
| Sponsors: | Representatives Adcock, Williams, Dollar, and Duane Hall (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II | |

February 8, 2017

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE POLICE DEPARTMENT OF THE TOWN OF APEX TO PROVIDE LAW ENFORCEMENT ASSISTANCE TO THE POLICE DEPARTMENT OF THE TOWN OF CARY ON THE GROUNDS OF THE TEMPORARY APEX HIGH SCHOOL IN CARY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 13 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"**§ 160A-288.2A. Municipalities have concurrent jurisdiction on public school property.**

Notwithstanding any other provision of law, the chief of police of a municipality may provide assistance to another municipal police department located in an adjacent municipality in enforcing the laws of North Carolina on property owned by the county board of education in accordance with rules, policies, or guidelines officially adopted by the governing body of the municipality providing assistance and subject to any conditions or restrictions included in those rules, polices, or guidelines. The assistance may comprise allowing officers of the assisting police department to work in the adjacent police department's jurisdiction and lending equipment and supplies. While working under the authority of this section, an officer shall have the same jurisdiction, powers, rights, privileges, and immunities, including those relating to the defense of civil actions and the payment of judgments, as the officers of the adjacent police department in addition to those the officer normally possesses. While on duty with the adjacent police department as authorized by this section, the officer shall be subject to the lawful operational commands of the superior officers of the assisting police department and shall for personnel and administrative purposes remain under the control of the assisting police department, including for purposes of pay. The officer shall be entitled to workers' compensation and the same benefits when acting pursuant to this section to the same extent as though the officer was functioning within the normal scope of his or her duties. Nothing in this section shall be interpreted as reducing the jurisdiction or authority of State law enforcement officers."

**SECTION 2.** This act applies to the Towns of Apex and Cary only.

**SECTION 3.** This act is effective when it becomes law and expires July 1, 2020.

# HOUSE BILL 55:
# Apex/Cary/Police Assistance on School Grounds.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House State and Local Government II | **Date:** | March 8, 2017 |
| **Introduced by:** | Reps. Adcock, Williams, Dollar, Duane Hall | **Prepared by:** | Nicholas Giddings |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW:*** ***House Bill 55 temporarily extends the jurisdictional limits of the Apex Police Department into Cary, allowing the Apex Police Department to have jurisdiction over Apex High School, which will be temporarily located in Cary. This bill applies to Cary and Apex only and will sunset on July 1, 2020. This bill is supported by the Towns of Apex and Cary.***[1]

**CURRENT LAW/BACKGROUND:** Law enforcement agencies in North Carolina may temporarily provide assistance to other agencies when requested in writing by the other agency.[2] Without a written request from the agency seeking assistance, law enforcement agencies have limited authority to assist in law enforcement matters of other jurisdictions.

At the conclusion of the 2016-2017 school year, the Wake County Public School System will begin a project to rebuild Apex High School. Apex High School will be temporarily moved to 7612 Roberts Road in Cary for a two year period during this rebuilding process. Once the rebuild is completed, Apex High School will relocate back to its original location and the Cary location will become Green Level High School.

The Town of Cary has a contract with the Wake County Public School System to staff each high school in its jurisdiction with a School Resource Officer. The Town of Apex also wishes to provide a School Resource Officer at the temporary location for Apex High School from its police department and continue to provide law enforcement services to the high school.

**BILL ANALYSIS:** House Bill 55 would create G.S. 160A-288.2A, which would apply to the Towns of Apex and Cary only. The bill would provide the Apex Police Department authority to assist in law enforcement matters at Apex High School while it is temporarily located in Cary. Any officers from Apex working in Cary will have the same powers and immunities afforded to officers in Apex and Cary. Officers from Apex will be under the command of, and paid by, the Apex Police Department. Further, the officers from Apex will be afforded benefits, such as worker's compensation, as normal. Lastly, nothing in the bill reduces the jurisdiction or authority of State law enforcement officers.

**EFFECTIVE DATE:** Effective when law. Expires July 1, 2020.

[1] http://www.apexnc.org/DocumentCenter/View/15362.
[2] See G.S. 160A-288.

*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.*

2:02 → 2:25

1/2

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Gov
**Meeting Date:** 6/6/17 **Chair:** Alexander **Clerk:** Penny Wester

## ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | HB 154 | **Sponsor** | Rep. Bumgardner |
| **Favorable** | ~~✓~~ ✓ | **Motion by** | ~~Rabin~~ McInnis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | ~~Rep B~~ | | |

Harrington

**********

| | | | |
|---|---|---|---|
| **Bill** | HB 245 | **Sponsor** | Rep. Conrad |
| **Favorable** | ✓ | **Motion by** | Fushee |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Lowe | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | HB 268 | **Sponsor** | Rep. Bumgardner |
| **Favorable** | ✓ | **Motion by** | Rabin |
| **Unfavorable** | | **Motion by** | ~~Tarte~~ |
| **Amended** | ✓ | **Motion by** | Tarte |
| **Comm. Sub.** | ✓ | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Fin | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

PCS ↓

Harrington

**********

| | | | |
|---|---|---|---|
| **Bill** | HB 559 | **Sponsor** | Rep. Millis |
| **Favorable** | ✓ | **Motion by** | ~~Woodard~~ McInnis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | ✓ | **Motion by** | Alexander |
| **Comm. Sub.** | ✓ | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Alexander | | |

PCS ↑

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Gov.
**Meeting Date:** 6/6/17 **Chair:** Alexander **Clerk:** Penny Wester

## ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | HB55 | **Sponsor** | Rep. Adcock |
| **Favorable** | ✓ | **Motion by** | Woodard |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Barringer | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

# Senate Committee on

# State and Local Government

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## June 6, 2017

## Room 423/424 LOB

## 2:00 PM

## Senate Sergeant at Arms:

**Terry Edmondson**

**John Enloe**

**Charles Marsalis**

# Senate Pages Attending

**COMMITTEE:** State & Local Govt **ROOM:** 423

**DATE:** 6-6 **TIME:** 2 pm

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

| | Page Name | Hometown | Sponsoring Senator |
|---|---|---|---|
| 1. | John Bailey | Raleigh | Berger |
| 2. | Macy Magan | Wilmington | Lee |
| 3. | Aydlett Gwyn | Raleigh | Alexander |
| 4. | Morgan Pirozzi | Cary | Barringer |
| 5. | Madelyn Robertson | Hickory | Wells |
| 6. | Carson Mendenhall | Franklinton | Barefoot |
| 7. | Oskar Olszewski | Asheville | Van Duyn |
| 8. | | | |

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

## Senate Committee on State and Local Government

## June 6, 2017 – Room 423/424 LOB – 2:00 PM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Austin Burke | Sen. Tarte's office |
| Samantha Grimm | Sen Foushee's office |
| Sarah Wolfe | NWF |
| Chris Broughton | NWC |
| Joe McClees | McClees Consulting, Inc |
| Kevin McClees | McClees Consulting, Inc |
| Robb Jansen | SBE/DPI |
| David Cobb | NCWRC |
| Greg Ladermann | Rep Hall |
| Bryce Dickinson | Cell Phone |
| | |
| CHRIS DILLON | AARE |
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## Senate Committee on State and Local Government

## June 6, 2017 – Room 423/424 LOB – 2:00 PM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| ANTHONY NOVELLETTE | NRA |
| JEFF PATTERSON | SCI |
| TREVOR SANTOS | NSSF |
| Carson Williams | DWF |
| Chris Williams | Delta Waterfowl Foundation |
| [illegible] | KTS |
| [illegible] | WRC |
| Gordon Myers | WRC |
| Kyle Briggs | WRC |
| JOHN CULCLASURE | CONGRESSIONAL SPORTSMENS FOUND |
| Amanda Donovan | KTS |
| Hopton Billips | KTS |
| Dennis Allen | NCRPA |
| Cassie Gavin | Sierra Club |
| Rev. MARK CREECH | CAL |
| Jere Royall | NCFPC |
| | |
| | |

Principal Clerk
Reading Clerk

**Corrected #1: REMOVE HB 436**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | June 13, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 415 | Hatteras Village Community Center District. | Representative Boswell |
| HB 740 | SAR Rename/Disputed County Boundaries/Mapping. | Representative McNeill<br>Representative R. Turner |
| SB 269 | Durham Speed Device Pilot/School Zones. | Senator McKissick |

Senator Rabin will chair.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

Principal Clerk
Reading Clerk

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | June 13, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 415 | Hatteras Village Community Center District. | Representative Boswell |
| HB 436 | Local Government/Regulatory Fees. | Representative Stevens |
| HB 740 | SAR Rename/Disputed County Boundaries/Mapping. | Representative McNeill<br>Representative R. Turner |
| SB 269 | Durham Speed Device Pilot/School Zones. | Senator McKissick |

Senator Rabin will chair.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, June 13, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 415 | Hatteras Village Community Center District. | Representative Boswell |
| HB 740 | SAR Rename/Disputed County Boundaries/Mapping. | Representative McNeill<br>Representative R. Turner |
| SB 269 | Durham Speed Device Pilot/School Zones. | Senator McKissick |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, June 13, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:04 PM on June 13, 2017 in Room 423 of the Legislative Office Building. 13 members were present.

Senator Ronald J. Rabin, Chair, presided.

**HB 415 Hatteras Village Community Center District. (Representative Boswell) Representative Boswell explained the bill. Senator Woodard motioned for a favorable report. The motion was approved unanimously.**

**HB 740 SAR Rename/Disputed County Boundaries/Mapping. (Representatives McNeill, R. Turner) Representative McNeill explained the bill. Senator Sanderson introduced an amendment to the bill. Senator Woodard motioned for a favorable report. The motion was approved unanimously.**

**SB 269 Durham Speed Device Pilot/School Zones. (Senator McKissick) Senator McKissick explained the bill. Senator Woodard introduced an amendment to the bill. Senator Alexander motioned for a favorable report. The motion was approved unanimously.**

The meeting adjourned at 2:40 PM.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

# HOUSE BILL 415:
# Hatteras Village Community Center District.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 13, 2017 |
| **Introduced by:** | Rep. Boswell | **Prepared by:** | Jessica Sammons<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW:*** ***House Bill 415 would authorize the Dare County Board of Commissioners to call an election for the voters of Hatteras Village to decide whether part of the property tax revenue imposed on property in the Hatteras Village Community Center District may be used for the construction and maintenance of multiuse pathways around the Village.***

**[As introduced, this bill was identical to S282, as introduced by Sen. Cook, which is currently in Senate Finance.]**

**CURRENT LAW:** The Hatteras Village Community Center District is a special district[1] created by the General Assembly to establish, operate, and maintain the community center in Hatteras Village for the use and benefit of all the residents of the district. Chapter 212 of the 1981 Session provided for an election to be held on the question of establishing the district and the imposition of a property tax in the district for the purpose of maintaining and operating the Hatteras Community Center. The tax rate is set by the Board of County Commissioners of Dare County and cannot exceed 15 cents on every $100 of property value. The powers and duties of the District are limited to the establishment, operation, and maintenance of the community center.

**BILL ANALYSIS:** House Bill 415 would provide for an election in the Hatteras Village Community Center District to submit the single question of expanding the uses of the property tax revenue to include funding the construction and maintenance of multiuse pathways around Hatteras Village. House Bill 415 would not change the maximum tax rate that may be imposed.

In accordance with G.S. 163-287, the Board of Elections of Dare County would set the date for this special election to be conducted; however, the election must be held at the same time as a general election, a primary election in any even-numbered year, or any election requiring all the precincts in the county to be open. Therefore, the next point at which this issue can be voted on will be in 2018.

If a majority of the voters vote in favor of this use of the property tax revenue, local session law establishing the District would be amended to expand the powers of the District to fund the construction and maintenance of multiuse pathways and to allow the use of the property tax revenue for this purpose.

[1] The district is a special district established under Article VII of the North Carolina Constitution. Examples of other special districts include Duck District and Outer Banks District in Dare County; Currituck Outer Banks District and Coinjock Canals District in Currituck County; and Poplar Tent District in Cabarrus County.

*Karen Cochrane-Brown*
*Director*

H415-SMBK-76 E1 -V-7

*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.*

**EFFECTIVE DATE:** House Bill 415 would be effective when it becomes law.

**BACKGROUND:** The Dare County Board of Commissioners passed a Resolution on March 6, 2017 supporting this legislation.

*Greg Roney and Cindy Avrette, Staff Attorneys in the Legislative Analysis Division, substantially contributed to this summary.*

# HOUSE BILL 415*

| | | |
|---|---|---|
| Short Title: | Hatteras Village Community Center District. | (Local) |
| Sponsors: | Representative Boswell.<br>*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 22, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR AN ELECTION IN THE VILLAGE OF HATTERAS ON THE QUESTION OF ALLOWING THE HATTERAS VILLAGE COMMUNITY CENTER DISTRICT TO EXPAND THE USES OF AD VALOREM TAX FUNDS COLLECTED BY THE COUNTY ON BEHALF OF THE DISTRICT FOR THE CONSTRUCTION AND MAINTENANCE OF MULTIUSE PATHWAYS AROUND THE VILLAGE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Board of County Commissioners of Dare County is hereby authorized to call an election to be conducted by the Board of Elections of Dare County in Hatteras voting precinct as described in this subsection for the purpose of submitting to the voters therein the single issue of authorizing the Hatteras Village Community Center District to expand the uses of the ad valorem tax authorized in Chapter 212 of the Session Laws of 1981 to include funding the construction and maintenance of multiuse pathways around the village of Hatteras.

The area of the district is more specifically described as follows: All of the Hatteras Voting Precinct bounded on the west by Hyde County, on the north by Avon Voting Precinct, on the east by Frisco Voting Precinct, and on the south by the Atlantic Ocean, all as shown on the map in the office of the Board of Elections of Dare County, North Carolina, entitled "ELECTION PRECINCT BOUNDARIES – DARE COUNTY" dated July 13, 1978, signed by Orman L. Mann, Chairman, Dare County Board of Elections, which said map is incorporated herein by reference.

**SECTION 1.(b)** The election provided for in this section shall be conducted in accordance with Chapter 163 of the General Statutes. The Board of Elections of Dare County shall determine and declare the results of the election and certify the same to the Board of County Commissioners of Dare County, and the same shall thereupon be spread upon the minutes of the Board.

**SECTION 1.(c)** The ballot shall contain the date of the election, the words "Hatteras Village", and shall further be in the following form:

"[ ] FOR allowing the Hatteras Village Community Center District to expand the uses of the ad valorem tax authorized in Chapter 212 of the Session Laws of 1981 to include funding the construction and maintenance of multiuse pathways around the village of Hatteras."

"[ ] AGAINST allowing the Hatteras Village Community Center District to expand the uses of the ad valorem tax authorized in Chapter 212 of the

Session Laws of 1981 to include funding the construction and maintenance of multiuse pathways around the village of Hatteras."

The ballot shall contain the facsimile signature of the Chairman of the Board of Elections of Dare County.

**SECTION 1.(d)** If a majority of the qualified voters voting at the election shall vote in favor of allowing the Hatteras Village Community Center District to expand the uses of the ad valorem tax to include funding the construction and maintenance of multiuse pathways around the village of Hatteras, the Board of County Commissioners of Dare County shall, upon receipt of the certified copy of the results of the election from the Board of Elections, adopt a resolution to that effect and shall file a copy of the resolution with the Clerk of the Superior Court of Dare County.

**SECTION 2.(a)** Sections 4 and 5 of Chapter 212 of the Session Laws of 1981 read as rewritten:

"**Sec. 4.** If a majority of the qualified voters voting at said election shall vote in favor of creating the Hatteras Village Community Center District and the levying of a tax as aforesaid for the operation, maintenance and repair of a community center building, as provided by this act, the Board of County Commissioners of Dare County shall upon receipt of the certified copy of the results of said election from the Board of Elections adopt a resolution creating the Hatteras Township Community Center District, and shall file a copy of the said resolution so adopted with the Clerk of the Superior Court of Dare County. Upon creation and establishment of the Hatteras Village Community Center District, the Board of County Commissioners of Dare County be and it is hereby authorized and directed to levy and collect an ad valorem tax on all taxable property in said district in such amount as it may deem necessary, not exceeding fifteen cents (15c) on each one hundred dollar ($100.00) taxable valuation of property in said district from year to year, and shall cause the same to be kept in a separate and special fund, to be used only for the maintenance, operation and repair of a community center within said ~~district,~~district and for the construction and maintenance of multiuse pathways around the village of Hatteras, as provided by Section 5 of this act.

"**Sec. 5.** The Hatteras Village Community Center District shall constitute a political subdivision of the State of North Carolina, and shall be a body corporate and politic, exercising public power. The Hatteras Village Community Center District is authorized to establish, operate and maintain the community center for the use and benefit of all the residents of the district by: providing suitable facilities for public meetings; for public agencies providing services to the public; providing recreational park and playground facilities; providing facilities for meetings of civic and fraternal organizations; and providing facilities for the general use of residents of the district in all matters relating to the improvement of the general health and welfare of said district and all matters of community interest. The Hatteras Village Community Center District is also authorized to fund the construction and maintenance of multiuse pathways around the village of Hatteras.

The district and its governing body shall have the following powers:

...

(7) To fund the construction and maintenance of multiuse pathways around the village of Hatteras."

**SECTION 2.(b)** This section becomes effective only if a majority of the qualified voters voting at the election provided for in Section 1 of this act vote in favor of allowing the Hatteras Village Community Center District to expand the uses of the ad valorem tax to include funding the construction and maintenance of multiuse pathways around the village of Hatteras.

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

# HOUSE BILL 740: SAR Rename/Disputed County Boundaries/Mapping.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 13, 2017 |
| **Introduced by:** | Reps. McNeill, R. Turner | **Prepared by:** | Jessica Sammons Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 740 would modernize and update statutes related to the urban search and rescue teams and the NC Geodetic Survey.***

**Section 1 – Search and Rescue:**

**CURRENT LAW:** Article 6 of Chapter 166A provides for the Urban Search and Rescue Program. The Secretary of the Department of Public Safety must adopt rules establishing a program for urban search and rescue that relies on contracts with a specialized group of individuals with capabilities equivalent to search and rescue teams established under the Federal Emergency Management Act. The program is administered by the Division of Emergency Management, and includes contract response teams, mostly specialized subunits of local fire departments and other emergency personnel, that are strategically located in major urban centers so they can be quickly deployed across the State.

**BILL ANALYSIS:** Section 1 of House Bill 740 would amend change the name of the Urban Search and Rescue Program to the North Carolina Search and Rescue Program to more accurately reflect the diverse terrain and missions the team serves in the State, and would direct the Secretary of the Department of Public Safety to additionally rely on memorandums of understanding and agreement with contract response teams in search and rescue efforts.

**EFFECTIVE DATE:** Section 1 would become effective July 1, 2017.

**Sections 2 & 3 – NC Geodetic Survey:**

**CURRENT LAW:** G.S. 153A-18 establishes a process by which counties can alter their boundary lines if those lines are uncertain or disputed.

Currently, under the Mountain Ridge Protection Act of 1983, maps, drawings, or documents identifying protected mountain ridges are made available for inspection at the Secretary of Environmental Quality's office.

**BILL ANALYSIS:** Section 2 of House Bill 740 would modernize G.S. 153A-18 to comport with current practices of using the North Carolina Geodetic Survey to help locate and reestablish county boundary lines. Counties with uncertain or disputed boundary lines would request help from the Geodetic Survey by submitting a written request. All the counties adjacent to the uncertain or disputed boundary must make the request. The Geodetic Survey reestablishing the boundary line would be given



*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.*

to the counties. If the counties fail to ratify the reestablished boundary line within one year of receiving the survey plan denoting the location of the reestablished boundary line, the survey plat would become conclusive as to the location of the boundary line and would be recorded in the Register of Deeds in each affected county and in the Secretary of State's office. The chief of the North Carolina Geodetic Survey would notify affected parties in writing of the action taken.

Section 3 of House Bill 740 would require that maps, drawings, or documents identifying the protected mountain ridges be housed with the office of the North Carolina Geodetic Survey, NC Emergency Management, in Raleigh.

**EFFECTIVE DATE:** Sections 2 and 3 would be effective when the act becomes law.

*Cindy Avrette, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*

# HOUSE BILL 740

| | | |
|---|---|---|
| Short Title: | SAR Rename/Disputed County Boundaries/Mapping. | (Public) |
| Sponsors: | Representatives McNeill and R. Turner (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II | |

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE NAME OF SEARCH AND RESCUE SERVICES, TO ALLOW THE NORTH CAROLINA GEODETIC SURVEY TO RATIFY RESULTS OF COUNTY BOUNDARY RESURVEYS, AND TO CLARIFY THAT PROTECTIVE RIDGELINE MAPS ARE HOUSED WITH THE NORTH CAROLINA GEODETIC SURVEY RATHER THAN THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 6 of Chapter 166A of the General Statutes reads as rewritten:

"Article 6.

"~~Urban~~ North Carolina Search and Rescue.

**"§ 166A-65. Definitions.**

The following definitions apply in this Article:

(1) Contract response team. – ~~An urban~~A search and rescue team, specialty rescue team, or incident support team.

(2) Incident support team. – A team of trained emergency response personnel, organized to provide coordination between governmental agencies and nongovernmental organizations as well as technical and logistical support to ~~urban~~ search and rescue teams and specialty rescue teams.

(2a) Search and rescue team. – A specialized team or group of teams, organized with capabilities equivalent to search and rescue teams established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and other technical rescue situations.

(3) Secretary. – The Secretary of the Department of Public Safety.

(4) Specialty rescue team. – A specialized response team, organized to provide technical rescue assistance to first responders. The term includes, but is not limited to, a canine search and rescue or disaster response team, a cave search and rescue team, a collapse search and rescue team, a mine and tunnel search and rescue team, and a swift water or flood search and rescue team. A specialty rescue team shall be aligned with one or more of the search and rescue categories within the Federal Emergency Management Agency's national resource typing system.

(5) ~~Urban search and rescue team. – A specialized team or group of teams, organized with capabilities equivalent to urban search and rescue teams~~

~~established under the Federal Emergency Management Agency in order to assist in the removal of trapped victims during emergencies, including, but not limited to, collapsed structures, trench excavations, elevated locations, and in other technical rescue situations.~~

"**§ 166A-66. ~~Urban~~ North Carolina Search and Rescue Program.**

(a) The Secretary shall adopt rules establishing a program for ~~urban~~ search and rescue that relies on ~~contracts~~ contracts, memorandums of understanding, and memorandums of agreement with contract response teams. The program shall be administered by the Division of Emergency Management. To the extent possible, the program shall be coordinated with other emergency planning activities of the State. The program shall include contract response teams located strategically across the State that are available to provide 24-hour dispatch from the Division of Emergency Management Operations Center. The rules for the program shall include:

(1) Standards, including training, equipment, and personnel standards required to operate a contract response team.

(2) Guidelines for the dispatch of a contract response team to ~~an urban~~ a search and rescue team or specialty rescue team mission.

(3) Guidelines for the on-site operations of a contract response team.

(4) Standards for administration of a contract response team, including procedures for reimbursement of response costs.

(5) Refresher and specialist training for members of contract response teams.

(6) Procedures for recovering the costs of ~~an urban~~ a search and rescue team or specialty rescue team mission.

(7) Procedures for bidding and contracting for ~~urban~~ search and rescue team and specialty rescue team missions.

(8) Criteria for evaluating bids for ~~urban~~ search and rescue team and specialty rescue team missions.

(9) Delineation of the roles of the contract response team, local public safety personnel, the Division of Emergency Management's area coordinator, and other State agency personnel participating in ~~an urban~~ a search and rescue team or specialty rescue team mission.

(10) Procedures for the Division of Emergency Management to audit the contract response teams to ensure compliance with State and federal guidelines.

(b) Within available appropriations, the Division of Emergency Management shall spend the necessary funds for training, equipment, and other items necessary to support the operations of contract response teams. The Division of Emergency Management may also administer any grants of other funds made available for contract response teams, in accordance with applicable rules and regulations approved by the Director of the State Budget.

(c) In developing the ~~Urban~~ North Carolina Search and Rescue Program and adopting the rules required by this section, the Secretary shall consult with the ~~Urban~~ North Carolina Search and Rescue Team Advisory Committee established pursuant to G.S. 166A-69.

"**§ 166A-67. Contracts; equipment loans.**

(a) The Secretary may contract with any unit or units of local government for the provision of a contract response team to implement the ~~Urban~~ North Carolina Search and Rescue Program. Contracts are to be let consistent with the bidding and contract standards and procedures adopted pursuant to G.S. 166A-66(a)(7) and G.S. 166A-66(a)(8). In entering into contracts with units of local government, the Secretary may agree to provide any of the following:

(1) A loan of equipment.

(2) Reimbursement of personnel costs, including the cost of callback personnel, when a contract response team is authorized by the Department to respond to ~~urban~~ search and rescue team and specialty rescue team missions.
(3) Reimbursement for use of equipment and vehicles owned by the contract response team.
(4) Replacement of disposable materials and damaged equipment.
(5) Training expenses.
(6) Anything else agreed to by the Secretary and the contract response team.

(b) The Secretary shall not agree to provide reimbursement for standby time.

(c) Any contract entered into between the Secretary and a unit of local government for the provision of a contract response team shall specify that the members of the contract response team, when performing under the contract, shall not be employees of the State and shall not be entitled to benefits under the Teachers' and State Employees' Retirement System or for the payment by the State of federal Social Security, employment insurance, or workers' compensation.

(d) Contract response teams that have the use of a State vehicle may use the vehicle for local purposes. Where a State vehicle is used for purposes other than authorized contract response to ~~an urban~~ a search and rescue team and specialty rescue team mission, the contract response team shall be liable for repairs or replacements directly attributable to that use.

"**§ 166A-68. Immunity of contract response team personnel.**

Members of a contract response team shall be protected from liability under the provisions of G.S. 166A-19.60(a) while on ~~an urban~~ a search and rescue team or specialty rescue team mission pursuant to authorization from the Division of Emergency Management.

"**§ 166A-69. ~~Urban~~ North Carolina Search and Rescue Team Advisory Committee.**

(a) The ~~Urban~~ North Carolina Search and Rescue Team Advisory Committee is created. The Secretary shall appoint the members of the Committee and shall designate the Director or Deputy Director of the North Carolina Division of Emergency Management as the chair. In making appointments, the Secretary shall take into consideration the expertise of the appointees in the management of ~~urban~~ search and rescue or specialty response team missions. The Secretary shall appoint one representative from each of the following:

(1) The Division of North Carolina Emergency Management, who shall be the Director or Deputy Director of the North Carolina Division of Emergency Management and who shall serve as the chair.
(2) Each state ~~USAR~~ regional contract response team's Chief or Deputy Chief.
(3) The North Carolina Office of State Fire Marshal.
(4) The North Carolina Highway Patrol.
(5) The North Carolina National Guard.
(6) The North Carolina Association of Rescue and E.M.S., Inc.
(7) The North Carolina Association of Fire Chiefs.
(8) The North Carolina State Firefighters' Association.
(9) The North Carolina Emergency Management Association.

(b) The Advisory Committee shall meet on the call of the chair, or at the request of the Secretary, provided that the Committee shall meet no less than once every year. The Department of Public Safety shall provide space for the Advisory Committee to meet. The Department shall also provide the Advisory Committee with necessary support staff and supplies to enable the Committee to carry out its duties in an effective manner.

(c) Members of the Advisory Committee shall serve without pay, but shall receive travel allowance, lodging, subsistence, and per diem as provided by G.S. 138-5.

(d) The Contract Response Team Advisory Committee shall advise the Secretary on the establishment of the ~~Urban~~ North Carolina Search and Rescue Program. The Committee shall

also evaluate and advise the Secretary of the need for additional contract response teams to serve the State."

**SECTION 2.** G.S. 153A-18 reads as rewritten:

"**§ 153A-18. Uncertain or disputed boundary.**

(a) If two or more counties are uncertain as to the exact location of the boundary between them, the North Carolina Geodetic Survey (NCGS) on a cooperative basis shall assist counties in defining and monumenting the location of the uncertain or disputed boundary as established in accordance with law. Upon receiving written request from all counties adjacent to the uncertain or disputed boundary, they may cause the boundary to be surveyed, marked, and mapped. The counties may appoint special commissioners to supervise the surveying, marking, and mapping. A commissioner so appointed or a person surveying or marking the boundary may enter upon private property to view and survey the boundary or to erect boundary markers. Upon ratification of the survey by the board of commissioners of each county, a map showing the surveyed boundary shall be recorded in the office of the register of deeds of each county in the manner provided by law for the recordation of maps or plats and in the Secretary of State's office. The map shall contain a reference to the date of each resolution of ratification and to the page in the minutes of each board of commissioners where the resolution may be found. Upon recordation, the map is conclusive as to the location of the boundary. Upon reestablishing all, or some portion, of a county boundary, and if after the NCGS submits the results of the survey to the requesting counties, and the requesting counties have not ratified the reestablished boundary within one year of receiving the (map) survey plat denoting the location of the reestablished boundary, the survey plat will become conclusive as to the location of the boundary and will be recorded in the Register of Deeds in each affected county and in the Secretary of State's office. The Chief of the NCGS (State Surveyor) will notify each affected party in writing of the action taken. As used in this subsection, an "affected party" means the governing body of a county that the reestablished boundary denotes the extent of its jurisdiction.

...

(c) Two or more counties may establish the boundary between them pursuant to subsection ~~(a), above,~~(a) of this section, those boundaries defined by natural monuments such as rivers, streams, and ridgelines. ~~by the~~The use of base maps prepared from ~~orthophotography,~~ orthophotography may be used if said natural monuments are visible, which base maps show the monuments of the ~~United States Geological Survey~~ National Geodetic Survey and North Carolina ~~State Plane~~ Coordinate System established pursuant to Chapter 102 of the General Statutes. The orthophotography shall be prepared in compliance with the State's adopted orthophotography standard. Upon ratification of the location of the boundary determined from orthophotography by the board of commissioners of each county, the map showing the boundary and the monuments of the ~~United States Geological Survey~~ National Geodetic Survey and North Carolina ~~State Plane~~ Coordinate System shall be recorded in the Office of the Register of Deeds of each county and in the Secretary of State's office. The map shall contain a reference to the date of each resolution of ratification and to the page in the minutes of each board of commissioners where the resolution may be found. Upon recordation, the map is conclusive as to the location of the boundary."

**SECTION 3.** G.S. 113A-212 reads as rewritten:

"**§ 113A-212. Assistance to counties and cities under ridge law.**

...

(b) The Secretary of Environmental Quality shall identify the protected mountain ridge crests in each county by showing them on a map or drawing, describing them in a document, or any combination thereof. Such maps, drawings, or documents shall identify the protected mountain ridges as defined in G.S. 113A-206 and such other mountain ridges as any county may request, and shall specify those protected mountain ridges that serve as all or part of the

boundary line between two counties. By November 1, 1983, the map, drawing, or document tentatively identifying the protected mountain ridge crests of each county shall be filed with the board of county commissioners and with the city governing body of each city that requests it. By January 1, 1984, the map, drawing, or document identifying the protected mountain ridge crests shall be permanently filed by the Secretary with the register of deeds in the county where the land lies, and made available for inspection at the ~~Secretary's office~~ office of the North Carolina Geodetic Survey (NC Emergency Management/Risk Management) in Raleigh. Copies of the maps, drawings, or documents certified by the register of deeds, shall be admitted in evidence in all courts and shall have the same force and effect as would the original.

...."

**SECTION 4.** Section 1 of this act becomes effective July 1, 2017. The remainder of this act is effective when it becomes law.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 740**

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

H740-ABK-21 [v.3]



Amends Title [NO]
First Edition

Date _____,2017

Senator /Norma Sanderson

moves to amend the bill on page 4, line 9, by deleting the word "they" and substituting the phrase "the NCGS";

and on page 4, line 30, by rewriting the line to read:
"~~subsection (a), above,~~subsection (a) of this section. Those boundaries may be defined by natural monuments such".

SIGNED Norma Sanderson
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# SENATE BILL 269:
# Durham Speed Device Pilot/School Zones.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 12, 2017 |
| **Introduced by:** | Sen. McKissick | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW:*** ***Senate Bill 269 would authorize the City of Durham to establish a pilot program for the use of electronic speed-measuring systems to detect speed limit violations in school zones. The act would be effective when it becomes law and would apply to the City of Durham only. It would expire three years after implementation or upon the filing of a report on the results of the program, whichever is earlier.***

**CURRENT LAW:** The Board of Transportation or local authorities within their respective jurisdictions may, by ordinance, set lower speed limits for areas adjacent to or near a public, private or parochial school. These limits become effective when signs are erected giving notice of the school zone, the authorized speed limit, and the days and hours when the lower limit is effective, or by erecting signs giving notice of the school zone, the authorized speed limit and which indicate the days and hours the lower limit is effective by an electronic flasher operated with a time clock. Limits set pursuant to this section may be enforced only on days when school is in session, and no speed limit below 20 miles per hour may be set under this section. A person who drives a motor vehicle in a school zone at a speed greater than the speed limit set and posted under this section is responsible for an infraction and is required to pay a penalty of $250.00. G.S. 20-141.1. Currently, there are no cities that use electronic speed-measuring systems to detect speed limit violations in school zones.

**BILL ANALYSIS:** Senate Bill 269 would do all of the following:

- **Define "electronic speed-measuring system"**- The act would define "electronic speed-measuring system" as "a mobile or fixed device (i) consisting of an automated traffic camera and sensor and (ii) capable of measuring speed and producing one or more digital photographs of a motor vehicle violating the speed limit set in a school zone under G.S. 20-141.1.
- **Authorize a pilot program**- The act would allow the City of Durham, no later than December 1, 2018, to establish and implement a pilot program to use electronic speed-measuring systems to detect violations of the speed limit in school zones under G.S. 20-141.1.
- **Set minimum standards-** The act would provide that an electronic speed-measuring system must produce at least one photograph that clearly shows a recorded image of the vehicle speeding; the vehicle registration number and state of issuance; the date, time, and location of the violation; and the recorded speed.
- **Require signage-** The act would require the City of Durham to provide notice of the presence of an electronic speed-monitoring system by posting a warning sign not more than 1,000 feet from the location of the system.

*Karen Cochrane-Brown*
*Director*

S269-SMRN-49 E1 -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.*

- **Establish a penalty-** The act would provide that a violation of a speed limit set in a school zone that is detected by an electronic speed measuring system will result in a civil penalty of $250. No points are assigned to the owner or driver of the vehicle. If a law enforcement officer cites or arrests an owner or operator of a vehicle in an area where an electronic speed-measuring system is in use to detect violation of G.S. 20-141.1, the officer must notify the City of Durham within 48 hours of the citation or arrest. When notified, the City of Durham must not issue a notice of violation. If a notification is sent in error, no penalty may be imposed and any penalties that have been paid must be refunded.

- **Require notice of a violation-** The act would require the City of Durham to notify the registered owner of motor vehicle a notice when the vehicle is cited for a speeding violation detected by a speed-measuring system. The notice must be delivered by first-class U.S. mail and must include all of the following:
    - Recorded image of the vehicle speeding.
    - Vehicle registration number and state of issuance.
    - Date, time, and location of the violation.
    - The recorded speed.
    - The process of paying the civil penalty or contesting the owner's responsibility.
- **Address liability of the owner-** The act would provide that the owner of a vehicle cited for a speeding violation is responsible for the penalty unless within 30 days of service of the notification of the violation, the owner provides a sworn affidavit containing one of the following:
    - The name and address of the person who had control of the vehicle at the time of the violation.
    - A statement that at the time of the violation, the vehicle was under the control of a person unknown to the owner without the owner's permission. This statement must be accompanied by documentation verifying that the owner reported the theft or other loss of the vehicle to law enforcement no later than 48 hours after the time of the violation.

  If the owner fails to pay the penalty or fails to respond to the notice within 30 days of notification, the owner waives the right to contest responsibility and is subject to an additional fine of $125.
- **Address liability of operator of the vehicle-** The act would provide that if the owner provides the name and address of the person who had control of the vehicle at the time of violation, the person identified in the affidavit may be issued a citation. If a citation is issued to the person who had control of the vehicle, then that person is responsible for any penalty under the act. That includes the additional civil penalty of $125 if the person fails to pay the penalty or respond to the notice within 30 days of being notified of the violation.
- **Permit use of evidence-** The act would permit photographs recorded by an electronic speed monitoring system that capture speeding in a school zone to be used as evidence in a proceeding alleging a violation of G.S. 20-141.1.

- **Require an administrative hearing process-** The act would require the City of Durham to create an administrative hearing process to review challenges to penalties assessed under the act. The person charged may present evidence and contest the violation.
- **Allow for an appeal to district court-** The act would provide that person who is dissatisfied with the City of Durham's decision may appeal that decision to district court by filing a notice of appeal with the clerk of superior court within 30 days of notification of the final decision. The trial before the district court would be de novo, and an appeal of the district court's decision must be made to the Court of Appeals.
- **Permit interlocal agreements-** The act would allow the City of Durham and the Durham Public Schools Board of Education to enter into an interlocal agreement. Any agreement must include provisions on cost-sharing and reimbursement. This provision does not alter the Constitutional requirement that proceeds for civil penalties must remain in the county and used to maintain free public schools.
- **Require reports-** The act would require the following reports:
    - The City of Durham must report the results of the pilot program no later than three years after implementing it. The report must be submitted to the chairs of the Joint Legislative Transportation Oversight Committee and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.
    - The SBI must report the results of the pilot program not later than one year after the program has been implemented. The report must be submitted to the chairs of the Joint Legislative Oversight Committee on Health and Human Services and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

**EFFECTIVE DATE:** The act would be effective when it becomes law and applies only to the City of Durham. If implemented, the pilot program would expire three years after implementation or upon submission of the City of Durham's report on the results of the pilot program, whichever it earlier.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 269

| | | |
|---|---|---|
| Short Title: | Durham Speed Device Pilot/School Zones. | (Local) |
| Sponsors: | Senator McKissick (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

March 16, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH A PILOT PROGRAM FOR THE USE OF ELECTRONIC SPEED-MEASURING SYSTEMS TO DETECT SPEED LIMIT VIOLATIONS IN SCHOOL ZONES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Definition. – For purposes of this act, the term "electronic speed-measuring system" means a mobile or fixed device (i) consisting of an automated traffic camera and sensor and (ii) capable of measuring speed and producing one or more digital photographs of a motor vehicle violating the speed limit set in a school zone pursuant to G.S. 20-141.1.

**SECTION 2.** Authorization for Pilot Program. – By no later than December 1, 2018, the City of Durham may establish and implement a pilot program to use electronic speed-measuring systems to detect violations of the speed limit set in school zones pursuant to G.S. 20-141.1.

**SECTION 3.** Minimum Standards. – An electronic speed-measuring system authorized for use by this act shall produce at least one photograph that clearly shows a recorded image of the vehicle speeding; the vehicle registration number and state of issuance; the date, time, and location of the violation; and the recorded speed.

**SECTION 4.** Signage. – The City of Durham shall provide notice of the presence of an electronic speed-measuring system by posting a conspicuous warning sign not more than 1,000 feet from the location of the system.

**SECTION 5.** Penalty. – Except as provided by Section 10 of this act, a violation of a speed limit set in a school zone pursuant to G.S. 20-141.1 that is detected by an electronic speed-measuring system is a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the vehicle. The civil penalty shall be two hundred fifty dollars ($250.00) for a violation of a speed limit set in a school zone pursuant to G.S. 20-141.1.

**SECTION 6.** Notification of Violation. – Except as otherwise provided in Section 8 of this act, the City of Durham, through its officials or agents, shall issue to the registered owner of a motor vehicle cited for a speeding violation detected by an electronic speed-measuring system a notice of the violation containing all of the information listed in this section. The notice shall be delivered by first-class United States mail at the address on the current registration of the vehicle's owner and is deemed served on the registered owner five days after the mailing. The notice of the violation shall contain all of the following:

(1) The recorded image of the vehicle speeding.

(2) The vehicle registration number and state of issuance.

(3) The date, time, and location of the violation.
(4) The recorded speed.
(5) The process for paying the civil penalty or contesting the owner's responsibility for the violation.

**SECTION 7.** Liability of Owner. – The registered owner of a vehicle cited for a speeding violation detected by an electronic speed-measuring system shall be responsible for any penalty imposed under this act unless, within 30 days of service of the notification of violation, the owner provides to the City of Durham a sworn affidavit containing the information listed in one of the subdivisions of this section. If the registered owner fails to pay the civil penalty, or fails to respond to the notice, within 30 days of service of the notification of violation, the owner waives the right to contest responsibility for the violation and is subject to an additional civil penalty of one hundred twenty-five dollars ($125.00).

The sworn affidavit shall contain one of the following:

(1) The name and address of the person who had actual physical control of the vehicle at the time of the violation.
(2) A statement that at the time of the violation the vehicle was under the control of a person unknown to the owner without the owner's permission. A statement provided under this subdivision shall be accompanied by documentation verifying that the owner reported to appropriate law enforcement officials the theft or other loss of the vehicle not later than 48 hours after the time of the violation.

**SECTION 8.** Liability of Actual Operator. – If a registered owner provides an affidavit containing the information set forth in subdivision (1) of Section 7 of this act, the person identified in the affidavit may be issued a citation complying with the requirements of Section 6 of this act and, if a citation is issued, shall be responsible for any penalty imposed under this act, including the additional civil penalty of one hundred twenty-five dollars ($125.00) if the person fails to pay the civil penalty or respond to the notice within 30 days of service of the notification of violation. If issued, the citation shall be sent to the address provided in the affidavit.

**SECTION 9.** Use as Evidence in Criminal Proceeding. – Any photographs recorded by an electronic speed-measuring system that capture a speeding violation in a school zone shall also be provided to the investigating law enforcement agency for use as evidence in any proceeding alleging a violation of G.S. 20-141.1.

**SECTION 10.** Notification of Criminal Charges. – If a law enforcement officer cites, pursuant to G.S. 15A-302, or arrests, pursuant to G.S. 15A-401, an owner or operator of a vehicle in an area where an electronic speed-measuring system is in use for detecting violations of a speed limit set pursuant to G.S. 20-141.1, then the officer shall notify the City of Durham within 48 hours of the citation or arrest. Upon notification, the City of Durham shall not issue a notice of violation pursuant to Section 6 of this act. If it is determined that a notice of violation was issued in error after proper notification, no penalty may be imposed under this act, and any penalty already paid pursuant to the notice of violation shall be refunded.

**SECTION 11.** Administrative Hearings. – The City of Durham shall establish an administrative nonjudicial hearing process to review challenges to penalties assessed under this act. The hearing shall provide a full opportunity for the person charged with the violation, if that person so requests, to present evidence and contest the violation.

**SECTION 12.** Appeal. – A person dissatisfied with the decision of the City of Durham under Section 11 of this act may appeal the decision to the district court of the county in which the violation occurred by filing a notice of the appeal with the clerk of superior court in the county where the violation occurred within 30 days of notification of a final decision by the City of Durham. An appeal under this section is for a trial de novo before the district court.

An appeal under this section is a civil action but may be heard in either a civil or criminal session of court. An appeal of the district court's determination shall be to the Court of Appeals.

**SECTION 13.** Interlocal Agreement. – The City of Durham and the Durham Public Schools Board of Education may enter into an interlocal agreement necessary and proper to effectuate the purpose and intent of this act. Any agreement entered into pursuant to this section may include provisions on cost-sharing and reimbursement that the City of Durham and the Durham Public Schools Board of Education freely and voluntarily agree to for the purpose of effectuating the provisions of this act. Nothing in this section shall be construed as altering or superseding the requirements of Section 7 of Article IX of the North Carolina Constitution.

**SECTION 14.** Report. – No later than three years after implementing the pilot program authorized by this act, the City of Durham shall report the results of the pilot program to the chairs of the Joint Legislative Transportation Oversight Committee and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety. No later than one year after implementing the pilot program required by this section, the State Bureau of Investigation shall report the results of the pilot program to the chairs of the Joint Legislative Oversight Committee on Health and Human Services and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety. The report may include legislative proposals for expanding the use of electronic speed-measuring systems in school zones.

**SECTION 15.** Expiration of the Pilot Program. – If implemented, the pilot program authorized by this act expires upon the submission of the report required by Section 14 of this act or three years after the date of implementation of the pilot program, whichever is earlier.

**SECTION 16.** Applicability. – This act applies to the City of Durham only.

**SECTION 17.** Effective Date. – This act is effective when it becomes law.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 269**

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

S269-ARNxfr-24 [v.2]



Amends Title [NO]
First Edition

Date _____,2017

Senator Woodard

moves to amend the bill on page 3, lines 10-11, by inserting the following between those lines:

"**SECTION 13.5.** Payment of a One-Time Fee. – Prior to the implementation of the pilot program authorized by this act, the City of Durham shall pay a one-time fee of one thousand dollars ($1,000) to the Division of Motor Vehicles."; and

on page 3, lines 14-19, by rewriting those lines to read:

"Joint Legislative Oversight Committee on Justice and Public Safety. The report may include legislative proposals for expanding the use of electronic speed-measuring systems in school zones.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

*S269-ARNXFR-24-V-2*

2:04
2:40

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State + Local Gov. Senate
**Meeting Date:** June 13, 2017 **Chair:** Rabin **Clerk:** Chandra

## ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | HB 415 | **Sponsor** | Rep. Boswell |
| **Favorable** | Passed | **Motion by** | Woodard unanimous |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Cook | | |

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| | | | |
|---|---|---|---|
| **Bill** | HB 740 | **Sponsor** | Rep. McNeill/R. Turner |
| **Favorable** | Passed unan | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** * | Pass | **Motion by** | Sanderson |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sanderson | | |

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|---|---|---|---|
| **Bill** | SB 269 | **Sponsor** | Sen. McKissick |
| **Favorable** | Passed | **Motion by** | Alexander |
| **Unfavorable** | | **Motion by** | |
| **Amended** * | Pass unan | **Motion by** | Cook |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

**State and Local Government,**

Speakers

**Senate Committee**

**June 13, 2017 – Room 423/424 LOB – 2:00 PM**

PLEASE SIGN IN BELOW

| NAME | FIRM OR AGENCY |
|---|---|
| Gary Thompson | DPS \| EM |
| Brian Barnes | OPS \| EM |
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NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT / GTM

**GARY W. THOMPSON, PLS**
Chief
NORTH CAROLINA GEODETIC SURVEY

4105 REEDY CREEK RD
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**Brian Barnes**
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Branch Manager
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www.NCDPS.gov

brian.barnes@ncdps.gov

**State and Local Government,**

**Senate Committee**

**June 13, 2017 – Room 423/424 LOB – 2:00 PM**

**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Jacob Rogers | Triangle Apt. Assn |
| Cindy Brandon | NC DPS |
| Susan K | Duke E. |
| [illegible] | ISD |
| Samantha Grimm | Sen. Foushee |
| Rachel Nixon | Smith Anderson |
| Chris Brown | [illegible] |
| Ryan Aldridge | NCSBA |
| Fred Baggett | Police Chiefs Assn |
| [illegible] | YLA |
| Aaron Williams | YLA |
| Sheridan Charles | YLA |
| Melissa Carver | YLA |
| Taylor Cain | YLA |
| Erica Gallion | YLA - NCGA |
| Hailey Grace | YLA |
| Autumn Brisson | YLA |
| | |

**State and Local Government,**

**Senate Committee**

**June 13, 2017 – Room 423/424 LOB – 2:00 PM**

PLEASE SIGN IN BELOW

| NAME | FIRM OR AGENCY |
|---|---|
| Gary Thompson | DPS/EM |
| Brian Barnes | OPS/EM |
| [illegible] | [illegible] |
| Ryan Lee | Cap Ad |
| Amanda Donovan | (LT) |
| [illegible] | [illegible] |
| Geoffrey COXEN | NM |
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Principal Clerk
Reading Clerk

Corrected #2: **HB 445 added**

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | June 20, 2017 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 310 | Wireless Communications Infrastructure Siting. | Representative Saine<br>Representative Torbett<br>Representative Wray |
| HB 436 | Local Government/Regulatory Fees. | Representative Stevens |
| HB 378 | Bertie/Gates County/Ambulance Service. | Representative Hunter |
| HB 385 | Impaired Hunting/Orange County. | Representative Meyer<br>Representative Insko |
| HB 393 | Mebane Charter Revised & Consolidated. | Representative Ross<br>Representative Riddell |
| HB 426 | Sanford-Lee County Airport Authority Changes. | Representative Sauls<br>Representative Reives |
| HB 509 | Davidson County Zoning Procedure Changes. | Representative Watford<br>Representative Potts |
| HB 666 | Revise Volunteer Fire Department Req'ts. | Representative Brenden Jones<br>Representative Saine |
| HB 719 | Improve Security/Upper Level/Pking Lot 65. | Representative Arp<br>Representative Dollar<br>Representative Saine<br>Representative Lewis |
| HB 445 | Brunswick Fire Protection Fees. | Representative Iler<br>Representative Butler |

Senator Jeff Tarte will chair the standing committee.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

**Jan Copeland (Sen. Jeff Tarte)**

**From:** Jan Copeland (Sen. Jeff Tarte)
**Sent:** Friday, June 16, 2017 02:04 PM
**Subject:** <NCGA> Senate State and Local Government Committee Meeting Notice for Tuesday, June 20, 2017 at 2:00 PM - CORRECTED #1
**Attachments:** Add Meeting to Calendar_LINC_.ics

Principal Clerk ____
Reading Clerk ____

**Corrected #1: Bills Added**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

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|---|---|---|---|
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| HB 436 | Local Government/Regulatory Fees. | Representative Stevens |
| HB 378 | Bertie/Gates County/Ambulance Service. | Representative Hunter |
| HB 385 | Impaired Hunting/Orange County. | Representative Meyer<br>Representative Insko |
| HB 393 | Mebane Charter Revised & Consolidated. | Representative Ross<br>Representative Riddell |
| HB 426 | Sanford-Lee County Airport Authority Changes. | Representative Sauls<br>Representative Reives |
| HB 509 | Davidson County Zoning Procedure Changes. | Representative Watford<br>Representative Potts |
| HB 666 | Revise Volunteer Fire Department Req'ts. | Representative Brenden Jones<br>Representative Saine |
| HB 719 | Improve Security/Upper Level/Pking Lot 65. | Representative Arp<br>Representative Dollar<br>Representative Saine<br>Representative Lewis |

Senator Jeff Tarte will chair the standing committee.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Tuesday, June 20, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 310 | Wireless Communications Infrastructure Siting. | Representative Saine<br>Representative Torbett<br>Representative Wray |
| HB 436 | Local Government/Regulatory Fees. | Representative Stevens |
| HB 378 | Bertie/Gates County/Ambulance Service. | Representative Hunter |
| HB 385 | Impaired Hunting/Orange County. | Representative Meyer<br>Representative Insko |
| HB 393 | Mebane Charter Revised & Consolidated. | Representative Ross<br>Representative Riddell |
| HB 426 | Sanford-Lee County Airport Authority Changes. | Representative Sauls<br>Representative Reives |
| HB 509 | Davidson County Zoning Procedure Changes. | Representative Watford<br>Representative Potts |
| HB 666 | Revise Volunteer Fire Department Req'ts. | Representative Brenden Jones<br>Representative Saine |
| HB 719 | Improve Security/Upper Level/Pking Lot 65. | Representative Arp<br>Representative Dollar<br>Representative Saine<br>Representative Lewis |
| HB 445 | Brunswick Fire Protection Fees. | Representative Iler<br>Representative Butler |
| HB 559 | Outdoor Heritage Enhanced. | Representative Millis<br>Representative J. Bell |

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, June 20, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 2:00 PM on June 20, 2017 in Room 423 of the Legislative Office Building. Eighteen members were present.

Senator Jeff Tarte, Chair, presided.

Senator Tarte introduced Senator Woodard to chair the standing committee. Senator Woodard introduced the Sgt. @ Arms and Pages after a 9 minute technology delay.

**HB 310 Wireless Communications Infrastructure Siting. (Representatives Saine, Torbett, Wray) – received a favorable report with a re-referral to the Commerce Committee**

**HB 436 Local Government/Regulatory Fees. (Representative Stevens) – was amended to include a title change and received an unforable to the original bill and favorable to the PCS then re-referred to the Rules and Operations of the Senate Committee**

**HB 378 Bertie/Gates County/Ambulance Service. (Representative Hunter) – Recived a favorable report**

**HB 385 Impaired Hunting/Orange County. (Representatives Meyer, Insko) – received a favorable report and was re-referred to the Rules and Operations of the Senate Committee**

**HB 393 Mebane Charter/Alamance-Burl BOE Exchange. (Representatives Ross, Riddell) – was unfavorable to the original bill and favorable to the PCS then re-referred to the Senate Finance Committee**

**HB 426 Sanford-Lee County Airport Authority Changes. (Representatives Sauls, Reives) – received a favorable report and then re-referred to the Rules and Operations of the Senate Committee**

**HB 509 Davidson County Zoning Procedure Changes. (Representatives Watford, Potts) – received a favorable report and then a serial referral to the Senate Judiciary Committee**

**HB 666 Revise Volunteer Fire Department Req'ts. (Representatives Brenden Jones, Saine) – Received a favorable report and then re-referred to the Rules and Operations of the Senate Committee**

**HB 719 Improve Security/Upper Level/Pking Lot 65. (Representatives Arp, Dollar, Saine, Lewis) – unfavorable to the original bill**

**HB 445 Brunswick Fire Protection Fees. (Representatives Iler, Butler) – was unfavorable as to bill, but favorable as to senate committee substitute bill**

**HB 559 Outdoor Heritage Enhanced. (Representatives Millis, J. Bell) – was unfavorable as to Senate Committee substitute bill no. 2, but favorable as to senate committee substitute bill no. 3**

The meeting adjourned at 3:06 p.m.

Senator Jeff Tarte, Chair
Presiding

Jan Copeland, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 20, 2017

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

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

HB **445** Brunswick Fire Protection Fees.

| | |
|---|---|
| Draft Number: | H445-PCS10383-RNf-21 |
| Sequential Referral: | Finance |
| Recommended Referral: | None |
| Long Title Amended: | No |

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

HB **393** **(CS#1)** Mebane Charter Revised & Consolidated.

| | |
|---|---|
| Draft Number: | H393-PCS40614-BD-31 |
| Sequential Referral: | Finance |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

**UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 3**

HB **559** **(SCS#2)** Outdoor Heritage Enhanced.

| | |
|---|---|
| Draft Number: | H559-PCS40613-TY-26 |
| Sequential Referral: | None |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 3

Senator Bill Rabon will handle HB 445
Senator Rick Gunn will handle HB 393
Senator John M. Alexander, Jr. will handle HB 559



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 20, 2017

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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

HB **436** **(CS#1)** Local Government/Regulatory Fees.

| | |
|---|---|
| Draft Number: | H436-PCS40617-STf-36 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

TOTAL REPORTED: 1

Senator Paul Newton will handle HB 436



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 20, 2017

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

**FAVORABLE**

HB **310** **(CS#2)** Wireless Communications Infrastructure Siting.
Draft Number: None
Sequential Referral: Commerce and Insurance
Recommended Referral: None
Long Title Amended: No

HB **378** Bertie/Gates County/Ambulance Service.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **385** Impaired Hunting/Orange County.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **426** Sanford-Lee County Airport Authority Changes.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

HB **509** Davidson County Zoning Procedure Changes.
Draft Number: None
Sequential Referral: Judiciary
Recommended Referral: None
Long Title Amended: No



HB **666** Revise Volunteer Fire Department Req'ts.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

HB **719** **(CS#1)** Improve Security/Upper Level/Pking Lot 65.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 7

Senator Ralph Hise will handle HB 310
Senator Bill Cook will handle HB 378
Senator Bill Cook will handle HB 385
Senator Ronald J. Rabin will handle HB 426
Senator Cathy Dunn will handle HB 509
Senator Danny Earl Britt, Jr. will handle HB 666
Senator Tommy Tucker will handle HB 719

# HOUSE BILL 310:
# Wireless Communications Infrastructure Siting.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Commerce and Insurance. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2017 |
| **Introduced by:** | Reps. Saine, Torbett, Wray | **Prepared by:** | Erika Churchill<br>Billy R. Godwin<br>Staff Attorneys |
| **Analysis of:** | Fifth Edition | | |

***OVERVIEW: House Bill 310 would:***

- ***Amend the laws relating to regulation by cities of wireless infrastructure siting with regard to collocation of small wireless facilities on city utility poles in public rights-of-way.***
- ***Authorize cities to assess fees on wireless providers for occupation of rights-of way if the city charges other communications service providers or publicly, cooperatively, or municipally owned utilities for similar uses of the right-of-way.***
- ***Authorize cities to charge wireless providers for collocation of a small wireless facility on city utility poles a rate of $50 per pole per year.***
- ***Authorize the North Carolina Department of Transportation (NCDOT) to issue permits to wireless providers for collocation of wireless facilities on State rights-of-way.***
- ***Become effective when it becomes law.***

**[As introduced, this bill was identical to S377, as introduced by Sen. Hise, which is currently in Senate Rules and Operations of the Senate.]**

**CURRENT LAW:** Article 19 of Chapter 160A and Article 18 of Chapter 153A of the General Statutes govern land use regulations by cities and counties, respectively. Specifically in Part 3E of Article 19 of Chapter 160A (Cities) and Part 3B of Article 18 of Chapter 153A (Counties), cities and counties are granted like authority to regulate equipment and network components necessary to provide wireless service and regulate new or existing structures designed to support wireless facilities.

Part 3E of Article 19 of Chapter 160A of the General Statutes currently provides for municipal regulation of the siting and modification of mobile broadband and wireless facilities. It also provides for the regulation of collocation of wireless facilities. Collocation is the installation of new wireless facilities on previously-approved structures.

**BILL ANALYSIS:**

**Section 1** of H310 would find that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, may be deployed most effectively in the public rights-of-way.



*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.*

**Section 2** of H310 would amend Part 3E of Article 19 Chapter 160A to provide for the municipal regulation of the siting and collocation of small wireless facilities and would define "small wireless facilities" as a wireless facility with both of the following: (i) antenna within an enclosure of no more than 6 cubic feet in volume; and (ii) other wireless equipment associated with the small wireless facility of no more than 28 cubic feet in volume. H310 would also address all of the following:

- **Permitting of Small Wireless Facilities by Cities**

G.S. 160A-400.54 would prohibit a city from establishing a moratorium on accepting applications, issuing permits, or otherwise regulating the collocation of small wireless facilities except as provided in this section. A city would have the discretion to require a permit for a wireless provider to collocate small wireless facilities within the city's jurisdiction subject to the following conditions:

- A city may not, as a permit condition, require applicants to provide unrelated services such as reservation of fiber, conduit, or pole space for the city.
- The city would have 30 days to deem an application complete; 45 days to approve or deny the completed application. An applicant would have 30 days to revise a denied application; and the city would have an additional 30 days to approve or deny the revised application.
- Applicants could include up to 25 small wireless facilities into a single permit application. A city could remove one or more those facilities from the consolidated application under certain conditions.
- The permit may require the applicant to commence collocation within 6 months of approval and to activate for use no later than one year from the permit issuance date.

A city would be able to review the permit and could deny an application only if it fails to meet one of the following:

- Compliance with local codes or regulations that concern public safety.
- Objective design standards for decorative utility poles.
- Stealth and concealment, including screening and landscaping for ground-mounted equipment.
- Reasonable spacing requirements for poles and ground-mounted equipment.
- Compliance with local, State, and federal historic district laws and regulations.

A city could charge a permit fee of up to $100 per small cell wireless facility for the first five facilities in an application and $50 for each additional facility in the application. A city could also charge a consulting fee of up to $500 per an application to hire an outside consultant to complete the review and processing of applications.

Permits for small wireless facilities that will extend no more than 10 feet above the top of its support structure may only be reviewed and approved using the G.S. 160A-400.54 criteria above if being collocated (i) in a city right-of-way within any zoning district; or (ii) outside a city right-of-way on other than single-family residential property.

A city could require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the city would be allowed to remove the facility and to recover the actual cost of such removal, including legal fees, if any, from the wireless services provider.

➢ **Use of the City Right-of-Way**

G.S. 160A-400.55 would:

- Allow a wireless provider to collocate small wireless facilities in the city rights-of-way.
- Prohibit a city from entering into an exclusive arrangement with any person for the use of the city right-of-way for wireless facilities, wireless support structures, or the collocation of small wireless facilities.

If the wireless provider sought to install a new or modify an existing utility pole in the city right-of-way in association with the collocation of a small cell wireless facility and (i) those poles do not to exceed 50 feet; and (ii) the collocated small wireless facilities do not extend more than 10 feet off the top of the structure, the city's review is limited to the G.S. 160A-400.54 criteria set forth above. The city may, however, allow wireless facilities that exceed those height restrictions at the city's discretion. Applicants for use of the city right-of-way would have to comply with the city's undergrounding requirements.

A city could charge a wireless provider for the use of the city right-of-way. The charge must be reasonable and nondiscriminatory and must not exceed the direct and actual cost of managing the city rights-of-way and is not to be based on the wireless provider's revenue or customer counts. The charge could not exceed similar charges imposed on other users of the right-of-way, including publicly, cooperatively, or municipally owned utilities. A city could require a wireless provider to repair any damage to the city right-of-way caused while installing or maintaining wireless facilities or other associated facilities. If the wireless provider fails to make those repairs, the city could charge the provider the reasonable cost of the repairs.

Historic preservation zoning authority could still be exercised by the city.

➢ **Access to City Utility Poles**

G.S. 160A-400.56 would prohibit a city from entering into an exclusive arrangement with any person for the use of the city utility poles. A city must allow a wireless provider to collocate on utility poles at just, reasonable and non-discriminatory rates, not to exceed $50 per a city utility pole per year. Requests to collocate on a city utility pole may be denied only for (i) insufficient capacity; (ii) reasons of safety; and (iii) engineering principles, none of which can be remedied. The wireless provider seeking to collocate must comply with all applicable safety requirements, including the National Electric Safety Code and rules and regulations of the Occupational Safety and Health Administration.

Within 60 days of receiving an application to collocate on a city pole, the city would be required to provide an estimate of costs for make-ready work. Such work must be completed within 60 days of acceptance of the estimate by applicant.

These provisions would not apply to: (i) a city that owns or operates a public enterprise consisting of an electric power generation, transmission, or distribution system; or (ii) an electric membership corporation that owns or controls poles, ducts or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934.

➢ **Stadiums, Private Easements, Enforcement**

H3010 would provide for all of the following:

- Clarify that nothing in the act would amend, modify, or otherwise affect any easement agreement between private parties.
- That except as provided, or otherwise specifically authorized the General Statutes, a city could not do any of the following:

- Adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way, whether State or city, by a provider authorized by State law to operate in the rights-of-way and may not regulate any communications services.
- Impose or collect any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.
- Regulate small wireless facilities within any stadium or athletic facility, unless the city owns the stadium or athletic facility.

- That approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to the act would not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way.

**Section 3** of H310 concerns the regulation of wireless facilities in the rights-of-way of State-maintained highways. This section would add the placement of wireless facilities to the list of allowable activities in the State rights-of-way and would authorize the North Carolina Department of Transportation (NC DOT) to issue permits for the collocation of wireless facilities in the State rights-of-way. NC DOT would be required to approve or deny permits within a reasonable period of time of receiving an application.

The collocation of small wireless facilities in the State right-of-way would be subject to the following requirements:

- The facilities could not obstruct or hinder the usual travel or public safety on any State rights-of-way or obstruct the legal use of such rights-of-way by other utilities.
- Each new or modified utility pole and wireless support structure installed in the State right-of-way is not to exceed the greater of (i) 10 feet in height above the height of the tallest existing utility pole, in place as July 1, 2017, located within 500 feet of the new pole in the same rights-of-way, or (ii) 50 feet above ground level.
- Each new small wireless facility in the right-of-way is not to extend (i) more than 10 feet above an existing utility pole or wireless support structure in place as of July 1, 2017, or (ii) above the height permitted for a new utility pole or wireless support structure under this section.

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

*Jennifer McGinnis and Layla Cummings, counsel to House Energy and Public Utilities, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 5

# HOUSE BILL 310

**Committee Substitute Favorable 5/18/17**
**Corrected Copy 5/19/17**
**Committee Substitute #2 Favorable 5/24/17**
**Fifth Edition Engrossed 6/1/17**

Short Title: Wireless Communications Infrastructure Siting. (Public)

Sponsors:

Referred to:

March 13, 2017

A BILL TO BE ENTITLED

AN ACT TO REFORM COLLOCATION OF SMALL WIRELESS COMMUNICATIONS INFRASTRUCTURE TO AID IN DEPLOYMENT OF NEW TECHNOLOGIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Assembly finds the following:

(1) The design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities are instrumental to the provision of emergency services and to increasing access to advanced technology and information for the citizens of North Carolina.

(2) Cities and counties play a key role in facilitating the use of the public rights-of-way.

(3) Wireless services providers and wireless infrastructure providers must have access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to densify their networks and provide next generation services.

(4) Small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way.

(5) Expeditious processes and reasonable and nondiscriminatory rates, fees, and terms related to such deployments are essential to the construction and maintenance of wireless facilities.

(6) Wireless facilities help ensure the State remain competitive in the global economy.

(7) The timely design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities are matters of statewide concern and interest.

**SECTION 2.(a)** G.S. 160A-400.51(4a) is recodified as G.S. 160A-400.51(4d).

**SECTION 2.(b)** G.S. 160A-400.51(7a) is recodified as G.S. 160A-400.51(7b).

**SECTION 2.(c)** Part 3E of Article 19 of Chapter 160A of the General Statutes, as amended by subsections (a) and (b) of this section, reads as rewritten:

"Part 3E. Wireless Telecommunications Facilities.

"**§ 160A-400.50. Purpose and compliance with federal law.**

...

(c) This Part shall not be construed to authorize a city to require the construction or installation of wireless facilities or to regulate wireless services other than as set forth herein.

"**§ 160A-400.51. Definitions.**

The following definitions apply in this Part.

(1) Antenna. – Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

(1a) Applicable codes. – The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

(2) Application. – ~~A formal request submitted to the city to construct or modify a wireless support structure or a wireless facility.~~A request that is submitted by an applicant to a city for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, city utility pole, or wireless support structure.

(2a) Base station. – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

(3) Building permit. – An official administrative authorization issued by the city prior to beginning construction consistent with the provisions of G.S. 160A-417.

(3a) City right-of-way. – A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.

(3b) City utility pole. – A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.

(4) Collocation. – The ~~placement or installation~~ placement, installation, maintenance, modification, operation, or replacement of wireless facilities ~~on~~ on, under, within, or on the surface of the earth adjacent to existing structures, including ~~electrical transmission towers,~~utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, city utility poles, or wireless support structures.

(4a) Communications facility. – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

(4b) Communications service. – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

(4c) Communications service provider. – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

(4d) Eligible facilities request. – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

(5) Equipment compound. – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

(5a) Fall zone. – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

(6) Land development regulation. – Any ordinance enacted pursuant to this Part.

(6a) Micro wireless facility. – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

(7) Search ring. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

(7a) Small wireless facility. – A wireless facility that meets both of the following qualifications:

a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

(7b) Substantial modification. – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

(8) Utility pole. – A structure that is designed for and used to carry lines, cables, ~~or wires~~ wires, lighting facilities, or small wireless facilities for telephone, cable television, ~~or~~ electricity, ~~or to provide lighting.~~lighting, or wireless services.

(8a) Water tower. – A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

(9) Wireless facility. – ~~The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.~~Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

b. Wireline backhaul facilities.

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

(9a) Wireless infrastructure provider. – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

(9b) Wireless provider. – A wireless infrastructure provider or a wireless services provider.

(9c) Wireless services. – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

(9d) Wireless services provider. – A person who provides wireless services.

(10) Wireless support structure. – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

...

"**§ 160A-400.54. Collocation of small wireless facilities.**

(a) Except as expressly provided in this Part, a city shall not prohibit, regulate, or charge for the collocation of small wireless facilities.

(b) A city may not establish a moratorium on (i) filing, receiving, or processing applications or (ii) issuing permits or any other approvals for the collocation of small wireless facilities.

(c) Small wireless facilities that meet the height requirements of G.S. 160A-400.55(b)(2) shall only be subject to administrative review and approval under subsection (d) of this section if they are collocated (i) in a city right-of-way within any zoning district or (ii) outside of city rights-of-way on property other than single-family residential property.

(d) A city may require an applicant to obtain a permit to collocate a small wireless facility. A city shall receive applications for, process, and issue such permits subject to the following requirements:

(1) A city may not, directly or indirectly, require an applicant to perform services unrelated to the collocation for which approval is sought. For purposes of this subdivision, "services unrelated to the collocation," includes in-kind contributions to the city such as the reservation of fiber, conduit, or pole space for the city.

(2) The wireless provider completes an application as specified in form and content by the city. A wireless provider shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers.

(3) A permit application shall be deemed complete unless the city provides notice otherwise in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified.

(4) The permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the city fails to approve or deny the application within 45 days from the time the application is deemed complete or a mutually agreed upon time frame between the city and the applicant.

(5) A city may deny an application only on the basis that it does not meet any of the following: (i) the city's applicable codes; (ii) local code provisions or regulations that concern public safety, objective design standards for decorative utility poles, city utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment; (iii) public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or (iv) the historic preservation requirements in subsection 160A-400.55(h). The city must (i) document the basis for a denial, including the specific code provisions on which the denial was based and (ii) send the documentation to the applicant on or before the day the city denies an application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 30 days of the date on which the application was resubmitted. Any subsequent review shall be limited to the deficiencies cited in the prior denial.

(6) An application must include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

(7) An applicant seeking to collocate small wireless facilities at multiple locations within the jurisdiction of a city shall be allowed at the applicant's discretion to file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this section. A city may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations (i) for which incomplete

information has been provided or (ii) that are denied. The city may issue a separate permit for each collocation that is approved.

(8) The permit may specify that collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

(e) A city may charge an application fee that shall not exceed the lesser of (i) the actual, direct, and reasonable costs to process and review applications for collocated small wireless facilities; (ii) the amount charged by the city for permitting of any similar activity; or (iii) one hundred dollars ($100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars ($50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(f) A city may impose a technical consulting fee for each application, not to exceed five hundred dollars ($500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

(1) Travel expenses incurred in the review of a collocation application by an outside consultant or other third party.

(2) Direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(g) A city may require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the city may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless services provider gives the city reasonable evidence that it is diligently working to place such wireless facility back in service.

(h) A city shall not require an application or permit or charge fees for (i) routine maintenance; (ii) the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or (iii) installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or city utility poles in compliance with applicable codes by or for a communications service provider authorized to occupy the city rights-of-way and who is remitting taxes under G.S. 105-164.4(a)(4c) or G.S. 105-164.4(a)(6).

(i) Nothing in this section shall prevent a city from requiring a work permit for work that involves excavation, affects traffic patterns, or obstructs vehicular traffic in the city right-of-way.

"**§ 160A-400.55. Use of public right-of-way.**

(a) A city shall not enter into an exclusive arrangement with any person for use of city rights-of-way for the construction, operation, marketing, or maintenance of wireless facilities or wireless support structures or the collocation of small wireless facilities.

(b) Subject to the requirements of G.S. 160A-400.54, a wireless provider may collocate small wireless facilities along, across, upon, or under any city right-of-way. Subject to the

requirements of this section, a wireless provider may place, maintain, modify, operate, or replace associated utility poles, city utility poles, conduit, cable, or related appurtenances and facilities along, across, upon, and under any city right-of-way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of small wireless facilities, along, across, upon, or under any city right-of-way shall be subject only to review or approval under subsection (d) of G.S. 160A-400.54 if the wireless provider meets all the following requirements:

(1) Each new utility pole and each modified or replacement utility pole or city utility pole installed in the right-of-way shall not exceed 50 feet above ground level.

(2) Each new small wireless facility in the right-of-way shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.

(c) Nothing in this section shall be construed to prohibit a city from allowing utility poles, city utility poles, or wireless facilities that exceed the limits set forth in subdivision (1) of subsection (b) of this section.

(d) Applicants for use of a city right-of-way shall comply with a city's undergrounding requirements prohibiting the installation of above-ground structures in the city rights-of-way without prior zoning approval, if those requirements (i) are nondiscriminatory with respect to type of utility, (ii) do not prohibit the replacement of structures existing at the time of adoption of the requirements, and (iii) have a waiver process.

(d1) Notwithstanding subsection (d) of this section, in no instance in an area zoned single-family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a waiver or variance approving a taller utility pole, city utility pole, or wireless support structure.

(e) Except as provided in this part, a city may assess a right-of-way charge under this section for use or occupation of the right-of-way by a wireless provider, subject to the restrictions set forth under G.S. 160A-296(a)(6). In addition, charges authorized by this section shall meet all of the following requirements:

(1) The right-of-way charge shall not exceed the direct and actual cost of managing the city rights-of-way and shall not be based on the wireless provider's revenue or customer counts.

(2) The right-of-way charge shall not exceed that imposed on other users of the right-of-way, including publicly, cooperatively, or municipally owned utilities.

(3) The right-of-way charge shall be reasonable and nondiscriminatory.

Nothing in this subsection is intended to establish or otherwise affect rates charged for attachments to utility poles, city utility poles, or wireless support structures. At its discretion, a city may provide free access to city rights-of-way on a nondiscriminatory basis in order to facilitate the public benefits of the deployment of wireless services.

(f) Nothing in this section is intended to authorize a person to place, maintain, modify, operate, or replace a privately owned utility pole or wireless support structure or to collocate small wireless facilities on a privately owned utility pole, a privately owned wireless support structure, or other private property without the consent of the property owner.

(g) A city may require a wireless provider to repair all damage to a city right-of-way directly caused by the activities of the wireless provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, city utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to make the repairs required by the city within a reasonable time after written notice, the city may undertake those repairs and charge the applicable party the reasonable and

documented cost of the repairs. The city may maintain an action to recover the costs of the repairs.

(h) This section shall not be construed to limit local government authority to enforce historic preservation zoning regulations consistent with Part 3C of Article 19 of this Chapter, the preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1966, 54 U.S.C. § 300101, et seq., as amended, and the regulations, local acts, and city charter provisions adopted to implement those laws.

(i) A wireless provider may apply to a city to place utility poles in the city rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of way, to support the collocation of small wireless facilities. A city shall accept and process the application in accordance with the provisions of G.S. 160A-400.54(d), applicable codes, and other local codes governing the placement of utility poles or city utility poles in the city rights-of-way, including provisions or regulations that concern public safety, objective design standards for decorative utility poles or city utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including those relating to screening or landscaping, or public safety and reasonable spacing requirements. The application may be submitted in conjunction with the associated small wireless facility application.

"**§ 160A-400.56. Access to city utility poles to install small wireless facilities.**

(a) A city may not enter into an exclusive arrangement with any person for the right to collocate small wireless facilities on city utility poles. A city shall allow any wireless provider to collocate small wireless facilities on its city utility poles at just, reasonable, and nondiscriminatory rates, terms, and conditions, but in no instance may the rate exceed fifty dollars ($50.00) per city utility pole per year. The North Carolina Utilities Commission shall not consider this subsection as evidence in a proceeding initiated pursuant to G.S. 62-350(c).

(b) A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider. In granting a request under this section, a city shall require the requesting entity to comply with applicable safety requirements, including the National Electrical Safety Code and the applicable rules and regulations issued by the Occupational Safety and Health Administration.

(c) If a city that operates a public enterprise as permitted by Article 16 of this Chapter has an existing city utility pole attachment rate, fee, or other term with an entity, then, subject to termination provisions, that attachment rate, fee, or other term shall apply to collocations by that entity or its related entities on city utility poles.

(d) Following receipt of the first request from a wireless provider to collocate on a city utility pole, a city shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the city utility poles that it owns or controls. Upon request, a party shall state in writing its objections to any proposed rate, terms, and conditions of the other party.

(e) In any controversy concerning the appropriateness of a rate for a collocation attachment to a city utility pole, the city has the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the pole for such period.

(f) The city shall provide a good-faith estimate for any make-ready work necessary to enable the city utility pole to support the requested collocation, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a city utility pole necessary for the city utility pole to

support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety Code, that is performed in preparation for a collocation installation.

(g) The city shall not require more make-ready work than that required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work and shall not include any consultant fees or expenses.

(h) Nothing in this Part shall be construed to apply to an entity whose poles, ducts, and conduits are subject to regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended, or under G.S. 62-350.

(i) This section shall not apply to an excluded entity. Nothing in this section shall be construed to affect the authority of an excluded entity to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles, city utility poles, or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use of poles, ducts, or conduits by communications service providers, as defined in G.S. 62-350, are governed solely by G.S. 62-350. For purposes of this section, "excluded entity" means (i) a city that owns or operates a public enterprise pursuant to Article 16 of this Chapter consisting of an electric power generation, transmission, or distribution system or (ii) an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151 et seq., as amended.

"**§ 160A-400.57. Applicability.**

(a) A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the city. This subsection does not prohibit the enforcement of applicable codes.

(b) Nothing contained in this Part shall amend, modify, or otherwise affect any easement between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.

(c) Except as provided in this Part or otherwise specifically authorized by the General Statutes, a city may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way of State-maintained highways or city rights-of-way by a provider authorized by State law to operate in the rights-of-way of State-maintained highways or city rights-of-way and may not regulate any communications services.

(d) Except as provided in this Part or specifically authorized by the General Statutes, a city may not impose or collect any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.

(e) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Part does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way."

**SECTION 3.(a)** G.S. 136-18 reads as rewritten:

"**§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

...

(10) To make proper and reasonable rules, regulations and ordinances for the placing or erection of telephone, telegraph, electric and other lines, above or below ground, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the said highways or in any way interfere with the same, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the said Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric or other lines, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in G.S. 136-19.5(c), move or change the same to conform to the order of said Department of Transportation. Any violation of such rules and regulations or noncompliance with such orders shall constitute a Class 1 misdemeanor. For purposes of this subdivision, "wireless facilities" shall have the definition set forth in G.S. 160A-400.51.

...."

**SECTION 3.(b)** Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.3A. Wireless communications infrastructure.**

(a) The definitions set forth in G.S. 160A-400.51 shall apply to this section.

(b) The Department of Transportation is authorized to issue permits to wireless providers for the collocation of wireless facilities and the construction, operation, modification, or maintenance of utility poles, wireless support structures, conduit, cable, and related appurtenances and facilities for the provision of wireless services along, across, upon, or under the rights-of-way of State-maintained highways. The permits and included requirements shall be issued and administered in a reasonable and nondiscriminatory manner.

(c) The Department of Transportation shall take action to approve or deny a permit application for collocation of a small wireless facility under this section within a reasonable period of time of receiving the application from a wireless provider.

(d) The collocation of small wireless facilities and the construction, operation, modification, or maintenance of utility poles, wireless support structures, conduit, cable, and related appurtenances and facilities for the provision of small wireless facilities along, across, upon, or under the rights-of-way of State-maintained highways shall be subject to all of the following requirements:

(1) The structures and facilities shall not obstruct or hinder the usual travel or public safety on any rights-of-way of State-maintained highways or obstruct the legal use of such rights-of-way of State-maintained highways by other utilities.

(2) Each new or modified utility pole and wireless support structure installed in the right-of-way of State-maintained highways shall not exceed the greater of (i) 10 feet in height above the height of the tallest existing utility pole, other than a utility pole supporting only wireless facilities, in place as of July 1, 2017, located within 500 feet of the new pole in the same rights-of-way or (ii) 50 feet above ground level.

(3) Each new small wireless facility in the right-of-way shall not extend (i) more than 10 feet above an existing utility pole, other than a utility pole supporting only wireless facilities, or wireless support structure in place as of July 1, 2017, or (ii) above the height permitted for a new utility pole or wireless support structure under subdivision (2) of this section."

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

# HOUSE BILL 436:
# Local Government/Regulatory Fees.

*2017-2018 General Assembly*

| | | | |
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| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2017 |
| **Introduced by:** | Rep. Stevens | **Prepared by:** | Erika Churchill and Billy Godwin, Staff Attorneys |
| **Analysis of:** | PCS to Second Edition H436-CSSTf-32 | | |

***OVERVIEW:*** ***The proposed committee substitute (PCS) for House Bill 436 would establish a uniform authority for system development fees to be charged by a publicly operated water or sewer system, or both.***

**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 right-of-ways (ROWs), street 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. 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).

County and city public enterprise statutes also authorize certain fees and charges related to public enterprise functions, including a variety of fees pertaining to the operation of water and sewer systems. Cities, under G.S. 160A-314, and counties, under and G.S. 153A-277, have the authority to establish rents, rates, fees, charges and penalties for the use of or the public enterprises services being furnished.

Tap fees are authorized, and are charged at the time a customer connects to a water or sewer system. Connections to the public system can be mandated unless the property owner qualifies for, and the city allows the owner to pay an availability fee in lieu of actually connecting to the city system. G.S. 160A-314. Connections to a county water or sewer system can also be mandated under G.S. 153A-284, but availability fees in lieu of connecting to the county system are more restricted than with cities.

User fees, as part of a customer's monthly bill, are also authorized, to pay the costs of repair, maintenance or replacement of existing public enterprise facilities when necessary to maintain the existing level of service. *Town of Spring Hope v Bissette, 305 NC 248 (1982).*

The General Statutes do not explicitly authorize cities or counties to collect impact fees. Impact fees are those fees charged to pay for future services yet to be furnished. *Quality Homes v Town of Carthage, 789 S.E.2d, 454 (N.C. 2016).* Recently, the North Carolina 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 Inc. and Stafford Land Company, Inc. v. Town of Carthage,* 789 S.E.2d 454 (2016). The General Assembly has, by local act, authorized some cities and counties to collect impact fees.

Unlike cities and counties, the following units of local government do have general statutory authority to charge customers impact fees to pay for the costs of future expansion of facilities:

- Water and Sewer Authorities G.S. 162A-9 & G.S. 162A-14(3)



*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.*

| | |
|---|---|
| ➢ Metropolitan Water Districts | G.S. 162A-49 & G.S. 162A-53(3) |
| ➢ Metropolitan Sewerage Districts | G.S. 162A-72 & G.S. 162A-73(3) |
| ➢ Metropolitan Water & Sewerage Districts | G.S. 162A-85.13 & G.S. 162A-85.19(3) |
| ➢ County Water & Sewer Districts | G.S. 162A-88 |

**BILL ANALYSIS:** The PCS for House Bill 436 would enact a new Article 8 to Chapter 162A to authorize local governmental units to impose a system development fee for water and sewer service. Local governmental units, for this purpose, are counties, cities, sanitary districts, water and sewer authorities, metropolitan water districts, metropolitan sewerage districts, metropolitan water and sewerage districts, and county water and sewer districts. Specifically the PCS would:

- Define a system development fee as a charge for services imposed with respect to new development to do any of the following:
  - Fund the cost of capital improvements necessitated by the new development.
  - Recoup the costs of existing facilities serving the new development.
  - A combination of the above costs.
- Require the unit of local government's system development fee to be calculated based upon a written analysis prepared by either a qualified financial professional or professional engineer using either the buy-in, incremental cost, marginal cost, or combined cost methodology that calculates a final system development fee per service unit of new development covering a planning horizon of not less than 10 years nor more than 20 years.
- Limit the system development fee to that calculated in the written analysis.
- Provide for certain revenue and construction credits against the system development fee.
- Require the unit of local government to post the written analysis and accept public comment on its website for no less than 45 days, after which the governing body must conduct a public hearing prior to adoption of the system development fee.
- Limit use of proceeds from system development fees as follows:
  - Fees calculated using the incremental costs or marginal costs method could only pay for the construction costs of capital improvements including the contract price, surveying & engineer fees, land acquisition and principal and interest on debt obligation used to finance the costs.
  - Fees calculated using the buy-in method could be used either for previously completed capital improvement projects for which capacity still exists or for capital rehabilitation projects.
- Require system development fees to be placed in the local government unit's capital reserve fund.
- Authorize system development fees involving the subdivision of land to be collected either at the time of plat recording or when the local government unit commits to providing water and sewer service and for all other development the fee would be collected at the time of service connection.
- Clarify that the statute of limitations is two years for repayment of an unlawful fee, charge or exaction imposed by a local unit of government.

**EFFECTIVE DATE:** The changes related to the system development fee are effective on October 1, 2017. The remainder of the act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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**HOUSE BILL 436**
**Committee Substitute Favorable 4/20/17**
**PROPOSED COMMITTEE SUBSTITUTE H436-CSSTf-32 [v.5]**
**06/19/2017 9:06:58 PM**

Short Title: Local Government/Regulatory Fees. (Public)

Sponsors:

Referred to:

March 23, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR UNIFORM AUTHORITY TO IMPLEMENT SYSTEM DEVELOPMENT FEES FOR PUBLIC WATER AND SEWER SYSTEMS IN NORTH CAROLINA AND TO CLARIFY THE APPLICABLE STATUTE OF LIMITATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 162A of the General Statutes is amended by adding a new Article to read:

"Article 8.
"System Development Fees.

"**§ 162A-200. Short title.**

This Article shall be known and may be cited as the "Public Water and Sewer System Development Fee Act."

"**§ 162A-201. Definitions.**

The following definitions apply in this Article:

(1) Capital improvement. – A planned facility or expansion of capacity of an existing facility other than a capital rehabilitation project necessitated by and attributable to new development.

(2) Capital rehabilitation project.—Any repair, maintenance, modernization, upgrade, update, replacement or correction of deficiencies of a facility, including any expansion or other undertaking to increase the pre-existing level of service for existing development.

(3) Existing development. – Land subdivisions, structures and land uses in existence at the start of the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee.

(4) Facility. – A water supply, treatment, storage or distribution facility, or a wastewater collection, treatment or disposal facility, including for reuse or reclamation of water, owned or operated or to be owned or operated by a local governmental unit and land associated with such facility.

(5) Local governmental unit. – Any entity that owns or operates a facility pursuant to Part 2 of Article 2 of Chapter 130A, Article 15 of Chapter 153A, Article 16 of Chapter 160A, or Articles 1, 4, 5, 5A or 6 of Chapter 162A of the General Statutes.

(6) New development. – Any of the following occurring after the date a local government begins the written analysis process required by G.S. 162A-205,

no more than one year prior to the adoption of a system development fee, which increases the capacity necessary to serve that development:

a. The subdivision of land.

b. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units.

c. Any use or extension of the use of land which increases the number of service units.

(7) Service. – Water or sewer service, or water and sewer service, provided by a local governmental unit.

(8) System development fee. – A charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, as provided in this Article. The term includes amortized charges, lump-sum charges, and any other fee that functions as described by this definition regardless of terminology. The term does not include any of the following:

a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.

b. Tap or hookup charges for the purpose of reimbursing the local governmental unit for the actual cost of connecting the service unit to the system.

c. Availability charges.

d. Dedication of capital improvements on-site, adjacent or ancillary to a development absent a written agreement providing for credit or reimbursement to the developer pursuant to G.S. 153A-280, 153A-451, 160A-320, 160A-499 or Part 3A of Article 18, Chapter 153A or Part 3D of Article 19, Chapter 160A of the General Statutes.

e. Reimbursement to the local governmental unit for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as set forth in G.S. 162A-207(c).

(9) System development fee analysis. – An analysis meeting the requirements of G.S. 162A-205.

(10) Service unit. – A unit of measure, typically an equivalent residential unit, calculated in accordance with generally accepted engineering or planning standards.

"**§ 162A-202.Reserved.**

"**§ 162A-203. Authorization of System Development Fee.**

(a) A local governmental unit may adopt a system development fee for water or sewer service only in accordance with the conditions and limitations of this Article.

(b) A system development fee adopted by a local governmental unit under any lawful authority other than this Article and in effect on October 1, 2017, shall be conformed to the requirements of this Article not later than July 1, 2018.

"**§ 162A-204. Reserved.**

"**§ 162A-205. Supporting analysis.**

A system development fee must be calculated based on a written analysis, which may constitute or be included in a capital improvements plan, that:

(1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering and planning methodologies to calculate system development fees for public water and sewer systems.

(2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.

(3) Employs generally accepted accounting, engineering and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.

(4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.

(5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.

(6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.

(7) Covers a planning horizon of not less than 10 years nor more than 20 years.

(8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

"**§ 162A-206. Reserved.**

"**§ 162A-207. Minimum requirements.**

(a) Maximum. – A system development fee may not exceed that calculated based on the system development fee analysis.

(b) Revenue Credit. – In applying the incremental cost or marginal cost, or the combined cost, method to calculate a system development fee with respect to water or sewer capital improvements, the system development fee analysis must include as part of that methodology a credit against the projected aggregate cost of water or sewer capital improvements. That credit shall be determined based upon generally accepted calculations and shall reflect a deduction of either the outstanding debt principal or the present value of projected water and sewer revenues received by the local governmental unit for the capital improvements necessitated by and attributable to such new development, anticipated over the course of the planning horizon. In no case shall the credit be less than twenty-five percent (25%) of the aggregate cost of capital improvements.

(c) Construction or Contributions Credit.- In calculating the system development fee with respect to new development, the local governmental unit shall credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit will be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.

"**§ 162A-208. Reserved.**

"**§ 162A-209. Adoption and periodic review.**

(a) For not less than 45 days prior to considering the adoption of a system development fee analysis, the local governmental unit will post the analysis on its website and solicit and furnish a means to submit written comments, which shall be considered by the preparer of the analysis for possible modifications or revisions.

(b) After expiration of the period for posting, the governing body of the local governmental unit will conduct a public hearing prior to considering adoption of the analysis with any modifications or revisions.

(c) The local governmental unit will publish the system development fee in its annual budget or rate plan or ordinance. The local governmental unit will update the system development fee analysis at least every five years.

"**§ 162A-210. Reserved.**

"**§ 162A-211. Use and administration of revenue.**

(a) Revenue from system development fees calculated using the incremental cost method or marginal cost method, exclusively or as part of the combined cost method, may be expended only to pay:

(1) Costs of constructing capital improvements including, and limited to, the any of the following:

a. Construction contract prices.

b. Surveying and engineering fees.

c. Land acquisition cost.

d. Principal and interest on bonds, notes, or other obligations issued by or on behalf of the local governmental unit to finance any costs for an item listed in sub-subdivisions a. through c. of this subdivision.

(2) Professional fees incurred by the local governmental unit for preparation of the system development fee analysis.

(3) If no capital improvements are planned for construction within five years or the foregoing costs are otherwise paid or provided for, then principal and interest on bonds, notes, or other obligations issued by or on behalf of a local governmental unit to finance the construction or acquisition of existing capital improvements.

(b) Revenue from system development fees calculated using the buy-in method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. The basis for the buy-in calculation for previously completed capital improvements shall be determined by using a generally accepted method of valuing the actual or replacement costs of the capital improvement for which the buy-in fee is being collected less depreciation, debt credits, grants, and other generally accepted valuation adjustments.

(c) A local governmental unit may pledge a system development fee as security for the payment of debt service on a bond, note, or other obligation subject to compliance with the foregoing limitations.

(d) System development fee revenues shall be accounted for by means of a capital reserve fund established pursuant to Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure of funds in accordance with this section.

"**§ 162A-212. Reserved.**

"**§ 162A-213. Time for collection of system development fees.**

For new development involving the subdivision of land, the system development fee shall be collected by a local governmental unit either at the time of plat recordation or when water or sewer service for the subdivision or other development is committed by the local governmental unit. For all other new development, the local governmental unit shall collect the system development fee at the time of application for connection of the individual unit of development to the service or facilities.

"§ 162A-214. Reserved.

"§ 162A-215. Narrow construction.

Notwithstanding G.S. 153A-4 and G.S. 160A-4, in any judicial action interpreting this Article, all powers conferred by this Article shall be narrowly construed to ensure that system development fees do not unduly burden new development."

**SECTION 2.** G.S. 130A-64 reads as rewritten:

"**§ 130A-64. Service charges and rates.**

(a) A sanitary district board shall apply service charges and rates based upon the exact benefits derived. These service charges and rates shall be sufficient to provide funds for the maintenance, adequate depreciation and operation of the work of the district. If reasonable, the service charges and rates may include an amount sufficient to pay the principal and interest maturing on the outstanding bonds and, to the extent not otherwise provided for, bond anticipation notes of the district. Any surplus from operating revenues shall be set aside as a separate fund to be applied to the payment of interest on or to the retirement of bonds or bond anticipation notes. The sanitary district board may modify and adjust these service charges and rates.

(b) The district board may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

**SECTION 3.** G.S. 153A-277 reads as rewritten:

"**§ 153A-277. Authority to fix and enforce rates.**

(a) A county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county. A county may include a fee relating to subsurface discharge wastewater management systems and services on the property tax bill for the real property where the system for which the fee is imposed is located.

...

(a2) A county may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes.

...."

**SECTION 4.(a)** G.S. 160A-314 reads as rewritten:

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

(a) A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the city.

...

(e) A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes.

...."

**SECTION 4.(b)** G.S. 160A-317 is amended by adding a new subsection to read:

"(a4) System development fees. – A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

**SECTION 5.(a)** G.S. 162A-6(a) is amended by adding a new subdivision to read:

"(9a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 5.** G.S. 162A-9 is amended by adding a new subsection to read:

"(a5) An authority may require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 6.(a)** G.S. 162A-36(a) is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 6.(b)** G.S. 162A-49 reads as rewritten:

"**§ 162A-49. Rates and charges for services.**

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of land for the services furnished or to be furnished by any water system or sewerage system or both. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the water system or sewerage system or both, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the water system or the sewerage system or both, the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 7.(a)** G.S. 162A-69 is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 7.(b)** G.S. 162A-72 reads as rewritten:

"**§ 162A-72. Rates and charges for services.**

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of and for the services furnished or to be furnished by any sewerage system. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the sewerage system, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the sewerage system the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 8.** G.S. 162A-85.13 is amended by adding a new subsection to read:

"(a1) The district board may require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 9.** G.S. 162A-88 reads as rewritten:

"**§ 162A-88. District is a municipal corporation.**

(a) The inhabitants of a county water and sewer district created pursuant to this Article are a body corporate and politic by the name specified by the board of commissioners. Under that name they are vested with all the property and rights of property belonging to the corporation; have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, devised, sold, or in any manner conveyed, dedicated to, or otherwise acquired by them, and from time to time may hold, invest, sell, or dispose of the same; may have a common seal and alter and renew it at will; may establish, revise and collect rates, fees or other charges and penalties for the use of or the services furnished or to be furnished by any sanitary sewer system, water system or sanitary sewer and water system of the district; and may exercise those powers conferred on them by this Article.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

**SECTION 10.(a)** G.S. 1-53(1) reads as rewritten:

"(1) An action against a local unit of government upon a contract, obligation or liability arising out of a contract, express or ~~implied.~~ implied, in fact or law, including for repayment of an unlawful fee, charge or exaction. Unless otherwise provided by law, if the preceding sentence of this subsection would bar commencement of a cause of action arising out of a contract to improve real property: (i) such an action may be brought no later than 90 days after substantial completion, provided proper notice of the claim has been given if required by contract, or (ii) if prior to substantial completion the contract was terminated by either party, such an action may be brought no later than 90 days after the date of termination of the contract. As used in this subdivision, "substantial completion" has the same meaning as in G.S. 1-50(a)(5)c. This subdivision shall not apply to actions based upon bonds, notes and interest coupons or when a different period of limitation is prescribed by this Article."

**SECTION 10.(b)** This section is to clarify and not alter G.S. 1-53.

**SECTION 11.** Sections 1 through 9 of this act become effective October 1, 2017 and have prospective application only. Section 10 of this act, being a clarifying amendment, has retroactive effect and applies to claims accrued or pending prior to and after the date of enactment. Nothing in this act provides retroactive authority for any system development fee, or any similar fee for water or sewer services to be furnished, collected by a local governmental unit prior to October 1, 2017. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 2

# HOUSE BILL 436
**Committee Substitute Favorable 4/20/17**

Short Title: Local Government/Regulatory Fees. (Public)

Sponsors:

Referred to:

March 23, 2017

A BILL TO BE ENTITLED

AN ACT LIMITING IMPACT FEES AND STUDYING IMPACT FEES.

The General Assembly of North Carolina enacts:

**SECTION 1.1.** For one year from the time this act becomes effective, the amount of impact fees imposed by a city or county may not exceed those fees in effect on June 30, 2016.

**SECTION 1.2.** The Legislative Research Commission (LRC) shall study impact fees imposed by cities and counties. The LRC shall report its findings, together with any proposed legislation, to the 2018 Regular Session of the 2017 General Assembly upon its convening.

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

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
## House Bill 436

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

H436-AST-54 [v.4]



Amends Title [NO]
H436-CSSTf-32 v.5

Date _____,2017

Senator Edwards

moves to amend the bill on page 7, lines 16-37, by rewriting those lines to read:

"**SECTION 10.(a)** G.S. 1-52(15) reads as rewritten:

"(15) For the recovery of taxes paid as provided in ~~G.S. 105-381.~~G.S. 105-381 or for the recovery of an unlawful fee, charge, or exaction collected by a county, municipality or other unit of local government for water or sewer service, or water and sewer service."

**SECTION 10.(b)** This section is to clarify and not alter G.S. 1-52.

**SECTION 11.** Sections 1 through 9 of this act become effective October 1, 2017, and apply to system development fees imposed on or after that date. Section 10 of this act, being a clarifying amendment, has retroactive effect and applies to claims accrued or pending prior to and after the date that section becomes law. Nothing in this act provides retroactive authority for any system development fee, or any similar fee for water or sewer services to be furnished, collected by a local governmental unit prior to October 1, 2017. The remainder of this act is effective when it becomes law, and applies to claims accrued or pending prior to and after that date. ".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 20, 2017 |
| **Introduced by:** | Rep. Hunter | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 378 would add Bertie and Gates Counties to the list of counties where attachment, garnishment, and filing of liens is authorized to collect delinquent ambulance service fees when ambulance service is provided or supported by a county or municipality.***

**CURRENT LAW:** Article 9B of Chapter 44 of the General Statutes provides that in 89 counties, and the municipalities in those counties, delinquent ambulance service fees are a lien on the real property of the person furnished the ambulance service. The counties and municipalities are authorized to treat past due charges for ambulance services as if they were a tax due to the county or municipality, and to collect the amount due by use of the same attachment and garnishment proceedings used to collect taxes owed to a county or municipality.

This Article applies to service fees of county and municipal ambulance services, county-franchised and supported ambulance services, and municipal supported ambulance services, if the ambulance service fees are delinquent by at least 90 days.

**BILL ANALYSIS:** House Bill 378 would authorize Bertie and Gates Counties to use the existing delinquent ambulance service fee lien, attachment, and garnishment procedure for county and municipal ambulance services, county franchised and supported ambulance services, and municipal supported ambulance service.

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

*Giles Perry, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*

*Karen Cochrane-Brown*
*Director*

H378-SMBK-86-E1-V-3

*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 378

| | | |
|---|---|---|
| Short Title: | Bertie/Gates County/Ambulance Service. | (Local) |
| Sponsors: | Representative Hunter.<br>*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

A BILL TO BE ENTITLED

AN ACT AUTHORIZING BERTIE AND GATES COUNTIES TO USE ATTACHMENT OR GARNISHMENT AND LIEN FOR AMBULANCE SERVICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 44-51.8 reads as rewritten:

"**§ 44-51.8. Counties to which Article applies.**

The provisions of this Article shall apply only to Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Cleveland, Columbus, Craven, Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Pender, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey Counties."

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

# HOUSE BILL 385:
# Impaired Hunting/Orange County.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2017 |
| **Introduced by:** | Reps. Meyer, Insko | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***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.

*Giles Perry and Jason Moran-Bates, Staff Attorneys for Legislative Analysis Division, substantially contributed to this summary.*

*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 385

| | | |
|---|---|---|
| Short Title: | Impaired Hunting/Orange County. | (Local) |
| Sponsors: | Representatives Meyer and Insko (Primary Sponsors).<br>*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

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING ON PRIVATE PROPERTY IN ORANGE COUNTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5 of S.L. 2007-264 reads as rewritten:

"**SECTION 5.** Sections 1 through 4 of this act apply to Caswell, Johnston, Orange, and Stanly Counties. ~~Sections 1, 3, and 4 of this act apply to Orange County.~~"

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

# HOUSE BILL 393:
# Mebane Charter Revised & Consolidated.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 16, 2017 |
| **Introduced by:** | Reps. Ross, Riddell | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | Second Edition | | Staff Attorney |

**OVERVIEW:** ***House Bill 393 would revise and consolidate the Charter of the City of Mebane and would become effective when it becomes law.***

**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. 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 extraterritorial planning jurisdiction (ETJ).

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. In 2019, a Mayor and two Council members will be elected.

**BILL ANALYSIS:** House Bill 393 would consolidate into the Charter prior Session Laws pertaining to the City of Mebane and make additional general revisions to the Charter.

Specifically, House Bill 393 would:

- Incorporate into the Charter the corporate name "City" of Mebane.
- Specify action to be taken regarding the official map of the City upon alteration of corporate boundaries.
- Incorporate into the Charter the provisions of S.L. 2006-10 giving the City authority to maintain sidewalks in its ETJ.
- Update language for water and sewer improvements.
- Exempt 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.[1]
- Allow the City Council to, by ordinance, authorize the City Manager to settle claims against the City.
- 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.

*Staff attorney Greg Roney with the Legislative Analysis Division substantially contributed to this summary.*

[1] The General Assembly has exempted 104 other municipalities from G.S. 160A-58.1(b)(5).

*Karen Cochrane-Brown*
*Director*

H393-SMBD-56-E2-V-3

*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 2

# HOUSE BILL 393
**Committee Substitute Favorable 3/29/17**

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

Sponsors:

Referred to:

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.

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

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

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

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

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

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

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

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

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

"ARTICLE III. ELECTIONS

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

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

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

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

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

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

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

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

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

"ARTICLE V. FINANCE AND TAXATION

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

"ARTICLE VI. STREET AND SIDEWALK IMPROVEMENTS

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

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

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

(1) That the street or part thereof is unsafe for vehicular traffic and that it is in the public interest to make the improvement.

(2) That it is in the public interest to connect two streets, or portions of a street, already improved.

(3) That it is in the public interest to widen a street, or part thereof, which is already improved, provided that assessments for widening any street or portions of a street without petition shall be limited to the cost of widening and otherwise improving the street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

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

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

"Section 6.5. Effect of Assessment. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"Section 6.6. Sidewalk Maintenance in Extraterritorial Jurisdiction. The City may maintain sidewalks located in the City's extraterritorial planning jurisdiction under G.S. 160A-360.

"ARTICLE VII. WATER AND SEWER IMPROVEMENTS

"Section 7.1. Laterals Included in Cost. In ordering water or sewer line extensions, or both, the assessment of the cost thereof under the authority given by general law, the Council is hereby authorized to include in the extensions water and sewer line laterals and to include the cost of the laterals in the total cost to be assessed upon abutting properties.

"Section 7.2. Classification and Exemption. Where water or sewer lines are constructed across or through lots or tracts of land or when water or sewer lines, or both, are installed along both sides of corner lots and are financed in whole or in part by assessment, the Council may by uniform rule classify the lines for assessment as in its judgment will represent the benefits derived. As provided by G.S. 160A-219, the schedules of exemptions may be classified as to land uses (residential, business, commercial, industrial, office and institutional, agricultural, or other classifications) and shall be uniform for each classification used. However, no schedule of exemptions may provide for exemption of more than seventy-five percent (75%) of the frontage of any side of a corner lot or 150 feet, whichever is greater.

"Section 7.3. Assessments and Connection Fees. The Council may establish and collect connection fees and assessments for water and sewer extensions both within and outside the corporate limits. The fees and assessments shall fund necessary improvements and maintain services to inhabitants that are sufficient to address expansion and needs of the water and sewer system. Assessments may be made on any of the bases authorized in G.S. 160A-218.

"Section 7.4. Optional Cost Sharing. Without regard to the limitations provided in Article 10 of Chapter 160A of the General Statutes or in any other provision of law, the Council acting for the City may assume such proportion of the total cost of local improvements, including street improvements, sidewalk improvements, curb and gutter improvements, or water and sewer improvements, or any one or more of them, as the Council may, from time to time, deem appropriate.

"Section 7.5. Payment of Assessments. Any special assessment of the City for any purpose amounting to less than one hundred dollars ($100.00) shall be paid in cash not later than the next due date of City taxes rather than in annual installments and shall bear interest as taxes. Installment payments on special assessments shall uniformly fall due on the date that taxes are due and payable.

"ARTICLE VIII. REGULATORY POWERS

"Section 8.1. Land-Use Regulation. The City possesses all of the land-use regulation powers conferred on cities generally by general law.

"Section 8.2. Underground Utilities. In addition to the powers now or hereafter granted to cities by law, the City's subdivision ordinance may require that all utility or other pipes, wiring conduits, cables, and fixtures within subdivisions be installed underground, whether or not the same are installed in public rights-of-way pursuant to plans or regulations approved by the North Carolina Utilities Commission.

"Section 8.3. Annexations. Extensions of the City's corporate boundaries and filings of ordinances and maps of the extensions shall be governed by general or local law or the provisions of this Charter. The provisions of G.S. 160A-58.1(b)(5) shall not apply to the City.

"ARTICLE IX. CLAIMS AGAINST THE CITY

"Section 9.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the City arising in tort or in contract shall be presented to the Council in writing, signed by the claimant or the claimant's attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues and unless suit is brought within 12 months thereafter, any action thereon is barred.

(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose, or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof unless, within two years after the alleged use, the owner, the owner's executor, administrator, guardian, or next friend shall have given notice in writing to the Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of damage or compensation claimed.

"Section 9.2. Settlement of Claims by City Manager. The Council may, by ordinance, authorize the City Manager to settle claims against the City."

**SECTION 2.** The purpose of this act is to revise the Charter of the City of Mebane 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.** Section 1 of Chapter 514 of the 1973 Session Laws and S.L. 2006-10, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed.

**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 of the City of Mebane, as enacted 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.

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

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

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

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

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

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
## House Bill 393

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

H393-ABD-22 [v.4]



Amends Title [YES]
Second Edition

Date JUNE 20 ,2017

Senator EDWARDS

moves to amend the bill on page 1, line 3, by rewriting the line to read:

"AND TO REPEAL PRIOR CHARTER ACTS AND TO AUTHORIZE THE ALAMANCE-BURLINGTON BOARD OF EDUCATION TO DISPOSE OF CERTAIN REAL PROPERTY BY PRIVATE SALE OR EXCHANGE.";

and on page 6, line 28, by rewriting the line to read:

"**SECTION 11.(a)** The Alamance-Burlington Board of Education may, subject to the requirements set forth in subsection (b) of this section, convey, sell or transfer any or all of its right, title and interest in the property described in subsection (c) of this section pursuant to an agreement entered into through private negotiation and sale, which agreement may provide for an exchange for other property, or payment of monetary consideration, or both. Notwithstanding G.S. 115C-518(a), G.S.115C-521, Article 12 of Chapter 160A of the General Statutes, Article 8 of Chapter 143 of the General Statutes or any other statute or law of the State, and without limiting the foregoing, the agreement may provide that the Alamance-Burlington Board of Education will exchange the property described in subsection (c) of this section for a new school to be constructed by the other party to the agreement on property acceptable to the Alamance-Burlington Board of Education. Any such agreement entered into by the Alamance-Burlington Board of Education shall be approved as provided in subsection (b) of this section and shall provide for the payment or transfer of a full and fair consideration to the Alamance-Burlington Board of Education.

**SECTION 11.(b)** The agreement permitted pursuant to subsection (a) of this section shall be entered into pursuant to a single resolution authorizing the execution and performance of the agreement adopted by the Alamance-Burlington Board of Education at a regular meeting of the Board of Education upon 10 days public notice. Notice shall be given by publication describing the property to be conveyed by the Board of Education, stating the consideration to be paid or transferred to the Board of Education pursuant to the agreement, including the value of any properties to be conveyed to the Board of Education pursuant to the agreement, and announcing the Board of Education's intent to authorize the agreement at its next regular meeting.

**SECTION 11.(c)** That parcel or tract of land having an address of 510 E. Haggard Avenue in the Town of Elon, Alamance County, containing approximately 18.35 acres which bears Alamance County Parcel Identification number 115440 and GPIN 8855275305 and on which is located the elementary school known as "Elon Elementary" and which property includes but is not limited to the properties described in the deeds recorded in Book 233, Page 301, Alamance County Registry; Book 239, Page 79, Alamance County Registry; Book 239, Page 78, Alamance County Registry; and Book 234, Page 297, Alamance County Registry.

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

and by amending the short title to read:

"Mebane Charter/Alamance-Burl BOE Exchange.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# HOUSE BILL 426:
# Sanford-Lee County Airport Authority Changes.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 20, 2017 |
| **Introduced by:** | Reps. Sauls, Reives | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW:*** ***House Bill 426 would (i) eliminate the seat on the Sanford-Lee County Regional Airport Authority 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 the maximum term the Sanford-Lee County Regional Airport Authority may enter into a lease or contract from 20 years to 40 years.***

**CURRENT LAW:** The Sanford-Lee County Regional Airport Authority 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 Authority 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 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 the maximum term the Authority may enter into leases of real property, contracts for airport operations, or contracts for amusements or concessions to 40 years.

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

*Billy Godwin, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*

*Karen Cochrane-Brown*
*Director*

H426-SMBK-88 E1 -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.*

# HOUSE BILL 426

| | | |
|---|---|---|
| Short Title: | Sanford-Lee County Airport Authority Changes. | (Local) |
| Sponsors: | Representatives Sauls and Reives (Primary Sponsors).<br>*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

A BILL TO BE ENTITLED

AN ACT TO REVISE THE COMPOSITION OF THE SANFORD-LEE COUNTY REGIONAL AIRPORT AUTHORITY AND TO AUTHORIZE THE AUTHORITY TO ENTER INTO CERTAIN CONTRACTS FOR A PERIOD GREATER THAN TWENTY YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 903 of the 1991 Session Laws, as amended by Section 7(a) of S.L. 2006-171, reads as rewritten:

"Section 1. There is hereby created an airport authority to be known as the "Sanford-Lee County Regional Airport Authority" which shall be a body politic and corporate. The ~~said~~ authority shall be composed of seven members; two appointed by the Board of Commissioners of the County of Lee, two by the City Council of the City of Sanford; and three ex officio voting members: the Sanford City Manager, the Lee County Manager, and ~~the Lee County Economic Development Director.~~an appointee of the Sanford Area Growth Alliance Executive Committee. The ~~said~~ members shall be allowed a reasonable compensation as determined by the joint action of the City Council of the City of Sanford and the Board of Commissioners for the County of Lee, and shall be paid actual expenses incurred in the transaction of business at the instance of the authority; provided, however, that no full-time employee of the city or county, or an elected member of either the City Council of the City of Sanford or the Board of Commissioners of the County of Lee shall be paid for his or her services in connection with ~~said~~the authority, but shall be entitled only to reimbursement of actual expenses.

...

"Section 3. (a) The authority shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

...

(5) To lease for a term of ~~20~~40 years and for purposes not inconsistent with airport purposes or usage, real or personal property or both, under the supervision of or administered by the airport authority.

(6) To contract with persons, firms, or corporations for terms not to exceed ~~20~~40 years, for the operation of passenger and freight flights, scheduled or nonscheduled, and any other plane or flight activities not inconsistent with airport operations and to charge and collect reasonable fees, charges, and rents for the use of such property, and services rendered in the operation thereof.

(7) To operate, own, control, regulate, lease, or grant to others the license to operate amusements or concessions for a term not exceeding ~~2040~~ 40 years.

...."

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

# HOUSE BILL 509:
# Davidson County Zoning Procedure Changes.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2017 |
| **Introduced by:** | Reps. Watford, Potts | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***OVERVIEW: House Bill 509 authorizes the planning board of Davidson County to hold hearings and make the final decisions on zoning amendments.***

**CURRENT LAW:** Article 18 of Chapter 153A (applicable to counties) establishes the procedure under the General Statutes for the governing boards of counties to adopt, amend, and repeal their zoning ordinances. For zoning amendments, the role of the county 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 after a public hearing and adoption of a statement that the amendment is consistent with a comprehensive plan.

**BILL ANALYSIS:** House Bill 509 adds a new subsection to G.S. 153A-343, *applicable only to Davidson County*, which would do the following:

- Authorize the board of commissioners to pass an ordinance delegating the authority to conduct the required public hearing, adopt the statement of plan consistency, and make the final decision on zoning map amendments to its planning board. The board of commissioners also may prescribe the planning board's public hearing procedures.
- Require a majority vote of the planning board to pass the amendment.
- Provide that a person with standing may appeal a decision of the planning board to the board of commissioners, who then must conduct a *de novo* review.
- Authorize the board of commissioners to pass an ordinance to rescind or modify the authority delegated to the planning board.

**EFFECTIVE DATE:** This act is effective when it becomes law, and applies only to Davidson County.

**BACKGROUND:** The following other local government planning boards, agencies, or commissions have been delegated final zoning amendment decision-making authority:

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

*Karen Cochrane-Brown*
*Director*

H509-SMRN-56 E1 -V-4

*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.*

- City of Durham: S.L. 1993-264
- Randolph County and its various municipalities: S.L. 2017-19.

*Nicholas Giddings, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

# HOUSE BILL 509

| | | |
|---|---|---|
| Short Title: | Davidson County Zoning Procedure Changes. | (Local) |
| Sponsors: | Representatives Watford and Potts (Primary Sponsors). | |
| | *For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II | |

March 29, 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 DAVIDSON 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 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 with standing may appeal a decision of the planning board made pursuant to this subsection to the board of commissioners by providing written notice to the county clerk within 15 days of the final decision. The board of commissioners may charge the costs of the hearing on appeal to the appealing party. On appeal, the board of commissioners shall review the decision of the planning board de novo. If no notice of appeal is provided within 15 days of the final decision, the zoning map amendment proposals may be placed on the consent agenda for discussion or action at the next regular meeting of the board of commissioners. The board of commissioners may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to this subsection."

**SECTION 2.(a)** Section 1 of this act applies to Davidson County.

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

# HOUSE BILL 666:
# Revise Volunteer Fire Department Req'ts.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 20, 2017 |
| **Introduced by:** | Reps. Brenden Jones, Saine | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 666 would revise primary personnel requirements for volunteer firefighters. The act would be effective when it becomes law.***

**CURRENT LAW:** 11 NCAC 05A.0504 (Primary Personnel) provides: "Upon initial or re-inspection for certification as a Class '9S' fire department, the fire department shall have 20 primary personnel. No eligible firefighter may be counted as a primary firefighter of two, on call, volunteer departments. At the time of re-inspection, a fire department shall maintain 20 primary personnel on their certified state roster. At least one engine with four personnel must respond to each reported structure fire, which includes fire alarm activations where fire or damage has occurred. For the purpose of this Section 'primary personnel' means an eligible firefighter that is associated with the fire department for the purpose of satisfying certification inspection requirements."

**BILL ANALYSIS:** House Bill 666 would require the Department of Insurance to implement 11 NC 05A.0504 as follows. The Department must provide that to satisfy certification inspection requirements, a fire department may apply to the Department for a waiver from the requirement that the fire department maintain 20 primary personnel. The Department's Office of State Fire Marshall may find that a waiver is justified based on the volume of calls received by the fire department and if the waiver would not cause a significant deterioration in the response capability of the fire department. A waiver must not reduce the primary personnel requirement below 15. The act would also direct the Rules Review Commission to amend the Primary Personnel Rule consistent with these provisions.

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

*Brad Krehely, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*

*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 666

| | | |
|---|---|---|
| Short Title: | Revise Volunteer Fire Department Req'ts. | (Public) |
| Sponsors: | Representatives Brenden Jones and Saine (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II | |

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A WAIVER OF MINIMUM PERSONNEL REQUIREMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Definitions. – "Primary Personnel Rule" means 11 NCAC 05A .0504 (Primary Personnel) for purposes of this act and its implementation.

**SECTION 1.(b)** Primary Personnel Rule. – Until the effective date of the revised permanent rule that the Department of Insurance is required to adopt pursuant to subsection (d) of this section, the Department shall implement the Primary Personnel Rule, as provided in subsection (c) of this section.

**SECTION 1.(c)** Implementation. – The Department shall provide that for the purpose of satisfying certification inspection requirements, a fire department may apply to the Department for a waiver from the requirement that the department maintain 20 primary personnel in order to satisfy certification inspection requirements upon a showing satisfactory to the Department's Office of State Fire Marshall that the waiver is justified by the volume of calls received by the fire department and would not cause a significant deterioration in the response capability of the fire department. A waiver granted by the Department under this subsection shall not reduce the primary personnel requirement below 15.

**SECTION 1.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Primary Personnel Rule consistent with subsection (c) of this section and may adopt temporary rules. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.

**SECTION 1.(e)** Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

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

# HOUSE BILL 719
**Committee Substitute Favorable 4/20/17**

Short Title: Improve Security/Upper Level/Pking Lot 65. (Public)

Sponsors:

Referred to:

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO ALLOCATE THE PARKING SPACES IN THE UPPER LEVEL OF STATE PARKING DECK 65 TO THE LEGISLATIVE SERVICES COMMISSION TO SUPPORT SECURITY MEASURES FOR THE LEGISLATIVE COMPLEX.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 120-32.1 reads as rewritten:

"**§ 120-32.1. Use and maintenance of buildings and grounds.**

(a) The Legislative Services Commission shall:

(1) Establish policy for the use of the State legislative buildings and ~~grounds;~~grounds.

(2) Maintain and care for the State legislative buildings and grounds, but the Commission may delegate the actual work of the maintenance of those buildings and grounds to the Department of Administration, which shall perform the work as ~~delegated;~~delegated.

(3) Provide security for the State legislative buildings and ~~grounds;~~grounds.

(4) Allocate space within the State legislative buildings and ~~grounds; and~~grounds.

(5) Have the exclusive authority to assign parking space in the State legislative buildings and grounds.

...

(d) For the purposes of this section, the term "State legislative buildings and grounds" means:

(1) ~~At all times:~~

~~a.~~ The State Legislative ~~Building;~~Building.

~~a1. Repealed by Session Laws 1998-156, s. 1, effective September 24, 1998.~~

~~a2.~~(1a) The areas between the outer walls of the State Legislative Building and the far curbline of those sections of Jones, Wilmington, Salisbury, and Lane Streets that border the land on which it is ~~situated;~~situated.

~~b.~~(1b) The Legislative Office Building, which shall include the following areas:

~~1.~~a. The garden area and outer ~~stairway;~~stairway.

~~2.~~b. The loading dock area bounded by the wall on the east abutting the Halifax Street Mall, the southern edge of the southernmost exit lane on Salisbury Street for the parking deck, and the Salisbury Street ~~sidewalk;~~sidewalk.

~~3.~~c. The area between its outer wall and the near curbline of that section of Lane Street that borders the land on which it is ~~situated;~~ ~~and~~situated.

~~4.~~d. The area bounded by its western outer wall, the extension of a line along its northern outer wall to the middle of Salisbury Street, following the middle line of Salisbury Street to the nearest point of the intersection of Lane and Salisbury Streets, and thence east to the near curbline of the Legislative Office Building at its southwestern ~~corner;~~corner.

~~c.~~(1c) Any State-owned parking lot which is leased to the General ~~Assembly;~~Assembly.

~~d.~~(1d) The bridge between the State Legislative Building and the Halifax Street ~~Mall;~~Mall.

~~e.~~(1e) A portion of the brick sidewalk surface area of the Halifax Street Mall, described as follows: beginning at the northeast corner of the Legislative Office Building, thence east across the brick sidewalk to the inner edge of the sidewalk adjacent to the grassy area of the Mall, thence south along the inner edge of the sidewalk to the southwest outer corner of the grassy area of the Mall, thence east along the inner edge of the sidewalk adjacent to the southern outer edge of the grassy area of the Mall to a point north of the northeast corner of the pedestrian surface of the Lane Street pedestrian bridge, thence south from that point to the northeast corner of the pedestrian surface of the bridge, thence west along the southern edge of the brick sidewalk area of the Mall to the southeast corner of the Legislative Office Building, thence north along the east wall of the Legislative Office Building, to the point of ~~beginning; and~~beginning.

~~f.~~(1f) From the center of Lane Street to the far curbline on the south side of the street; between the western edge of the Lane Street driveway to the gardens behind the State Records Center, and Wilmington Street.

(2) Repealed by Session Laws 1998-156, s. 1, effective September 24, 1998.

(3) The parking spaces in the upper level of State Parking Deck 65 located under the Halifax Street Mall."

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

# HOUSE BILL 719:
# Improve Security/Upper Level/Pking Lot 65.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2017 |
| **Introduced by:** | Reps. Arp, Dollar, Saine, Lewis | **Prepared by:** | Brad Krehely |
| **Analysis of:** | Second Edition | | Committee Co-Counsel |

***OVERVIEW: House Bill 719 would make all of the parking spaces in the upper level of Parking Deck 65 under the Halifax Street Mall part of the "State legislative buildings and grounds" for purposes of allocation by the Legislative Services Commission and to support strengthened security measures in the Legislative Complex.***

**CURRENT LAW:** The Department of Administration is responsible for allocating parking spaces among the various State agencies and departments and adopting rules for parking on all public grounds.

All officials of State government who are elected to office by popular vote shall each be allocated one parking space. Heads of any department, agency, or institution of State government, as designated by the Secretary of Administration, shall also be allocated one parking space each. Remaining parking spaces will be allocated to departments for their benefits-eligible employees who have assigned workstations within the downtown State Government Complex.

Employees who are assigned a parking space pay a monthly fee of $15, which must be payroll deducted. The State Parking Division coordinates maintenance needs of all parking facilities in the State Government Complex within which parking spaces are leased and that contribute to the revenue base of the parking fund. Maintenance of State-owned or leased parking facilities that do not contribute to the parking fund are the responsibility of the owning or leasing department.

The following is the approximate number of spaces currently allocated to the General Assembly:

- 187 spaces in the Lower Level of Parking Deck 65
- 45 spaces in the Upper Level of Parking Deck 65
- 220 spaces in Parking Deck 75
- 30≈ spaces in Parking Deck 76

There are a total of 510 spaces in the upper level of Parking Deck 65.

**BILL ANALYSIS:** House Bill 719 would add the parking spaces in the upper level of Parking Deck 65 under the Halifax Street Mall to the "State legislative buildings and grounds." By doing so, the Legislative Services Commission would have the exclusive authority to assign parking spaces in the upper level. The maintenance of the deck would remain the responsibility of the Department of Administration.

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

*Trina Griffin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

*Karen Cochrane-Brown*
*Director*

H719-SMRN-55 E2 -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.*

# HOUSE BILL 445:
# Brunswick Fire Protection Fees.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2017 |
| **Introduced by:** | Reps. Iler, Butler | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 445 would increase the maximum fee amounts that may be assessed for fire protection in Brunswick County.***

**CURRENT LAW & BILL ANALYSIS:** Brunswick County has the authority to establish fee-supported fire districts to provide fire protection services throughout the county. "Fire protection" includes furnishing emergency medical, rescue, and ambulance services to protect people in the district from injury or death. The board may provide fire protection to the district by contracting for the services with someone else or by providing the service itself if it maintains or creates an organized fire department in the district. There are 37 fire districts and 22 fire departments in the county; 7 of the departments are owned and operated by the municipal governments.

Each district has a committee that exercises control over the fee-setting process. The committee must conduct an inquiry into the amount of funds required by the district to meet its needs and recommend a fee to the board of commissioners. The board then sets the fee. The fee may not exceed the cost of providing fire protection services within the district, and the amount is based on the class of property as set out in the table below. The fee may be included on the property owner's property tax bill.

The board of commissioners has passed a resolution seeking to amend the maximum fee amounts because the current amounts are outdated and insufficient to meet the needs of the growing population. The fees were last increased in 2007. If this legislation passes, the commissioners intend to implement a 25% across the board increase.

| Class of Property | | Current Law (Maximum Fees Per Site/Per Year) | Proposed Increase in House Bill 445 (Maximum Fees Per Site/Per Year) |
|---|---|---|---|
| A single-family dwelling or manufactured or mobile home, and appurtenant structures, plus up to 5 acres of surrounding land.[1] | <1,000 sq. ft | $50.00 | $100.00 |
| | >1,000-<2,000 sq. ft | $100.00 | $200.00 |
| | >2,000-<3,000 sq. ft | $200.00 | $400.00 |
| | >3,000-<4,000 sq. ft | $300.00 | $600.00 |
| | >4,000-<5,000 sq. ft | $400.00 | $800.00 |

[1] Each unit in a multiple-family dwelling is treated as a single-family dwelling for purposes of this fee.

*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.*

| | | | |
|---|---|---|---|
| | >5,000-<6,000 sq. ft | $500.00 | $1000.00 |
| | >6,000-<7,000 sq. ft | $600.00 | $1200.00 |
| | >7,000-<8,000 sq. ft | $700.00 | $1400.00 |
| | >8,000 sq. ft | $800.00 | $1600.00 |
| Unimproved land other than the 5 acres of land classified as part of a single-family dwelling or manufactured or mobile home. | <5 acres | $10.00 | $20.00 |
| | >5 <25 acres | $20.00 | $40.00 |
| | >25 <50 acres | $50.00 | $100.00 |
| | >50 <100 acres | $100.00 | $200.00 |
| | >100 <200 acres | $150.00 | $300.00 |
| | >200 <300 acres | $200.00 | $400.00 |
| | >300 <400 acres | $300.00 | $600.00 |
| | >400 <500 acres | $400.00 | $800.00 |
| | >500 acres | $500.00 | $1,000.00 |
| An animal production or horticultural operation | Per site | $10.00 | $20.00 |
| A commercial facility other than an animal production or horticultural operation. | <5,000 sq. ft | $200.00 | $400.00 |
| | >5,000<10,000 sq. ft | $400.00 | $800.00 |
| | >10,000<20,000 sq. ft | $800.00 | $1,600.00 |
| | >20,000<30,000 sq. ft | $1,000.00 | $2,000.00 |
| | >30,000<40,000 sq. ft | $1,500.00 | $3,000.00 |
| | >40,000<50,000 sq. ft | $2,000.00 | $4,000.00 |
| | >50,000<60,000 sq. ft | $3,000.00 | $6,000.00 |
| | >60,000<70,000 sq. ft | $4,000.00 | $8,000.00 |
| | >70,000<80,000 sq. ft | $5,000.00 | $10,000.00 |
| | >80,000<90,000 sq. ft | $6,000.00 | $12,000.00 |
| | >90,000<100,000 sq. ft | $7,000.00 | $14,000.00 |
| | >100,000sq. ft | $8,000.00 | $16,000.00 |
| Any other class of property selected by the county | | $100.00 | $200.00 |

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

*Trina Griffin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

# HOUSE BILL 445

| | | |
|---|---|---|
| Short Title: | Brunswick Fire Protection Fees. | (Local) |
| Sponsors: | Representatives Iler and Butler (Primary Sponsors).<br>*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 23, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY BRUNSWICK COUNTY'S FIRE PROTECTION FEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of S.L. 1999-323, as amended by S.L. 2001-74 and Section 2 of S.L. 2007-335, reads as rewritten:

"**Section 1.** Fee-supported fire districts.

"**Section 1.(a)** Request for Fee-Supported District. – A county may create a fee-supported fire district for insurance grading purposes if it receives one of the following:

(1) A written request to create the district signed by at least two-thirds of the members of the board of directors of a fire department that contracts with the county to provide fire protection within an area of the county.

(2) A petition requesting creation of a district signed by fifteen percent (15%) of the resident freeholders living in an area in the county. The petition must describe the area to be designated as the district.

"**Section 1.(b)** Creation of Fee-Supported District. – Upon receipt of a request as provided in subsection (a), the county may adopt a resolution establishing a fee-supported fire district and imposing annual fees for the provision of fire protection services within the district. The fee may be established or changed only after the county board of commissioners has received the recommendations of the committee for that district, established under subsection (b1) of this section. The district may not include any area that is within (i) a tax-supported fire district established under Article 3A of Chapter 69 of the General Statutes; (ii) a county service district established under Article 16 of Chapter 153A of the General Statutes for fire protection purposes; or (iii) another fee-supported fire district. The district may not include any area that is within the corporate limits of a municipality unless the governing body of the municipality agrees to the inclusion. However, it is not necessary to obtain the consent of a municipality if the municipality has not levied a tax, performed any official act, nor held any elections within a period of 10 years preceding the adoption of the resolution including the area within the district.

"**Section 1.(b1)** Committee for District. – Each district shall have a committee to allow local control over the fee-setting process. In each district that does not include any territory in a participating municipality, the committee shall consist of five members as follows: The Fire Chief, the member of the board of county commissioners in whose electoral district more than fifty percent (50%) of the land area of the district lies, a community member chosen by the Fire Department Board of Directors, a community member chosen by the board of county commissioners, and the Fire ~~Marshal.~~Marshal or other official as designated by the County

Manager. In each district that does include any territory in a participating municipality, the committee shall consist of members as follows: The Fire Chief, the mayor of each participating municipality in the district, the member of the board of county commissioners in whose electoral district more than fifty percent (50%) of the land area of the district lies, a community member chosen by the Fire Department Board of Directors, a community member chosen by the board of county commissioners, and the Fire ~~Marshal.~~Marshal or other official as designated by the County Manager. In either type of district, the Fire Marshal or the other official designated by the County Manager shall chair the committee, but may vote only to break a tie. The committee shall conduct an inquiry into the amount of funds required by the district to meet its needs, and shall make findings on the issue. The committee will communicate these findings to the board of county commissioners and recommend a fee. The board of county commissioners will then set the fee. The same process shall be used for changes to the fee once established.

"**Section 1.(c)** Fees. – The fees imposed by the county may not exceed the cost of providing fire protection services within the district and may be imposed on owners of all real property ~~that benefits from the availability of fire protection~~ and on owners of all manufactured or mobile homes ~~that benefit from the availability of fire protection.~~within the district. For the purpose of this section, the term 'fire protection' includes furnishing emergency medical, rescue, and ambulance services to protect persons in the district from injury or death. The county shall establish a schedule of fees for different classes of property and the fee for each class of property shall be proportional to the estimated cost of providing fire protection services to that class of property. The schedule of fees shall include the following classes of property and the fee on each class of property shall not exceed the following maximums:

(1) A single-family dwelling or manufactured or mobile home, and appurtenant structures, plus up to five acres of surrounding land. The fee on this class of property may not exceed:

a. ~~Fifty dollars ($50.00)~~One hundred dollars ($100.00) per site per year for homes 1,000 square feet of heated floor area or less.

b. ~~One hundred dollars ($100.00)~~Two hundred dollars ($200.00) per site per year for homes greater than 1,000 square feet of heated floor area but less than 2,000 square feet of heated floor area.

c. ~~Two hundred dollars ($200.00)~~Four hundred dollars ($400.00) per site per year for homes 2,000 square feet or greater of floor area but not greater than 3,000 square feet of heated floor area.

d. ~~Three hundred dollars ($300.00)~~Six hundred dollars ($600.00) per site per year for homes greater than 3,000 square feet of floor area but not greater than 4,000 square feet of heated floor area.

e. ~~Four hundred dollars ($400.00)~~Eight hundred dollars ($800.00) per site per year for homes greater than 4,000 square feet of floor area but not greater than 5,000 square feet of heated floor area.

f. ~~Five hundred dollars ($500.00)~~One thousand dollars ($1,000) per site per year for homes greater than 5,000 square feet of floor area but not greater than 6,000 square feet of heated floor area.

g. ~~Six hundred dollars ($600.00)~~One thousand two hundred dollars ($1,200) per site per year for homes greater than 6,000 square feet of floor area but not greater than 7,000 square feet of heated floor area.

h. ~~Seven hundred dollars ($700.00)~~One thousand four hundred dollars ($1,400) per site per year for homes greater than 7,000 square feet of floor area but not greater than 8,000 square feet of heated floor area.

i. ~~Eight hundred dollars ($800.00)~~One thousand six hundred dollars ($1,600) per site per year for homes greater than 8,000 square feet of heated floor area.

(2) Unimproved land other than the five acres of land classified as part of a single-family dwelling or manufactured or mobile home. The county may establish a maximum fee for unimproved land as follows:

a. Up to five acres, ~~ten dollars ($10.00).~~twenty dollars ($20.00).

b. Five acres or more but less than 25 acres, ~~twenty dollars ($20.00).~~forty dollars ($40.00).

c. 25 acres or more but less than 50 acres, ~~fifty dollars ($50.00).~~one hundred dollars ($100.00).

d. 50 acres or more but less than 100 acres, ~~one hundred dollars ($100.00).~~two hundred dollars ($200.00).

e. 100 acres or more but less than 200 acres, ~~one hundred fifty dollars ($150.00).~~three hundred dollars ($300.00).

f. 200 acres or more but less than 300 acres, ~~two hundred dollars ($200.00).~~four hundred dollars ($400.00).

g. 300 acres or more but less than 400 acres, ~~three hundred dollars ($300.00).~~six hundred dollars ($600.00).

h. 400 acres or more but less than 500 acres, ~~four hundred dollars ($400.00).~~eight hundred dollars ($800.00).

i. 500 acres or more, ~~five hundred dollars ($500.00).~~one thousand dollars ($1,000).

(3) An animal production or horticultural operation. The fee on this class of property may not exceed ~~ten dollars ($10.00)~~twenty dollars ($20.00) per site per year.

(4) A commercial facility other than an animal production or horticultural operation. The fee on this class of property may not exceed for a commercial facility:

a. Less than 5,000 square feet, ~~two hundred dollars ($200.00).~~four hundred dollars ($400.00).

b. 5,000 square feet but less than 10,000 square feet, ~~four hundred dollars ($400.00).~~eight hundred dollars ($800.00).

c. 10,000 square feet but less than 20,000 square feet, ~~eight hundred dollars ($800.00).~~one thousand six hundred dollars ($1,600).

d. 20,000 square feet but less than 30,000 square feet, ~~one thousand dollars ($1,000).~~two thousand dollars ($2,000).

d1. 30,000 square feet but less than 40,000 square feet, ~~one thousand five hundred dollars ($1,500).~~three thousand dollars ($3,000).

d2. 40,000 square feet but less than 50,000 square feet, ~~two thousand dollars ($2,000).~~four thousand dollars ($4,000).

e. 50,000 square feet but less than 60,000 square feet, ~~three thousand dollars ($3,000).~~six thousand dollars ($6,000).

e1. 60,000 square feet but less than 70,000 square feet, ~~four thousand dollars ($4,000).~~eight thousand dollars ($8,000).

e2. 70,000 square feet but less than 80,000 square feet, ~~five thousand dollars ($5,000).~~ten thousand dollars ($10,000).

e3. 80,000 square feet but less than 90,000 square feet, ~~six thousand dollars ($6,000).~~twelve thousand dollars ($12,000).

e4. 90,000 square feet but less than 100,000 square feet, ~~seven thousand dollars ($7,000).~~fourteen thousand dollars ($14,000).

f. 100,000 square feet or over, ~~eight thousand dollars ($8,000).~~sixteen thousand dollars ($16,000).

(5) A multiple-family dwelling. Each unit in a multiple-family dwelling shall be treated as a single-family dwelling under subdivision (1) of this subsection.

(6) Any other class of property selected by the county. The fee on these classes of property may not exceed ~~one hundred dollars ($100.00)~~two hundred dollars ($200.00) per year.

(7) Outbuildings and special structures that fail to fall into any category above will be classified based on the most appropriate category determined by the specific use of the type of structure.

"**Section 1.(d)** Billing of Fees. – The county may include a fee imposed under this section on the property tax bill for the real property, or the manufactured or mobile home, on which the fee is imposed.

"**Section 1.(e)** Use of Fees. – The county shall credit the fees collected within the district to a separate fund to be used only to furnish fire protection in the district. The board of commissioners shall administer the fund to provide fire protection by one or more of the following methods:

(1) Contracting with any municipality, any incorporated nonprofit volunteer or community fire department, or the Department of Environment and Natural Resources.

(2) Furnishing fire protection itself if it maintains an organized fire department.

(3) Establishing a fire department in the district.

"**Section 1.(f)** Audit of Fire Department. – If the county contracts with a fire department to provide fire protection services in a fee-supported fire district, the fire department shall prepare an annual budget based on anticipated revenues and shall submit the budget to the county for processing and approval through the county's regular budget procedure. The fire department shall contract for quarterly bookkeeping/accounting services from an independent accountant for each fiscal year July 1 through June 30. The independent accountant must be approved in advance by the County Finance Officer. The fire department is to submit all invoices, cash receipts, bank statements with canceled checks or facsimiles, check registers or stubs, and other financial source documents to the accountant within 15 days of the end of each fiscal quarter. The accountant is to provide a monthly bank reconciliation for each month of the quarter, an itemized schedule of all disbursements for the quarter, and an itemized schedule of cash receipts for the quarter, a quarterly financial report, and a year-to-date financial report directly to the County ~~Fire Marshal's office~~Manager within 45 days of the end of each fiscal quarter. Funding will not be disbursed until the financial report is accepted by the Finance Officer. The fire department agrees to contract for an independent financial audit conducted by a certified public accountant in accordance with generally accepted accounting principles, for each fiscal year July 1 through June 30 to be completed by October 31 after that fiscal year and submitted to the Brunswick County Emergency Services Department by November 10 following that fiscal year and will comply with federal and State laws and regulations related to financial and compliance audits. Towns will handle all financing and accounts that are spent for the town fire departments. The Town will follow all accounting principles and practices as required by the State of North Carolina. The Treasurer of any fee-supported department shall be bonded for at least one and one-half times the department's annual budget. The county may audit the fire department's financial records upon reasonable notice to the fire department. Any fees collected by the county to be disbursed to a fee-supported department will be withheld until all fiscal issues are resolved to the satisfaction of the County Finance Officer.

"**Section 1.(g)** Extension of Area of District. – The county may by resolution annex to any fee-supported fire district any territory that it could include in a new district under subsection (c) of this section, upon finding that:

(1) The area to be annexed is contiguous to the district, with at least one-eighth of the area's aggregate external boundary coincident with the existing boundary of the district; and

(2) The area to be annexed requires the services of the district.

The county may also by resolution annex to any fee-supported fire district any territory it could include in a new district under subsection (c) of this section if seventy-five percent (75%) of the real property owners in the territory to be annexed have petitioned the board of commissioners for annexation to the service district.

The area of any fee-supported fire district may be increased by including within the boundaries of the district any adjoining territory lying within a municipality if the territory is not already included in another fire protection district, and both the municipal governing body and the county commissioners of the county in which the district is located agree by resolution to the inclusion. However, it is not necessary to obtain the consent of a municipality if the municipality has not levied a tax, performed any official act, nor held any elections within a period of 10 years preceding the adoption of the resolution including the area within the district.

"**Section 1.(h)** Annexation of District. – When any portion of a fee-supported fire district has been annexed by a municipality furnishing fire protection to its citizens, and the municipality has not agreed to allow territory within it to be in the district, then the portion of the district annexed is no longer part of a fee-supported district. For the purposes of this section and regardless of the actual effective date of annexation, the date of annexation shall be considered to be a date in the month of June. When any portion of a fee-supported fire district is annexed by a municipality furnishing fire protection to its citizens, there is debt associated with the prior fee-supported district providing the fire protection to that area, an assumption of debt shall be paid to the fee-supported district at a rate of not less than one-half the fees that are collected from the annexed area for a period of not less than three years. This shall in no way limit or restrict a municipality from contracting with a fee-supported district to provide fire protection services nor shall it require a fee-supported district to provide fire protection services without an additional contract.

"**Section 1.(i)** Abolition of District. – Upon finding that there is no longer a need for a given fee-supported fire district, the board of commissioners may repeal the resolution establishing the district and thus abolish the district.

"**Section 1.(j)** Administrative Oversight. – Each nonmunicipal department shall bring any purchase in excess of ten thousand dollars ($10,000) for approval to a fire protection oversight board that is determined by the board of commissioners of the county and is chaired by the Emergency Services Director or his designee. Failure to adhere to the recommendations of the committee could lead to forfeiture of collected fees. All departments that receive funding from a fee-supported district shall participate in countywide strategic planning sessions conducted by the emergency services office no less than once a year.

"**Section 1.(k)** Collection Remedies. – A county may ~~foreclose fire fee liens~~ collect any delinquent fire fees, existing either before or after the effective date of this act, under any procedure provided by law for the ~~foreclosure~~ collection of property tax liens, including attachment, garnishment, and foreclosure, except that: (i) lien sales and lien sale certificates are not required, and (ii) foreclosure may be begun at any time after 30 days after the due date. The county is not entitled to a deficiency judgment in an action to foreclose a fire fee lien. The lien of fire fees is inferior to all prior and subsequent liens for State, local, and federal taxes, and superior to all other liens."

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

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 445**

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

H445-ARNf-27 [v.4]



Amends Title [NO]
First Edition

Date _____, 2017

Senator McInnis

moves to amend the bill on page 2, lines 14-17, by rewriting those lines to read:

""**Section 1.(c)** Fees. – The fees imposed by the county may not exceed the cost of providing fire protection services within the district and may be imposed on owners of all real property that benefits from the availability of fire protection and on owners of all manufactured or mobile homes that benefit from the availability of fire protection. For the"";

and on page 4, lines 10-11, by inserting the following between those lines:

"For properties located beyond six road miles from the closest fire station of their district that have a fire insurance rating of 10, the fee shall be seventy-five percent (75%) of the amount otherwise applicable under the above fee schedules.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

*H445-ARNF-27-V-4*

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-41 [v.1]



Amends Title [NO]
Fourth Edition

Date _____,2017

Senator Alexander

moves to amend the bill on page 1, lines 12-13 by rewriting the lines to read:

"(1) Hunting on Sunday between 9:30A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).";

and on page 1, lines 26-29 by rewriting the lines to read:

"(1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited.

(2) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(3) Hunting on Sunday within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.";

and on page 1-2, lines 33-2 by rewriting the lines to read:

"(1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).

(2) Hunting on Sunday within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.

(3) The Wildlife Resources Commission shall not authorize hunting of migratory birds on Sunday prior to March 1, 2018.";

and on page 2, lines 9-13 by deleting those lines;

and on page 2, line 14 by deleting "**SECTION 3.**" and inserting "**SECTION 2.**";

and on page 2, line 20 by deleting "**SECTION 4.**" and inserting "**SECTION 3.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 4

# HOUSE BILL 559*

**Committee Substitute Favorable 4/24/17**
**Senate State and Local Government Committee Substitute Adopted 6/6/17**
**Senate Rules and Operations of the Senate Committee Substitute Adopted 6/14/17**

Short Title: Outdoor Heritage Enhanced. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE USE OF FIREARMS FOR HUNTING OF WILD ANIMALS AND UPLAND GAME BIRDS ON SUNDAY AND TO ALLOW HUNTING OF MIGRATORY BIRDS ON SUNDAY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 103-2 reads as rewritten:

"**§ 103-2. Method of take when hunting on Sunday.**

(a) Any landowner or member of the landowner's family, or any person with written permission from the landowner, ~~may~~ may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on the landowner's property, except that all of the following limitations apply:

~~(1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).~~

~~(2) Hunting of migratory birds on Sunday is prohibited.~~

(3) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(4) Hunting on Sunday within 500 yards of a place of ~~worship~~ religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, ~~or within 500 yards of a residence not owned by the landowner,~~ is prohibited.

~~(5) Hunting on Sunday in a county having a population greater than 700,000 people is prohibited.~~

(a1) Any person may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on public lands of the State managed for hunting, except that the following limitations apply:

(1) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(2) Hunting on Sunday within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.

(a2) The hunting of migratory birds on Sunday is prohibited unless authorized by proclamation or rules of the Wildlife Resources Commission, subject to the following limitation:

(1) The Wildlife Resources Commission shall not authorize hunting of migratory birds on Sunday prior to March 1, 2018.

(2) Hunting on Sunday within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.

(b) A person who hunts on Sunday in a manner prohibited under ~~subsection (a) of~~ this section or rules adopted by the Wildlife Resources Commission shall be guilty of a Class 3 misdemeanor. Provided, that the provisions of this section are not applicable to military reservations, the jurisdiction of which is exclusively in the federal government, to field trials authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's property. Wildlife protectors are granted authority to enforce the provisions of this section."

**SECTION 2.** Section 5(c) of S.L. 2015-144 reads as rewritten:

"**SECTION 5.(c)** Subsection (b) of this section becomes effective October 1, ~~2017.~~ 2020. A county may adopt an ordinance to prohibit Sunday hunting prior to October 1, ~~2017,~~ 2020, but any such ordinance shall not become effective until October 1, ~~2017.~~ 2020. The remainder of this section becomes effective October 1, 2015."

**SECTION 3.** The Wildlife Resources Commission shall complete a study that includes, but is not limited to, examining biological and resource management impacts, economic impacts, and social impacts associated with hunting migratory birds on Sunday. The Wildlife Resources Commission shall submit its findings to the Speaker of the House, the President Pro Tempore of the Senate, and the chair or chairs of the House Committee on Wildlife Resources no later than March 1, 2018.

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-41 [v.1]



Amends Title [NO]
Fourth Edition

Date 6-20 ,2017

Senator Alexander

moves to amend the bill on page 1, lines 12-13 by rewriting the lines to read:

"(1) Hunting on Sunday between 9:30A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).";

and on page 1, lines 26-29 by rewriting the lines to read:

"(1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited.

(2) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(3) Hunting on Sunday within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.";

and on page 1-2, lines 33-2 by rewriting the lines to read:

"(1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).

(2) Hunting on Sunday within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.

(3) The Wildlife Resources Commission shall not authorize hunting of migratory birds on Sunday prior to March 1, 2018.";

and on page 2, lines 9-13 by deleting those lines;

and on page 2, line 14 by deleting "**SECTION 3.**" and inserting "**SECTION 2.**";

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 559***

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

H559-ATY-41 [v.1]



and on page 2, line 20 by deleting "**SECTION 4.**" and inserting "**SECTION 3.**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State & Local Government
**Meeting Date:** 6-20-17 **Chair:** Tarte **Clerk:** Jan Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H 310 | **Sponsor** | Saine |
| **Favorable** | ✓ | **Motion by** | Tarte |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| ✓ **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Commerce | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Hise | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | H 436 | **Sponsor** | ~~Stevens~~ – Newton (Introduced) |
| **Favorable** | | **Motion by** | Alexander motion for PCS |
| **Unfavorable** | | **Motion by** | |
| **Amended** (title change ✓) | H436-AST-54-[v.4] | **Motion by** | |
| ✓ **Comm. Sub.** | H436-CSSTF-32[v.5] | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Newton | | |

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|---|---|---|---|
| **Bill** | H 378 | **Sponsor** | Hunter |
| **Favorable** | ✓ | **Motion by** | Sen Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Cook | | |

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|---|---|---|---|
| **Bill** | H 385 | **Sponsor** | Meyer |
| **Favorable** | ✓ | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Cook | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State and Local Govt
**Meeting Date:** June 20, 2017 **Chair:** Tarte **Clerk:** Jan Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H 393 | **Sponsor** | Ross |
| **Favorable** | | **Motion by** | Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | ✓ | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Gunn | | |

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|---|---|---|---|
| **Bill** | H 426 ✓ | **Sponsor** | Sauls / Rep Reeves |
| **Favorable** | | **Motion by** | Rabin |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Rabin | | |

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|---|---|---|---|
| **Bill** | H 509 | **Sponsor** | Watford |
| **Favorable** | ✓ | **Motion by** | McInnis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Judiciary | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Dunn | | |

Served

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| | | | |
|---|---|---|---|
| **Bill** | H 6666 ✓ | **Sponsor** | Rep. Brenden Jones (Sen Bill) |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen Bill | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State & Local Govt.
**Meeting Date:** June 20, 2017 **Chair:** Tarte **Clerk:** Jan Copeland

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H 719 | **Sponsor** | Rep. Arp |
| **Favorable** | ✓ | **Motion by** | McInnis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| ✓ **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Tucker | | |

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|---|---|---|---|
| **Bill** | H 445 | **Sponsor** | Ier |
| **Favorable** | ✓ | **Motion by** | McInnis |
| ✓ **Unfavorable** | | **Motion by** | Cook |
| **Amended** | ✓ | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Rabon | | |

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enrolled into PCS

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|---|---|---|---|
| **Bill** | H 559 | **Sponsor** | Millis Alexander |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Alexander | | |

goes to the floor

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# VISITOR REGISTRATION SHEET

(Committee Name)

Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Christina Sandidge | AP |
| Jenna B Clark | LLLC |
| Johanna Reese | NCACC |
| Brenda Howerton | Durham Co / NCACC |
| Jillian Totman | MWCLLC |
| Karen Simon | Citizen |
| Jessica Smith | UNC SOG |
| Dodie Reger | CCR |
| Marilyn Avila | Stevens |
| Brandy B. Dawson | CJPC |
| Susanna Birdsong | ACLU-NC |
| Deborah Craig Ray | Durham County Govt |
| Nona Lisa | citizen |
| Penny Bruff | SOG |
| Eric Zogry | OJD |
| Mildred Spearman | NCAOC |
| Deana Fleming | NCAOC |

# VISITOR REGISTRATION SHEET

State & Local Gov. Senate Committe
(Committee Name)

6-26-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Richard Bostic | NCSBA |
| Ashton Fuchs | WRC |
| Laura Combs | Private citizen |
| Will Pauy-Hui | NCHFA |
| Gary Hooker Jr. | NCHFA |
| Flint Bowsow | SEANC |
| David Collins | SEANC |
| Sam Gimm | Sen Foushee |
| Jeanne Faw | Vista Strategies |
| Steve Brewer | CTL |
| Derek Kelly | CTL |
| | NMRS |
| | Vista Strategies |
| | Charter |
| Mig Bailey | Charter |
| | |
| Maggie Meyers | Sierra Club |

# VISITOR REGISTRATION SHEET

State & Local Gov. Senate Comm. Hee
(Committee Name)

6-20-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Trey Rabon | AT&T |
| JOHN [illegible] | CONNECTC |
| Chuck Greene | AT&T |
| Bo. Hun Allen | NCTCC |
| Lori Anne Jarvis | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| Amanda Dorman | KTS |
| Hayden Bourgeois | Electricities of NC |
| Susan Fisher | Duke Energy |
| Dana Simpson | SM |
| Robert Doreauk | AT&T |
| Patrick Burns | AT&T |
| [illegible] | AT&T |
| Ron Kaplan | Kaplan Law |
| Bob Davis | Verizon |
| Wanda Kilby | Time Warner Cable |

OVER →

| Name | Firm/Agency |
| --- | --- |
| Thomas Moore | CGA |
| Julie White | NCMMC |
| Josh Lower | SMC |
| Abby Thomas | FDCVB Carolina |
| Rhiagan Jackson | " |
| Meghan Coole | NCDOT |
| Toby Taylor | " |
| George Robinson | " |
| Joy Hicks | NCDOT |
| Andy Chase | KMA |

# VISITOR REGISTRATION SHEET

State & Local Gov. Senate Committee.
(Committee Name)

6-20-17
Date

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

| NAME | FIRM OR AGENCY |
|---|---|
| Jordan Cooper | NSS |
| [illegible] | NCLM |
| [illegible] | NCAEC |
| Jack Graef | NSS |
| [illegible] | NCAE |
| [illegible] | NCAE |
| Lisa Glaver | Town of Cary |
| Dan Ault | Town of Cary |
| Rose Williams | NCLM |
| Erin Wynia | NCLM |
| Sarah Collins | NCLM |
| [illegible] | NCHSA |
| Tim [illegible] | NCHSA |
| [illegible] | [illegible] |
| John Bode | B&H |
| [illegible] | MAC |
| David Crawford | AIA NC |

OVER →

Chr [illegible]

J Goodman

Ann Brooks

[illegible]

[illegible]

[illegible]

cce

Crown Castle

[illegible]

TSS

NC DOT

# VISITOR REGISTRATION SHEET

Senate **State and Local Government**

June 20, 2017
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| H310 Trey Rabon | AT&T |
| ANDREW MCAFEE | 6135 WESTGLEN RAL. NC |
| #310 T Wayne Moore | Sprint |
| H310 Bob Davis | Verizon |
| H310 Laura Combs | PRIVATE CITIZEN Raleigh, NC. |
| H310 Larry Burk | Private citizen Durham, NC |
| | |
| #436 Debra Henzey | Chatham Co Commissioners |
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09-21-201

# Senate Pages Attending

**COMMITTEE:** State & local Gov't **ROOM:** 423

**DATE:** 6-20 **TIME:** 2 pm

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Cassidy Grace Barker | Statesville | Berger |
| 2. Allison Clare Jones | Mooresville | Berger |
| 3. Mitchell Kincade Barker | Brown Summit | Berger |
| 4. Matthew Addison Barker | Brown summit | Berger |
| 5. Minu Lee | Raleigh | Alexander |
| 6. Wilson Matsuo | Cary | Barringer |
| 7. Alex Pardue | Burlington | Gunn |
| 8. Edwin West | Wilmington | Lee |

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

June 20, 2017

(DATE)

**STATE AND LOCAL GOVERNMENT SENATE COMMITTEE**

(COMMITTEE)

# SENATE SERGEANT-AT- ARMS

## CHARLES MARSALIS

## ARCHIE SMITH

## GILES JEFFREYS

## ROOM 423/424

# Senate Committee on State and Local Government
# Wednesday, June 21, 2017, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 353 | Authorize State Park System Expansion.-AB | Representative Dobson<br>Representative Brisson<br>Representative Brenden Jones<br>Representative Hunter |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Wednesday, June 21, 2017 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on June 21, 2017 in Room 423 of the Legislative Office Building. 12 members were present.

Senator John Alexander, Jr., presided.

**HB 353 Authorize State Park System Expansion.-AB (Representatives Dobson, Brisson, Brenden Jones, Hunter)**

The bill passed through committee with a report of Unfavorable as to the Bill, but Favorable as to the Senate Committee Substitute.

The meeting adjourned at 2:15 p.m.

John M Alexander, Jr.
Senator John M. Alexander, Jr.

Perry Wester
Perry Wester, Committee Clerk

# HOUSE BILL 353

| | | |
|---|---|---|
| Short Title: | Authorize State Park System Expansion.-AB | (Public) |
| Sponsors: | Representatives Dobson, Brisson, Brenden Jones, and Hunter (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II, if favorable, Appropriations | |

March 15, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ADDITION OF BLACK RIVER STATE PARK, BOB'S POCKET STATE NATURAL AREA, WARWICK MILL BAY STATE NATURAL AREA, AND SALMON CREEK STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES.

Whereas, Section 5 of Article XIV of the North Carolina Constitution states that it shall be a proper function of the State of North Carolina to acquire and preserve park, recreational, and scenic areas and, in every other appropriate way, to preserve as a part of the common heritage of this State its open lands and places of beauty; and

Whereas, the General Assembly enacted the State Parks Act in 1987, declaring that the State of North Carolina offers unique archaeological, geological, biological, scenic, and recreational resources, and that such resources are part of the heritage of the people of the State to be preserved and managed by those people for their use and for the use of their visitors and descendants; and

Whereas, the Black River in Sampson, Bladen, and Pender counties is one of North Carolina's most important scenic landmarks and is nationally significant for excellent examples of blackwater wetland natural communities, for huge cypress trees more than 1,600 years old, which are some of the most ancient trees in the world with immense scientific value, and for outstanding opportunities for outdoor recreation; and

Whereas, the Bob's Pocket area in McDowell County is significant for its scenic beauty, high-quality natural communities, rare and unusual natural features, and opportunities for natural resource preservation, outdoor recreation, and regional trail connections; and

Whereas, Warwick Mill Bay in Robeson County is a large Carolina Bay with one of the State's largest inland heronries, providing habitat for herons, egrets, moorhens, anhingas, ibises, wood storks, alligators, and many other species of wildlife and plants, and preservation of Warwick Mill Bay would protect an important ecological and scientific resource for future North Carolinians; and

Whereas, the Salmon Creek area in Bertie County is ecologically significant for its high-quality natural communities and also contains important prehistoric and historic archaeological sites offering opportunities for important archaeological discoveries, including an Indian occupation site containing evidence of late 16th or early 17th century English presence; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Assembly authorizes the Department of Natural and Cultural Resources to add Black River State Park, Bob's Pocket State Natural Area, Warwick Mill Bay State Natural Area, and Salmon Creek State Natural Area to the State Parks System as provided in G.S. 143B-135.54(b).

**SECTION 2.** The State may receive donations of appropriate land and may purchase other needed lands for Black River State Park, Bob's Pocket State Natural Area, Warwick Mill Bay State Natural Area, and Salmon Creek State Natural Area with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Trust Fund, and other available sources of funding.

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

# HOUSE BILL 353:
# Authorize State Park System Expansion.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | House State and Local Government II. If favorable, re-refer to Appropriations | **Date:** | April 5, 2017 |
| **Introduced by:** | Reps. Dobson, Brisson, Brenden Jones, Hunter | **Prepared by:** | Nicholas Giddings Committee Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 353 would authorize the North Carolina State Parks System to be able to accept the transfer of four properties and to preserve the lands as part of the State Parks System. The properties to be transferred are as follows:***

- ***Black River State Park.***
- ***Bob's Pocket State Natural Area.***
- ***Warwick Mill Bay State Natural Area.***
- ***Salmon Creek State Natural Area.***

**CURRENT LAW:** The State Parks Act requires General Assembly authorization before the Department of Natural and Cultural Resources can add or remove a park from the State Parks System. All additions must be accompanied by adequate authorization and appropriations for land acquisition, development and operations.

**BILL ANALYSIS:** House Bill 353 would authorize the State Parks System to add Black River State Park, Bob's Pocket State Natural Area, Warwick Mill Bay State Natural Area, and Salmon Creek State Natural Area. All of the sites are being acquired with the help of private conservation organizations and additional funds requested from the Parks and Recreation Trust Fund or other grants. No appropriations for land acquisition or operating funds are requested in this bill.

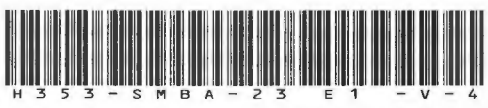
Additionally, the bill authorizes the State to receive donations of land and to purchase other needed lands for the four transferred sites with existing funds from the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Trust Fund, and other available sources of funding.

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

**BACKGROUND:** Bob's Pocket State Natural Area and Salmon Creek State Natural Area would be operated with existing staff at nearby state parks. Warwick Mill Bay State Natural Area would be managed by Audubon NC at no cost to the state. Black River State Park would be independently operated and would need staff after land is acquired and public facilities are open. Approximately $200,000 in annual operating costs would be requested in the 2019-21 Biennium for Black River.

A State Natural Area is part of the State Parks System, but differs from a State Park. A State Park protects important natural resources, but also includes the development of recreational facilities. A State Natural Area is focused on preserving and protecting areas of scientific and ecological value, with more limited recreation, although trails, educational activities, and low-impact recreation can be accommodated.

*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.*

ATTENDANCE

Committee: STATE AND LOCAL GOVERNMENT

| DATES<br>NAMES | 5<br>June | 12<br>June | 14<br>June | 19<br>June | 20<br>June | 21<br>June | 26<br>June | 28<br>June | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SEN. John Alexander, Chair | X | | X | X | X | X | X | X | | | | | | | | |
| Sen. Ron Rabin, Chair | X | X | | | X | X | X | X | | | | | | | | |
| Sen. Jeff Tarte, Chair | X | X | X | X | X | X | | X | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| Sen. Deanna Ballard | X | X | X | X | X | | X | X | | | | | | | | |
| Sen. Tamara Barringer | X | X | X | X | X | X | X | X | | | | | | | | |
| Sen. Danny Britt | X | | X | | | X | | X | | | | | | | | |
| Sen. Jay Chaudhuri | | | | X | X | | | | | | | | | | | |
| Sen. Bill Cook | | X | | X | X | X | X | X | | | | | | | | |
| Sen. David Curtis | X | | | X | X | X | | | | | | | | | | |
| Sen. Don Davis | X | X | X | X | X | X | | | | | | | | | | |
| Sen. Chuck Edwards | X | X | X | X | X | X | X | X | | | | | | | | |
| Sen. Valerie Foushee | X | X | | X | X | X | | | | | | | | | | |
| Sen. Rick Horner | X | X | X | X | | X | | X | | | | | | | | |
| Sen. Jeff Jackson | X | X | | X | X | X | X | | | | | | | | | |
| Sen. Michael Lee | | | | X | | | X | | | | | | | | | |
| Sen. Tom McInnis | X | X | X | X | X | X | X | X | | | | | | | | |
| Sen. Norm Sanderson | X | X | X | X | | X | X | X | | | | | | | | |
| Sen. Mike Woodard | X | X | | X | X | | | | | | | | | | | |
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# Senate Committee on State and Local Government
# Tuesday, June 5, 2018, 2:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 753 | Franklin & Wake/Daily Deposits. | Senator Alexander |
| SB 740 | Scotland Co. Register of Deeds Tax Cert. | Senator McInnis |
| HB 414 | Swain County/Official Fly Fishing Museum. | Representative Clampitt |
| HB 613 | Transfer DACS Property to Granville Co. | Representative Yarborough |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, June 5, 2018 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on June 5, 2018 in Room 423 of the Legislative Office Building. Fifteen (15) members were present.

Senator Ronald J. Rabin, Chair, presided.

**SB 753 Franklin & Wake/Daily Deposits. (Senator Alexander) Senator Alexander explained the bill. Senator Woodard motioned for a favorable report. The motion was approved unanimously.**

**SB 740 Scotland Co. Register of Deeds Tax Cert. (Senator McInnis) Senator McInnis explained the bill. Senator Don Davis motioned for a favorable report. The motion was approved unanimously.**

**HB 414 Official Fly Fishing Museum/Outdoor Festival. (Representative Clampitt) Representative Clampitt explained the bill. Senator Cathy Dunn explained the amendment. Senator Alexander motioned for a favorable report. The motion was approved unanimously.**

**HB 613 Transfer Certain State Property. (Representative Yarborough) Representative Yarborough explained the bill. Senator Alexander motioned for a favorable report. The motion was approved unanimously.**

The meeting adjourned at 2:26 PM.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

# HOUSE BILL 414:
# Swain County/Official Fly Fishing Museum.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 5, 2018 |
| **Introduced by:** | Rep. Clampitt | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | Second Edition | | |

***OVERVIEW: 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:** 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:** Effective when it becomes law.

*Karen Cochrane-Brown*
*Director*

H414-SMBK-130 E2 -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.B. 414
Mar 21, 2017
HOUSE PRINCIPAL CLERK

H D

HOUSE BILL DRH40233-LG-57 (03/13)

| | | |
|---|---|---|
| Short Title: | Swain County/Official Trout Fishing Location. | (Public) |
| Sponsors: | Representative Clampitt. | |
| Referred to: | | |

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 Championship, and is hosting the upcoming 2017 U.S. Youth National Fly Fishing 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 6 varieties of fish, including brook, brown, and rainbow trout; and

Whereas, Swain County is the home of the Fly Fishing Museum of the Southern Appalachians, devoted to the history and teaching of the art of fly fishing and nationally recognized as being the top museum of its type; and

Whereas, the trout and lake 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 deserves to be designated as the official trout fishing location in North Carolina; 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 trout fishing location.**

Swain County is designated as the official location for trout fishing in the State of North Carolina."

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 414**

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

H414-ABK-79 [v.4]



Amends Title [YES]
Second Edition

Date _____,2018

Senator _____

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"MUSEUM OF THE SOUTHERN APPALACHIANS AND THE NORTH CAROLINA OUTDOOR FESTIVAL HELD IN MONTGOMERY COUNTY AS THE OFFICIAL NORTH CAROLINA OUTDOOR FESTIVAL.";

and on page 2, line 23, by rewriting that line to read:

"nationally recognized as being the top museum of its type; and

Whereas, Montgomery County and the Uwharrie National Park are located within a two-hour or less drive of 7.6 million people, providing a central location for outdoor events; and

Whereas, Army Special Forces from Fort Bragg train in off-road maneuvers at the Uwharrie National Forest; and

Whereas, Montgomery County is the location of the North Carolina Outdoor Festival, an annual fall festival that promotes the natural wonders of the Uwharrie National Forest and the enhanced and sustainable use of the lakes, trails, streams, and the mountain of Montgomery County and the surrounding region; and

Whereas, the 2018 North Carolina Outdoor Festival will be held over 10 days and is being promoted as the "10 Days of Uwharrie;" and

Whereas, visitors of the North Carolina Outdoor Festival can enjoy many outdoor activities that include paddling, disc golf, boating, rock hounding, camping, orienteering, horseback riding, a 40-mile supported hike of the Uwharrie trails, a 100-mile trail run, known as Uwharrie 100, and various competitions such as mountain biking, kayaking, and fishing; and

Whereas, the North Carolina Outdoor Festival also provides musical acts, arts and crafts, antiques, food trucks, pottery demonstrations, vendors, and various children's events, such as scavenger hunts, games, and face painting; and

Whereas, there will also be an expo for State manufacturers to showcase their outdoor recreational products; and

Whereas, the North Carolina Outdoor Festival is a family friendly and is expected to have an attendance of over 30,000 people from all over the country; and

Whereas, the North Carolina Outdoor Festival should be adopted as the official outdoor festival of the State of North Carolina; Now, therefore,";

and on page 2, lines, 29-30, by inserting the following between those lines:

"**SECTION 2.** Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-50. North Carolina Outdoor Festival.**

The North Carolina Outdoor Festival held in Montgomery County is adopted as the official outdoor festival of the State of North Carolina."";

and on page 2, line 30, by deleting "**SECTION 2.**" and substituting "**SECTION 3.**";

and by rewriting the Short Title to read: "Official Fly Fishing Museum/Outdoor Festival.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 414**

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

H414-ABK-79 [v.4]



Amends Title [YES]
Second Edition

Date _____ ,2018

Senator [redacted] McInnis

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"MUSEUM OF THE SOUTHERN APPALACHIANS AND THE NORTH CAROLINA OUTDOOR FESTIVAL HELD IN MONTGOMERY COUNTY AS THE OFFICIAL NORTH CAROLINA OUTDOOR FESTIVAL.";

and on page 2, line 23, by rewriting that line to read:

"nationally recognized as being the top museum of its type; and

Whereas, Montgomery County and the Uwharrie National Park are located within a two-hour or less drive of 7.6 million people, providing a central location for outdoor events; and

Whereas, Army Special Forces from Fort Bragg train in off-road maneuvers at the Uwharrie National Forest; and

Whereas, Montgomery County is the location of the North Carolina Outdoor Festival, an annual fall festival that promotes the natural wonders of the Uwharrie National Forest and the enhanced and sustainable use of the lakes, trails, streams, and the mountain of Montgomery County and the surrounding region; and

Whereas, the 2018 North Carolina Outdoor Festival will be held over 10 days and is being promoted as the "10 Days of Uwharrie;" and

Whereas, visitors of the North Carolina Outdoor Festival can enjoy many outdoor activities that include paddling, disc golf, boating, rock hounding, camping, orienteering, horseback riding, a 40-mile supported hike of the Uwharrie trails, a 100-mile trail run, known as Uwharrie 100, and various competitions such as mountain biking, kayaking, and fishing; and

Whereas, the North Carolina Outdoor Festival also provides musical acts, arts and crafts, antiques, food trucks, pottery demonstrations, vendors, and various children's events, such as scavenger hunts, games, and face painting; and

Whereas, there will also be an expo for State manufacturers to showcase their outdoor recreational products; and

Whereas, the North Carolina Outdoor Festival is a family friendly and is expected to have an attendance of over 30,000 people from all over the country; and

Whereas, the North Carolina Outdoor Festival should be adopted as the official outdoor festival of the State of North Carolina; Now, therefore,";

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 414**

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

H414-ABK-79 [v.4]



and on page 2, lines, 29-30, by inserting the following between those lines:

"**SECTION 2.** Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-50. North Carolina Outdoor Festival.**

The North Carolina Outdoor Festival held in Montgomery County is adopted as the official outdoor festival of the State of North Carolina."";

and on page 2, line 30, by deleting "**SECTION 2.**" and substituting "**SECTION 3.**";

and by rewriting the Short Title to read: "Official Fly Fishing Museum/Outdoor Festival.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

# HOUSE BILL 613:
# Transfer DACS Property to Granville Co.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 4, 2018 |
| **Introduced by:** | Rep. Yarborough | **Prepared by:** | Brad Krehely |
| **Analysis of:** | Second Edition | | Committee Counsel |

***OVERVIEW: House Bill 613 would require the State of North Carolina to transfer a specific 12 acre tract of land to the Granville County Board of Commissioners to be utilized as a cemetery.***

**CURRENT LAW:** Article 7 of Chapter 146 governs disposition of State property and requires that sales of land owned by the State must be made by the State and approved by the Governor and Council of State. Article 16 of Chapter 146 establishes the form of conveyances for State property, and G.S. 146-74 requires proposed conveyances to be submitted to the Governor and Council of State for approval.

**BILL ANALYSIS:** House Bill 613 would require the State of North Carolina to transfer a specific 12 acre tract of land to the Granville County Board of Commissioners for $1.00. The conveyance would be subject to a reversionary interest reserved by the State and would be conveyed to Granville County so long as the land is utilized as a cemetery.

The property would be conveyed as is and without warranty as to the title, boundaries, uses, zoning, local ordinances, or physical, environmental, health and safety conditions of the property.

The conveyance would be exempt from the requirements of Article 7 of Chapter 146 and G.S. 146-74.

**EFFECTIVE DATE:** This act would become effective July 1, 2017.

*Nicholas Giddings, Counsel to House State and Local Government II, contributed substantially to this summary.

*Karen Cochrane-Brown*
*Director*

H613-SMRN-70-E2-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 2

# HOUSE BILL 613
**Committee Substitute Favorable 4/20/17**

Short Title: Transfer DACS Property to Granville Co. (Public)

Sponsors:

Referred to:

April 10, 2017

A BILL TO BE ENTITLED

AN ACT TO CONVEY CERTAIN REAL PROPERTY TO GRANVILLE COUNTY TO BE USED AS A CEMETERY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State of North Carolina shall convey to the Granville County Board of Commissioners, for consideration of one dollar ($1.00), all its rights, titles, and interests in 12 acres of the approximately 4,034.4 acre parcel identified with Land Asset ID 6029 in the inventory of State-owned land maintained by the Department of Administration pursuant to G.S. 143-341. This is the same property identified as Parcel Number 26323, and Map Number 086700985470, Granville County Tax Maps, as seen in the Office of the Tax Administrator in Granville County. The Department of Administration, in consultation with the Granville County Board of Commissioners, shall determine which of the approximately 12 acres shall be transferred pursuant to this section, provided that the 12 acres shall be adjacent to the property identified as Parcel Number 13758, and Map Number 087800211669, Granville County Tax Maps, as seen in the Office of the Tax Administrator in Granville County, and shall ensure that the property transferred is suitable for carrying out the uses described in Section 2 of this act.

**SECTION 2.** The conveyance pursuant to Section 1 of this act is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Granville County Board of Commissioners for so long as it is utilized as a cemetery.

**SECTION 3.** The State of North Carolina shall convey the real property described in Section 1 of this act "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Granville County.

**SECTION 4.** The conveyance of the State's rights, titles, and interests in the real property described in Section 1 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

**SECTION 5.** This act becomes effective July 1, 2017.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 613**

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

H613-ARN-40 [v.4]



Amends Title [YES]
Second Edition

Date _____ ,2018

Senator _____

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"USED AS A CEMETERY AND TO CONVEY CERTAIN REAL PROPERTY TO BLADEN COUNTY TO BE USED AS A DRIVER TRAINING FACILITY FOR FIRST RESPONDERS.";

and on page 1, lines 4-5, by inserting the following between those lines:

**"PART I. TRANSFER REAL PROPERTY TO GRANVILLE COUNTY TO BE USED AS A CEMETERY"**;

and on page 1, line 32, by rewriting that line to read:

**"PART II. TRANSFER REAL PROPERTY TO BLADEN COUNTY TO BE USED AS A DRIVER TRAINING FACILITY FOR FIRST RESPONDERS**

**SECTION 5.** The State of North Carolina shall convey to the Bladen County Board of Commissioners, for consideration of one dollar ($1.00), all its rights, titles, and interests in approximately 109 acres of the approximately 371.280 acre parcel identified with Land Asset ID 6324 in the inventory of State-owned land maintained by the Department of Administration pursuant to G.S. 143-341. This is the same property identified as Parcel Number 0027893, and PIN 1343-00-11-8339, as seen in the Office of the Tax Administrator in Bladen County. The Department of Administration, in consultation with the Bladen County Board of Commissioners, shall determine which portion of the remaining acreage shall be transferred pursuant to this section and shall ensure that the property transferred is suitable for carrying out the uses described in Section 6 of this act.

**SECTION 6.** The conveyance pursuant to Section 5 of this act is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Bladen County Board of Commissioners for so long as it is utilized as a driver training facility.

**SECTION 7.** The State of North Carolina shall convey the real property described in Section 5 of this act "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical,

environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Bladen County.

**SECTION 8.** The conveyance of the State's rights, titles, and interests in the real property described in Section 5 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

**PART III. EFFECTIVE DATE**

**SECTION 9.** This act becomes effective July 1, 2018.";

and by rewriting the Short Title to read: "Transfer Certain State Property.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 613**

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

H613-ARN-40 [v.4]



Amends Title [YES]
Second Edition

Date _____ ,2018

Senator Edwards

moves to amend the bill on page 1, line 3, by rewriting that line to read:

"USED AS A CEMETERY AND TO CONVEY CERTAIN REAL PROPERTY TO BLADEN COUNTY TO. BE USED AS A DRIVER TRAINING FACILITY FOR FIRST RESPONDERS.";

and on page 1, lines 4-5, by inserting the following between those lines:

**"PART I. TRANSFER REAL PROPERTY TO GRANVILLE COUNTY TO BE USED AS A CEMETERY";**

and on page 1, line 32, by rewriting that line to read:

**"PART II. TRANSFER REAL PROPERTY TO BLADEN COUNTY TO BE USED AS A DRIVER TRAINING FACILITY FOR FIRST RESPONDERS**

**SECTION 5.** The State of North Carolina shall convey to the Bladen County Board of Commissioners, for consideration of one dollar ($1.00), all its rights, titles, and interests in approximately 109 acres of the approximately 371.280 acre parcel identified with Land Asset ID 6324 in the inventory of State-owned land maintained by the Department of Administration pursuant to G.S. 143-341. This is the same property identified as Parcel Number 0027893, and PIN 1343-00-11-8339, as seen in the Office of the Tax Administrator in Bladen County. The Department of Administration, in consultation with the Bladen County Board of Commissioners, shall determine which portion of the remaining acreage shall be transferred pursuant to this section and shall ensure that the property transferred is suitable for carrying out the uses described in Section 6 of this act.

**SECTION 6.** The conveyance pursuant to Section 5 of this act is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Bladen County Board of Commissioners for so long as it is utilized as a driver training facility.

**SECTION 7.** The State of North Carolina shall convey the real property described in Section 5 of this act "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical,

environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by Bladen County.

**SECTION 8.** The conveyance of the State's rights, titles, and interests in the real property described in Section 5 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

**PART III. EFFECTIVE DATE**

**SECTION 9.** This act becomes effective July 1, 2018.";

and by rewriting the Short Title to read: "Transfer Certain State Property.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

1 Amour

2 Bill

3 Rolled

# SENATE BILL 753:
# Franklin & Wake/Daily Deposits.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 1, 2018 |
| **Introduced by:** | Sen. Alexander | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: Senate Bill 753 would enable the counties of Franklin and Wake, and the municipalities in those counties, to deposit their daily collections and receipts in a physically secure vault that electronically records the daily collections in an official depository bank.***

***The act would become effective when it becomes law.***

**CURRENT LAW:** G.S. 159-32 requires local government or public authority officers and employees to deposit or submit on a daily basis, all funds collected or received, to a properly licensed and recognized cash collection service. If approved by the governing board, these funds may be maintained in a secure location and deposited or submitted only when the funds reach $500.00 at which time, they must be deposited or submitted to a properly licensed and recognized cash collection service.

S.L. 2011-89, amended G.S. 159-32 [as it applied to the City of Winston-Salem under Chapter 79 of the 1995 Session Laws, as amended by Chapter 639 of the 1995 Session Laws] to enable the City of Winston-Salem to daily deposit its collected funds into a physically secured cash vault that electronically records the daily deposit in an official depository bank.[1] S.L. 2011-89 enables the City of Winston-Salem to qualify these daily deposits into its cash vault as the daily deposit required by G.S. 159-32 even though the funds will not be physically deposited into an official depository bank until a later date.

**BILL ANALYSIS:** Senate Bill 753 would amend S.L. 2011-89 to add the counties of Franklin and Wake, and the municipalities in those counties, to the local jurisdictions that may make daily deposits of collected funds into a secured cash vault and to qualify those cash vault deposits as the daily deposit required by G.S. 159-32 even though the funds will not be physically deposited into an official depository bank until a later date.

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

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

*Karen Cochrane-Brown*
*Director*

*Legislative Analysis*
*Division*
*919-733-2578*

S753-SMBD-84 E1 -V-1

*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



# 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

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.** Section 2 of S.L. 2011-89 reads as rewritten:

"**SECTION 2.** This act applies only to the City of ~~Winston-Salem only.~~Winston-Salem, Franklin County and the municipalities in Franklin County, and Wake County and the municipalities in Wake County."

**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:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 5, 2018 |
| **Introduced by:** | Sen. McInnis | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 740 would authorize Scotland County to require payment of delinquent property taxes prior to recording deeds conveying property.***

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

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

G.S. 161-31(b) lists the 80 counties to which this provision current applies.[1]

**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.

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

*Karen Cochrane-Brown*
*Director*

S740-SMBK-129 E1 -V-3

*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

A BILL TO BE ENTITLED

AN ACT TO ALLOW SCOTLAND COUNTY TO NOT ACCEPT THE REGISTRATION OF A DEED TRANSFERRING REAL PROPERTY WHEN TAXES ARE DELINQUENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 161-31 reads as rewritten:

"**§ 161-31. Tax certification.**

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

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

(b) Applicability. – This section applies only to Alamance, Alexander, Anson, Beaufort, Bertie, 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.

## VISITOR SIGN-IN SHEET

---

**SENATE COMMITTEE**

**ON**

**STATE AND LOCAL GOVERNMENT**

**June 5, 2018**

**2:00 PM – Room 423/424**

**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Judy Chriscoe | Sen. Dunn |
| John Shaw | 10 Days In Uwharrie Festival |
| Nick Curcio | 10 Days In Uwharrie Outdoor Festival |
| Mark Scott | Montgomery Co. Chamber + Tourism |
| Kayren Brantley | EDC Montgomery Co |
| Johnson Kray | Planning Director, Town of Troy |
| Tori Stalcup | Administrative Intern, Troy |
| John T Stephenson | Wake County |
| | |
| Shelly Craddock | DOA Intern |
| Katie Stanley | DOA |
| Sarah Collins | NCLM |
| CHRIS DILLON | WAKE |
| LARRY YARBOROUGH | NCGA |
| Nina Williams MSW-CW | Nurse for the Day |
| John Connet | City of Hendersonville |
| Nick Billman | WM |

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## VISITOR SIGN-IN SHEET

**SENATE COMMITTEE**

**ON**

**STATE AND LOCAL GOVERNMENT**

**June 5, 2018**

**2:00 PM – Room 423/424**

**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Tyler Ford | McGuire Woods |
| Will Price | IOG |
| John E Kennedy | CARY FIRE DEPARTMENT |
| BARRY T. JONES | CARY FIRE Department |
| Chris Langham | NC Association of Fire Chiefs |
| Joshua Smith | PFFPNC |
| Scott Mullins | PFFPNC |
| Flint Benson | SEANC |
| [illegible] | LCTS |
| Eva Rogers | LWVODC |
| Carson Bohs | Sen. Tarte Intern |
| Lalita Collins | Sen. Chaudhuri |
| | |
| | |
| | |
| | |
| | |

**Jan Copeland (Sen. Jeff Tarte)**

**From:** Jan Copeland (Sen. Jeff Tarte)
**Sent:** Friday, June 08, 2018 09:59 AM
**To:** Rep. John Torbett; Rep. Ken Goodman; Rep. Kyle Hall; Rep. Kelly Hastings; Sen. Jeff Tarte; Sen. Andy Wells; Sen. Chuck Edwards; Sen. Ron Rabin; Sen. Norman Sanderson; Sen. John Alexander
**Cc:** Viddia Torbett (Rep. John Torbett); Judy Veorse (Rep. Ken Goodman); Cameron Dawson (Rep. Kyle Hall); James Jenkins (Rep. Kelly Hastings); Jan Copeland (Sen. Jeff Tarte); Linda Wente (Sen. Andy Wells); Danielle Plourd (Sen. Chuck Edwards); Chandra Reed (Sen. Ron Rabin); Linda Sanderson (Sen. Norman Sanderson); Kathy Voss (Sen. Norman Sanderson); Jessica Daigler-Walls (Sen. John Alexander)
**Subject:** <NCGA> Senate State and Local Government Committee Meeting Notice for Tuesday, June 12, 2018 at 2:00 PM
**Attachments:** Add Meeting to Calendar_LINC_.ics

Principal Clerk _____
Reading Clerk _____

# SENATE
## NOTICE OF COMMITTEE MEETING
## AND
## BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Tuesday | June 12, 2018 | 2:00 PM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 991 | Fox Trapping Local Omnibus. | Representative K. Hall<br>Representative Goodman<br>Representative Torbett |
| HB 993 | Bessemer City Charter Amendment. | Representative Hastings |
| SB 759 | DOA Efficiency/PED. | Senator Wells<br>Senator Tarte<br>Senator Edwards |
| SB 723 | Clarify Prevention/Emergency Management Act. | Senator Rabin<br>Senator Alexander<br>Senator Sanderson |
| SB 721 | Required Training Police Telecommunicators. | Senator Rabin<br>Senator Alexander |

Senator Sanderson

Senator Jeffery P. Tarte will preside

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

**Senate Committee on State and Local Government**
**Tuesday, June 12, 2018 at 2:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 2:00 PM on June 12, 2018 in Room 423 of the Legislative Office Building. 13 members were present.

Senator Jeff Tarte, Chair, presided.

**HB 991 Fox Trapping Local Omnibus. (Representatives K. Hall, Goodman, Torbett)**
**Reported as: Unfoavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules**

**HB 993 Bessemer City Charter Amendment. (Representative Hastings)**
**Reported as: Favorable with a sequential referral to Rules**

**SB 759 DOA Efficiency/PED. (Senators Wells, Tarte, Edwards)**
**Reported as: Unfavorable as to bill, but favorable as to committee substitute bill with a sequential referral to Rules**

**SB 723 Clarify Prevention/Emergency Management Act. (Senators Rabin, Alexander, Sanderson)**
**Reported as: Unfavorable as to bill, but favorable as to committee substitute bill with a sequential referral to Rules**

**SB 721 Required Training Police Telecommunicators. (Senators Rabin, Alexander, Sanderson)**
**Reported as: Unfavorable as to bill, but favorable as to committee substitute bill with a sequential referral to Rules.**

The meeting adjourned at 3:25 p.m.

Senator Jeff Tarte, Chair
Presiding

Jan Copeland, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 12, 2018

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

**FAVORABLE**

HB **993** Bessemer City Charter Amendment.
Draft Number: None
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

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

SB **721** Required Training Police Telecommunicators.
Draft Number: S721-PCS45565-RN-29
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: No

SB **723** Clarify Prevention/Emergency Management Act.
Draft Number: S723-PCS35370-BD-44
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: Yes

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

HB **991** Fox Trapping Local Omnibus.
Draft Number: H991-PCS40763-BK-45
Sequential Referral: Rules and Operations of the Senate
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4



Senator Kathy Harrington will handle HB 993
Senator Ronald J. Rabin will handle SB 721
Senator Ronald J. Rabin will handle SB 723
Senator Tom McInnis will handle HB 991

# SENATE BILL 721:
# Required Training Police Telecommunicators.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 11, 2018 |
| **Introduced by:** | Sens. Rabin, Alexander, Sanderson | **Prepared by:** | Brad Krehely<br>Committee Counsel |
| **Analysis of:** | First Edition | | |

***OVERVIEW:*** ***Senate Bill 721 would require that, effective July 1, 2020, all persons employed as a telecommunicator for a municipal police department must meet the eligibility requirements for telecommunicators as established by the North Carolina Sheriffs' Education and Training Standards Commission. This bill is a recommendation of the Joint Legislative Emergency Management Oversight Committee.***

**[As introduced, this bill was identical to H961, as introduced by Reps. Faircloth, Brenden Jones, Boles, Speciale, which is currently in Senate Rules and Operations of the Senate.]**

**CURRENT LAW:** Standards for deputy sheriffs are established in Chapter 17E of the General Statutes and by the North Carolina Sheriffs' Education and Training Standards Commission. Standards for municipal police personnel are established in Chapter 17C of the General Statutes and by the North Carolina Criminal Justice Education and Training Standards Commission.

Pursuant to G.S. 17E-7(c1), deputy sheriffs appointed as telecommunicators after March 1, 1998, must comply with entry-level training standards adopted by the Sheriffs' Commission. Telecommunicator means any person performing responsibilities, either full time, part time, permanent or temporary basis, for communication functions to include receiving calls or dispatching for emergency and law enforcement services.

Currently, there are no training standards for persons employed as telecommunicators by municipal police departments.

**BILL ANALYSIS:** Senate Bill 721 would require that, effective July 1, 2020, any person employed as a telecommunicator by a municipal police department meet the requirements for telecommunicators as set forth by the North Carolina Sheriffs' Education and Training Standards Commission.

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

**Shawn Middlebrooks and Susan Sitze, Staff Attorneys for the Legislative Analysis Division, contributed substantially to this summary.*

*Karen Cochrane-Brown*
*Director*

S721-SMRN-75 E1 -V-3

*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 721*

| | | |
|---|---|---|
| Short Title: | Required Training Police Telecommunicators. | (Public) |
| Sponsors: | Senators Rabin, Alexander, and Sanderson (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

May 21, 2018

A BILL TO BE ENTITLED

AN ACT TO REQUIRE TRAINING AND CERTIFICATION OF POLICE TELECOMMUNICATORS, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 17E-7 reads as rewritten:

"**§ 17E-7. Required standards.**

(a) Justice officers, other than those set forth in subsection (c1) of this section, shall not be required to meet any requirements of subsections (b) and (c) of this section as a condition of continued employment, nor shall failure of a justice officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible if the officer held an appointment prior to July 1, 1983, and is a sworn law-enforcement officer with power of arrest. The legislature finds, and it is hereby declared to be the policy of this Chapter, that such officers have satisfied such requirements by their experience. It is the intent of the Chapter that all justice officers employed at the entry level after the Commission has adopted the required standards shall meet the requirements of this Chapter. All justice officers who are exempted from the required entry level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(b) The Commission shall provide, by regulation, that no person may be appointed as a justice officer at entry level, except on a temporary or probationary basis, unless such person has satisfactorily completed an initial preparatory program of training at a school certified by the Commission or has been exempted from that requirement by the Commission pursuant to this Chapter. Upon separation of a justice officer from a sheriff's department within the temporary or probationary period of appointment, the probationary certification shall be terminated by the Commission. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period, the officer shall be charged with the amount of time served during his initial appointment and allowed the remainder of the probationary period to complete the basic training requirement. Upon the reappointment to the same department or appointment to another department of an officer who has separated from a department within the probationary period and who has remained out of service for more than one year from the date of separation, the officer shall be allowed another probationary period to complete such training as the Commission shall require by rule for an officer returning to service.

(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice

officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the office, and the Commission shall prescribe the means for presenting evidence of fulfillment of these requirements.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Upon petition from a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any justice officer serving that sheriff.

(c1) Any justice officer appointed as a telecommunicator at the entry level after March 1, 1998, shall meet all requirements of this Chapter. Any person employed in the capacity of a telecommunicator as defined by the Commission on or before March 1, 1998, shall not be required to meet any entry-level requirements as a condition of continued employment but shall be reported to the Commission for certification. All justice officers who are exempted from the required entry-level standards by this subsection are subject to the requirements of subsections (b) and (c) of this section as well as the requirements of G.S. 17E-4(a) in order to retain certification.

(c2) Effective July 1, 2020, any person employed as a telecommunicator by a municipal police agency shall meet all the requirements of this Chapter.

(d) The Commission may issue a certificate evidencing satisfaction of the requirements of subsections (b), (c), and (c1) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction."

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 721***

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

S721-ARN-42 [v.1]



Amends Title [NO]
First Edition

Date _____ ,2018

Senator Rabin

moves to amend the bill on page 2, line 19, by deleting "of" and substituting "for telecommunicators as set forth in".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# SENATE BILL 723:
# Clarify Prevention/Emergency Management Act.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 12, 2018 |
| **Introduced by:** | Sens. Rabin, Alexander, Sanderson | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | PCS to First Edition<br>S723-CSBD-44 | | |

***OVERVIEW:*** ***Senate Bill 723 (proposed committee substitute) would clarify that prevention and responses to acts of violence are within the scope of the North Carolina Emergency Management Act (NCEMA) and would:***

- ***Amend the definition of "emergency" within the NCEMA and add additional definitions to NCEMA.***
- ***Create an integrated system of State and local authority to address risk management for schools and public facilities.***
- ***Establish the Office of School Risk Management within the Division of Emergency Management and designate that office as the lead State agency charged with developing and administering a state-wide system to address the prevention of and response to human-caused emergencies in public schools and public institutions of higher education.***
- ***Establish the Office of Public Facility Risk Management within the Division of Emergency Management and designate that office as the lead State agency charged with facility risk and emergency response management.***
- ***Require each county to develop an emergency management plan that addresses prevention of and rapid response to human-caused emergencies in public schools, public institutions of higher education, and public facilities.***
- ***Require each county to establish and maintain an emergency management agency or to establish a joint emergency management agency with another county.***
- ***Require all incorporated municipalities to establish an emergency management contact.***

***The act would become effective when it becomes law.***

**[As introduced, this bill was identical to H963, as introduced by Reps. Faircloth, Speciale, Boles, Brenden Jones, which is currently in Senate Rules and Operations of the Senate.]**

**CURRENT LAW:** The North Carolina Emergency Management Act (NCEMA) sets forth the authority and responsibility of the Governor, State agencies, and local governments in the prevention of, preparation for, response to, and recovery from natural or man-made emergencies or hostile military or paramilitary action and requires cooperation and coordination among State officials and agencies with other states, with local governments, with the federal government, with interstate organizations, and with other private



*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.*

and quasi-official organizations. This required cooperation and coordination extends to areas relating to emergency mitigation, preparedness, response, and recovery. The State Emergency Management Program includes all aspects of preparations for, response to, recovery from, and mitigation against war or peacetime emergencies.

**BILL ANALYSIS:**

**Part I** of the PCS would:

- Clarify that prevention and response to acts of violence are within the scope of the NCEMA.
- Amend the definition of "emergency" within NCEMA and would add the following additional definitions to NCEMA:
    - Human caused emergencies. – Deliberate and coordinated acts of violence, riots, foreign or domestic terrorism, and military or paramilitary activities.
    - Public institutions of higher education. – Community colleges and The University of North Carolina.
    - Public schools. – Schools operated by a local board of education and all charter schools, regional schools, and laboratory schools.

**Part II and Part III** of the PCS would:

- Establish the *Office of School Risk Management* within the Division of Emergency Management and designate that office as the lead State agency charged with developing and administering a state-wide system to address the prevention of and response to human-caused emergencies in public schools and public institutions of higher education and require that office to develop a coordinated plan to prevent and preempt human-caused emergencies.
- Establish the *Office of Public Facility Risk Management* within the Division of Emergency Management and designate that office as the lead State agency charged with facility risk and emergency response management and to require that office to develop a coordinated plan to prevent and preempt human-caused emergencies.
- Require each county to develop an emergency management plan that addresses prevention of and rapid response to human-caused emergencies in public schools, public institutions of higher education, and public facilities.
- Provide that risk management plans for public schools, public institutions of higher education, and public facilities are not public records under G.S. 132-1.
- Make conforming changes to the powers of the Division of Emergency Management.
- Require each county to establish and maintain an emergency management agency or to establish a joint emergency management agency with another county.
- Require all incorporated municipalities to establish an emergency management contact.

**Part IV** of the PCS would:

- Authorize the Secretary of the Department of Public Safety to establish a pre-emergency and post-emergency certification system for responders who transport essentials in commerce, or assist in ensuring their availability, and for persons who assist in the restoring of utility services.

- Require the Division of Emergency Management to conduct a study regarding the appropriate training standards for school resource officers and to report its findings and recommendations to the Joint Legislative Oversight Committee on Emergency Management no later than November 1, 2018.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 723
PROPOSED COMMITTEE SUBSTITUTE S723-CSBD-44 [v.3]
06/11/2018 10:02:35 PM

Short Title: Clarify Prevention/Emergency Management Act. (Public)

Sponsors:

Referred to:

May 21, 2018

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE PREVENTION OF AND RESPONSE TO ACTS OF VIOLENCE ARE WITHIN THE SCOPE OF THE EMERGENCY MANAGEMENT ACT, TO CREATE AN INTEGRATED SYSTEM OF STATE AND LOCAL AUTHORITY TO ADDRESS RISK MANAGEMENT IN SCHOOLS AND PUBLIC FACILITIES, AND TO DESIGNATE THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY AS THE LEAD AGENCY RESPONSIBLE FOR COORDINATING RISK MANAGEMENT FOR SCHOOLS AND PUBLIC FACILITIES.

The General Assembly of North Carolina enacts:

**PART I. CLARIFY EMERGENCY MANAGEMENT ACT TO INCLUDE PREVENTION OF DELIBERATE ACTS OF VIOLENCE**

**SECTION 1.1.** G.S. 166A-19.1 reads as rewritten:

"**§ 166A-19.1. Purposes.**

The purposes of this Article are to set forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from ~~natural or man-made~~ emergencies ~~or hostile military or paramilitary action~~ and to do the following:

(1) ~~Reduce~~ Prevent or reduce vulnerability of people and property of this State to damage, injury, and loss of life and property.

(2) Prepare for prompt and efficient response, rescue, care, and treatment of threatened or affected persons.

(3) Provide for the rapid and orderly rehabilitation of persons and restoration of property.

(4) Provide for cooperation and coordination of activities relating to emergency prevention, mitigation, preparedness, response, and recovery among agencies and officials of this State and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations."

**SECTION 1.2.** G.S. 166A-19.3 reads as rewritten:

"**§ 166A-19.3. Definitions.**

The following definitions apply in this Article:

...

(6) Emergency. – An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any ~~natural or man-made accidental, military, paramilitary, terrorism, weather-related, public~~

~~health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a~~ of the following:

a. Hazards caused by naturally occurring events such as meteorological or geological phenomena.

b. Accidents, failures, and threats to public health, including explosions, technological and cyber failures, transportation or radiological accidents, diseases and pandemics, or the release of chemical or other hazardous ~~material incident.~~materials.

c. Deliberate and coordinated acts of violence, riots, foreign or domestic terrorism, and military or paramilitary activities.

...

(10a) Human-caused emergencies. – Deliberate and coordinated acts of violence, riots, foreign or domestic terrorism, and military or paramilitary activities.

...

(14a) Public institutions of higher education. – Community colleges and The University of North Carolina.

(14b) Public schools. – Schools operated by a local board of education and all charter schools, regional schools, and laboratory schools.

...."

**SECTION 1.3.** G.S. 166A-19.10(a) reads as rewritten:

"(a) State Emergency Management Program. – The State Emergency Management Program includes all aspects ~~of~~ related to the prevention of, preparations for, response to, recovery from, and mitigation against ~~war or peacetime~~all emergencies."

## PART II. CREATE INTEGRATED SYSTEM OF STATE AND LOCAL AUTHORITY TO ADDRESS RISK MANAGEMENT FOR SCHOOLS AND PUBLIC FACILITIES

**SECTION 2.1.** Article 1A of Chapter 166A of the General Statutes is amended by adding a new Part to read:

"Part 1B. Risk Management for Schools and Public Buildings.

"**§ 166A-19.100. Legislative findings.**

The General Assembly finds that human-caused emergencies are fundamentally different from emergencies caused by naturally occurring events. Naturally occurring events typically can be predicted, are regional in scope, and last over a period of hours, days, or even weeks. Human-caused emergencies typically occur without warning, often target schools and other public facilities, and are short in duration. Naturally occurring events cannot be prevented although the impact can be mitigated. Human-caused emergencies can be prevented or preempted given proper planning, information sharing, and integration of systems and infrastructure. The appropriate response time for human-caused emergencies is seconds and minutes as opposed to hours, days, and months for naturally occurring events. Because of the fundamental difference between emergencies caused by naturally occurring events and human-caused emergencies, the General Assembly finds that it is imperative that the State and local governments take coordinated and proactive steps to prevent human-caused emergencies from occurring and put in place the infrastructure and services to respond immediately and appropriately when needed.

"**§ 166A-19.101. State role; school risk management; facility risk management.**

(a) The Division of Emergency Management in the Department of Public Safety through the Office of School Risk Management established in G.S. 143B-1001 shall be the lead State agency charged with developing and administering a statewide system to address the prevention of and response to human-caused emergencies in public schools and public institutions of higher education. The Office shall develop a coordinated plan to prevent and preempt human-caused emergencies that integrates local emergency management plans, in-school education and

training, safe building design, intelligence gathering and reporting, suspect registries, technology, and situational awareness. The plan shall establish clear lines of responsibility between State agencies and local governments and shall leverage existing resources such as the North Carolina Information Sharing and Analysis Center.

(b) The Division of Emergency Management in the Department of Public Safety through the Office of Public Facility Risk Management established in G.S. 143B-1001 shall be the lead State agency charged with facility risk and emergency response management. The Office shall develop a coordinated plan to prevent and preempt human-caused emergencies that integrates local emergency management plans, education and training, building design, intelligence gathering and reporting, suspect registries, technology, and situational awareness. The plan shall establish clear lines of responsibility between State agencies and local governments and shall leverage existing resources such as the North Carolina Information Sharing and Analysis Center.

(c) Notwithstanding any other provision of law, any nonpublic school or private institution of higher education may seek the assistance of the Division of Emergency Management, Office of School Risk Management, to develop and implement processes and procedures to prevent and respond to human-caused emergencies.

"**§ 166A-19.102. Local government role; school risk management; facility risk management.**

Pursuant to G.S. 166A-19.15, each county shall develop emergency management plans that address the prevention of and rapid response to human-caused emergencies in public schools, public institutions of higher education, and public facilities.

"**§ 166A-19.103. Confidentiality of risk management information.**

Information and plans related to risk management for public schools, public institutions of higher education, and public buildings developed or obtained under this Part or G.S. 143B-1001 are confidential and are not a public record as defined in G.S. 132-1."

**PART III. ESTABLISH THE DIVISION OF EMERGENCY MANAGEMENT AS LEAD AGENCY RESPONSIBLE FOR COORDINATING RISK MANAGEMENT FOR SCHOOLS AND PUBLIC FACILITIES**

**SECTION 3.1.** Subpart A of Part 5 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-1001. Office of School Risk Management; Facility Risk Management Office.**

(a) School Risk Management. – There is established in the Division of Emergency Management the Office of School Risk Management. The Office will oversee and manage all data, processes, procedures, applications, and planning necessary to implement G.S. 166A-19.12(22) and Part 1B of Article 1A of Chapter 166A of the General Statutes related to the prevention of human-caused emergencies at public schools and public institutions of higher education.

(b) Public Facility Risk Management. – There is established in the Division of Emergency Management the Office of Public Facility Risk Management. The Office will oversee and manage all data, processes, procedures, applications, and planning necessary to implement G.S. 166A-19.12(23) and Part 1B of Article 1A of Chapter 166A of the General Statutes related to the prevention of human-caused emergencies at public venues.

(c) As used in this section, the following definitions apply:

(1) Human-caused emergencies. – As defined in G.S. 166A-19.3(10a).

(2) Public institutions of higher education. – As defined in G.S. 166A-19.3(14a).

(3) Public schools. – As defined in G.S. 166A-19.3(14b)."

**SECTION 3.2.** G.S. 166A-19.12 reads as rewritten:

"**§ 166A-19.12. Powers of the Division of Emergency Management.**

The Division of Emergency Management shall have the following powers and duties as delegated by the Governor and Secretary of Public Safety:

...

(22) Serving as the lead State agency for the implementation and maintenance of the statewide School Risk and Response Management System (SRRMS) under ~~G.S. 115C-105.49A.~~G.S. 115C-104.49A, as well as all risk management and response management for public schools and public institutions of higher education as provided in G.S. 143B-1001. The Division shall collect and manage all data, processes, procedures, applications, and planning supporting school safety. This includes higher education risk and response management. The Division shall establish and ensure efficient, timely, and secure sharing of threat assessments and anonymous safety tips with law enforcement and the State Bureau of Investigation – Information Sharing and Analysis Center. The Division shall also collect and manage all data, processes, procedures, applications, and planning supporting school safety, including:

a. Digital facility floorplan schematics and assets identification.
b. School risk management planning.
c. Higher education risk management planning.
d. Facility vulnerability assessment.
e. Anonymous student safety tip reporting.
f. Digital panic alerting and display.
g. Video monitoring.
h. Threat assessment.
i. Emergency response and recovery.

(23) Serving as the lead State agency responsible for facility risk and emergency response management as provided in G.S. 143B-1001. The Division shall collect and manage all data, processes, procedures, applications, and planning supporting public facilities safety. In carrying out its duties and responsibilities associated with facility risk and response management, the Division shall leverage, coordinate, and collaborate with State and local agencies who shall provide information upon the request of the Division. The Division shall securely disseminate facility data and key emergency response information associated with:

a. All public schools, community colleges, and the constituent institutions of The University of North Carolina.
b. High and intermediate hazard dams.
c. State prisons and juvenile detention centers.
d. Large entertainment facilities and arenas.
e. State and local government-operated facilities.
f. Public hospitals.
e. Licensed care facilities and mental health facilities.
f. Publicly owned and passenger service airports.
g. Passenger rail facilities.
h. Hazardous material facilities."

**SECTION 3.3.** G.S. 166A-19.15 reads as rewritten:

"**§ 166A-19.15. County and municipal emergency management.**

(a) Governing Body of Counties Responsible for Emergency Management. – The governing body of each county is responsible for emergency management within the geographical limits of such county. All emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county.

(b) Counties ~~May~~ Shall Establish and Maintain Emergency Management Agencies. – The governing body of each county ~~is hereby authorized to~~shall establish and maintain an emergency

management agency for the purposes contained in ~~G.S. 166A-19.1.~~ G.S. 166A-19.1 and Part 1B of this Article. The governing body of each county ~~which establishes an emergency management agency pursuant to this authorization~~ shall appoint a coordinator who will have a direct responsibility for the organization, administration, and operation of the county emergency management program and will be subject to the direction and guidance of such governing body. ~~In the event that any county fails to establish an emergency management agency, and the Governor, in the Governor's discretion, determines that a need exists for such an emergency management agency, then the Governor is hereby empowered to establish an emergency management agency within that county.~~ A county may satisfy this requirement by establishing a joint emergency management agency with another county as provided in subsection (d) of this section.

(c) Municipalities May Establish and Maintain Emergency Management Agencies. – All incorporated municipalities are authorized to establish and maintain emergency management agencies subject to coordination by the county.

(c1) Municipalities Shall Establish Emergency Management Points of Contact. – All incorporated municipalities shall establish an emergency management point of contact.

…."

**PART IV. OTHER CHANGES/STUDY/EFFECTIVE DATE**

**SECTION 4.1.** G.S. 166A-19.70(c) reads as rewritten:

"(c) Certification System. – The Secretary shall develop a system pursuant to which a person who transports essentials in commerce, or assists in ensuring their availability, and persons who assist in the restoring of utility services can be certified as such. The certification system shall allow for both ~~preemergency~~ pre-emergency declaration and ~~postemergency~~ post-emergency declaration certification ~~and may include an annually~~ with a renewable precertification. The Secretary shall only allow those who routinely transport or distribute essentials or assist in the restoring of utility services to be certified. A certification of the employer shall constitute a certification of the employer's employees. The Secretary shall create an easily recognizable indicium of certification in order to assist local officials' efforts to determine which persons have received certification by the system established under this subsection."

**SECTION 4.2.** The Division of Emergency Management in the Department of Public Safety (Division) shall conduct a study regarding the appropriate training standards for school resource officers. The study shall include an examination of mandatory standards adopted by other states as well as best practices. The Division shall also examine ways to increase the number of trained school resource officers available to North Carolina schools. The Division shall report its findings and recommendations to the Joint Legislative Oversight Committee on Emergency Management no later than November 1, 2018.

**SECTION 4.3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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# SENATE BILL 723*

| | | |
|---|---|---|
| Short Title: | Clarify Prevention/Emergency Management Act. | (Public) |
| Sponsors: | Senators Rabin, Alexander, and Sanderson (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

May 21, 2018

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT TO CLARIFY THAT PREVENTION IS WITHIN THE SCOPE OF THE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 166A-19.1 reads as rewritten:

"**§ 166A-19.1. Purposes.**

The purposes of this Article are to set forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies or hostile military or paramilitary action and to do the following:

(1) Reduce vulnerability of people and property of this State to damage, injury, and loss of life and property.

(2) Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons.

(3) Provide for the rapid and orderly rehabilitation of persons and restoration of property.

(4) Provide for cooperation and coordination of activities relating to emergency mitigation, prevention, preparedness, response, and recovery among agencies and officials of this State and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations."

**SECTION 2.** G.S. 166A-19.10 reads as rewritten:

"**§ 166A-19.10. Powers of the Governor.**

(a) State Emergency Management Program. – The State Emergency Management Program includes all aspects of the prevention of, preparations for, response to, recovery from, and mitigation against war or peacetime emergencies.

...."

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

# SB 723

## Clarify Prevention/Emergency Management Act

# Proposed Committee Substitute

**Senator Ron Rabin**
Co-chair, Joint Legislative Emergency Management Oversight Committee (JLEMOC)

## Background: JLEMOC 2017-18 Proceedings Overview

- 6 Meetings (Oct-Mar)
- 24 Presentations
  - ✓17 Directly or Indirectly Related to School and/or Building Safety and Security
- 3 Unofficial Off Sites; One personal contact with Fairfax County VA School Safety Officials

# JLEMOC 2017-18 ; Stakeholders/Presenters

- DPS/NCEM
- NC Information Sharing and Analysis Center (ISAAC) (included unofficial visit to the Center)
- State Emergency Response Applications (SERA)
- NC DOJ
- UNC, NCSU, Campbell
- UNC-G (unofficial) (field exercise)
- NC Assn of Community Colleges
- DPI
- State Gov. Complex Police
- State Capitol Police
- NC General Assembly PD
- Assn of Chiefs of Police
- NC Sheriffs Assn
- Ofc of Chief State Fire Marshall
- School Safety Update
- Community Colleges
- Sheriff Brunswick County (Local Citizens Academy)
- DHHS (Opioid Epidemic)
- Private
  - Tiger Swan (Situation Awareness)
  - VDOO (Cybersecurity)
- (Fairfax VA Ofc of Safety and Security)

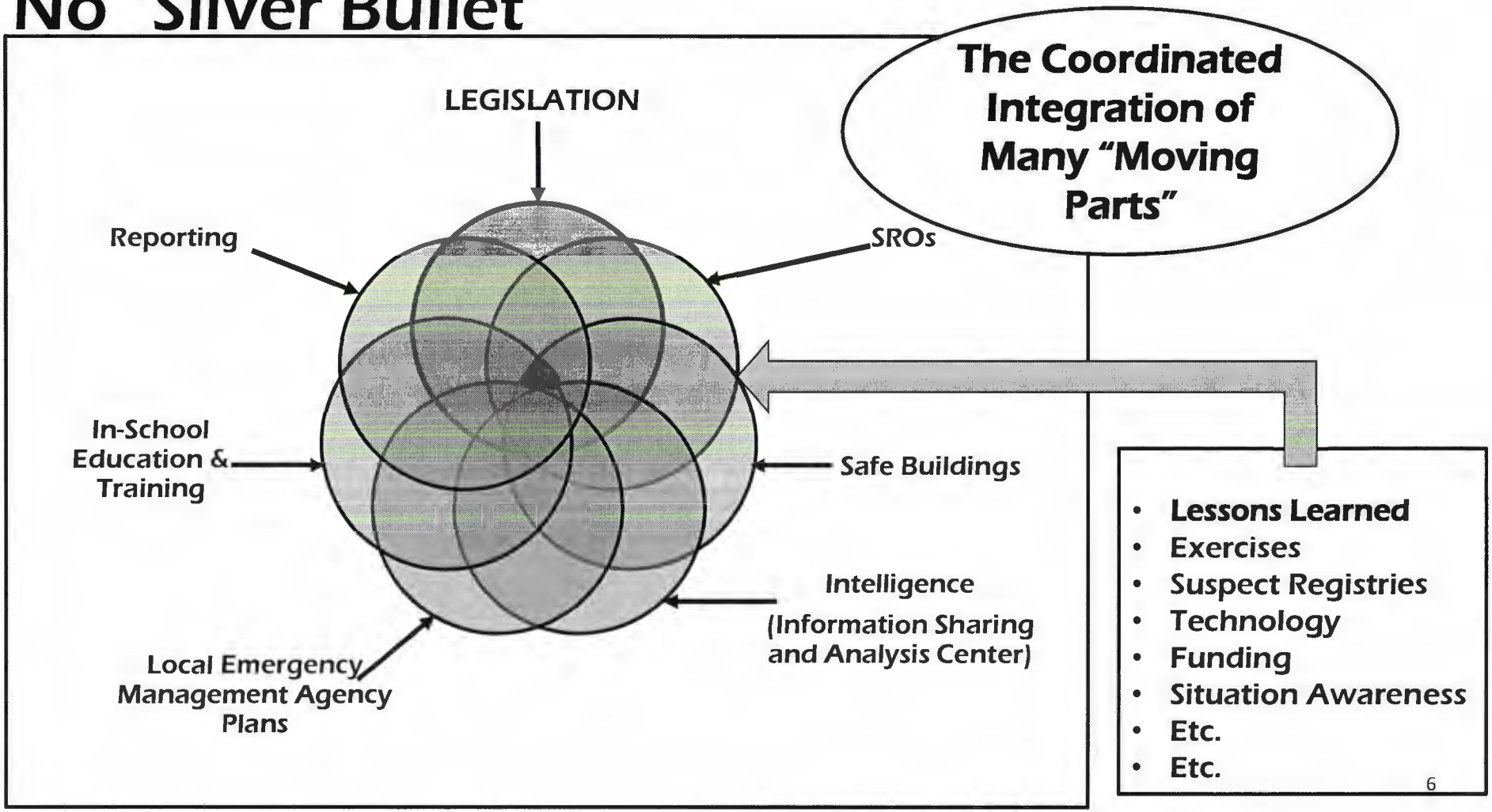
# Overview of Topics

- Statutes (Chapter 166 A NC Emergency Management Act )
- NCEM Mission and Organization
- NC Information Sharing and Analysis Center (ISAAC) Regional Fusion Center
- SROs (Selection, Training, Background Checks, etc.)
- Situation Awareness
  - ✓ Technology based
  - ✓ HUMINT based (See/hear something ... tell/say something ... political correctness)
  - ✓ Citizens Academy
- Lessons Learned
- UNC-G Exercise
- Public Bldg. Safety and Security
- UNCS, Community Colleges and K-12 Programs/Training
- Communications
- Malls and Public Places
- Threat Assessment
- Building For Security
- School Risk Management Program( SERA)
- Process

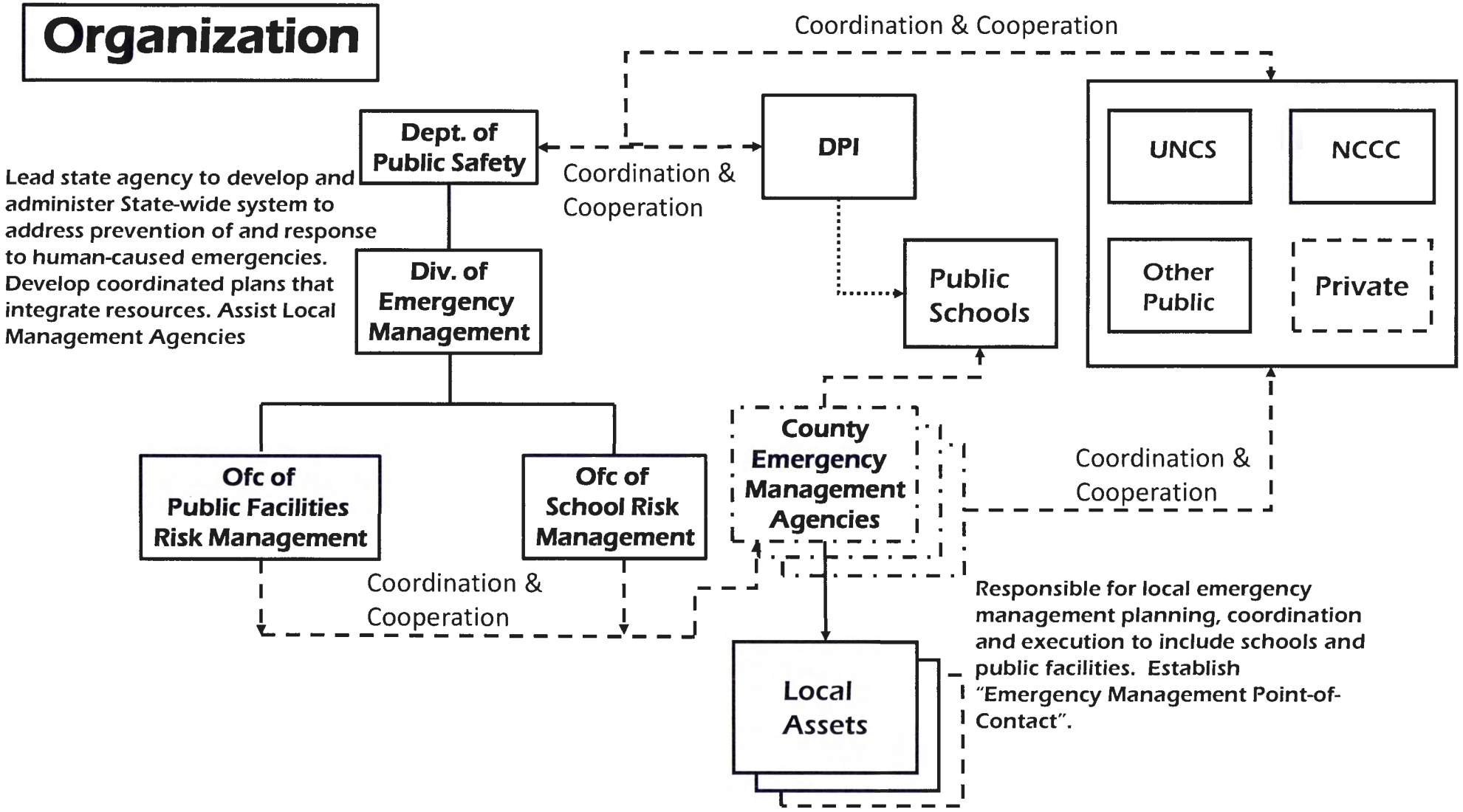
# NC Emergency Management (NCEM) Act (2012) Observations

- "Man-Made" and "Natural" Emergencies are treated as same/similar by §166 A. HOWEVER, They are fundamentally different ... One size does not fit all
  - ✓"Natural usually have warnings, are regional and can last for weeks
  - ✓"Man-Made Emergencies are no warning, local and short term (~24 hrs.).
- Lines of authority and responsibility are blurred ... (When everyone is responsible ... No one is responsible) ... lost time and confusion
- After "Purpose" (Page 1 of 40) "Prevention" and of "Man-Made" Emergencies are lost in the weeds
- No Direct Focus on School (or Public Building) Safety and Security in addressing "Man-Made" threat.
- Local Governments "May" create Emergency Management Agencies.
- Outdated? World has changed since 2012 - Especially regarding "Man-Made" Emergencies

# School and Public Building Safety: No "Silver Bullet"



# Organization



# SENATE BILL 759: DOA Efficiency/PED.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 8, 2018 |
| **Introduced by:** | Sens. Wells, Tarte, Edwards | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Counsel |

**OVERVIEW:** ***Senate Bill 759 is a recommendation of the Joint Legislative Program Evaluation Oversight Committee which (1) requires the Department of Administration (Department) to implement a new requirement for State agencies to obtain a 10% reduction from the annual value of each contract as a condition of awarding an amendment that extends the length of the contract, (2) requires the Department to reduce by 5%, the inventory of State-owned passenger vehicles that are under the management of the Department, and (3) directs the Legislative Services Office to assign a division of the General Assembly or contract with a vendor to propose guidelines for determining employee office space usage requirements and to conduct various business case analyses. The act is effective when it becomes law.***

**[As introduced, this bill was identical to H1042, as introduced by Rep. Hurley, which is currently in House State and Local Government II.]**

**BILL ANALYSIS:**

**Section 1** requires the Department to do all of the following:

- Report to the Joint Legislative Oversight Committee on General Government on the status of the Department's procurement of a contract management system for State agency administered contracted services. The report must be made by December 1, 2018, and every six months thereafter until the implementation of the system has been completed.
- By December 1, 2018, implement a new requirement for State agencies to obtain a 10% reduction from the annual value of each contract as a condition of awarding an amendment that extends the length of the contract.
- By June 30, 2019, reduce by 5% the June 30, 2018, inventory of State-owned passenger motor vehicles that are under the management of the Department.
- Report to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division on (1) prior fiscal year results for each identified performance measure set out in Program Evaluation Division Report No. 2018-04, Opportunities Exist to Improve the Efficiencies of the State's Administrative Services, and (2) performance targets for the upcoming fiscal year. The report must be made by December 1, 2018, and each December 1 thereafter.

**Section 2** directs the Legislative Services Office to assign an appropriate division of the General Assembly or contract with a vendor to do all of the following:



*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.*

- Propose guidelines for determining employee office space usage requirements for each State-owned and leased office facility and make recommendations to ensure that the Department has valid and reliable information to enforce the space usage requirements. The assigned division or vendor must consult with the Department and must consider the feasibility of requiring each agency to enter the office space requirements and facility location of each of its employees into the Integrated HR/Payroll System or State's payroll system that supersedes the current system.
- Conduct a business case analysis to evaluate alternatives to reduce facility management costs and generate additional revenue through the sale or lease of the Old Revenue Building located at 2 South Salisbury Street, Raleigh, North Carolina.
- Conduct a business case analysis of facility management services performed by the Department and consider the expanded use of contracted facility management services.
- Conduct a business case analysis that uses the results from the document scanning pilot study performed by the Department of Revenue to explore potential savings through increased utilization of electronic mail scanning for incoming mail to State agencies.
- Conduct a business case analysis on opportunities to increase revenue receipts from State-owned parking facilities. This analysis includes considering the increasing use of unreserved employee spaces and leasing underutilized employee spaces and visitor spaces to public and private entities.

The assigned division or contracted vendor must report on recommendations for proposed legislation to the Joint Legislative Oversight Committee on General Government by December 1, 2019.

**Section 3** requires the Office of State Auditor to conduct a performance audit to identify alternatives to reduce outgoing mail service costs and report its findings to the Joint Legislative Oversight Committee on General Government by June 30, 2019.

**Section 4** amends G.S. 143-55 to require that all departments, institutions, and agencies make requisitions only through NC E-Procurement for required purchases through sources certified by the Secretary of Administration. (Previously, the law required that requisition orders be made on forms provided by the Secretary, with a copy of the form provided to the Secretary when requested by the Secretary.) Purchases using other methods, such as purchase cards or purchase orders, are not allowed unless specifically authorized by the Secretary.

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

**BACKGROUND:** S.L. 2017-57 directed the Program Evaluation Division to evaluate the efficiency of the divisions and administrative activities of the Department and to provide recommendations to reduce costs. The Program Evaluation Division provided these recommendations in Report No. 2018-04, Opportunities Exist to Improve the Efficiencies of the State's Administrative Services. Senate Bill 759 arose out of the PED report and is a recommendation of the Joint Legislative Program Evaluation Oversight Committee.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

# SENATE BILL 759*

| | | |
|---|---|---|
| Short Title: | DOA Efficiency/PED. | (Public) |
| Sponsors: | Senators Wells, Tarte, and Edwards (Primary Sponsors). | |
| Referred to: | Rules and Operations of the Senate | |

May 30, 2018

A BILL TO BE ENTITLED

AN ACT RECOMMENDING IMPROVED EFFICIENCIES OF THE STATE'S ADMINISTRATIVE SERVICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Department of Administration shall do the following:

(1) By December 1, 2018, report to the Joint Legislative Oversight Committee on General Government on the status of the Department's procurement of a contract management system for State agency administered contracted services. The Department shall report every six months thereafter until the implementation of the contract management system has been completed.

(2) By December 1, 2018, implement a new requirement for State agencies to obtain a ten percent (10%) reduction from the annual value of each contract as a condition of awarding an amendment that extends the length of the contract.

(3) By June 30, 2019, reduce by five percent (5%) the June 30, 2018, inventory of State-owned passenger motor vehicles that are under the management of the Department of Administration.

(4) By December 1, 2018, and each December 1 thereafter, report to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division on (i) prior fiscal year results for each identified performance measure set out in Program Evaluation Division Report No. 2018-04, Opportunities Exist to Improve the Efficiencies of the State's Administrative Services, and (ii) performance targets for the upcoming fiscal year.

**SECTION 2.** The Legislative Services Office shall assign an appropriate division of the General Assembly or contract with a vendor to do the following:

(1) In consultation with the Department of Administration, propose guidelines for determining employee office space usage requirements for each State-owned and leased office facility and make recommendations to ensure that the Department has valid and reliable information to enforce the space usage requirements. In making recommendations under this subdivision, the assigned division or the contracted vendor shall consider the feasibility of requiring each State agency to enter the office space requirements and facility location of each of its employees into the Integrated HR/Payroll System, or the State's payroll system that supersedes the current system.

(2) Conduct a business case analysis to evaluate alternatives to reduce facility management costs and generate additional revenue through the sale or lease of the Old Revenue Building located at 2 South Salisbury Street, Raleigh, North Carolina.

(3) Conduct a business case analysis of facility management services performed by the Department of Administration, including consideration of expanded use of contracted facility management services.

(4) Conduct a business case analysis that uses the results from the document scanning pilot study performed by the Department of Revenue to explore potential savings through increased utilization of electronic mail scanning for incoming mail to State agencies.

(5) Conduct a business case analysis on available opportunities to increase revenue receipts from State-owned parking facilities, including consideration of increasing utilization of unreserved employee spaces and leasing underutilized employee spaces and visitor spaces to public and private entities.

(6) Each business case analysis conducted under this subsection shall include, at a minimum, each of the factors identified in Program Evaluation Division Report No. 2018-04, Opportunities Exist to Improve the Efficiencies of the State's Administrative Services. The assigned division or the contracted vendor shall report on any recommendations for proposed legislation to the Joint Legislative Oversight Committee on General Government by December 1, 2019.

**SECTION 3.** The Office of the State Auditor shall conduct a performance audit to identify alternatives to reduce outgoing mail service costs and report its findings to the Joint Legislative Oversight Committee on General Government by June 30, 2019.

**SECTION 4.** G.S. 143-55 reads as rewritten:

"**§ 143-55. Requisitioning by agencies; must purchase through sources certified.**

(a) Unless otherwise provided by law, where sources of supply have been established by contract and certified by the Secretary of Administration to the said departments, institutions and agencies as herein provided for, it shall be the duty of all departments, institutions and agencies to make requisition ~~or issue orders on forms to be prescribed by the Secretary of Administration,~~ through NC E-Procurement for purchases required by them upon the sources of supply so certified, and, except as herein otherwise provided for, it shall be unlawful for them, or any of them, to purchase from other sources than those certified by the Secretary of Administration. ~~One copy of such requisition or order shall be furnished to and when requested by the Secretary of Administration.~~ Requisitions from sources of supply established by contract and certified by the Secretary of Administration shall not be made using any other method except NC E-Procurement, including purchase cards or purchase orders, unless specifically authorized by the Secretary of Administration.

(b) Expired."

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

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 759***

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

S759-ARN-46 [v.3]



Amends Title [NO]
First Edition

Date _____,2018

Senator _____

moves to amend the bill on page 1, line 15, by rewriting that line to read:

"contract except as authorized by the Department. The new requirement implemented by the Department shall not apply to those contracts entered into by the Department of State Treasurer under G.S. 147-69.3(g), G.S. 135-96, G.S. 142-17, G.S. 135-48.23(c) and G.S. 135-48.34 that are not subject to Article 3 of Chapter 143."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 759***

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

S759-ARN-46 [v.3]



Amends Title [NO]
First Edition

Date _____, 2018

Senator Edwards

moves to amend the bill on page 1, line 15, by rewriting that line to read:

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 759***

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

S759-ARN-45 [v.1]



Amends Title [NO]
First Edition

Date _____,2018

Senator _____

moves to amend the bill on page 1, line 15, by rewriting that line to read:

"contract except as specifically authorized by the Department of Administration."

moves to amend the bill on page 2, line 16, by deleting the word "subsection" and substituting the word "section";

and on page 2, line 41, by rewriting that line to read:

"**SECTION 5.** Section 4 of this act becomes effective November 1, 2018, and applies to requisitions for purchases occurring on or after that date. The remainder of this act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# NORTH CAROLINA GENERAL ASSEMBLY
## AMENDMENT
## Senate Bill 759*

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

S759-ARN-45 [v.1]



Amends Title [NO]
First Edition

Date _____, 2018

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**Senate Bill 759***

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

S759-ARN-45 [v.1]



Amends Title [NO]
First Edition

Date _____,2018

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# HOUSE BILL 991:
# Fox Trapping Local Omnibus.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 12, 2018 |
| **Introduced by:** | Reps. K. Hall, Goodman, Torbett | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***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.

*ren Cochrane-Brown*
*Director*

H991-SMBK-136 E1 -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.*

- 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.

# HOUSE BILL 991

| | | |
|---|---|---|
| Short Title: | Fox Trapping Local Omnibus. | (Local) |
| Sponsors: | Representatives K. Hall, Goodman, and Torbett (Primary Sponsors).<br>*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

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS PERTAINING TO FOX TRAPPING.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Notwithstanding any other provision of law, there is an open season for taking foxes with weapons and for foxes and coyotes by trapping during the trapping season set by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale.

**SECTION 1.(b)** No bag limit applies to coyotes and foxes taken under this act.

**SECTION 2.(a)** The following local acts are repealed:

(1) Chapter 1040 of the 1951 Session Laws, as it applies to Madison County.
(2) Chapter 114 of the 1973 Session Laws.
(3) Sections 1 and 3 of Chapter 1142 of the 1977 Session Laws.
(4) Chapter 134 of the 1989 Session Laws.
(5) Sections 1 and 2 of S.L. 2008-102.

**SECTION 2.(b)** G.S. 113-133.1(e) reads as rewritten:

"(e) Because of strong community interest expressed in their retention, the local acts or portions of local acts listed in this section are not repealed. The following local acts are retained to the extent they apply to the county for which listed:

…

Greene: Session Laws 1975, ~~Chapter 219;~~Chapter 219, Sections 1 and 2; Session Laws 1979, Chapter 360.

…

Madison: Public-Local Laws 1925, Chapter 418, ~~Section 4; Session Laws 1951, Chapter 1040.~~Section 4.

…

Montgomery: Session Laws 1977 (Second Session 1978), ~~Chapter 1142.~~Chapter 1142, Section 2.

…

~~Rutherford: Session Laws 1973, Chapter 114.~~

…."

**SECTION 3.** Section 1 of this act applies only to Cabarrus, Gaston, Madison, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties.

**SECTION 4.** This act becomes effective October 1, 2018.

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 991**

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

H991-ABK-98 [v.5]



Amends Title [YES]
First Edition

Date _____,2018

Senator Sanderson

moves to amend the bill on page 1, line 2, by rewriting the line to read:

"AN ACT TO AMEND THE LAWS PERTAINING TO THE TAKING OF FOXES AND COYOTES.";

and on page 1, lines 8-9, by inserting the following between the lines:

"**SECTION 1.(c)** This section applies only to Cabarrus, Gaston, Madison, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties.";

and on page 1, lines 9-10, by inserting the following between the lines:

"(1) Chapter 333 of the 1947 Session Laws.";

and on page 1, lines 10-14, by re-numbering the subdivisions appropriately;

and on page 1, lines 19-20, by inserting the following between the lines:

"~~Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.~~
...";

**NORTH CAROLINA GENERAL ASSEMBLY**
**AMENDMENT**
**House Bill 991**

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

H991-ABK-98 [v.5]



and on page 1, lines 31-32, by rewriting the lines to read:

"**SECTION 3.(a)** Notwithstanding any other provision of law, there is an open season for taking coyotes and foxes with weapons and by trapping during the trapping season set by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale.

**SECTION 3.(b)** No bag limit applies to foxes or coyotes taken under this act.

**SECTION 3.(c)** This section applies only to Davie County and to those portions of Forsyth County outside the city limits of the City of Winston-Salem.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

# HOUSE BILL 993

| | | |
|---|---|---|
| Short Title: | Bessemer City Charter Amendment. | (Local) |
| Sponsors: | Representative Hastings.<br>*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 CHARTER OF THE CITY OF BESSEMER CITY TO AUTHORIZE THE CITY MANAGER TO APPOINT A CITY CLERK AND ONE OR MORE DEPUTY CITY CLERKS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3.22 of the Charter of the City of Bessemer City, being Chapter 1018 of the 1989 Session Laws, as amended, reads as rewritten:

"Section 3.22. **Powers.** The city manager shall be the chief administrator of the City. He shall be responsible to the Council for administering all municipal affairs placed in his charge and shall have the powers and duties set out in the applicable provisions of the General Statutes. However, the city manager shall not have any authority to hire or fire the city ~~clerk, city attorney,~~attorney or the police chief."

**SECTION 2.** Section 3.42 of the Charter of the City of Bessemer City, being Chapter 1018 of the 1989 Session Laws, as amended, reads as rewritten:

"Section 3.42. **City Clerk.** The ~~Council~~ city manager shall appoint a city clerk to serve at ~~its~~ the city manager's pleasure. ~~He~~ The city clerk shall give notice of meetings of the Council, keep a journal of the proceedings of the Council, be custodian of all City records entrusted to him, and shall perform any other duties that may be required by law, by the Council or by the city manager. In addition, the ~~Council~~ city manager may appoint or provide for one or more deputy city clerks who shall have full authority to exercise and perform any of the powers and duties of the city clerk that ~~it~~ the city manager may specify."

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

referred to Rules

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State and Local Government
**Meeting Date:** 6-12-18 **Chair:** Tarte **Clerk:** Jan

### ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | H991 | **Sponsor** | Hall, Goodman, Torbett |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | Sanderson |
| **Amended** | ABK-98 [v.5] | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | Cook, Fonshee |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | McGinnis | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | H993 ✓ | **Sponsor** | Hastings |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Harrington | | |

**********

| | | | |
|---|---|---|---|
| **Bill** | S 759 ✓ | **Sponsor** | Wells, Tarte, Edwards |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** → | S759-ARN-45 [v.1] | **Motion by** | |
| **Comm. Sub.** → | S759-ARN-46 [v.3] | **Motion by** | McGinnis<br>Davis |
| **Original Bill** → | | | |
| **Re-referred** | | **Motion by** | sen Edwards for report |
| **Other Action** | | | |
| **Floor Manager** | Wells | rolled into PCS | to Rules |

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|---|---|---|---|
| **Bill** | S 723 ✓ | **Sponsor** | Rabin, Alexander, Sanderson |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | Woodard, Fonshee |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | S723-CSBD-44 [v.3] | **Motion by** | Sen. COOL<br>Sen. Edwards |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Rabin | | |

rl to rules

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State and Local Government
**Meeting Date:** 6-12-18 **Chair:** Tarte **Clerk:** Jan

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | S 721 | **Sponsor** | Rabin, Alexander, Sanderson |
| **Favorable** | ✓ | **Motion by** | |
| **Unfavorable** | | **Motion by** | Sen. Davis |
| **Amended** | S721 - ARN-42 GM | **Motion by** | Sen. Sanderson |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | Sen. Davis |
| **Other Action** | | | |
| **Floor Manager** | Rabin | | |

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| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423

**DATE:** 6-12 **TIME:** 2 pm

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Ethan Palmberg | Hickory | Andy Wells |
| 2. Larken Lancaster | Concord | Newton |
| 3. Ray Palma | Durham | Woodard |
| 4. Olivia Lee | Greenville | Don Davis |
| 5. Anna Beckom | Wake Forest | Alexander |
| 6. Mary-Wesley Craft | Farmville | Don Davis |
| 7. Alltumn Brisson | Bladenboro | Bill Rabon |
| 8. | | |

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

# VISITOR REGISTRATION SHEET

**Senate State and Local Government**

June 12, 2018
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Joshua Boll | DOA |
| MARK EDWARDS | DOA |
| Odessa McGlown | DOA |
| Machelle Sanders | DOA |
| Katie Stanley | DOA |
| Fran Lawrence | DST |
| Starnes | OST |
| Watts | OST |
| Sarah Hardin | NCEL |
| [illegible] | [illegible] |
| [illegible] | NCAOC |
| Susanna Davis | NC DPS |
| Tonya Horton | OSHR |
| Amanda Donovan | KTS |
| Susan Mabe | NCICU |
| Corey Petersohn | OSBM |
| Charlie Penny | OSBM |

09-21-201

# Senate Committee On

# State and Local Government

## June 12, 2018 – Room 423/424 LOB – 2:00 PM

PLEASE SIGN IN BELOW

| NAME | FIRM OR AGENCY |
|---|---|
| Mark Bondo | OSBM |
| LT McCrimmon | DHHS |
| Matt Gray | DHHS |
| Will Price | IOG |
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# VISITOR REGISTRATION SHEET

**Senate State and Local Government**

6-12-18

**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Laura Collins | Sen. Chaudhuri |
| Brad Young | OSA |
| Tim Hoegemeyer | OSA |
| Sarah Patterson | WM |
| [illegible] | [illegible] |
| Anne Bacon | NCCCS |
| [illegible] | MGC |
| DeVin Easton | Sen. McInnis |
| Tafari Bailey | NC House Intern |
| Lane Hickman | Intern |
| Joshua Smith | PFFPNC |
| Scott Mullins | PFFPNC |
| Sallie James | Governors office |
| Crystal Feldman | SA |
| Leo John | Secretary of State |
| Fred Baggett | NC Police Chiefs Assn |
| Richard Bostic | NC SBA |

09-21-201

# Senate Committee On

# State and Local Government

## June 12, 2018 – Room 423/424 LOB – 2:00 PM

PLEASE SIGN IN BELOW

| NAME | FIRM OR AGENCY |
|---|---|
| Sarah Bales | Dudley / SS |
| Gary Hooker Jr. | NCHFA |
| Morgan Dunn | Walk WCAT |
| Grace Irwin | |
| Chuck Hefrew | GA-PED |
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Speaker

# Senate Committee On

# State and Local Government

## June 12, 2018 – Room 423/424 LOB – 2:00 PM

PLEASE SIGN IN BELOW

| NAME | FIRM OR AGENCY |
|---|---|
| Odessa McGlown | DOA |
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**Jessica Daigler-Walls (Sen. John Alexander)**

| | |
|---|---|
| **From:** | Jessica Daigler-Walls (Sen. John Alexander) |
| **Sent:** | Wednesday, June 13, 2018 08:31 PM |
| **To:** | Rep. Beverly Earle; Rep. Nelson Dollar; Rep. Josh Dobson; Rep. Gregory Murphy; Rep. Frank Iler; Rep. John Torbett; Rep. Phil Shepard; Rep. Ted Davis |
| **Cc:** | Ann Raeford (Rep. Beverly Earle); Candace Slate (Rep. Nelson Dollar); Julie Ryan (Rep. Josh Dobson); Anne Harvey Smith (Rep. Gregory Murphy); Carla Langdon (Rep. Frank Iler); Viddia Torbett (Rep. John Torbett); Pamela Pate (Rep. Phil Shepard); Andrew Bowers (Rep. Ted Davis) |
| **Subject:** | <NCGA> Senate State and Local Government Committee Meeting Notice for Thursday, June 14, 2018 at 9:00 AM - UPDATED #1 |
| **Attachments:** | Add Meeting to Calendar_LINC_.ics |

Principal Clerk ____
Reading Clerk ____

**Updated #1: Bills Added**

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Thursday | June 14, 2018 | 9:00 AM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 425 | Improve Utilization of MH Professionals. | Representative Dobson<br>Representative Dollar<br>Representative Murphy<br>Representative Earle |
| HB 15 | Public Authority/Permanent Plates. | Representative Davis<br>Representative Iler<br>Representative Shepard<br>Representative Torbett |
| HB 512 | Monitor Implementation of TBI Waiver. | Representative Torbett |

Senator Alexander will preside.

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Thursday, June 14, 2018, 9:00 AM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks – Senator John Alexander**

**Introduction of Sgt of Arms and Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 425 | Improve Utilization of MH Professionals. | Representative Dobson<br>Representative Dollar<br>Representative Murphy<br>Representative Earle |
| HB 15 | Public Authority/Permanent Plates. | Representative Davis<br>Representative Iler<br>Representative Shepard<br>Representative Torbett |
| HB 512 | Monitor Implementation of TBI Waiver. | Representative Torbett |

**Adjournment**

**Senate Committee on State and Local Government**
**Thursday, June 14, 2018 at 9:00 AM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 9:00 AM on June 14, 2018 in Room 423 of the Legislative Office Building. 10 members were present.

Senator John M. Alexander, Jr., Chair, presided.

**HB 425 State Woolly Worm Festival. (Representatives Dobson, Dollar, Murphy, Earle)**
**Reported as: Unfavorable as to committee substitute bill No. 1, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules.**

**HB 15 Convey State Prop. to Wrightsville Beach. (Representatives Davis, Iler, Shepard, Torbett)**
**Reported as: Unfavorable as to bill, but favorable as to Senate Committee Substitute Bill with a sequential referral to Rules.**

**HB 512 Monitor Implementation of TBI Waiver. (Representative Torbett)**
**Reported as: Favorable with a sequential referral to Rules.**

The meeting adjourned at 9:11 a.m.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Thursday, June 14, 2018

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

**FAVORABLE**

HB **512** **(SCS#1)** Monitor Implementation of TBI Waiver.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

TOTAL REPORTED: 1

Senator Ralph Hise will handle HB 512



**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Thursday, June 14, 2018

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

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

HB **15** Public Authority/Permanent Plates.

| | |
|---|---|
| Draft Number: | H15-PCS30526-RN-31 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

HB **425** **(CS#1)** Improve Utilization of MH Professionals.

| | |
|---|---|
| Draft Number: | H425-PCS10512-BB-19 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

TOTAL REPORTED: 2

Senator Michael V. Lee will handle HB 15
Senator Deanna Ballard will handle HB 425



# HOUSE BILL 425:
# State Woolly Worm Festival.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 14, 2018 |
| **Introduced by:** | Reps. Dobson, Dollar, Murphy, Earle | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | PCS to Third Edition<br>H425-CSBB-19 | | |

***OVERVIEW: House Bill 425 (proposed committee substitute) would adopt the Woolly Worm Festival in the Town of Banner Elk in Avery County as the official Wooly Worm festival in the State.***

***The act would become effective when it becomes law.***

**CURRENT LAW:** State symbols and other official adoptions of the State are found in Chapter 145 of the General Statutes. Currently, North Carolina does not have an official Woolly Worm festival.

**BILL ANALYSIS:** The PCS to House Bill 425 would amend Chapter 145 of the General Statutes by adding a new section to establish The Woolly Worm Festival, held the third weekend of October of every year in the Town of Banner Elk in Avery County, as the official Woolly Worm festival of the State of North Carolina.

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

*Karen Cochrane-Brown*
*Director*

H425-SMBD-97 CSBB-19 -V-3

*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 D

# HOUSE BILL 425
**Committee Substitute Favorable 3/30/17**
**Third Edition Engrossed 4/6/17**
**PROPOSED SENATE COMMITTEE SUBSTITUTE H425-CSBB-19 [v.3]**
**06/13/2018 07:26:56 PM**

Short Title: State Woolly Worm Festival. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE WOOLLY WORM FESTIVAL IN BANNER ELK AS THE STATE'S OFFICIAL WOOLLY WORM FESTIVAL.

Whereas, since 1978, an annual Woolly Worm Festival has been held in the Town of Banner Elk, which is located in Avery County; and

Whereas, each year the Woolly Worm Festival welcomes 20,000 people to the community to make family memories.

Whereas, in 2007 the Woolly Worm Festival was named one of the top ten fall festivals in North America by the Society of American Travel Writers.

Whereas, in the 40 years of the Woolly Worm Festival, more than $1,400,000 has been raised to make life better for the children of Avery County.

Whereas, the winning woolly worm will predict the upcoming winter weather. The 13 segments of the woolly worm are the best predictors of the weather for the 13 weeks of winter.

Whereas, establishing the Official Woolly Worm Festival in Banner Elk will serve as a great marketing and promotional tool for Banner Elk and Avery County; 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:

"**§ 145-50. State Woolly Worm Festival.**

The Woolly Worm Festival, held the third weekend of October of every year in the Town of Banner Elk in Avery County, is adopted as the official Woolly Worm festival of the State of North Carolina."

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

# HOUSE BILL 425
**Committee Substitute Favorable 3/30/17**
**Third Edition Engrossed 4/6/17**

Short Title: Improve Utilization of MH Professionals. (Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT ALLOWING LICENSED CLINICAL ADDICTION SPECIALISTS TO FORM A PROFESSIONAL CORPORATION WITH A PHYSICIAN AND AUTHORIZING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW LICENSED PROFESSIONAL COUNSELORS AND LICENSED MARRIAGE AND FAMILY THERAPISTS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR THE INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH A MENTAL ILLNESS OR SUBSTANCE USE DISORDER.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 55B-14(c)(4) reads as rewritten:

"(4) A physician, a licensed psychologist, a licensed clinical social worker, or each of them and a certified clinical specialist in psychiatric and mental health nursing, a licensed marriage and family therapist, a licensed professional counselor, a licensed clinical addictions specialist, or each of them, to render psychotherapeutic and related services that the respective stockholders are licensed, certified, or otherwise approved to provide."

**SECTION 2.** G.S. 122C-263.1(a) reads as rewritten:

"(a) The Secretary of Health and Human Services may, upon request of an LME, waive the requirements of G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283 pertaining to initial (first-level) examinations by a physician or eligible psychologist of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as applicable, as follows:

(1) The Secretary has received a request from an LME to substitute for a physician or eligible psychologist, a licensed clinical social worker, a licensed professional counselor, a licensed marriage and family therapist, a master's level psychiatric nurse, or a master's level certified clinical addictions specialist in accordance with subdivision (8) of this subsection to conduct the initial (first-level) examinations of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). In making this type of request, the LME shall specifically describe all of the following:

a. How the purpose of the statutory requirement would be better served by waiving the requirement and substituting the proposed change under the waiver.

b. How the waiver will enable the LME to improve the delivery or management of mental health, developmental disabilities, and substance abuse services.

c. How the health, safety, and welfare of individuals will continue to be at least as well protected under the waiver as under the statutory requirement.

...

(5) In no event shall the substitution of a licensed clinical social worker, licensed professional counselor, a licensed marriage and family therapist, master's level psychiatric nurse, or master's level certified clinical addictions specialist under a waiver granted under this section be construed as authorization to expand the scope of practice of the licensed clinical social worker, the licensed professional counselor, the licensed marriage and family therapist, the master's level psychiatric nurse, or the master's level certified clinical addictions specialist.

...

(8) A master's level certified clinical ~~addiction~~ addictions specialist shall only be authorized to conduct the initial examination of individuals meeting the criteria of G.S. 122C-281(a).

(9) The professionals referenced in this subsection that are performing the examination shall not be related by blood or marriage to the individuals meeting the criteria for examination."

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

# HOUSE BILL 15:
# Convey State Prop. to Wrightsville Beach.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 13, 2018 |
| **Introduced by:** | Reps. Davis, Iler, Shepard, Torbett | **Prepared by:** | Brad Krehely<br>Staff Attorney |
| **Analysis of:** | PCS to First Edition<br>H15-CSRN-31 | | |

***OVERVIEW: The Proposed Committee Substitute for House Bill 15 would require the State of North Carolina to transfer a specific parcel or tract of land to the Town of Wrightsville Beach. The PCS rewrites the contents of the bill.***

**CURRENT LAW:** Article 7 of Chapter 146 governs disposition of State property and requires that sales of land owned by the State must be made by the State and approved by the Governor and Council of State. Article 16 of Chapter 146 establishes the form of conveyances for State property, and G.S. 146-74 requires proposed conveyances to be submitted to the Governor and Council of State for approval.

**BILL ANALYSIS:** The PCS for House Bill 15 would require the State of North Carolina to transfer specific portions of land to the Town of Wrightsville Beach for $1.00. The State of North Carolina would be required to convey the property "as is" and "where is" without warranty. The State would make no representations or warranties concerning the title, boundaries, and uses of the property. It also would make no representations related to zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. The Department of Administration, in consultation with the Town of Wrightsville Beach, would be permitted to make changes to the property description as necessary. The conveyance would be exempt from the requirements of Article 7 of Chapter 146 and G.S. 146-74.

**EFFECTIVE DATE:** The act would be 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 D

# HOUSE BILL 15
## PROPOSED SENATE COMMITTEE SUBSTITUTE H15-CSRN-31 [v.1]
**06/13/2018 09:11:11 PM**

Short Title: Convey State Prop. to Wrightsville Beach. (Public)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO CONVEY CERTAIN STATE LANDS TO THE TOWN OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State of North Carolina shall convey to the Town of Wrightsville Beach, for consideration of one dollar ($1.00), all its rights, titles, and interests in those certain portions of land more particularly described as follows:

(1) Any area lying east of the property line established in Chapter 246 of the Public Laws of 1939, as amended, and granted to the Town of Wrightsville Beach by such Chapter 246 of the Public Laws of 1939, as amended, except those areas that are owned by the State of North Carolina by virtue of G.S. 146-6.

(2) Being a certain parcel or tract of land located in the Town of Wrightsville Beach, New Hanover County, North Carolina, and being bounded on the west by the property line established in Chapter 246 of the Public Laws of 1939, as amended, said property line being further described in that map recorded in Map Book 3, Page 71, New Hanover County Registry, bounded on the north and south by the north and south margins of East Salisbury Street extended, and bounded on the east by a line parallel to and 100 feet east of the aforementioned property line. Said parcel is further described as follows: Beginning at a chiseled "X" in concrete on the northern margin of East Salisbury Street and said street's eastern terminus, said point being North 77 degrees 49 minutes 50 seconds East a distance of 110.33 feet from NCGS monument "Pier RM1" with North Carolina coordinates of North: 171,233.83 and East of 2,365,974.41 (NAD 83); thence with a line being the extension of the northern margin of East Salisbury Street South 59 degrees 24 minutes 27 seconds East 100.00 feet to a point; thence South 30 degrees 36 minutes 47 seconds West 130.00 feet to a point on the southern margin line of East Salisbury Street extended; thence with said margin extended North 59 degrees 24 minutes 27 seconds West 100.00 feet to a point on the eastern terminus of said street; thence with said street terminus and the property line established by Chapter 246 of the Public Laws of 1939, as amended, North 30 degrees 36 minutes 47 seconds East 130.00 feet to a chiseled "X" in concrete, being the point of beginning. Said parcel has an area of 13,000 sq. ft. or 0.298 acres. To the extent that the area described in this subdivision includes lands that might be subject to ownership by the State of North Carolina pursuant to G.S. 146-6,

the conveyance includes any area that the State of North Carolina may own pursuant to G.S. 146-6, notwithstanding the exception in subdivision (1) of this section.

**SECTION 2.** The conveyance pursuant to Section 1 of this act is subject to the conditions set forth in Section 1 of Chapter 246 of the Public Laws of 1939, as amended.

**SECTION 3.** The State of North Carolina shall convey the real property described in Section 1 of this act "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. The Town of Wrightsville Beach shall prepare the instrument of conveyance, and all costs associated with the conveyance of the property shall be borne by the Town. The Department of Administration, in consultation with the Town of Wrightsville Beach, may make changes to the property description contained in Section 1 of this act as necessary.

**SECTION 4.** The conveyance of the State's rights, titles, and interests in the real property described in Section 1 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

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

# HOUSE BILL 15

| | | |
|---|---|---|
| Short Title: | Public Authority/Permanent Plates. | (Public) |
| Sponsors: | Representatives Davis, Iler, Shepard, and Torbett (Primary Sponsors). | |
| Referred to: | Transportation | |

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES FOR MOTOR VEHICLES OWNED AND OPERATED BY CERTAIN PUBLIC AUTHORITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-84(b) is amended by adding a new subdivision to read:

"(21) A motor vehicle that is owned and operated by an authority created pursuant to Article 1 of Chapter 162A of the General Statutes."

**SECTION 2.** This act becomes effective July 1, 2017.

# HOUSE BILL 512:
# Monitor Implementation of TBI Waiver.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 13, 2018 |
| **Introduced by:** | Rep. Torbett | **Prepared by:** | Jason Moran-Bates<br>Staff Attorney |
| **Analysis of:** | Third Edition | | |

***OVERVIEW:*** ***House Bill 512 would require the Department of Health and Human Services (Department) to make quarterly reports on the status and implementation of the 1915(c) waiver for individuals with traumatic brain injury (TBI). The Department would also be required to adopt rules or medical coverage policies relating to service programs for individuals with TBI, develop a best practice model and strive to maintain adequate reimbursement rates. In addition, the bill would allow township hospitals that continue to operate under Article 2 of Chapter 131 of the General Statutes, pursuant to Section 3 of Chapter 775 of the 1983 Session Laws to exercise many of the powers currently permitted to public hospitals under Article 2 of Chapter 131E of the General Statutes. It would also amend G.S. 131E-184(h) to extend the period in which the acquisition or reopening of a Legacy Medical Facility is exempt from Certificate of Need review by 36 months. Finally, it would change the definition of "Legacy Medical Facility" to include facilities that provided outpatient care.***

**CURRENT LAW:** Currently township hospitals operate under Article 2 of Chapter 131of the General Statutes as it existed in 1983. They lack the statutory authority to exercise many of the powers granted to public hospitals under Article 2 of Chapter 131E of the General Statutes. In order to be exempt from Certificate of Need review, a Legacy Medical Facility must be operational within 36 months of the date it gives notice it is to reopen or be acquired, and the original facility on which the Legacy Medical Facility is based must have provided only inpatient care.

**BILL ANALYSIS:**

**Section 1** of House Bill 512 would require the Department of Health and Human Services (Department) to report quarterly on the status and implementation of the 1915(c) waiver for individuals with traumatic brain injury (TBI) to the:

- Joint Legislative Oversight Committee on Medicaid and NC Health Choice;
- Joint Legislative Oversight Committee on Health and Human Services;
- Chairs of the Senate Appropriations Committee on Health and Human Services;
- Chairs of the House of Representatives Committee on Appropriations, Health and Human Services; and the
- Fiscal Research Division.

The Department would also be required to do the following:



*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.*

1. Adopt rules or medical coverage policies relating to service programs for individuals with TBI, including setting standards that ensure that individuals with brain injuries who require residential treatment receive appropriate, effective and high-quality treatment in community-based residential settings
2. Develop a best practice model system that includes a comprehensive continuum of care, short-term and long-term treatments, rehabilitation options, and home and community support services.
3. Strive to maintain adequate reimbursement rates for residential and community-based care programs that serve individuals with traumatic brain injury.

**Section 2** of House Bill 512 would grant township hospitals the power to:

- Construct hospital facilities and issue bonds and acquire real property for the purpose of constructing hospital facilities.
- Enter into contracts and agreements with other hospitals or municipalities.
- Acquire an ownership stake in a managed care company.
- Sell rights in the hospital facility to a non-profit corporation.
- Accept federal and State money.
- Lease or sell hospital facilities to any corporation, subject to certain regulations.
- Build branches outside their home counties, subject to certain regulations.
- Exercise power through an agent.
- Not be subject to regulations on the disposal of property by public bodies unless the General Assembly enacts specific legislation making those regulations apply.
- Take out a mortgage to acquire property.
- Exercise all the corporate powers necessary to operate a hospital.

**Section 3** of House Bill 512 would amend G.S. 131E-184(h) to grant Legacy Medical Facilities an additional 36 months to become operational and still be exempt from Certificate of Need review. It would also require the person responsible for giving notice to notify the Department of Health and Human Services if the Legacy Medical Facility were going to open in a new location in the same county as the facility that ceased operations. Finally, it would modify the definition of "Legacy Medical Facility" to include facilities that mainly provided outpatient care.

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

**BACKGROUND:** A "Legacy Medical Facility" is a healthcare facility that (1) is not currently operating, (2) has not operated in the last six months, and (3) within the last two years held a hospital license while providing inpatient care.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 3

# HOUSE BILL 512

**Committee Substitute Favorable 4/26/17**
**Senate Health Care Committee Substitute Adopted 6/12/18**

Short Title: Monitor Implementation of TBI Waiver. (Public)

Sponsors:

Referred to:

March 29, 2017

A BILL TO BE ENTITLED

AN ACT REGARDING IMPLEMENTATION OF THE 1915(C) MEDICAID WAIVER FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY; AUTHORIZING TOWNSHIP HOSPITALS STILL OPERATING UNDER PRE-1983 PUBLIC HOSPITAL LAWS TO EXERCISE SOME OF THE ADDITIONAL POWERS AND AUTHORITIES GRANTED TO PUBLIC HOSPITALS OPERATING UNDER ARTICLE 2 OF CHAPTER 131E OF THE GENERAL STATUTES; REDEFINING THE TERM "LEGACY CARE MEDICAL FACILITY" FOR PURPOSES OF CERTIFICATE OF NEED REVIEW; REQUIRING THAT LEGACY MEDICAL CARE FACILITIES EXEMPTED FROM CERTIFICATE OF NEED REVIEW OPERATE WITHIN THE SAME SERVICE AREA AS THE FACILITY THAT CEASED CONTINUOUS OPERATIONS; AND PROVIDING FOR AN EXTENSION OF THE TIME BY WHICH A FACILITY MUST BE OPERATIONAL IN ORDER TO QUALIFY FOR CERTIFICATE OF NEED EXEMPTION AS A LEGACY MEDICAL CARE FACILITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Beginning October 1, 2018, the Department of Health and Human Services (DHHS) shall report quarterly to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, the Joint Legislative Oversight Committee on Health and Human Services, the chairs of the Senate Appropriations Committee on Health and Human Services, the chairs of the House of Representatives Appropriations Committee on Health and Human Services, and the Fiscal Research Division on the status and implementation of the 1915(c) waiver for individuals with traumatic brain injury (TBI) that has been submitted to the Centers for Medicare and Medicaid Services in accordance with Section 12H.6 of S.L. 2015-241.

As part of the process of implementing the TBI waiver, DHHS shall adopt rules or medical coverage policies relating to service programs for individuals with traumatic brain injury, including setting standards that ensure that individuals with brain injuries who require residential treatment receive appropriate, effective, and high-quality treatment in community-based residential settings. Additionally, DHHS shall develop a best practice model system that includes a comprehensive continuum of care and an array of short-term and long-term treatments, rehabilitation options, and home and community support services as part of the TBI waiver. Finally, DHHS shall strive to maintain adequate reimbursement rates for residential and community-based care programs that serve individuals with traumatic brain injury, which will aid in attracting and retaining quality and highly specialized providers and programs into North Carolina.

**SECTION 2.(a)** All hospitals that continue to operate under Article 2 of Chapter 131 of the General Statutes pursuant to Section 3 of Chapter 775 of the 1983 Session Laws may, in addition to the powers and authorities set forth in said Article 2 of Chapter 131 of the General Statutes, exercise each of the powers, authorities, and exemptions set forth in the following provisions of Chapter 131E of the General Statutes, singly or in combination:

(1) G.S. 131E-7(a)(1), (3), (5), and (6).
(2) G.S. 131E-7(b).
(3) G.S. 131E-7(c).
(4) G.S. 131E-7(f).
(5) G.S. 131E-7.1.
(6) G.S. 131E-8.
(7) G.S. 131E-10.
(8) G.S. 131E-11.
(9) G.S. 131E-13.
(10) G.S. 131E-14.1.
(11) G.S. 131E-23(a)(1) through (38).
(12) G.S. 131E-23(b).
(13) G.S. 131E-23(d).
(14) G.S. 131E-26.
(15) G.S. 131E-27.
(16) G.S. 131E-32.
(17) G.S. 131E-47.1.

**SECTION 2.(b)** This act amends and adds to the powers and authorities previously conveyed by Section 3 of S.L. 1999-377 to hospitals that continue to operate under Article 2 of Chapter 131 of the General Statutes. This act is not intended to alter or amend the remaining provisions of S.L. 1999-377.

**SECTION 3.(a)** G.S. 131E-176(14f) reads as rewritten:

"(14f) "Legacy Medical Care Facility" means ~~an institution~~a facility that meets all of the following requirements:

a. Is not presently operating.
b. Has not continuously operated for at least the past six months.
c. Within the last 24 months:
1. Was operated by a person holding a license under G.S. 131E-77; and
2. Was primarily engaged in providing to ~~inpatients,~~inpatients or outpatients, by or under supervision of physicians, (i) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons or (ii) rehabilitation services for the rehabilitation of injured, disabled, or sick persons."

**SECTION 3.(b)** G.S. 131E-184(h) reads as rewritten:

"(h) The Department shall exempt from certificate of need review the acquisition or reopening of a Legacy Medical Care Facility. The person seeking to operate a Legacy Medical Care Facility ~~must~~ shall give the Department written notice ~~(i) of its~~ of all of the following:

(1) Its intention to acquire or reopen a Legacy Medical Care Facility ~~and (ii) that~~ within the same county and the same service area as the facility that ceased continuous operations. If the Legacy Medical Facility will become operational in a new location within the same county and the same service area as the facility that ceased continuous operations, then the person responsible for giving the written notice required by this section shall notify the Department, as soon as reasonably practicable and prior to becoming operational, of the

new location of the Legacy Medical Care Facility. For purposes of this subdivision, "service area" means the service area identified in the North Carolina State Medical Facilities Plan in effect at the time the written notice required by this section is given to the Department.

(2) That the ~~hospital~~ facility will be operational within 36 months of the notice.

The Department shall extend the time by which a facility must be operational in order to be exempt from certificate of need review under this subsection by one additional 36-month period if the person seeking to reopen or acquire the Legacy Medical Care Facility gives the Department written notice of extension within 36 months of the original notice of intent to acquire or reopen the Legacy Medical Care Facility. The written notice of extension must notify the Department (i) that the person has undertaken all reasonable efforts to make the facility operational within 36 months of the notice of intent, (ii) that, despite these reasonable efforts, the person does not anticipate the facility will be operational within that time, and (iii) of its intention that the facility will be operational within 36 months of the notice of extension."

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

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State & Local
**Meeting Date:** 6/14/18 **Chair:** Senator Alexander **Clerk:** Jessica Walls

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | HB428 | **Sponsor** | |
| **Favorable** | ✓ | **Motion by** | McInnis |
| **Unfavorable** | | **Motion by** | Edwards |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | H428-CSBB-19[v.3] | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | ref to Rules |
| **Floor Manager** | Senator Ballard | | |

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|---|---|---|---|
| **Bill** | HB15 ✓ | **Sponsor** | |
| **Favorable** | | **Motion by** | McInnis |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | H15-CSRN-31[v.1] | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator Lee | | ref to rules |

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|---|---|---|---|
| **Bill** | HB512 ✓ | **Sponsor** | |
| **Favorable** | | **Motion by** | Britt |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator Hise | | ref to rules |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# VISITOR REGISTRATION SHEET

**Senate State and Local Government**

June 14, 2018
**Date**

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

| NAME | FIRM OR AGENCY AND ADDRESS |
|---|---|
| Adam Ridenour | NCACC |
| Scott Lassen | KGANC |
| Sharon McCallum | KGANC |
| Laura Collins | Sen. Chaudhuri |
| Demetrios Delaurentis | Troutman Sanders |
| Katherine Balroad | PPAB |
| Nick Billman | WM |
| Susan P. Mayo | NCIA |
| Logan Harrison | None |
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09-21-201

## State and Local Government

## June 14, 2018 – Room 423/424 – 9:00 AM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Liz Hatter | Smith Anderson |
| Ted Davis Jr. | House of Representatives |
| Frank Iler | " " |
| [illegible] | NCEMA |
| Sallie James | Governor's Office |
| Sarah Collins | NCLM |
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**Senate Committee on State and Local Government**
**Tuesday, June 19, 2018, 15 Minutes After Session**
**423 Legislative Office Building**

# AGENDA

**Welcome and Opening Remarks**

**Introduction of Sgt @ Arms**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 1027 | Bald Head Island/No-Wake Zone. | Representative Iler |
| HB 1028 | Oak Island Charter Amendment. | Representative Iler |
| HB 950 | Carthage, Pollocksville Satellite Annexations. | Representative McNeill<br>Representative Boles |
| HB 1004 | Wrightsville Beach Local Act Changes. | Representative Davis |
| HB 1080 | Guilford Co. Animal Control Records. | Representative Hardister<br>Representative Blust<br>Representative Brockman<br>Representative Quick |

**Adjournment**

**Senate Committee on State and Local Government**
**Tuesday, June 19, 2018 at 15 Minutes After Session**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 15 Minutes After the 7 p.m. Session on June 19, 2018 in Room 423 of the Legislative Office Building. Sixteen members were present.

Chairman Tarte, presided.

**HB 1027 Bald Head Island/No-Wake Zone. (Representative Iler): Reported favorable**

**HB 1028 Oak Island Charter Amendment. (Representative Iler): Reported unfavorable as to bill, but favorable as to senate committee substitute bill**

**HB 950 Carthage, Pollocksville Satellite Annexations. (Representatives McNeill, Boles): Reported as favorable**

**HB 1004 Wrightsville Beach Local Act Changes. (Representative Davis): Reported as favorable**

**HB 1080 Guilford Co. Animal Control Records. (Representatives Hardister, Blust, Brockman, Quick): Reported as: Unfavorable as to committee substitute bill no. 1, but favorable as to senate committee substitute bill**

The meeting adjourned at 8:56 p.m.

Select or Type Name of Presiding Chair
Presiding

Jan Copeland, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Wednesday, June 20, 2018

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

**FAVORABLE**

HB **950** **(CS#1)** Carthage, Pollocksville Satellite Annexations.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Finance |
| Long Title Amended: | No |

HB **1004** **(CS#1)** Wrightsville Beach Local Act Changes.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | No |

HB **1027** **(CS#1)** Bald Head Island/No-Wake Zone.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | No |

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

HB **1028** Oak Island Charter Amendment.

| | |
|---|---|
| Draft Number: | H1028-PCS40779-RN-32 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | No |



**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

HB **1080 (CS#1)** Guilford Co. Animal Control Records.

| | |
|---|---|
| Draft Number: | H1080-PCS10519-RN-33 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | Rules and Operations of the Senate |
| Long Title Amended: | Yes |

TOTAL REPORTED: 5

Senator Tom McInnis will handle HB 950
Senator Michael V. Lee will handle HB 1004
Senator Bill Rabon will handle HB 1027
Senator Bill Rabon will handle HB 1028
Senator Trudy Wade will handle HB 1080

# HOUSE BILL 1027:
# Bald Head Island/No-Wake Zone.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Rep. Iler | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | Second Edition | | Staff Attorney |

***OVERVIEW: House Bill 1027 would make a violation of the "no-wake" speed zone within the waters of the Village of Bald Head Island an infraction, punishable by a fine of $50.00, and would authorize enforcement of the "no-wake" speed zone by wildlife protectors and law enforcement officers in the State.***

***The act would become effective when it becomes law.***

**CURRENT LAW:** Operating any motorboat or vessel at greater than no-wake speed 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, provided the restricted areas are marked in accordance with the Uniform Waterway Marking System by the community or its designee. A "no-wake" speed is idle speed or a slow speed creating no appreciable wake. The "no-wake" speed zone is enforced by officers of the Wildlife Resources Commission and by the Brunswick County Sheriff. S.L. 1987-688.

The "no-wake" speed zone for the Village of Bald Head Island established under S.L. 1987-688 is incorporated into Section 7.1 of the revised and consolidated Charter for the Village of Bald Head Island. S.L. 1997-324.

**BILL ANALYSIS:** House Bill 1027 would amend S.L. 1987-688 to make a 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 could 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 as if the "no-wake" speed zone were a provision of the State *Boating Safety Act* under Article 1 of Chapter 75A of the General Statutes.

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

*Staff attorney Jessica Sammons contributed to this bill summary.*

*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 1027
**Committee Substitute Favorable 6/6/18**

Short Title: Bald Head Island/No-Wake Zone. (Local)

Sponsors:

Referred to:

May 30, 2018

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT A VIOLATION OF THE NO-WAKE SPEED ZONE UPON THE WATERS WITHIN THE COMMUNITY OF THE VILLAGE OF BALD HEAD ISLAND IS AN INFRACTION AND THAT A VIOLATION IS ENFORCEABLE AS IF IT WERE A PROVISION OF THE GENERAL LAWS REGULATING BOATING SAFETY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 2.1 of Chapter 688 of the Session Laws of 1987 reads as rewritten:

"Sec. 2.1. Any person who violates this act ~~shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine not to exceed two hundred and fifty dollars ($250.00).~~is responsible for an infraction as provided in G.S. 14-3.1 and shall pay a fine of fifty dollars ($50.00). A person responsible for an infraction under this act shall not be assessed court costs."

**SECTION 2.** 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.~~act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes."

**SECTION 3.** This act applies to the Village of Bald Head Island only.

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

# HOUSE BILL 1028:
# Oak Island Charter Amendment.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 18, 2018 |
| **Introduced by:** | Rep. Iler | **Prepared by:** | Brad Krehely<br>Staff Attorney |
| **Analysis of:** | PCS to First Edition<br>H1028-CSRN-32 | | |

***OVERVIEW:*** ***The Proposed Committee Substitute (PCS) for House Bill 1028 would make various changes to the Charter of the Town of Oak Island. The PCS would become effective when it becomes law. <u>The PCS is technical in nature and simply corrects the drafting of the bill.</u>***

**CURRENT LAW:** Under the Charter of the Town of Oak Island, 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:** The PCS for House Bill 1028 would amend the Charter of the Town of Oak Island to do all of the following:

- 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 PCS 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.

**Billy Godwin, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.*

*Karen Cochrane-Brown*
*Director*

H1028-SMRN-81 CSRN-32 -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

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# HOUSE BILL 1028
## PROPOSED SENATE COMMITTEE SUBSTITUTE H1028-CSRN-32 [v.3]
**06/18/2018 05:48:20 PM**

Short Title: Oak Island Charter Amendment. (Local)

Sponsors:

Referred to:

May 30, 2018

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND RELATED TO THE CALLING OF SPECIAL COUNCIL MEETINGS AND THE AUTHORITY OF THE TOWN MANAGER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4.6(a) of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"(a) The Town Council shall fix suitable times for its regular meeting, which shall be as often as once monthly. Special meetings may be held on the call of the ~~Mayor~~ Mayor, Mayor Pro Tempore, or a majority of the Town Council members, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular ~~meeting.~~meeting, unless otherwise prohibited by the rules of procedures adopted by the Town Council pursuant to G.S. 160A-71(c)."

**SECTION 2.** Section 6.1 of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"Sec. 6.1. **Appointment; Compensation.** The Town Council shall appoint an officer whose title shall be Town Manager and who shall be the chief executive officer of the Town and the head of the administrative branch of the Town government. The Town Manager shall be chosen by the Town Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. ~~At the time of his appointment he~~The Town Manager need not be a resident of the ~~Town, but shall reside therein~~Town during his tenure of office. No person elected as a member of the Town Council shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he was elected. The Town Manager shall serve at the pleasure of the Town Council and shall receive such salary as the Town Council shall fix. In case of the absence or disability of the Manager, the Town Council may designate a qualified administrative officer of the Town to perform the duties of the Manager during such absence or disability."

**SECTION 3.** Article VIII. of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"ARTICLE VIII. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

"Sec. 8.1. **Town Clerk.** The Town Manager ~~may~~ shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Town Manager or Town Council may direct.

"Sec. 8.2. **Town Tax Collector**. The Town Manager ~~may~~ shall appoint a Tax Collector ~~to collect all taxes, licenses, fees, and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.~~as provided in G.S. 105-349 to collect all taxes owed to the Town and to perform the duties specified in G.S. 105-350 and any other duties prescribed by general or local law.

"Sec. 8.3. ~~**Consolidation of Functions.** The Town Manager may, in his discretion, consolidate the offices of Town Clerk and Town Tax Collector, or may assign the functions of any one of these offices to the holder or holders of any other of these offices. The Town Manager may also, in his discretion, himself perform all or any part of the functions of any of the named offices, in lieu of appointing another person to perform the same.~~**Town Finance Director.** The Town Manager shall appoint a Finance Director to perform the duties of the finance officer as prescribed by the Local Government Budget and Fiscal Control Act."

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

# HOUSE BILL 1028

| | | |
|---|---|---|
| Short Title: | Oak Island Charter Amendment. | (Local) |
| Sponsors: | Representative Iler.<br>*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 AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND RELATED TO THE CALLING OF SPECIAL COUNCIL MEETINGS AND THE AUTHORITY OF THE TOWN MANAGER.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Oak Island, being S.L. 1999-66, as amended, reads as rewritten:

"Section 1. The charters of the Town of Yaupon Beach and the Town of Long Beach are hereby revised and consolidated into the Charter for the Town of Oak Island to read as follows:

...

**"ARTICLE IV. MAYOR AND TOWN COUNCIL.**

...

"Sec. 4.6. **Meetings of Town Council.** (a) The Town Council shall fix suitable times for its regular meeting, which shall be as often as once monthly. Special meetings may be held on the call of the ~~Mayor~~ Mayor, Mayor Pro Tempore, or a majority of the Town Council members, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular ~~meeting.~~meeting, unless otherwise prohibited by the rules of procedures adopted by the Town Council pursuant to G.S. 160A-71(c).

...

**"ARTICLE VI. TOWN MANAGER.**

"Sec. 6.1. **Appointment; Compensation.** The Town Council shall appoint an officer whose title shall be Town Manager and who shall be the chief executive officer of the Town and the head of the administrative branch of the Town government. The Town Manager shall be chosen by the Town Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. ~~At the time of his appointment he~~The Town Manager need not be a resident of the ~~Town, but shall reside therein~~Town during his tenure of office. No person elected as a member of the Town Council shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he was elected. The Town Manager shall serve at the pleasure of the Town Council and shall receive such salary as the Town Council shall fix. In case of the absence or disability of the Manager, the Town Council may designate a qualified administrative officer of the Town to perform the duties of the Manager during such absence or disability.

...

**"ARTICLE VIII. ADMINISTRATIVE OFFICERS AND EMPLOYEES.**

"Sec. 8.1. **Town Clerk.** The Town Manager ~~may~~ shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Town Manager or Town Council may direct.

"Sec. 8.2. **Town Tax Collector**. The Town Manager ~~may~~ shall appoint a Tax Collector ~~to collect all taxes, licenses, fees, and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.~~as provided in G.S. 105-349 to collect all taxes owed to the Town and to perform the duties specified in G.S. 105-350 and any other duties prescribed by general or local law.

"Sec. 8.3. ~~**Consolidation of Functions.** The Town Manager may, in his discretion, consolidate the offices of Town Clerk and Town Tax Collector, or may assign the functions of any one of these offices to the holder or holders of any other of these offices. The Town Manager may also, in his discretion, himself perform all or any part of the functions of any of the named offices, in lieu of appointing another person to perform the same.~~**Town Finance Director.** The Town Manager shall appoint a Finance Director to perform the duties of the finance officer as prescribed by the Local Government Budget and Fiscal Control Act.

...."

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

# HOUSE BILL 950:
# Carthage, Pollocksville Satellite Annexations.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Reps. McNeill, Boles | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | Second Edition | | |

***OVERVIEW: House Bill 950 would exempt Carthage and Pollocksville 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 towns of Carthage and Pollocksville to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

**EFFECTIVE DATE:** House Bill 950 would be 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*

H950-SMBK-149 E2 -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.*

# HOUSE BILL 950
## Committee Substitute Favorable 5/23/18

Short Title: Carthage, Pollocksville Satellite Annexations. (Local)

Sponsors:

Referred to:

May 17, 2018

A BILL TO BE ENTITLED

AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF CARTHAGE AND POLLOCKSVILLE.

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, Pollocksville, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, 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 1004:
# Wrightsville Beach Local Act Changes.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Rep. Davis | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | Third Edition | | |

***OVERVIEW: House Bill 1004 would do the following:***

- ***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.***
- ***Allow the County of Chowan to lease property on the Old DF Walker Elementary School campus to the Boys and Girls Club of the Albemarle for terms exceeding 10 years without the lease being treated as a sale of property.***

***The act would be effective when it becomes law.***

## Section 1 – Town of Wrightsville Beach

**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 of the 1939 act incorporates this filled in, restored, and newly constructed land into the corporate limits of the Town of Wrightsville Beach. Section 2 of the 1939 act 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 owner, 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:** 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 the land to the east of the property line to be used by the Town for the construction of public beach access facilities.



*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.*

**Section 1.5 – County of Chowan**

**CURRENT LAW:** Article 12 of Chapter 160A provides that cities and towns may dispose of property, including G.S. 160A-272, which authorizes cities to lease city-owned property for up to 10 years, provided that the governing body determines that the property will not be needed by the city for the term of the lease. Leases for terms of more than 10 years are treated as a sale of real property.

G.S. 153A-176 makes the provisions of Article 12 of Chapter 160A applicable to counties.

**BILL ANALYSIS:** House Bill 1004 would grant the County of Chowan the ability to lease all or part of its interest in land on the Old DF Walker Elementary School campus to The Boys and Girls Club of the Albemarle for terms exceeding 10 years without the lease being treated as a sale of property.

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

# HOUSE BILL 1004
**Committee Substitute Favorable 6/6/18**
**Third Edition Engrossed 6/11/18**

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 AND TO PERMIT THE COUNTY OF CHOWAN TO LEASE PROPERTY TO THE BOYS AND GIRLS CLUB.

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 1.5.(a)** Notwithstanding the provisions of G.S. 160A-272, the County of Chowan may lease to The Boys and Girls Club of the Albemarle all or part of its interest in land on the Old DF Walker Elementary School campus for terms exceeding 10 years without the lease being treated as a sale of property.

**SECTION 1.5.(b)** This section applies only to the County of Chowan.

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

# HOUSE BILL 1080:
# Guilford Co. Animal Control Records.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Reps. Hardister, Blust, Brockman, Quick | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | Second Edition | | |

***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 that information at its' discretion. The act would be 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 any 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 personal identifying information related to the county animal services agency that is not a public record.

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

Erika Churchill, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of this summary.

*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 1080
**Committee Substitute Favorable 6/6/18**

Short Title: Guilford Co. Animal Control Records. (Local)

Sponsors:

Referred to:

June 1, 2018

A BILL TO BE ENTITLED

AN ACT RELATING TO THE RELEASE OF ANIMAL SERVICES RECORDS IN GUILFORD COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 132 of the General Statutes is amended by adding a new section to read:

"**§ 132-1.15. Personally identifiable records relating to county animal services.**

(a) Personally identifiable information held by a county animal services agency that relates to any of the following persons is not a public record as defined in G.S. 132-1:

(1) An individual who has voluntarily surrendered ownership of an animal to an animal shelter.

(2) An individual who has adopted a shelter animal or to whom a shelter animal has been placed through a foster program.

(b) When a county animal control service places animals with an animal rescue organization, the identity of the animal rescue organization is a public record as defined in G.S. 132-1.

(c) Disclosure or nondisclosure of information that is not a public record under this section may be made in the county's discretion."

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

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

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State and Local Government (Senate)
**Meeting Date:** 6-19-18 **Chair:** Tarte **Clerk:** Jan

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H-1027 | **Sponsor** | Iler |
| **Favorable** | ✓ | **Motion by** | Sen. Cook |
| **Unfavorable** | | **Motion by** | Woodard |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Bill Rabon | | |

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|---|---|---|---|
| **Bill** | H-1028 | **Sponsor** | Iler |
| **Favorable** | ✓ | **Motion by** | Sen Cook McGinnis |
| **Unfavorable** | | **Motion by** | Chaudhry Cook |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | H1028-CSRN-32[v.3] | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Bill Rabon | | |

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|---|---|---|---|
| **Bill** | H-950 | **Sponsor** | McNeil, Boles |
| **Favorable** | ✓ | **Motion by** | Sen. ~~Davis~~ |
| **Unfavorable** | | **Motion by** | Ballard |
| **Amended** | | **Motion by** | McGinnis |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Senate Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | McGinnis | | |

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|---|---|---|---|
| **Bill** | H-954 | **Sponsor** | Jones, Hall |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** State and Local Govt. (Senate)
**Meeting Date:** 6-19-2018 **Chair:** Tarte **Clerk:** Jan

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | HB 1004 | **Sponsor** | ~~Rep. Lucas~~ |
| **Favorable** | ✓ | **Motion by** | Sen Cook |
| **Unfavorable** | | **Motion by** | Woodard |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | [redacted] Michael Lee | | |

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|---|---|---|---|
| **Bill** | HB 1080 | **Sponsor** | Hardister |
| **Favorable** | ✓ | **Motion by** | |
| **Unfavorable** | | **Motion by** | Sen. Alexander |
| **Amended** | ✓ | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator Wade | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# Senate Committee on State and Local Government
# Wednesday, June 20, 2018, 10:00 AM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 954 | Rockingham County School Board/Chair Term. | Representative Bert Jones<br>Representative K. Hall |
| HB 955 | Eden/Thoroughbred Annexation Agreement. | Representative Bert Jones |
| HB 956 | Eden/Duke Energy Annexation Agreement. | Representative Bert Jones |

**Presentations**

**Other Business**

**Adjournment**

**Senate Committee on State and Local Government**
**Wednesday, June 20, 2018 at 10:00 AM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 10:03 AM on June 20, 2018 in Room 423 of the Legislative Office Building. 17 members were present.

Senator Ronald J. Rabin, Chair, presided.

**HB 954 Rockingham County School Board/Chair Term. (Representatives Bert Jones, K. Hall) Senator Berger explained the bill. Senator Cook motioned for a favorable report. The motion was approved unanimously.**

**HB 955 Eden/Thoroughbred Annexation Agreement. (Representative Bert Jones) Senator Berger explained the bill. Senator Foushee motioned for a favorable report. The motion was approved unanimously.**

**HB 956 Eden/Duke Energy Annexation Agreement. (Representative Bert Jones) Senator Berger explained the bill. Senator Foushee motioned for a favorable report. The motion was approved unanimously.**

The meeting adjourned at 10:06 AM.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

# HOUSE BILL 954:
# Rockingham County School Board/Chair Term.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Reps. Bert Jones, K. Hall | **Prepared by:** | Jessica Sammons<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW: House Bill 954 would require the Rockingham County Board of Education to elect one of its members as chair at the Board's meeting on the first Monday in December of 2018 to serve for a term of one year or until a successor is elected and qualified.***

**CURRENT LAW:** Unless provided by local law, all local boards of education must have an organizational meeting no later than 60 days after the swearing in of members following election or appointment. G.S. 115C-41. At the organizational meeting, the members must elect one of their members as chair for a period of one year, or until their successor is elected and qualified.

**BILL ANALYSIS:** House Bill 954 would require the Rockingham County Board of Education to elect one of its members as chair at the Board's meeting on the first Monday in December of 2018. The chair would serve for a term of one year or until a successor is elected and qualified.

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

**BACKGROUND:** Session Law 2015-38 repealed Session Law 2005-307, which contained a provision outlining the process by which the chair of the Rockingham County Board of Education would be elected.[1] Since this time, the Board has been operating under the provisions set forth in G.S. 115C-41.

Session Law 2015-38 structures the organizational meetings of the Board differently than provided under G.S. 115C-41 by requiring the members of the Board to be sworn in on the first Monday in December of the year of their election, but is silent as to the election of the Board's chair. Previously, under the provisions set forth under Session Law 2005-307, the chair would generally be elected on the first Monday in December after each election. Due to this, as well as the Board's organizational meetings being structured differently than what G.S. 115C-41 provides, this bill would put a specific provision outlining the election of the Board's chair back into Session Law 2015-38.

**Nick Giddings, Committee Counsel to House State & Local Government II, substantially contributed to this summary.*

[1] Session Law 2005-307 required the chair of the Rockingham County Board of Education to be elected by the Board from among its members at the organization meeting after each election, generally the first Monday in December following their election.

*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 954

| | | |
|---|---|---|
| Short Title: | Rockingham County School Board/Chair Term. | (Local) |
| Sponsors: | Representatives Bert Jones and K. Hall (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II | |

May 17, 2018

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A ONE-YEAR TERM OF THE CHAIR OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** S.L. 2015-38 is amended by adding a new part to read:

"**PART IIIA. ELECTION OF CHAIR**

"**SECTION 3A.** Beginning with the meeting held on the first Monday in December of 2018, the members of the Rockingham County Board of Education shall elect one of the members of the Board as chair for a term of one year or until the successor is elected and qualified."

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

# HOUSE BILL 955:
# Eden/Thoroughbred Annexation Agreement.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Rep. Bert Jones | **Prepared by:** | Billy R. Godwin<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***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 of the agreement, the parties may extend the agreement by mutual written consent, without further action of the General Assembly, indefinitely.

*Karen Cochrane-Brown*
*Director*

H955-SMBD-101 E1 -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.*

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.

The bill also states that the City of Eden will not seek to repeal the local act, if enacted.

**EFFECTIVE DATE:** House Bill 955 would be 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.

*Staff attorneys Erika Churchill and Greg Roney with the Legislative Analysis Division substantially contributed to this summary.*

# HOUSE BILL 955

| | | |
|---|---|---|
| Short Title: | Eden/Thoroughbred Annexation Agreement. | (Local) |
| Sponsors: | Representative Bert Jones.<br>*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 AUTHORIZING THE CITY OF EDEN TO ENTER INTO AN ANNEXATION AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Eden is granted certain contract powers as follows:

(1) The City of Eden may, by agreement, provide that certain property, described in Section 3 of this act as "Thoroughbred Property," may not be involuntarily annexed by the City during the period beginning January 31, 2018, and ending February 1, 2028, under the General Statutes as they now exist or may be subsequently amended, except as provided in the agreement. The City of Eden shall not seek to repeal this act upon its approval by the General Assembly.

(2) Any agreement entered into as provided in subdivision (1) of this section is specifically determined to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.

(3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the City Council of the City of Eden during the full term of the agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section shall be authorized by this act to further modify, amend, and extend the agreement on mutual written consent, without the approval of the General Assembly, provided that any modification or amendment does not materially alter the concept of the agreement.

**SECTION 2.** The City of Eden may accept payments in lieu of taxes as consideration for the agreement authorized by Section 1 of this act. Payments in lieu of taxes under this act shall be annually computed based upon the tax valuations of the property subject to the agreement under Section 1 of this act as determined by the Rockingham County Tax Department, with the formula for making the computation being stated in the agreement.

**SECTION 3.** The agreement authorized by Section 1 of this act shall apply to the Thoroughbred Property described as follows:

LYING AND BEING in Rockingham County and BEING the 26.3273 acres including a one story concrete block warehouse as shown on survey entitled "Parkdale America, LL" Subdivision, Survey for Parkdale America, LLC & A.C. Furniture, Inc., by Tanner and

McCannaughey, P.A., Professional Surveyors, dated March 3, 2005, and revised April 11, 2005, as recorded in Map Book 56, Page 72, Rockingham County Registry. LYING AND BEING in Rockingham County and BEING the 41.6195 acres per plat of survey for Parkdale America, LLC by Tanner and McConnaughey, P.A., P.S., dated January 3, 2006, revised January 24, 2006, as recorded in Map Book 58, Page 25, Rockingham County Registry. Being the same property described in Deed Book 787, Page 790 Rockingham County Registry.

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

# HOUSE BILL 956:
# Eden/Duke Energy Annexation Agreement.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 19, 2018 |
| **Introduced by:** | Rep. Bert Jones | **Prepared by:** | Brad Krehely |
| **Analysis of:** | First Edition | | Committee Co-Counsel |

***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. The act is effective when it becomes law.***

**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 Dan River Plant 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 modification does not materially alter the concept of the agreement, the parties may extend the agreement on mutual written consent, without further action of the General Assembly, indefinitely.

*Karen Cochrane-Brown*
*Director*

H956-SMRN-82 E1 -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.*

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 must not seek to repeal the local act, if enacted.

**EFFECTIVE DATE:** House Bill 956 is effective when it becomes law.

**BACKGROUND:** Other prior legislation authorizing *payment in lieu of taxes* in annexation agreements includes: 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.

*Erika Churchill and Greg Roney, Staff Attorneys the Legislative Analysis Division, substantially contributed to this summary.*

# HOUSE BILL 956

| | | |
|---|---|---|
| Short Title: | Eden/Duke Energy Annexation Agreement. | (Local) |
| Sponsors: | Representative Bert Jones.<br>*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 AUTHORIZING THE CITY OF EDEN TO ENTER INTO AN ANNEXATION AGREEMENT WITH DUKE ENERGY FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Eden is granted certain contract powers as follows:

(1) The City of Eden may, by agreement, provide that certain property, described in Section 3 of this act as the "Dan River Plant Property," may not be involuntarily annexed by the City during the period beginning January 31, 2019, and ending December 31, 2023, under the General Statutes as they now exist or may be subsequently amended, except as provided in the agreement. The City of Eden shall not seek to repeal this act upon its approval by the General Assembly.

(2) Any agreement entered into as provided in subdivision (1) of this section is specifically determined to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.

(3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the City Council of the City of Eden during the full term of the agreement and any extension thereof.

(4) The parties to the agreement entered into as provided in subdivision (1) of this section are authorized by this section to further modify, amend, and extend the agreement on mutual written consent, without the approval of the General Assembly, provided that any modification or amendment does not materially alter the concept of the agreement.

**SECTION 2.** The City of Eden may accept, as consideration for the agreement authorized in Section 1 of this act, payments in lieu of taxes in the amount of one million dollars ($1,000,000), which shall be made by Duke Energy in annual payments in the amount of two hundred thousand dollars ($200,000) for five successive and consecutive calendar years.

**SECTION 3.** The agreement under Section 1 of this act shall apply to the Dan River Plant Property described as follows:

Tract 1

Beginning at a concrete monument set in the westerly line of S. R. # 1779 (Edgewood Road) and running thence from said beginning point, S 360° 45' E 80.6 feet to a stake, thence N

69° 26' E 826.6 feet to an iron rod found; thence N 20° 32' W 239.1 feet to an iron rod; thence N 69° 28' E 97.1 feet to an iron rod found; thence N 20° 39' W 180.0 feet to an iron rod found; thence N 69° 18' E 54.7 feet to a concrete monument found; thence N 20° 30' W 240.4 feet to an iron rod; thence N 69° 30' E 87.0 feet to an iron rod found; thence N 20° 35' W 180.1 feet to an iron rod found; thence N 69° 27' E 515.5 feet to an iron rod and iron pipe found in the westerly boundary of the property of Fieldcrest Mills, Inc.; thence with said property line S 10° 19' E 1390.2 feet to a concrete monument found in the southwesterly corner of the property of Fieldcrest Mills, Inc.; thence with the southerly line of Fieldcrest Mills, Inc., N 79° 03' E 161.9 feet to a concrete monument found; thence S 80° 53' E 1126.3 feet to an iron rod found in the centerline of the CNW Railroad Spur Track; thence with the centerline of said Spur track the following courses and distances: S 4° 02' E 100.0 feet to a point; S 0° 02' E 99.9 feet to a point; S 4° 04' W 100.0 feet to a point; S 7° 43' W 100.0 feet to a point; S 11° 45' W 100.0 feet to a point; S 15° 57' W 100.0 feet to a point; S 20° 00' W 100.0 feet to a point; S 24° 15' W 100.0 feet to a point; S 28° 05' W 100.0 feet to a point; S 31° 33' W 72.0 feet to a spike found; thence N 88° 54' E 623.1 feet to an iron rod found; thence S 18° 36' E 367.2 feet to an iron pipe found; thence S 6° 02' W 74.9 feet to an iron pipe found; thence S 24° 38' E 141.5 feet to a point in the northerly bank of the Dan River; thence with the Dan River the following courses and distances: S 66° 35' W 48.8 feet; S 54° 44' W 77.0 feet; S 61° 37' W 108.8 feet; S 55° 43' W 74.6 feet; S 53° 05' W 203.1 feet; S 32° 02' W 281.5 feet; S 27° 20' W 140.7 feet; S 27° 58' W 436.3 feet; S 29° 28'W 142.1 feet; S 26° 31' W 236.2 feet; S 41° 30' W 204.0 feet; S 52° 38' W 266.5 feet; S 58° 31' W 263.2 feet; S 63° 40' W 317.8 feet; S 57° 38' W 75.4 feet; S 65° 46' W 312.0 feet; S 71° 46' W 148.1 feet; S 75° 07' W 232.9 feet; S 76° 21' W 205.8 feet; N 6° 55' W 64.0 feet; S 68° 04' W 235.4 feet; S 17° 07' E 61.4 feet; S 66° 21' W 108.2 feet; S 67° 33' W 318.2 feet; S 68° 11' W 220.3 feet; S 70° 06' W 139.5 feet; S 78° 35' W 234.8 feet; S 65° 10' W 88.2 feet to a point in the southeasterly margin of the property of Fieldcrest Mills, Inc.; thence with the property line of Fieldcrest Mills, Inc.; N 18° 51' W 176.4 feet to an iron rod set; thence S 56° 26' W 96.7 feet to an iron pipe found; thence N 19° 06' W 1090.1 feet to a concrete monument found; thence N 82° 22' E 247.0 feet to a point in the westerly bank of a pond; thence with the westerly bank of said pond, eight courses and distances as follows: (1) N 46° 33' W 98.7 feet; (2) N 32° 44' W 86.0 feet; (3) N 47° 00' W 82.7 feet; (4) N 84° 22' W 45.6 feet; (5) N 39° 52' W 147.9 feet; (6) N 18° 33' W 89.6 feet; (7) N 7° 38' E 206.9 feet; (8) N 36° 54' E 60.4 feet at an intersection of the said pond and Moir Branch; thence with the centerline of Moir Branch the following courses and distances: (1) N 22° 07' W 200.2 feet; (2) N 25° 40' W 40.5 feet; (3) N 45° 48' W 58.0 feet; (4) N 11° 08' W 47.0 feet; (5) S 79° 32' E 37.3 feet; (6) N 4° 09' E 25.0 feet; (7) N 6° 39' W 132.1 feet; (8) N 5° 25' E 193.7 feet; (9) N 7° 04' W 76.1 feet; (10) S 30° 57' W 48.8 feet; (11) S 73° 25' W 18.4 feet; (12) N 15° 37' W 44.9 feet; (13) N 3° 35' E 122.1 feet; (14) N 30° 20' W 34.8 feet; (15) N 14° 01' W 129.2 feet; (16) N 50° 22' W 61.7 feet; (17) N 22° 47' W 85.8 feet; (18) N 34° 56' W 29.7 feet; (19) N 4° 25' E 177.2 feet; (20) N 16° 48' E 54.7 feet; (21) N 30° 16' E 28.2 feet; (22) N 18° 14' W 25.5 feet; (23) N 13° 26' W 47.0 feet; (24) N 4° 41' E 115.3 feet; (25) S 89° 12' E 26.5 feet; (26) N 41° 02' E 26.5 feet; (27) N 9° 00' W 94.8 feet; (28) N 1° 43' W 62.0 feet; (29) N 40° 18' E 15.7 feet; (30) N 22° 50' E 46.8 feet; (31) N 11° 42' E 37.1 feet; (32) S 82° 45' E 40.0 feet; (33) N 16° 55' E 45.3 feet; (34) N 21° 40' E 37.9 feet; (35) N 6° 31' E 114.3 feet to a point in the southerly line of the property of Fieldcrest Mills, Inc.; thence with the southerly line of said property N 63° 10' E 308.3 feet to an iron pipe found; thence N 63° 14' E 523.5 feet to an iron pipe found; thence N 63° 07' E 132.1 feet to an iron pipe found; N 63° 20' E 171.2 feet to an iron pipe found; thence N 63° 13' E 357.6 feet to the point of Beginning, containing 371.48 acres.

Tract 2

Beginning at a point on the west bank of Miry Branch at the confluence of Miry Branch and Dan River; thence with the west branch of Miry Branch the following courses and distances: S 33° 39' W 85.4 feet; S 57° 48' W 80.0 feet; S 30° 56' W 51.1 feet; S 14° 24' E 36.7 feet; S 43° 41' E 74.3 feet; S 1° 31' W 72.2 feet; S 6° 51' W 117.5 feet; S 5° 17' W 37.8 feet; S

45° 12' W 74.0 feet; S 41° 15' W 117.0 feet; S 31° 11' W 36.9 feet; S 15° 35' E 72.8 feet; S 31° 08' W 52.5 feet; S 24° 33' E 44.3 feet; S 24° 09' W 94.5 feet; S 7° 15' W 35.1 feet; S 36° 54' E 71.5 feet to an iron rod; thence S 72° 11' W 395.3 feet to a concrete monument found; thence N 2° 25' E 917.1 feet to the southerly line of said river; thence with the southerly bank of Dan River three calls as follows: N 70° 00' E 336.4 feet; N 69° 52' E 115.1 feet; N 79° 21' E 154.5 feet to the point of Beginning, containing 9.08 acres.

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

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

10:03
10:06

**Committee:** State + Local Government
**Meeting Date:** 20 June 2018 **Chair:** Rabin **Clerk:** Chandra

## ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | HB954 | **Sponsor** | Rep. Bert Jones / K. Hall |
| **Favorable** | | **Motion by** | Cook |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Berger | | |

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| | | | |
|---|---|---|---|
| **Bill** | HB955 | **Sponsor** | Rep. Bert Jones |
| **Favorable** | | **Motion by** | Foushee |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Berger | | |

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| | | | |
|---|---|---|---|
| **Bill** | H956 | **Sponsor** | Rep. Bert Jones |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Berger | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

# SENATE COMMITTEE
# ON
# STATE AND LOCAL GOVERNMENT
## June 20, 2018
## 10:00 am – Room 423

## Senate Sergeant-at-Arms

**Terry Barnhardt**

**Frances Patterson**

**Hal Roach**

# Senate Pages Attending

**COMMITTEE:** State & local Gov't **ROOM:** 423

**DATE:** 6-20 **TIME:** 10 am

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

| Page Name | Hometown | Sponsoring Senator |
|---|---|---|
| 1. Hailey Hudson | Stedman | Meredith |
| 2. Ella Jones | Greenville | Pate |
| 3. Ryan Gasparrini | Concord | Newton |
| 4. Helen West | Pinehurst | Tillman |
| 5. Rami Daraghseh | Greenville | Davis |
| 6. Lucas Heilig | Fairview | Van Duyn |
| 7. | | |
| 8. | | |

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

# VISITOR SIGN-IN SHEET

## SENATE COMMITTEE
## ON
## STATE AND LOCAL GOVERNMENT
## June 21, 2018
## 10:00 am – Room 423

**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Sarah Patterson | WM |
| Laura Collins | Sen Chaudhuri |
| Corson A. Bell | Sen. Tarte |
| Tim Sawyer | Pinecroft Sedgefield Fire |
| Brian Causey + Darrell | Gul. Rand Fire Dept. |
| Brandon Cobb | Pinecroft Sedgefield |
| Tommy Cole | Pinecroft. Sedgefield FD |
| Rodney Lester | Wilmington Fire Dept. |
| Allen Lewis | wilmington Fire Dept. |
| David DeVilbiss | wilmington Fire Dept. |
| Ben Bobzien | New Hanover Co Fire Rescue |
| George Wessell | New Hanover Co Fire Rescue |
| Brian Theiss | New Hanover Co. Fire Rescue |
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# VISITOR SIGN-IN SHEET

## SENATE COMMITTEE
## ON
## STATE AND LOCAL GOVERNMENT
## June 20, 2018
## 10:00 am – Room 423

**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Crystal T. | SA |
| Carl Gilmore | Jim Harrell |
| Sarah Boles | Bubba's ASSO. |
| Elizabeth Jackson | Student |
| Rosha Fortson | SEANC |
| Flint Benson | SEANC |
| Nana Thompson | Wyrick Genser |
| John Hatcher | NCFA |
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**Jessica Daigler-Walls (Sen. John Alexander)**

**From:** Jan Copeland (Sen. Jeff Tarte)
**Sent:** Wednesday, June 20, 2018 02:02 PM
**To:** Rep. Brenden Jones; Rep. Larry Yarborough; Rep. Kyle Hall; Rep. Darren Jackson; Rep. Chris Malone; Rep. John Faircloth; Rep. Jon Hardister; Rep. Cecil Brockman; Rep. Amos Quick; Rep. Justin Burr; Sen. Chuck Edwards
**Cc:** Andrew Bailey (Rep. Brenden Jones); Leslie Murray (Rep. Larry Yarborough); Cameron Dawson (Rep. Kyle Hall); Angela McMillan (Rep. Darren Jackson); Ben Malone (Rep. Chris Malone); Becky Bauerband (Rep. John Faircloth); Jayne Nelson (Rep. Jon Hardister); Grady O'Brien (Rep. Cecil Brockman); Jasmine Quick (Rep. Amos Quick); Dina Long (Rep. Justin Burr); Danielle Plourd (Sen. Chuck Edwards)
**Subject:** <NCGA> Senate State and Local Government Committee Meeting Notice for Thursday, June 21, 2018 at 10:00 AM
**Attachments:** Add Meeting to Calendar_LINC_.ics

Principal Clerk ____
Reading Clerk ____

# SENATE
# NOTICE OF COMMITTEE MEETING
# AND
# BILL SPONSOR NOTICE

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

| DAY | DATE | TIME | ROOM |
|---|---|---|---|
| Thursday | June 21, 2018 | 10:00 AM | 423 LOB |

The following will be considered:

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 290 | Abolish Columbus County Coroner. | Representative Brenden Jones |
| HB 342 | Creedmoor Charter Revised & Consolidated. | Representative Yarborough |
| HB 989 | Madison Charter/Town Manager. | Representative K. Hall |
| HB 1005 | Zebulon Charter/City Clerk. | Representative Jackson<br>Representative Malone |
| HB 1084 | High Point/City Manager Dispose of Easements. | Representative Faircloth<br>Representative Hardister<br>Representative Quick<br>Representative Brockman |
| HB 1091 | Norwood Charter Revised & Consolidated. | Representative Burr |

| | | |
|---|---|---|
| SB 807 | Extend Sunset/Buncombe Co./CC Projects. | Senator Edwards |

Senator John Alexander will preside

Senator John M. Alexander, Jr., Co-Chair
Senator Ronald J. Rabin, Co-Chair
Senator Jeff Tarte, Co-Chair

# Senate Committee on State and Local Government
# Thursday, June 21, 2018, 10:00 AM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages and Sergeant-at-Arms**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 989 | Madison Charter/Town Manager. | Representative K. Hall |
| HB 1005 | Zebulon Charter/City Clerk. | Representative Jackson<br>Representative Malone |
| HB 1084 | High Point/City Manager Dispose of Easements. | Representative Faircloth<br>Representative Hardister<br>Representative Quick<br>Representative Brockman |
| HB 1091 | Norwood Charter Revised & Consolidated. | Representative Burr |
| SB 807 | Extend Sunset/Buncombe Co./CC Projects. | Senator Edwards |

**Adjournment**

**Senate Committee on State and Local Government**
**Thursday, June 21, 2018 at 10:00 AM**
**Room 423 of the Legislative Office Building**

# MINUTES

The Senate Committee on State and Local Government met at 10:00 AM on June 21, 2018 in Room 423 of the Legislative Office Building. 14 members were present.

Senator John M. Alexander, Jr., Chair, presided.

**HB 989 Madison Charter/Town Manager. (Representative K. Hall)**
**Reported as: Favorable with sequential referral to Rules.**

**HB 1005 Zebulon Charter/City Clerk. (Representatives Jackson, Malone)**
**Reported as: Favorable with a sequential referral to Rules.**

**HB 1084 High Point/City Manager Dispose of Easements. (Representatives Faircloth, Hardister, Quick, Brockman)**
**Reported as: Favorable with a sequential referral to Rules.**

**HB 1091 Norwood Charter Revised & Consolidated. (Representative Burr)**
**Reported as: Favorable with a sequential referral to Finance.**

**SB 807 Extend Sunset/Buncombe Co./CC Projects. (Senator Edwards)**
**Reported as: Favorable with a sequential referral to Rules.**

The meeting adjourned at 10:16 AM.

Senator John M. Alexander, Jr., Chair
Presiding

Jessica Daigler-Walls, Committee Clerk

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# HOUSE BILL 290*

| | | |
|---|---|---|
| Short Title: | Abolish Columbus County Coroner. | (Local) |
| Sponsors: | Representative Brenden Jones.<br>*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 ABOLISHING THE OFFICE OF CORONER IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The office of coroner in Columbus County is abolished.

**SECTION 2.** Chapter 152 of the General Statutes is not applicable to Columbus County.

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

# HOUSE BILL 342:
# Town of Chapel Hill Investments.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 20, 2018 |
| **Introduced by:** | Rep. Yarborough | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | PCS to Second Edition<br>H342-CSRN-34 | | |

***OVERVIEW:*** ***The Proposed Committee Substitute (PCS) for House Bill 342 amends the charter of the Town of Chapel Hill to allow the Town or anyone that contracts with the Town to invest employee benefit funds held in trust, risk reserve funds, and capital reserves in specified securities or other investments authorized by State Law for the State Treasurer. The act is effective when it becomes law. The PCS rewrites the bill.***

*Karen Cochrane-Brown*
*Director*

H342-SMRN-89-CSRN-34-V-3

*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 D

# HOUSE BILL 342
**Committee Substitute Favorable 3/29/17**
**PROPOSED SENATE COMMITTEE SUBSTITUTE H342-CSRN-34 [v.1]**
**06/20/2018 06:34:39 PM**

Short Title: Town of Chapel Hill Investments. (Local)

Sponsors:

Referred to:

March 15, 2017

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO INVEST EMPLOYEE BENEFIT FUNDS HELD IN TRUST IN ONE OR MORE OF THE TYPES OF SECURITIES OR OTHER INVESTMENTS AUTHORIZED BY STATE LAW FOR THE STATE TREASURER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter IV of the Charter of the Town of Chapel Hill, being Chapter 473 of the Session Laws of 1975, as amended, is amended by adding a new Article to read as follows:

"Article 5. Investments.

"Sec. 4.30. Investments. In addition to the authority granted in G.S. 159-30, the Town, or any governing body, agency, person, or other corporation that contracts with the Town, may invest and reinvest any of the Town's employee benefit funds held in trust, risk reserve funds, and capital reserves, as designated from time to time by the Town's governing body, in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1) through (6) and (8). This authority is granted, notwithstanding the provisions of G.S. 153A-93, 153A-149, 159-18, 159-30, 159-31, or any other provision of law.

"Sec. 4.31. through Sec. 4.40. RESERVED."

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

# HOUSE BILL 342*
## Committee Substitute Favorable 3/29/17

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

Sponsors:

Referred to:

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.

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

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

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

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

"ARTICLE III. ELECTIONS

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

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

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

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

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

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

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

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

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

"Section 4.7. Other Administrative Officers and Employees. The Board 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 or local law.

"ARTICLE V. ORDINANCES

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

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

**SECTION 2.** The purpose of this act is to revise the Charter of the City of Creedmoor 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.** Section 1 of Chapter 826 of the 1969 Session Laws having served the purpose for which it was enacted or having been consolidated into this act, is expressly repealed.

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

Chapter 610 of the 1987 Session Laws.

S.L. 2012-55.

**SECTION 6.** The Mayor and Commissioners 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 of the City of Creedmoor, as enacted in Section 1 of this act.

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

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

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

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

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

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

# HOUSE BILL 989:
# Madison Charter/Town Manager.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 21, 2018 |
| **Introduced by:** | Rep. K. Hall | **Prepared by:** | Billy Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: House Bill 989 would amend the Charter of the Town of Madison to allow its Town Manager to reside within 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 within the Town during the Manager's tenure in office.

**BILL ANALYSIS:** House Bill 989 would amend Section 5.1 of the Madison Town Charter to allow the Town Manager to reside within 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*

H989-SMBK-155 E1 -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.*

# HOUSE BILL 989

| | | |
|---|---|---|
| Short Title: | Madison Charter/Town Manager. | (Local) |
| Sponsors: | Representative K. Hall.<br>*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 CHARTER OF THE TOWN OF MADISON TO PROVIDE THAT THE TOWN MANAGER MAY LIVE OUTSIDE TOWN LIMITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5.1 of the Charter of the Town of Madison, being Chapter 289 of the Session Laws of 1973, as amended, reads as rewritten:

"Sec. 5.1. Appointment; Compensation. The Board of Aldermen shall appoint an officer whose title shall be Town Manager and who shall be the head of the administrative branch of the Town government. The Town Manager shall be chosen by the Board solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the Town, but shall reside ~~therein~~ within a 15-mile radius of Town limits during his tenure of office. No person elected as Mayor or as a member of the Board shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he was elected. The Town Manager shall serve at the pleasure of the Board and shall receive such salary as the Board shall fix."

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

# HOUSE BILL 1084:
# High Point/City Manager Dispose of Easements.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 21, 2018 |
| **Introduced by:** | Reps. Faircloth, Hardister, Quick, Brockman | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | Second 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.[1]
- 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.

[1] 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*

*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 1084
## Committee Substitute Favorable 6/13/18

Short Title: High Point/City Manager Dispose of Easements. (Local)

Sponsors:

Referred to:

June 6, 2018

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO AUTHORIZE THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DISPOSE OF EASEMENTS THAT ARE NO LONGER NEEDED BY THE CITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 1 of Article IV of the Charter of the City of High Point, being Chapter 501 of the Session Laws of 1979, as amended, reads as rewritten:

"ARTICLE IV.

"ADMINISTRATION.

"CHAPTER 1.

"CITY MANAGER.

"Sec. 4.1. Appointment; qualifications; term and compensation.

"Sec. 4.2. Powers and duties.

"Sec. 4.3. Other duties and procedures.

"Sec. 4.4. Authority to dispose of easements.

...

"Sec. 4.4. Authority to dispose of easements. Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the council may authorize the city manager to dispose of or exchange any of the following property interests in easements when the easement is no longer needed by the city upon such terms as deemed appropriate by the council without obtaining council approval for each disposition: water, sewer, traffic control, drainage, access, sidewalk, greenway, landscape, or utility easements."

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

# HOUSE BILL 1091:
# Norwood Charter Revised & Consolidated.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 20, 2018 |
| **Introduced by:** | Rep. Burr | **Prepared by:** | Brad Krehely |
| **Analysis of:** | Second Edition | | Committee Co-Counsel |

***OVERVIEW: House Bill 1091 revises and consolidates 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:** This act is effective when it becomes law.

Jessica Sammons, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

*Karen Cochrane-Brown*
*Director*

H1091-SMRN-88 E2 -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.*

# HOUSE BILL 1091
**Committee Substitute Favorable 6/13/18**

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

Sponsors:

Referred to:

June 11, 2018

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF NORWOOD.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF NORWOOD.

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

"Section 1.1. **Incorporation.** The Town of Norwood, and the inhabitants thereof, shall continue to be a municipal body politic and corporate under the name of the "Town of Norwood," hereinafter at times referred to as the "Town."

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

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

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Town Governing Body; Composition.** The governing body of the Town of Norwood is the Mayor and Town Council, hereinafter referred to as the "Council."

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

"Section 2.3. **Mayor; Term of Office; Duties.** Except as provided in Section 3.3 of this Charter, the Mayor shall be elected by the qualified voters of the Town for a term of four years. The Mayor shall be the official head of the Town government, shall preside at meetings of the Council, shall have the right to vote on any question or matter before the Council, 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, from among their members, elect a Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability,

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

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

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

"Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and qualifications of the Mayor and Council members shall be in accordance with general law. Notwithstanding the provisions of G.S. 160A-63, vacancies that occur in any elective office of the Town shall be filled by majority vote of the remaining members of the Council and shall be filled for the remainder of the unexpired term.

"Section 2.8. **Establishment of Committees and Boards; Appointment.** The Council or the Mayor, if the Mayor is delegated the power by the Council, may establish and appoint members for such temporary and standing town committees and boards as needed to help carry on the work of the Town government. Appointed members of a temporary or standing committee or board are not required to be members of the Council, unless required by general or local law.

"ARTICLE III. ELECTIONS.

"Section 3.1. **Regular Elections.** Regular elections in the Town shall be held in each even-numbered year. Elections shall be conducted in the general election on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163A-1616.

"Section 3.2. **Election of Council Members.** The Council members shall be elected to four-year terms by the qualified voters of the entire Town. In 2018, and quadrennially thereafter, two Council members shall be elected for four-year terms. In 2020, and quadrennially thereafter, two Council members shall be elected for four-year terms.

"Section 3.3. **Election of Mayor.** In 2018, the Mayor shall be elected by the qualified voters of the entire Town to serve a two-year term. In 2020, and quadrennially thereafter, the Mayor shall be elected by the qualified voters of the entire Town to serve a four-year term.

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Section 4.1. **Form of Government.** The Town shall operate under the mayor-council form of government in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 4.2. **Town Administrator.** The Council may appoint a Town Administrator to perform such duties as assigned by the Council.

"Section 4.3. **Town Attorney.** The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Council may direct.

"Section 4.4. **Town Clerk.** The Council shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by general or local law or as the Council may direct.

"Section 4.5. **Tax Collector.** The Council shall appoint a Tax Collector to collect all taxes owed to the Town, perform those duties specified in G.S. 105-350, and such other duties as prescribed by law.

"Section 4.6. **Finance Officer.** The Council shall appoint a Finance Officer who shall perform the duties prescribed by Chapter 159 of the General Statutes, this Charter, and any other duties as may be directed by the Council.

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

"ARTICLE V. PUBLIC ENTERPRISE SERVICES.

"Section 5.1. **Collection of Delinquent Bills.** If any fee charged by the Town for a public enterprise service under Article 16 of Chapter 160A of the General Statutes remains unpaid for a period of at least 90 days, the Town may collect it in any manner by which delinquent personal or real property taxes can be collected.

"Section 5.2. **Liens.** If the delinquent fees are collected in the same manner as delinquent real property taxes, the delinquent fees are a lien on the real property owned by the person contracting with the Town for the service. If a lien is placed on real property, the lien shall be valid from the time of filing in the office of the clerk of superior court of the county in which the service was provided and shall include a statement containing the name and address of the person against whom the lien is claimed, the name of the Town, the specific service that was provided, the amount of the unpaid charge for that service, and the date and place of furnishing that service. A lien on real property is not effective against an interest in real property conveyed after the fees become delinquent if the interest is recorded in the office of the register of deeds prior to the filing of the lien for delinquent fees. No lien under this Article shall be valid unless filed in accordance with this section after 90 days of the date of the failure to pay for the service or availability fees and within 180 days of the date of the failure to pay for the service or fees. The lien may be discharged as provided in G.S. 44-48. The Town shall adopt an appeals process providing notice and an opportunity to be heard in protest of the imposition of such liens. The county tax office, once notified of the Town's lien, shall include the lien amount on any tax bills printed subsequent to the notification. The county tax office shall add or remove liens from the tax bill at the request of the Town, such as in the case of an appeal where the Town decides to cancel the lien.

"Section 5.3. **Remedies Not Exclusive.** The remedies authorized in this Article are not exclusive, and the Town may use any and all other collection procedures authorized by general law, including, but not limited to, the debt setoff provisions of Chapter 105A of the General Statutes."

**SECTION 2.** The purpose of this act is to revise the Charter of the Town of Norwood and to consolidate certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act so that all rights and liabilities that 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 212 of the 1905 Private Laws
Chapter 96 of the 1919 Private Laws
Chapter 46 of the 1935 Private Laws
Chapter 703 of the 1945 Session Laws
Chapter 1122 of the 1965 Session Laws
Chapter 91 of the 1983 Session Laws
Chapter 468 of the 1991 Session Laws
S.L. 2001-15
S.L. 2002-46, Section 2 only
S.L. 2002-127, Section 2 only
S.L. 2004-43

S.L. 2007-71
S.L. 2015-253, Section 6 only.

**SECTION 5.** Notwithstanding any other provision of this act, the following acts, including any amendments thereto, are not repealed and the provisions of these acts remain effective as to the Town of Norwood as if this act had not been enacted:

S.L. 1997-410, Section 10
S.L. 2003-121
S.L. 2009-256.

**SECTION 6.** This act does not repeal by implication any local acts otherwise applicable to the Town of Norwood.

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

**SECTION 8.** All existing ordinances, resolutions, and other provisions of the Town of Norwood not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

**SECTION 9.** No action or proceeding pending on the date of ratification of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by this act.

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

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

# SENATE BILL 807:
# Extend Sunset/Buncombe Co./CC Projects.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 21, 2018 |
| **Introduced by:** | Sen. Edwards | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: Senate Bill 807 would extend until December 31, 2023, the authority of Buncombe County (County) under S.L. 2013-112 to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College (A-B Tech) located within Buncombe County.***

***The act would become effective when it becomes law.***

***CURRENT LAW:*** S.L. 2013-112 authorized Buncombe County to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College (A-B Tech) located within the County and required the County to consult with A-B Tech's Board of Trustees (Trustees) about the college's programming requirements for buildings and keep the Trustees informed of construction progress. Title to the property under construction is transferred to the County and leased back to A-B Tech upon completion of construction. Upon satisfaction of the debt, the County shall transfer title to the property back to A-B Tech. S.L. 2013-112 applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for A-B Tech uses and purposes between January 1, 2012, and December 31, 2018.

**BILL ANALYSIS:** Senate Bill 807 would extend the provisions of S.L. 2013-112 to December 31, 2023.

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

*Karen Cochrane-Brown*
*Director*

S807-SMBD-105 E1 -V-3

*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



# SENATE BILL 807

| | | |
|---|---|---|
| Short Title: | Extend Sunset/Buncombe Co./CC Projects. | (Local) |
| Sponsors: | Senator Edwards (Primary Sponsor). | |
| Referred to: | Rules and Operations of the Senate | |

June 7, 2018

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE AUTHORIZATION FOR BUNCOMBE COUNTY TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of S.L. 2013-112 reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law and applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for College uses and purposes between January 1, 2012, and December 31, ~~2018.~~2023."

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

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State & Local
**Meeting Date:** 6/21/18 **Chair:** Senator Alexander **Clerk:** Jessica Walls

### ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | HB1084 | **Sponsor** | Faircloth, Hardister, Quick, Brockman |
| **Favorable** | ✓ | **Motion by** | Sen. Rabon |
| **Unfavorable** | | **Motion by** | Cook |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Sen. Wade | | |

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| | | | |
|---|---|---|---|
| **Bill** | HB1091 | **Sponsor** | Burr |
| **Favorable** | ✓ | **Motion by** | Sen. Cook |
| **Unfavorable** | | **Motion by** | Davis |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Finance | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator McInnis | | |

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| | | | |
|---|---|---|---|
| **Bill** | SB807 | **Sponsor** | Senator Edwards |
| **Favorable** | ✓ | **Motion by** | Sen. Davis, |
| **Unfavorable** | | **Motion by** | Cook |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator Edwards | | |

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| | | | |
|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State & Local
**Meeting Date:** 6/21/18 **Chair:** Senator Alexander **Clerk:** Jessica Walls

### ACTION ON BILLS

**********

| | | | |
|---|---|---|---|
| **Bill** | HB290 | **Sponsor** | Jones |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

removed from calendar

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|---|---|---|---|
| **Bill** | HB342 | **Sponsor** | Yarborough |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | H342-CSBN-39[v.1] | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

removed from calendar

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| | | | |
|---|---|---|---|
| **Bill** | HB989 | **Sponsor** | Hall |
| **Favorable** | ✓ | **Motion by** | Sen. Davis |
| **Unfavorable** | | **Motion by** | Rabin |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator Berger | | |

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|---|---|---|---|
| **Bill** | HB1005 | **Sponsor** | Jackson, Malone |
| **Favorable** | ✓ | **Motion by** | Sen. Rabin |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Senator Bakefoot | | |

## VISITOR REGISTRATION Sign-in

# SENATE COMMITTEE on STATE and LOCAL GOVERNMENT

## 06/21/2018

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

| NAME | FIRM OR AGENCY |
|---|---|
| Sofia [illegible] | [illegible] |
| Jon Mofcal | NCCBA |
| Reshe Fortson | SEANC |
| Sarah Patterson | Williams Mullen |
| Will Pauy-Hein | NCHFA |
| Gary Hoker | NCHFA |
| Daniel Blum | Tradition Strategies |
| Hugh Johnson | NCAHC |
| Bill Rutledge | NLC |
| Mary Shuping | NCCCS |
| Cynthia Shabazian | Intern. Rep. Gale Adcock |
| | |
| | |

09-22-2016

## VISITOR REGISTRATION Sign-in

# SENATE COMMITTEE on STATE and LOCAL GOVERNMENT

## 06/21/2018

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

| NAME | FIRM OR AGENCY |
|---|---|
| Linda Campbell | Mayor Pro Tem Norwood |
| Susan Vick | Duke Energy |
| Kathy Kingsbury | BD |
| Ed Shuler | BP |
| Fred Baggett | City of High Point |
| Bradford Sneeden | NCDOJ |
| | |
| Will Price | IGG |
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# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423

**DATE:** 6-21 **TIME:** 10 AM

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

| | Page Name | Hometown | Sponsoring Senator |
|---|---|---|---|
| 1. | Hailey Hudson | Stedman | Meredith |
| 2. | James Wilt | Wrightsville Beach | Lee |
| 3. | Colby Hallman | Huntersville | Tarte |
| 4. | Niya Bennett | Raleigh | Berger |
| 5. | Ella Jones | Greenville | Pate |
| 6. | Ben Bryner | Hendersonville | Edwards |
| 7. | | | |
| 8. | | | |

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

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

# Senate Committee

# On

# State and Local Government

## June 21, 2018

## Room 423/424

## 10:00 AM

## Senate Sergeant at Arms:

**John Enloe**

**Eddie Broughton**

**Billy Fritscher**

# Senate Committee on State and Local Government
# Tuesday, June 26, 2018, 1:00 PM
# 423 Legislative Office Building

## AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| SB 808 | Buncombe County Domestic Violence Task Force. | Senator Edwards |
| HB 1058 | Dissolve Airport Commission of Forsyth County. | Representative Conrad<br>Representative Hanes<br>Representative Terry<br>Representative Lambeth |

**Presentations**

**Other Business**

**Adjournment**

**10Senate Committee on State and Local Government**
**Tuesday, June 26, 2018 at 1:00 PM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 1:00 PM on June 26, 2018 in Room 423 of the Legislative Office Building. 10 members were present.

Senator Ronald J. Rabin, Chair, presided.

**SB 808 Domestic Violence Fatality Review in Buncombe. (Senator Edwards) Senator Edwards explained the PCS. Senator McInnis motioned for a favorable report. The motion was approved.**

**HB 1058 Dissolve Airport Commission of Forsyth County. (Representatives Conrad, Hanes, Terry, Lambeth) Senator Krawiek explained the bill. Senator Cook motioned for a favorable report. The motion was approved.**

The meeting adjourned at 1:08 PM.

Senator Ronald J. Rabin, Chair
Presiding

Chandra C. Reed, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY**
**SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**
**Senator Alexander, Co-Chair**
**Senator Rabin, Co-Chair**
**Senator Tarte, Co-Chair**

Tuesday, June 26, 2018

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

**FAVORABLE**

HB **1058** Dissolve Airport Commission of Forsyth County.

| | |
|---|---|
| Draft Number: | None |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | No |

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

SB **808** Buncombe County Domestic Violence Task Force.

| | |
|---|---|
| Draft Number: | S808-PCS15325-RN-35 |
| Sequential Referral: | Rules and Operations of the Senate |
| Recommended Referral: | None |
| Long Title Amended: | Yes |

TOTAL REPORTED: 2

Senator Joyce Krawiec will handle HB 1058
Senator Chuck Edwards will handle SB 808



# HOUSE BILL 1058:
# Dissolve Airport Commission of Forsyth County.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government | **Date:** | June 26, 2018 |
| **Introduced by:** | Reps. Conrad, Hanes, Terry, Lambeth | **Prepared by:** | Billy R. Godwin |
| **Analysis of:** | First Edition | | Staff Attorney |

***OVERVIEW: House Bill 1058 would authorize the Forsyth County Board of Commissioners to dissolve the Airport Commission of Forsyth County and create a new entity to replace the Airport Commission on or before June 30, 2019. Upon dissolution, the Airport Commission must transfer all of its assets, contracts, and obligations to the newly formed entity.***

**CURRENT LAW:** The General Assembly created the Airport Commission of Forsyth County ("Commission") under Chapter 610 of the Session Laws of 1949 and prescribed its powers and duties. Chapter 383 of the Session Laws of 1967 amended Chapter 610 of the Session Laws of 1949 to transfer property owned by the Forsyth County Airport Commission, Inc., a nonprofit entity, to the Commission.

**BILL ANALYSIS:** House Bill 1058 would authorize, not require, the Forsyth County Board of Commissioners ("Board") to dissolve the Commission, either by ordinance or resolution, and create a new entity to replace the Commission by June 30, 2019. If the Commission is dissolved, the Commission would have 60 days to transfer all real and personal property held, owned, leased, or managed by the Commission to the newly formed entity without consideration. Further, the newly formed entity would assume all of the Commission's contracts, liabilities, and obligations.

Once the Commission completes the transfer of all real and personal property, the Commission will be abolished, and Chapter 610 of the Session Laws of 1949, as amended by Chapter 383 of the Session Laws of 1967, will be repealed.

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

**BACKGROUND:** The Board voted unanimously to request the General Assembly approve this legislation. If this legislation passes and the Board decides to dissolve the Commission, the Board may be required to work with the Federal Aviation Administration ("FAA") when setting up the new entity to replace the Commission. When a state or local government contemplates actions that may impact an airport's ownership, sponsorship, governance, or operations, it generally must work with the FAA to ensure compliance with Federal requirements.

*Karen Cochrane-Brown*
*Director*

H1058-SMBD-112 E1 -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.*

# HOUSE BILL 1058

| | | |
|---|---|---|
| Short Title: | Dissolve Airport Commission of Forsyth County. | (Local) |
| Sponsors: | Representatives Conrad, Hanes, Terry, and Lambeth (Primary Sponsors).<br>*For a complete list of sponsors, refer to the North Carolina General Assembly web site.* | |
| Referred to: | State and Local Government II | |

June 1, 2018

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE AIRPORT COMMISSION OF FORSYTH COUNTY TO CONVEY ALL OF THE REAL AND PERSONAL PROPERTY OF THE AIRPORT COMMISSION TO AN ENTITY ESTABLISHED BY FORSYTH COUNTY AND TO DISSOLVE THE AIRPORT COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** On or before June 30, 2019, the Forsyth County Board of Commissioners may, by ordinance or resolution, establish an entity to replace the Airport Commission of Forsyth County (hereinafter "Commission"), created pursuant to Chapter 610 of the Session Laws of 1949, as amended by Chapter 383 of the Session Laws of 1967.

**SECTION 2.** Within 60 days of the establishment of the entity to replace the Commission as provided in Section 1 of this act, the Commission shall release, quitclaim, and convey in fee all the real and personal property held, owned, leased, or managed by the Commission to the entity without consideration. Upon completion of the transfer as provided for in this section, the entity established as provided in Section 1 of this act shall assume all of the Commission's contracts, liabilities, and obligations, including, but not limited to, leases and subleases.

**SECTION 3.** Upon the completion of the transfer of all real and personal property of the Commission to the entity established as provided in Section 1 of this act, the Commission shall be deemed abolished, and Chapter 610 of the Session Laws of 1949, as amended by Chapter 383 of the Session Laws of 1967, shall be deemed repealed as of the date the transfer of the property to the entity established as provided in Section 1 of this act has been completed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

# SENATE BILL 808
## PROPOSED COMMITTEE SUBSTITUTE S808-CSRN-35 [v.2]
**06/25/2018 07:09:29 PM**

Short Title: Domestic Violence Fatality Review in Buncombe. (Local)

Sponsors:

Referred to:

June 7, 2018

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A DOMESTIC VIOLENCE REVIEW TEAM IN BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5 of S.L. 2009-52, as amended by S.L. 2013-70 and S.L. 2013-270, reads as rewritten:

"**SECTION 5.** This act applies to Alamance County, Buncombe County, ~~Pitt County,~~ Mecklenburg County, Pitt County, and Wake County."

**SECTION 2.** Section 5 of S.L. 2013-70, as amended by S.L. 2013-270, reads as rewritten:

"**SECTION 5.** This act applies to the following counties: Alamance, Buncombe, ~~Pitt,~~ Mecklenburg, Pitt, and Wake."

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

# SENATE BILL 808:
# Domestic Violence Fatality Review in Buncombe.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 25, 2018 |
| **Introduced by:** | Sen. Edwards | **Prepared by:** | Brad Krehely |
| **Analysis of:** | PCS to First Edition S808-CSRN-35 | | Committee Co-Counsel |

***OVERVIEW:*** ***The Proposed Committee Substitute (PCS) for Senate Bill 808 would authorize Buncombe County to have a Domestic Violence Review Team.*** ***The PCS rewrites the contents of the bill.***

**CURRENT LAW:** S.L. 2009-52, as amended by S.L. 2013-70 and S.L. 2013-270, authorizes Alamance, Mecklenburg, Pitt, and Wake Counties to establish a multidisciplinary Domestic Violence Fatality Prevention and Protection Review Team. The Team's purpose is to identify and review domestic violence-related deaths, and facilitate communication among the various agencies and organizations involved in domestic violence cases, with the goal of preventing future fatalities. The Review Team consists of a lead agency, designated by the county commissioners, that has experience working with victims of domestic violence and representatives of public and nonpublic agencies in the community that provide services to victims or families of domestic violence. Members of the Review Team include representatives from law enforcement, district attorneys, county social services and healthcare departments, schools, and survivors of domestic violence, among others.

Review Teams report every three years to the local board of county commissioners, the North Carolina Domestic Violence Commission, and the Governor's Crime Commission on the Team's findings and activities.

**BILL ANALYSIS:** The PCS for Senate Bill 808 would authorize Buncombe County to establish a Domestic Violence Review Team.

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

**BACKGROUND:** According to a Violent Death Report from the NC Public Health and Human Services Department, from 2005-2014, Intimate Partner Violence (IPV) was a contributing factor in 60.7% of female homicides in Buncombe County. IPV was a contributing factor for 6.9% of male homicides for the same time period. A North Carolina Department of Justice report notes that in 2013, Buncombe County tied for second as the North Carolina county with the highest amount of domestic violence related homicides.

Kara McCraw, Staff Attorney for the Legislative Analysis Division, and Josue Jimenez, Legal Extern for the Legislative Analysis Division, contributed to this summary.

*Karen Cochrane-Brown*
*Director*

S808-SMRN-91 CSRN-35 -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.*

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

# Senate Committee

# On

# State and Local Government

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## June 26, 2018

## Room 423 / 424 LOB

## 2:00 PM

## Senate Sergeant at Arms:

**JIM HAMILTON**

**LARRY HANCOCK**

**STEVE MCKAIG**

# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423 LOB

**DATE:** 6-23 **TIME:** 1 pm

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

| | Page Name | Hometown | Sponsoring Senator |
|---|---|---|---|
| 1. | Kira Taylor | Chapel Hill | Foushee |
| 2. | Sonia Rao | Morrisville | Chauduri |
| 3. | Rindha Sudhini | Morrisville | chauduri |
| 4. | Amber Ward | Pinehurst | Tillman |
| 5. | Aubrey Selley | Greensboro | Berger |
| 6. | ~~Peter Darden~~ | ~~Clinton~~ | ~~Jackson, B.~~ |
| 7. | | | |
| 8. | | | |

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

## Senate Committee On State and Local Government

## June 26, 2018 – Room 423 / 424 LOB – 1:00 PM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Tom Most | NCICU |
| Simon Mayo | NCFCU |
| Will Price | IOG |
| Chris Broughton | MWC |
| Carson Butts | Sen. Tarte |
| Sarah Collins | NCLM |
| Amber Harris | NCACC |
| Lee Long | TAG |
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## Senate Committee On State and Local Government

## June 26, 2018 – Room 423 / 424 LOB – 1:00 PM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Sarah Patterson | WM |
| Will White | Guest of Sen. Alexander |
| Gary Hocker JI. | ACHFA |
| Will Parry-Hill | ACHFA |
| | |
| Josh Ball | DOA |
| Shelly Craddock | DOA |
| Kara Weishaar | SA |
| Jail Lair | |
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## Senate Committee On State and Local Government

## June 26, 2018 – Room 423 / 424 LOB – 1:00 PM

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PLEASE SIGN IN BELOW

| NAME | FIRM OR AGENCY |
|---|---|
| Richard Bostic | NC SBA |
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**Senate Committee on State and Local Government**
**Thursday, June 28, 2018, 9:00 AM**
**423 Legislative Office Building**

# AGENDA

**Welcome and Opening Remarks**

**Introduction of Pages and Sgt @ Arms**

**Bills**

| BILL NO. | SHORT TITLE | SPONSOR |
|---|---|---|
| HB 995 | Winston-Salem/WC/Third-Party Admin Def. | Representative Conrad<br>Representative Terry<br>Representative Lambeth<br>Representative Hanes |
| HB 1057 | Red Springs Charter Amendment. | Representative Pierce |

**Adjournment**

**Senate Committee on State and Local Government**
**Thursday, June 28, 2018 at 9:00 AM**
**Room 423 of the Legislative Office Building**

**MINUTES**

The Senate Committee on State and Local Government met at 9:00 AM on June 28, 2018 in Room 423 of the Legislative Office Building. 11 members were present.

Senator Jeff Tarte, Chair, presided.

**House Bill 995 Winston-Salem /WC/Third-Party Admin Def. passed and was re-referred to the Senate Rules Committee**

**House Bill 1057 Red Springs Charter Amendment passed and was re-referred to the Senate Rules Committee**

The meeting adjourned at 9:45 a.m.

Select or Type Name of Presiding Chair
Presiding

Jan Copeland, Committee Clerk

# HOUSE BILL 995:
# Winston-Salem/WC/Third-Party Admin Def.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 27, 2018 |
| **Introduced by:** | Reps. Conrad, Terry, Lambeth, Hanes | **Prepared by:** | Brad Krehely<br>Committee Co-Counsel |
| **Analysis of:** | First Edition | | |

***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.

*Jessica Sammons, Staff Attorney for the Legislative Analysis Division, contributed substantially to this summary.

*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 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.

# HOUSE BILL 1057:
# Red Springs Charter Amendment.

*2017-2018 General Assembly*

| | | | |
|---|---|---|---|
| **Committee:** | Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate | **Date:** | June 27, 2018 |
| **Introduced by:** | Rep. Pierce | **Prepared by:** | Brad Krehely |
| **Analysis of:** | Third Edition | | Committee Co-Counsel |

***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.[1]

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. However, under G.S. 160A-64(a), the salary of an elected officer, other than town commissioner's salary, could not be reduced during the current term of office unless the elected officer agrees.
- 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.[2]

[1] This bill would make a conforming change to the original charter, being Chapter 1252 of the 1949 Session Laws, to reflect that a subsequent local act changed the board of commissioner terms from two to four years. That change, being Section 3 of Chapter 457 of the 1957 Session Laws, was not incorporated into the original charter but is nevertheless the current law.

[2] 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*

*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.*

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

*Jessica Sammons and Trina Griffin, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*

# HOUSE BILL 1057
**Committee Substitute Favorable 6/13/18**
**Third Edition Engrossed 6/25/18**

Short Title: Red Springs Charter Amendment. (Local)

Sponsors:

Referred to:

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 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 or her 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 major 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."

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

## BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

**Committee:** Senate State and Local Govt
**Meeting Date:** 6-28-18 **Chair:** Tarte **Clerk:** Jan

### ACTION ON BILLS

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| | | | |
|---|---|---|---|
| **Bill** | H995 | **Sponsor** | Conrad, Terry, Lambeth, Hanes |
| **Favorable** | ✓ | **Motion by** | |
| **Unfavorable** | | **Motion by** | McGinnis |
| **Amended** | | **Motion by** | Robin |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | J. Krawiec | | |

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|---|---|---|---|
| **Bill** | H1057 | **Sponsor** | Rep Pierce |
| **Favorable** | ✓ | **Motion by** | Britt |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | Rules | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | Britt | | |

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|---|---|---|---|
| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

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| **Bill** | | **Sponsor** | |
| **Favorable** | | **Motion by** | |
| **Unfavorable** | | **Motion by** | |
| **Amended** | | **Motion by** | |
| **Comm. Sub.** | | **Motion by** | |
| **Original Bill** | | | |
| **Re-referred** | | **Motion by** | |
| **Other Action** | | | |
| **Floor Manager** | | | |

NCGA

NORTH CAROLINA GENERAL ASSEMBLY

**SENATE COMMITTEE**

**ON**

**STATE AND LOCAL GOVERNMENT**

**JUNE 28, 2018**

**9:00 AM**

**SERGEANT-AT ARMS**

**JIM HAMILTON**

**EDDIE BROUGHTON**

**STEVE MCKAIG**

# Senate Pages Attending

**COMMITTEE:** State & Local Gov't **ROOM:** 423

**DATE:** 6-28 **TIME:** 9 AM

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

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| 5. Dylan Peters | Holly Springs | Barringer |
| 6. Sophie Pinkston | Laurinburg | McInnis |
| 7. | | |
| 8. | | |

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

## Senate Committee On State and Local Government

## June 28, 2018 – Room 423 / 424 LOB – 9:00 AM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| STEVEN WARD | NCAHHS |
| TIM MINTON | NCAHHS |
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## Senate Committee On State and Local Government

## June 28, 2018 – Room 423 / 424 LOB – 9:00 AM

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**PLEASE SIGN IN BELOW**

| NAME | FIRM OR AGENCY |
|---|---|
| Demetrius Delbalch | Troutman Sanders |
| | MWC |
| Sarah Wolfe | MWC |
| Chris Broughton | MWC |
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| Richard Bostic | NCSBA |
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