

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1059

Short Title: Development Rights Transfer Study.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Rules and Operations of the Senate.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION TO CONSIDER
2 AUTHORIZING LOCAL GOVERNMENT TO ESTABLISH PROGRAMS
3 ALLOWING PROPERTY OWNERS TO TRANSFER DEVELOPMENT RIGHTS
4 UNDER PLANNING ORDINANCES FOR THE PURPOSES OF HISTORIC
5 PRESERVATION, OPEN SPACE AND WATERSHED PROTECTION, AND
6 SUPPORT OF TRANSIT AND TRANSPORTATION PLANNING GOALS, AND
7 ALLOWING CREATION OF DEVELOPMENT RIGHTS "BANKS"FOR THESE
8 PURPOSES.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. The Development Rights Transfer Study Commission is created.
12 The Commission shall consist of 16 members as follows:

- 13 (1) Eight persons appointed by the President Pro Tempore of the Senate, at
14 least two of whom shall be elective or appointive local government
15 officials or other persons having expertise or experience in planning,
16 land use regulation, or land development.
- 17 (2) Eight persons appointed by the Speaker of the House of
18 Representatives, at least two of whom shall be elective or appointive
19 local government officials or other persons having expertise or
20 experience in planning, land use regulation, or land development.

1 Section 2. The President Pro Tempore of the Senate shall designate one
2 appointee as cochair, and the Speaker of the House of Representatives shall designate one
3 appointee as cochair.

4 Section 3. The Commission shall consider:

5 (1) Authorizing local government to establish programs allowing property
6 owners to transfer development rights under planning ordinances for the
7 purposes of historic preservation, open space and watershed protection,
8 and support of transit and transportation planning goals; and

9 (2) Allowing creation of development rights "banks" to acquire, hold, and
10 sell development rights for these purposes.

11 Section 4. The Commission shall submit a final report of its findings and
12 recommendations to the General Assembly on or before the first day when the 1999
13 Session of the General Assembly reconvenes in 2000 by filing the report with the
14 President Pro Tempore of the Senate and the Speaker of the House of Representatives.
15 Upon filing its final report, the Commission shall terminate.

16 Section 5. The Commission, while in the discharge of official duties, may
17 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-
18 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call
19 of the cochairs. The Commission may meet in the State Legislative Building or the
20 Legislative Office Building.

21 Section 6. Members of the Commission shall receive subsistence and travel
22 expenses at the rates set forth in G.S. 120-3.1.

23 Section 7. The Commission may contract for professional, clerical, or
24 consultant services as provided by G.S. 120-32.02. The Legislative Services
25 Commission, through the Legislative Administrative Officer, shall assign professional
26 staff to assist in the work of the Commission. The House of Representatives' and the
27 Senate's Supervisor of Clerks shall assign clerical staff to the commission or committee,
28 upon the direction of the Legislative Services Commission. The expenses relating to
29 clerical employees shall be borne by the Commission.

30 Section 8. When a vacancy occurs in the membership of the Commission, the
31 vacancy shall be filled by the same appointing officer who made the initial appointment.

32 Section 9. All State departments and agencies and local governments and their
33 subdivisions shall furnish the Commission with any information in their possession or
34 available to them.

35 Section 10. There is appropriated from the General Fund to the General
36 Assembly the sum of fifty thousand dollars (\$50,000) for the 1999-2000 fiscal year for
37 the expenses of the Commission.

38 Section 11. This act becomes effective July 1, 1999.