

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 764
Apr 11, 2017
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40447-ST-44A (01/10)

Short Title: Expansion of MSD/Bd Appt. (Public)

Sponsors: Representative McGrady.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PROVISIONS REGARDING EXPANSION OF A
3 METROPOLITAN SEWERAGE DISTRICT AND TO MAKE ADDITIONAL BOARD
4 APPOINTMENTS PARALLEL TO THE PROCESS TO EXPAND A METROPOLITAN
5 WATER AND SEWERAGE DISTRICT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 162A-68 reads as rewritten:

8 **"§ 162A-68. Procedure for inclusion of additional political subdivision or unincorporated**
9 **area; notice and hearing; elections; actions to set aside proceedings.**

10 ...

11 (i) Immediately following the inclusion of any additional political subdivision within
12 an existing district, members representing such additional political subdivision shall be
13 appointed to the district board in the manner provided in this section:

14 (1) Any additional unincorporated area that is included within an existing
15 district shall be represented by the members representing the county in
16 which the unincorporated area lies as follows:

17 a. If inclusion of the additional unincorporated area extends the district
18 into more than one county, members representing the unincorporated
19 area in the new county shall be appointed immediately following the
20 inclusion of the additional area. Upon the inclusion of the additional
21 area, the board members appointed in accordance with
22 G.S. 162A-67(a)(1) or G.S. 162A-67(a)(1a) shall continue to serve
23 on the district board. The board of commissioners of the county in
24 which the largest portion of the district lies shall appoint qualified
25 voters residing in the county and district as their successors such that
26 the county in which the largest portion of the district lies shall always
27 have three members on the district board. The board of
28 commissioners of the county in which the lesser portion of the
29 district lies shall appoint to the district board two qualified voters
30 residing in the county and district to serve a term of three years and
31 shall appoint qualified voters residing in the county and district as
32 their successors such that the county in which the lesser portion of
33 the district lies shall always have two members on the district board.
34 For purposes of this subdivision, the county in which the largest
35 portion and lesser portion of the district lies shall be determined with
36 reference to the land area of the district lying within the county as a



* D R H 4 0 4 4 7 - S T - 4 4 A *

1 percentage of land area of the entire district at the time such
2 appointment or reappointment is made.

- 3 b. If the inclusion of the additional unincorporated area has the effect of
4 changing the county in which the largest portion of the district lies,
5 new members representing the county comprising the larger portion
6 of the district shall be appointed in accordance with
7 G.S. 162A-67(a)(2) immediately following the inclusion, and no
8 reappointment shall be made by the county in which the lesser
9 portion of the district lies upon expiration of the first term of a
10 member representing that county following the inclusion.

11 (1a) Notwithstanding subdivision (1) of this subsection, if any county that is
12 expanding the territory of the district shall be represented by three additional
13 members who are qualified voters residing within the new territory,
14 appointed by the county board of commissioners governing the new
15 territory.

16 (2) ~~Following~~ Except as otherwise provided in this subsection, following the
17 inclusion of any additional political subdivision within an existing district,
18 the political subdivisions added shall appoint members to the district board
19 in accordance with G.S. 162A-67(a)(4) only if the governing body of the
20 political subdivision owns or operates a public system for the collection of
21 wastewater at the time of such appointment.

22 (j) The terms of office of the members first appointed under subsection (i) of this
23 section to represent such additional political subdivision or area may be varied for a period not
24 to exceed six months from the terms provided for in G.S. 162A-67, so that the appointment of
25 successors to such members may more nearly coincide with the appointment of successors to
26 members of the existing board; and all successor members shall be appointed for the terms
27 provided for in G.S. 162A-67."

28 **SECTION 2.** This act is effective when it becomes law and applies to any
29 expansion of a metropolitan sewerage district on or after that date.