

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 300
Mar 7, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40163-LMf-58

Short Title: Rockingham County/Public Notices.

(Local)

Sponsors: Representative Pyrtle.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE MUNICIPALITIES IN ROCKINGHAM COUNTY TO
3 PUBLISH REQUIRED PUBLIC NOTICES ELECTRONICALLY AND TO AUTHORIZE
4 ROCKINGHAM COUNTY TO PUBLISH LEGAL NOTICES VIA THE
5 COUNTY-MAINTAINED WEBSITE FOR A FEE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Part 3 of Article 4 of Chapter 153A of the General Statutes is
8 amended by adding a new section to read:

9 **"§ 153A-52.3. Electronic notice for notices required to be published by the board.**

10 (a) Except as provided in this section, the governing board may adopt an ordinance
11 providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597,
12 under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any
13 local act, may be published electronically as provided by this section in lieu of or in addition to
14 the required publication or advertisement. The ordinance may cover all notices required to be
15 published or advertised or a clearly identified category of notices.

16 (b) Upon adoption of an ordinance under subsection (a) of this section, the governing
17 board shall publish specific instructions as to how to access all notices published electronically
18 under the ordinance adopted pursuant to this section at least once a month for 12 months in a
19 newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

20 (c) Any notice published under an ordinance adopted pursuant to subsection (a) of this
21 section shall comply with all of the following:

- 22 (1) The notice is published on the website of the governing board no later than
23 the time that publication is required under the applicable statute or local act.
24 (2) The website contains, on its main page, links to all notices or a link to another
25 page with links to all notices.
26 (3) Notices and links to all notices on the website shall be maintained on that
27 website for at least one year after publication and shall be searchable.
28 (4) A copy of the notice shall be filed in a notice book maintained separate and
29 apart from the ordinance book or minutes of the governing board. The notice
30 book shall be appropriately indexed and maintained for public inspection in
31 the office of the clerk or in the office of another individual who is an employee
32 of the governing board, as designated in the ordinance adopted pursuant to
33 this section.
34 (5) A copy of the notice shall be mailed or emailed to any person who has filed a
35 written request for notice with the clerk or secretary of the governing board or
36 with some other person designated by the governing board. The governing



board may require each person submitting such a written request for notice to renew that request annually.

(d) Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

(e) The ordinance adopted by the governing board may control notice given by any board appointed by the governing board, including the planning board, board of social services, and board of health.

(f) For purposes of this section, "governing board" means the body elected or appointed as the board of county commissioners, city council, or county board of elections."

SECTION 1.(b) G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean ~~insertion~~ any of the following:

- a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.
- b. Electronic notice, as provided in G.S. 153A-52.3, if an ordinance has been adopted by the governing board."

SECTION 1.(c) G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean ~~insertion~~ any of the following:

- a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.
- b. Electronic notice, as provided in G.S. 153A-52.3, if an ordinance has been adopted by the governing board."

SECTION 1.(d) G.S. 159-1(b)(5) reads as rewritten:

"(5) "Publish," "publication," and other forms of the word "publish" mean ~~insertion~~ any of the following:

- a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.
- b. Electronic notice, as provided in G.S. 153A-52.3, if an ordinance has been adopted by that governing board."

SECTION 1.(e) G.S. 163-33(8) reads as rewritten:

§ 163-33. Powers and duties of county boards of elections.

The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

- ...
- (8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice

1 may additionally be made on a radio or television station or both, but such
2 notice shall be in addition to the newspaper and other required notice. This
3 subdivision shall not apply in the case of bond elections called under the
4 provisions of Chapter 159. The county board may adopt a policy in accordance
5 with G.S. 153A-52.3 to provide for notices, advertisements, and publications
6 to be given electronically."

7 **SECTION 1.(f)** This section applies only to Rockingham County and any
8 municipality located wholly or partly in Rockingham County.

9 **SECTION 1.(g)** This section becomes effective December 1, 2023, and applies to
10 notices published on or after that date.

11 **SECTION 2.(a)** Article 50 of Chapter 1 of the General Statutes is amended by adding
12 a new section to read:

13 **"§ 1-602.1. Publication via county-maintained website.**

14 (a) In lieu of publishing in a newspaper in accordance with this Article, publication of
15 any notice permitted or required by law to be published in a newspaper may be accomplished by
16 contracting with a county who has adopted an ordinance authorizing the county to publish such
17 notice on the county-maintained website pursuant to this section. The board of commissioners
18 may adopt an ordinance establishing the county website as a central location for publishing or
19 advertising legal notices in accordance with this section, if the county complies with all of the
20 following:

21 (1) The county maintains its own website, with sufficient staff to maintain that
22 website.

23 (2) The county has sufficient staff to complete affidavits as needed for all legal
24 notices as required by subsection (d) of this section.

25 (3) The county collects and remits fees as provided in subsections (b) and (c) of
26 this section.

27 (b) The county may charge fees for the administrative costs to the county as follows for
28 such publication:

29 (1) For foreclosures, except those initiated by that county, no more than four
30 hundred fifty dollars (\$450.00).

31 (2) For other notices, except those by the State or any other political subdivision
32 thereof, no more than one hundred dollars (\$100.00).

33 (3) For notices by the State or any other political subdivision thereof, other than
34 that county, no more than ten dollars (\$10.00).

35 (4) For notices by that county, no fee shall be charged.

36 (c) Whenever a county has published a notice or any other paper, document, or legal
37 advertisement within the meaning of G.S. 1-597 and a county employee makes a written
38 statement under oath taken before any notary public or other officer or person authorized by law
39 to administer oaths, stating that the county placed such notice, paper, document, or legal
40 advertisement upon its website, such sworn written statement shall be received in all courts in
41 this State as prima facie evidence that the county placed the notice, paper, document, or legal
42 advertisement upon its website for the stated period of time. When filed in the office of the clerk
43 of the superior court of that county, any such sworn statement shall be deemed to be a record of
44 the court and such record or a copy thereof duly certified by the clerk shall be prima facie
45 evidence that the county placed the notice, paper, document, or legal advertisement upon its
46 website for the stated period of time.

47 (d) Notwithstanding G.S. 1-595, when a statute or written instrument stipulates that an
48 advertisement of a sale shall be made for any certain number of weeks, publication via the county
49 website in accordance with this section for the number of weeks so indicated is a sufficient
50 compliance with the requirement.

- 1 (e) Nothing in this section requires a county to adopt an ordinance authorizing the county
2 to publish notices on a county-maintained website."
3 **SECTION 2.(b)** This section applies to Rockingham County only.
4 **SECTION 2.(c)** This section becomes effective December 1, 2023, and applies to
5 notices published on or after that date.
6 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
7 law.