

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 764
PROPOSED COMMITTEE SUBSTITUTE H764-PCS10315-BA-14

Short Title: Expansion of MSD/Bd Appt.

(Public)

Sponsors:

Referred to:

April 13, 2017

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 (a) If, at any time subsequent to the creation of a district, there shall be filed with the
11 district board (i) a resolution of the governing body of a political ~~subdivision, subdivision~~
12 requesting inclusion in the district all or part of such political subdivision or (ii) a petition,
13 petition signed by not less than fifty-one per centum (51%) of the qualified voters resident
14 within an unincorporated ~~area, area~~ requesting inclusion in the district of such political
15 subdivision or unincorporated area, and if the district board shall favor the inclusion in the
16 district of such political subdivision or unincorporated area, new territory, the district board
17 shall notify the board or boards of commissioners of the county or counties within which the
18 district lies and shall file with the board or boards of commissioners and with the
19 Environmental Management Commission a report setting forth the plans of the district for
20 extending sewerage service to the ~~political subdivision or unincorporated area, new territory.~~
21 The report shall include:

- 22 (1) A map or maps of the district and adjacent territory showing the present and
23 proposed boundaries of the district; the existing major sewer interceptors and
24 outfalls; and the proposed extension of such interceptors and outfalls.
- 25 (2) A statement setting forth the plans of the district for extending sewerage
26 services to the territory proposed to be included, which plans shall:
- 27 a. Provide for extending sewerage service to the territory included on
28 substantially the same basis and in the same manner as such services
29 are provided within the rest of the district prior to inclusion of the
30 new territory.
- 31 b. Set forth a proposed time schedule for extending sewerage service to
32 the territory proposed to be included.
- 33 c. Set forth the estimated cost of extending sewerage service to the
34 territory proposed to be included; the method by which the district
35 proposes to finance the extension; the outstanding existing
36 indebtedness of the district, if any; and the valuation of assessable



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1 property within the district and within the territory proposed to be
2 included.

- 3 d. Contain a declaration of intent of the district board to conform with
4 the plans set forth in the report in extending sewerage services to the
5 territory proposed to be included; and a certification by the chairman
6 of the district board to the effect that the matters and things set forth
7 in the report are true to his knowledge or belief.

8 ...
9 (i) Immediately following the inclusion of any additional political subdivision within
10 an existing district, members representing such additional political subdivision shall be
11 appointed to the district board in the manner provided in this section:

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

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

- 37 b. If the inclusion of the additional unincorporated area has the effect of
38 changing the county in which the largest portion of the district lies,
39 new members representing the county comprising the larger portion
40 of the district shall be appointed in accordance with
41 G.S. 162A-67(a)(2) immediately following the inclusion, and no
42 reappointment shall be made by the county in which the lesser
43 portion of the district lies upon expiration of the first term of a
44 member representing that county following the inclusion.

- 45 (1a) Notwithstanding subdivision (1) of this subsection, when the territory of the
46 district is expanding into new territory, any county without representation on
47 the district board shall be represented by three additional members who are
48 qualified voters residing within the new territory, appointed by the county
49 board of commissioners governing the new territory.

- 50 (2) ~~Following~~ Except as otherwise provided in this subsection, following the
51 inclusion of any additional political subdivision within an existing district,

1 the political subdivisions added shall appoint members to the district board
2 in accordance with G.S. 162A-67(a)(4) only if the governing body of the
3 political subdivision owns or operates a public system for the collection of
4 wastewater at the time of such appointment.

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

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