

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2012-203
HOUSE BILL 1009

AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162A-67(a)(4) reads as rewritten:

"(4) The governing body of each political subdivision, other than counties, lying in whole or in part within the district, shall appoint one member of the district board. ~~No~~ Except as provided in G.S. 162A-68, no appointment of a member of the district board shall be made by or in behalf of any political subdivision of which the board or boards of commissioners shall be the governing body. If any city or town within the district shall have a population, as determined from the latest decennial census, ~~greater than that of all other political subdivisions (other than counties) and unincorporated areas within the district,~~ more than one-half the combined population of all other political subdivisions (other than counties) and unincorporated areas within the district, the governing body of any such city or town shall appoint three members. ~~All members and their successors appointed by the governing bodies of political subdivisions other than counties shall serve for a term of three years and shall be qualified voters residing in the district and the political subdivision from which they are appointed.~~"

SECTION 2. Article 5 of Chapter 162A of the General Statutes is amended by adding a new section to read:

"§ 162A-67.5. Determination of population and representation.

(a) For purposes of determining district board representation of political subdivisions for any appointment under this Article, population shall be determined by reference to the most recent decennial census.

(b) For purposes of determining population for district board representation, only that portion of the population residing within the district boundary itself shall be included for each political subdivision and each unincorporated area having district board representation at the time such determination is made.

(c) In determining district board representation, no appointment shall be made by or in behalf of a political subdivision which does not own or operate a public system for the collection of wastewater at the time of such appointment."

SECTION 3. G.S. 162A-68(i) reads as rewritten:

"(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 ~~G.S. 162A-67~~ 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 ~~except that~~ as follows:

(1)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 ~~in accordance with~~



~~G.S. 162A-67(a)(2)~~—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.

~~(2)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.

(2) 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.

The terms of office of the members first appointed to represent such additional 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 4. G.S. 162A-69 is amended by adding a new subdivision to read:

"§ 162A-69. Powers generally; fiscal year.

Each district shall be deemed to be a public body and body politic and corporate exercising public and essential governmental functions to provide for the preservation and promotion of the public health and welfare, and each district is hereby authorized and empowered:

...
(13c) To exercise any power of a Metropolitan Water District under Article 4 of this Chapter not set forth in this section.

...."

SECTION 5. This act becomes effective July 1, 2012, and applies to appointments made on or after that date.

In the General Assembly read three times and ratified this the 28th day of June, 2012.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

This bill having been presented to the Governor for signature on the 28th day of June, 2012 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law. This 3rd day of August, 2012.

s/ Karen Jenkins
Enrolling Clerk