

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

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**SENATE BILL 101  
State and Local Government Committee Substitute Adopted 4/28/15**

Short Title: 1st Senatorial District Local Act.

(Local)

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Sponsors:

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Referred to:

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February 23, 2015

A BILL TO BE ENTITLED

1 AN ACT CLARIFYING THE BOARD VOTING RULES FOR THE ELIZABETH  
2 CITY-PASQUOTANK BOARD OF EDUCATION AND TO ADD BEAUFORT, DARE,  
3 GATES, AND HYDE COUNTIES TO THE LIST OF COUNTIES COVERED BY  
4 G.S. 153A-15.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 3 of Chapter 29 of the 1967 Session Laws, as amended by  
8 Chapter 8 of the 1977 Session Laws and by Section 9(b) of S.L. 2005-305, reads as rewritten:

9 "Sec. 3. Three members of the Board shall be residents within the Elizabeth City Township,  
10 hereinafter referred to as "inside members", and three members of the Board shall be residents  
11 of the other townships outside Elizabeth City Township, hereinafter referred to as "outside  
12 members". The remaining member shall hereinafter be referred to as the "at-large member" and  
13 shall be a county resident with no residence required within a particular township area.

14 Candidates for membership on the Board shall file for office at the same time and on the  
15 same terms and conditions as candidates for other county offices. Candidates shall file, based  
16 upon residency, for any available "inside member" seats, "outside member" seats, or the  
17 "at-large member" seat that they qualify for by virtue of the residency at the time of filing.  
18 However, there shall be no primary, and filed candidates for each type of available seat shall be  
19 placed on the general election ballot to be voted on by all qualified voters of the county. Each  
20 voter shall have the right to vote in each race for "inside member" seats, "outside members"  
21 seats, or the "at-large member" seat up to the number of open seats up for election as to each  
22 particular type of seat, but may not cast more than one vote for each candidate. The election  
23 shall be held on a nonpartisan plurality basis with the candidates receiving the highest number  
24 of votes for each type of seat filling the available open seat or seats in descending order of their  
25 vote totals. Candidates elected shall take office the first Monday in December, and shall serve a  
26 four-year term.

27 All vacancies shall be filled by appointment by the remainder of the Board within 60 days,  
28 and the person so appointed shall serve the remainder of the unexpired term.

29 Terms shall be staggered, with two "inside member" seats and two "outside member" seats  
30 being elected in 2006 and every four years thereafter, and one "inside member" seat, one  
31 "outside member" seat, and the "at-large member" seat being elected in 2008 and every four  
32 years thereafter.

33 ~~The Elizabeth City Pasquotank Board of Education shall elect a chairman and vice~~  
34 ~~chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all~~  
35 ~~matters being considered by said Board but neither the chairman nor the vice chairman shall~~  
36 ~~have the authority to cast a vote to create a tie vote and then vote again to break the tie.~~



1        The Elizabeth City-Pasquotank Board of Education shall elect a chair to preside over its  
2 meetings and a vice-chair to preside over its meetings in the chair's absence. The chair shall not  
3 vote on any matters being considered by said Board, unless there is a tie vote, in which case the  
4 chair shall cast the deciding vote. When the chair is present at a meeting, the vice-chair shall be  
5 entitled to vote on all matters being considered by said Board. When the vice-chair is presiding  
6 over a meeting in the chair's absence, the vice-chair shall not vote on any matters being  
7 considered by said Board, unless there is a tie vote, in which case the vice-chair shall cast the  
8 deciding vote. Neither the chair nor the vice-chair shall have the authority to cast a vote to  
9 create a tie vote and then vote again to break the tie.

10        The Elizabeth City-Pasquotank Board of Education shall control, administer and operate all  
11 of the public schools in Pasquotank County, including the public schools now located in the  
12 Elizabeth City Administrative Unit, as well as the public schools now located in the Pasquotank  
13 County Administrative Unit. The Elizabeth City-Pasquotank Board of Education shall exercise  
14 all the powers, authority and duties as are now exercised and performed by city and county  
15 boards of education and as provided by Chapter 115 of the General Statutes, as revised and  
16 amended, and as the same may hereafter be revised and amended. All members of the said  
17 Board shall hold their offices until their successors are elected and qualified."

18        **SECTION 2.** G.S. 153A-15 reads as rewritten:

19        **"§ 153A-15. Consent of board of commissioners necessary in certain counties before land**  
20 **may be condemned or acquired by a unit of local government outside the**  
21 **county.**

22        (a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other  
23 general law or local act conferring the power of eminent domain, before final judgment may be  
24 entered in any action of condemnation initiated by a county, city or town, special district, or  
25 other unit of local government which is located wholly or primarily outside another county,  
26 whereby the condemnor seeks to acquire property located in the other county, the condemnor  
27 shall furnish proof that the county board of commissioners of the county where the land is  
28 located has consented to the taking.

29        (b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any  
30 other general law or local act conferring the power to acquire real property, before any county,  
31 city or town, special district, or other unit of local government which is located wholly or  
32 primarily outside another county acquires any real property located in the other county by  
33 exchange, purchase or lease, it must have the approval of the county board of commissioners of  
34 the county where the land is located.

35        (c) This section applies to Alamance, Alleghany, Anson, Ashe, Beaufort, Bertie,  
36 Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell,  
37 Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck,  
38 Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates,  
39 Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde,  
40 Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell,  
41 Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico,  
42 Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham,  
43 Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union,  
44 Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only.

45        (d) This section does not apply as to any condemnation or acquisition of real property  
46 or an interest in real property by a city where the property to be condemned or acquired is  
47 within the corporate limits of that city."

48        **SECTION 3.** This act is effective when it becomes law.