

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 826*
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Short Title: School Board and Local Changes.

(Public)

Sponsors:

Referred to:

April 14, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN
3 PROCEEDINGS BY SCHOOL BOARDS; TO CHANGE THE TERM OF OFFICE
4 OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FROM
5 FOUR YEARS TO TWO YEARS, SUBJECT TO A REFERENDUM; TO PROVIDE
6 STAGGERED TERMS FOR THE TOWN OF BROADWAY; TO PROVIDE THAT
7 THE BOARD OF COMMISSIONERS OF LEE COUNTY SHALL CONSIST OF
8 SEVEN MEMBERS ELECTED AT LARGE FOR FOUR-YEAR STAGGERED
9 TERMS ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL
10 ELECTION; TO CHANGE THE TIME OF ELECTION OF THE SURRY COUNTY
11 BOARD OF EDUCATION FROM THE PRIMARY TO NONPARTISAN AT THE
12 TIME OF THE GENERAL ELECTION; TO ALLOW THE HENDERSON
13 COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY
14 DISTRICTS; AND TO GRANT AUTHORITY TO THE MUNICIPALITIES
15 LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN

1 THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A
2 POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

3 The General Assembly of North Carolina enacts:

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5 PART I. SCHOOL BOARD QUICK TAKE

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7 Section 1. G.S. 40A-42(a) reads as rewritten:

8 "(a) When a local public condemnor is acquiring property by condemnation for a
9 purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a
10 purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is
11 acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a
12 municipal or county board of education or any combination of those boards is acquiring
13 property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring
14 property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10) or (12), title to the
15 property and the right to immediate possession shall vest pursuant to this subsection.
16 Unless an action for injunctive relief has been initiated, title to the property specified in
17 the complaint, together with the right to immediate possession thereof, shall vest in the
18 condemnor upon the filing of the complaint and the making of the deposit in accordance
19 with G.S. 40A-41."

20 Section 2. G.S. 115C-517 reads as rewritten:

21 "**§ 115C-517. Acquisition of sites.**

22 Local boards of education may acquire suitable sites for schoolhouses or other school
23 facilities either within or without the local school administrative unit; but no school may
24 be operated by a local school administrative unit outside its own boundaries, although
25 other school facilities such as repair shops, may be operated outside the boundaries of the
26 local school administrative unit. Whenever any such board is unable to acquire or enlarge
27 a suitable site or right-of-way for a school, school building, school bus garage or for a
28 parking area or access road suitable for school buses or for other school facilities by gift
29 or purchase, condemnation proceedings to acquire same may be instituted by such board
30 under the provisions of Chapter 40A of the General Statutes, including the rights and
31 procedures pursuant to G.S. 40A-42, et seq., and the determination of the local board of
32 education of the land necessary for such purposes shall be conclusive. A local board
33 shall not initiate a proceeding under G.S. 40A-42(a) unless the action is approved by a
34 resolution adopted by the board of county commissioners."

35
36 PART II. CHARLOTTE-MECKLENBURG BOARD OF EDUCATION

37
38 Section 3. Section 2(a) of Chapter 167 of the 1993 Session Laws reads as
39 rewritten:

40 "(a) In ~~1995-1995, and quadrennially thereafter,~~ three members of the Charlotte-
41 Mecklenburg Board of Education shall be elected for four-year terms by all the qualified
42 voters of Mecklenburg County. In 1999 and biennially thereafter, three members of the

1 Charlotte-Mecklenburg Board of Education shall be elected for two-year terms by all the
2 qualified voters of Mecklenburg County."

3 Section 4. Section 2(c) of Chapter 167 of the 1993 Session Laws reads as
4 rewritten:

5 "(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall
6 be elected from each district for a two-year term by all the qualified voters of the district.
7 In 1997 and ~~quadrennially~~ biennially thereafter, one member of the Charlotte-
8 Mecklenburg Board of Education shall be elected from each district for a ~~four-year~~ two-
9 year term by all the qualified voters of the district."

10 Section 5. Sections 3 and 4 of this act are effective only if approved by the
11 qualified voters of Mecklenburg County in a referendum to be held on Tuesday after the
12 first Monday in November of 1997. The referendum shall be conducted by the
13 Mecklenburg County Board of Elections.

14 The question on the ballot shall be:

15 **"[] FOR [] AGAINST**

16 changing the manner of election of the Charlotte-Mecklenburg Board of Education to
17 provide for two-year terms of office."

18 19 PART III. BROADWAY ELECTIONS

20
21 Section 6. Section 3 of the Charter of the Town of Broadway, being Chapter
22 548 of the Session Laws of 1947 as amended by Chapter 789 of the Session Laws of
23 1949, reads as rewritten:

24 "Sec. 3. At the time of the holding of the next general election following ratification
25 of this Act, and ~~biennially~~ thereafter, there shall be elected in the Town of Broadway in
26 accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of
27 North Carolina, as amended, the following officers: ~~A mayor, five town commissioners, and~~
28 ~~a town constable.~~ A mayor and five town commissioners. The mayor shall be elected for
29 a four-year term. In 1997, the three persons receiving the highest numbers of votes for
30 town commissioner are elected to four-year terms, and the two persons receiving the next
31 highest numbers of votes for town commissioner are elected to two-year terms. In 1999
32 and quadrennially thereafter, two town commissioners are elected to four-year terms. In
33 2001 and quadrennially thereafter, three town commissioners are elected to four-year
34 terms. The mayor and the five town commissioners so elected shall constitute the
35 governing body of the Town of Broadway, and such governing body may appoint such
36 other officers and employ such assistants as the governing body of the town may deem
37 necessary for the better governance of the town."

38 39 PART IV. LEE COUNTY COMMISSIONERS

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41 Section 7. (a) Effective with the 1998 election, the Board of Commissioners of
42 Lee County consists of seven members elected at large for four-year terms. In 1998 and

1 quadrennially thereafter, four commissioners shall be elected. In 2000 and quadrennially
2 thereafter, three commissioners shall be elected.

3 (b) Notwithstanding the provisions of Chapter 163 of the General Statutes, the
4 Board of Commissioners of Lee County shall be elected on a nonpartisan basis at the
5 time set by G.S. 163-1 for the general election in each even-numbered year as terms
6 expire. The election shall be conducted on a nonpartisan plurality basis, with the results
7 determined in accordance with G.S. 163-292. Candidates shall file notices of candidacy
8 not earlier than noon on the third Monday in June and not later than noon on the third
9 Friday in July. The names of the candidates shall be printed on the ballot without
10 reference to any party affiliations. Except as provided by this act, the election shall be
11 conducted in accordance with the applicable provisions of Chapter 163 of the General
12 Statutes.

13 (c) This section does not affect the terms of office of current members of the
14 Board of Commissioners of Lee County.

15 16 PART V. SURRY SCHOOL ELECTIONS

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18 Section 8. The Board of Education of Surry County shall be elected in a
19 nonpartisan election held on the date of the county general election, with the results
20 determined on a plurality basis in accordance with G.S. 163-292. The election shall be
21 consistent with the provisions of Chapters 115C and 163 of the General Statutes, except
22 as otherwise provided herein.

23 Section 9. Candidates shall file notice of candidacy not earlier than 12:00 noon
24 on the first Friday in July (except that if that day is a holiday, then not earlier than 12:00
25 noon on the next Monday) and not later than 12:00 noon on the first Friday in August of
26 the year of election.

27 Section 10. (a) The terms of members of the Surry County Board of Education
28 which expire on or before June 30, 1998, are extended until the first regularly scheduled
29 Surry County Board of Education meeting in December of 1998 at which time their
30 successors shall qualify.

31 (b) The terms of members of the Surry County Board of Education which
32 expire on June 30, 2000, are extended until the first regularly scheduled Surry County
33 Board of Education meeting in December of 2000 at which time their successors shall
34 qualify.

35 Section 11. Chapter 308 of the 1991 Session Laws is repealed.

36 37 PART VI. HENDERSON COMMISSIONER DISTRICTS

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39 Section 12. G.S. 153A-22.1(f), as enacted by Chapter 215 of the 1995 Session
40 Laws, reads as rewritten:

41 "(f) This section applies to ~~Moore County~~ Henderson and Moore Counties only."

42 43 PART VII. LEE MUNICIPAL STRUCTURES

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2 Section 13. Section 2 of Chapter 733 of the 1995 Session Laws, as amended
3 by S.L. 1997-101 and House Bill 699, 1997 Session, reads as rewritten:

4 "Sec. 2. This act applies to the Cities of Greenville, Lumberton, and Roanoke ~~Rapids~~
5 Rapids, the municipalities in Lee County, and the Towns of Bethel, Farmville, and
6 Newport only."

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8 **PART VIII. EFFECTIVE DATE**

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10 Section 14. This act is effective when it becomes law.