

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 1009
Committee Substitute Favorable 6/14/12

Short Title: MSD Amendments.

(Public)

Sponsors:

Referred to:

May 21, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE
3 DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD
4 UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS
5 TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER
6 DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH
7 COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

8 The General Assembly of North Carolina enacts:

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

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

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

27 **"§ 162A-67.5. Determination of population and representation.**

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

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



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

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

5 (i) Immediately following the inclusion of any additional political subdivision within
6 an existing district, members representing such additional political subdivision shall be
7 appointed to the district board in the manner provided in ~~G.S. 162A-67~~this section.

8 (1) Any additional unincorporated area that is included within an existing
9 district shall be represented by the members representing the county in
10 which the unincorporated area lies ~~except that~~as follows:

11 ~~(1)a.~~ If inclusion of the additional unincorporated area extends the district
12 into more than one county, members representing the unincorporated
13 area in the new county shall be appointed ~~in accordance with~~
14 ~~G.S. 162A-67(a)(2)~~immediately following the inclusion of the
15 additional area. Upon the inclusion of the additional area, the board
16 members appointed in accordance with G.S. 162A-67(a)(1) or
17 G.S. 162A-67(a)(1a) shall continue to serve on the district board. The
18 board of commissioners of the county in which the largest portion of
19 the district lies shall appoint qualified voters residing in the county
20 and district as their successors such that the county in which the
21 largest portion of the district lies shall always have three members on
22 the district board. The board of commissioners of the county in
23 which the lesser portion of the district lies shall appoint to the district
24 board two qualified voters residing in the county and district to serve
25 a term of three years and shall appoint qualified voters residing in the
26 county and district as their successors such that the county in which
27 the lesser portion of the district lies shall always have two members
28 on the district board. For purposes of this subdivision, the county in
29 which the largest portion and lesser portion of the district lies shall be
30 determined with reference to the land area of the district lying within
31 the county as a percentage of land area of the entire district at the
32 time such appointment or reappointment is made.

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

41 (2) Following the inclusion of any additional political subdivision within an
42 existing district, the political subdivisions added shall appoint members to
43 the district board in accordance with G.S. 162A-67(a)(4) only if the
44 governing body of the political subdivision owns or operates a public system
45 for the collection of wastewater at the time of such appointment.

46 The terms of office of the members first appointed to represent such additional subdivision or
47 area may be varied for a period not to exceed six months from the terms provided for in
48 G.S. 162A-67, so that the appointment of successors to such members may more nearly
49 coincide with the appointment of successors to members of the existing board; and all
50 successor members shall be appointed for the terms provided for in G.S. 162A-67."

51 **SECTION 4.** G.S. 162A-69 is amended by adding a new subdivision to read:

1 "§ 162A-69. Powers generally; fiscal year.

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

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6 (13c) To exercise any power of a Metropolitan Water District under Article 4 of
7 this Chapter not set forth in this section.

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