

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 826*
Second Edition Engrossed 4/30/97
House Committee Substitute Favorable 7/24/97

Short Title: School Board 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; AND TO EXPAND THE CARTERET
4 COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND
5 TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD
6 OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE
7 FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO
8 PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF
9 EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE
10 MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING
11 THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE
12 ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE
13 FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM.
14 The General Assembly of North Carolina enacts:
15 PART I. SCHOOL BOARD QUICK TAKE
16 Section 1. G.S. 40A-42(a) reads as rewritten:
17 "(a) When a local public condemnor is acquiring property by condemnation for a
18 purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a

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

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

12 "**§ 115C-517. Acquisition of sites.**

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

26
27 PART II. CARTERET COUNTY BOARD OF EDUCATION

28 Section 3. (a) Effective July 1, 1998, the Board of Education of Carteret County
29 consists of seven members.

30 (b) One member of the Carteret County Board of Education shall be elected each
31 from Districts 1, 2, 4, 5, and 6 as established for the Carteret County Board of
32 Commissioners by Chapter 113 of the Session Laws of 1993, and two members of the
33 Carteret County Board of Education shall be elected from District 3 as established for the
34 Carteret County Board of Commissioners by Chapter 113 of the Session Laws of 1993.

35 (c) Of the existing members, Roger Newby is assigned to District 2, Rodney
36 Kemp and Kim Willis are assigned to District 3, Ellen Piner is assigned to District 5, and
37 June Fulcher is assigned to District 6. In 1998, one member shall be elected from each of
38 Districts 1, 3, 5, and 6 for a four-year term, and one member from District 4 for a two-
39 year term. In 2000 and quadrennially thereafter, one member shall be elected from
40 Districts 2, 3, and 4 for a four-year term. In 2002 and quadrennially thereafter, one
41 member shall be elected from Districts 1, 3, 5, and 6 for a four-year term.

42 (d) Members shall reside in and represent the districts, but all members are elected
43 by the voters of the county at large in nonpartisan plurality elections at the time of the

1 primary election and take office on July 1 of the year of election, all as previously
2 provided by law.

3 Section 4. The Carteret County Board of Elections shall conduct an election
4 on November 4, 1997, on the question of approval of Section 3 of this act. The question
5 on the ballot shall be:

6 **"[] FOR [] AGAINST**

7 Expansion of the Carteret County Board of Education to seven members and election
8 from the same districts as the Carteret County Board of Commissioners."

9 If a majority of the votes cast are FOR the question, then Section 3 of this act
10 becomes effective. If less than a majority of the votes cast are FOR the question, then
11 Section 3 of this act does not become effective.

12 Section 5. Notwithstanding any provision of Section 3(d) of this act or Chapter
13 774 of the 1991 Session Laws, the members of the Carteret County Board of Education
14 shall be elected on a partisan basis at the same time as county officers. To the extent that
15 they do not conflict with this act and that act, the elections shall be conducted in
16 accordance with Chapters 115C and 163 of the General Statutes. Vacancies on the Board
17 of Education for positions elected on a nonpartisan basis in 1994 and 1996 shall be filled
18 in accordance with G.S. 115C-37(f). Vacancies on the Board of Education for positions
19 elected on a partisan basis shall be filled in accordance with G.S. 115C-37.1. Beginning
20 in 1998, members elected shall take office and qualify on the first Monday in December
21 of the year of their election, and the terms of their predecessors shall expire at that same
22 time.

23 Section 6. The Carteret County Board of Elections shall conduct an election
24 on November 4, 1997, on the question of approval of Section 5 of this act. The question
25 on the ballot shall be:

26 **"[] FOR [] AGAINST**

27 Election of the Carteret County Board of Education on a partisan basis."

28 If a majority of the votes cast are FOR the question, then Section 5 of this act
29 becomes effective. If less than a majority of the votes cast are FOR the question, then
30 Section 5 of this act does not become effective.

31

32 PART III. MOORE COUNTY BOARD OF EDUCATION

33 Section 7. (a) The Board of Education of Moore County consists of eight
34 members.

35 (b) One member of the Moore County Board of Education shall be elected each
36 from Electoral Districts 1, 2, 3, 4, and 5 for members of the Moore County Board of
37 Commissioners as those districts existed on January 1, 1997, and three members of the
38 Moore County Board of Education shall be elected from the County at large.

39 (c) Of the existing Moore County Board of Education members, Mike Ritter is
40 assigned to District 1; Ken Baer is assigned to District 2; Bill Garner is assigned to
41 District 3; Linda McCaskill is assigned to District 4; and Dianne Lawrence is assigned to
42 District 5. In 1998 and quadrennially thereafter, a member shall be elected from District
43 3, and three members shall be elected from the county at large for four-year terms. In

1 2000 and quadrennially thereafter, members shall be elected from Districts 1, 2, 4, and 5
2 for four-year terms.

3 (d) Members shall reside in and represent the districts, but all members are
4 elected by the voters of the county at large by the nonpartisan primary and election
5 method, all as previously provided by law.

6 Section 8. The Moore County Board of Elections shall conduct an election on
7 November 4, 1997, on the question of approval of Section 7 of this act. The question on
8 the ballot shall be:

9 **"[] FOR [] AGAINST**

10 Providing that five of the Moore County Board of Education members have the same
11 districts as the Moore County Board of County Commissioners and that three of the
12 Moore County Board of Education members be elected at large."

13 If a majority of the votes cast are FOR the question, then Section 7 of this act
14 becomes effective. If less than a majority of the votes cast are FOR the question, then
15 Section 7 of this act does not become effective.

16 Section 9. Notwithstanding any provision of Section 7(d) of this act, Chapter
17 882 of the 1967 Session Laws, or Chapter 442 of the 1977 Session Laws, the members of
18 the Moore County Board of Education shall be elected on a partisan basis at the same
19 time as county officers. To the extent that they do not conflict with this act, Chapter 882
20 of the 1967 Session Laws, or Chapter 442 of the 1977 Session Laws, the elections shall
21 be conducted in accordance with Chapters 115C and 163 of the General Statutes.
22 Vacancies on the Board of Education for positions elected on a nonpartisan basis in 1994
23 and 1996 shall be filled in accordance with G.S. 115C-37(f). Vacancies on the Board of
24 Education for positions elected on a partisan basis shall be filled in accordance with G.S.
25 115C-37.1.

26 Section 10. The Moore County Board of Elections shall conduct an election on
27 November 4, 1997, on the question of approval of Section 9 of this act. The question on
28 the ballot shall be:

29 **"[] FOR [] AGAINST**

30 Election of the Moore County Board of Education on a partisan basis."

31 If a majority of the votes cast are FOR the question, then Section 9 of this act
32 becomes effective. If less than a majority of the votes cast are FOR the question, then
33 Section 9 of this act does not become effective.

34 Section 11. This act is effective when it becomes law.