



SENATE BILL 101: Omnibus Local Act

2015-2016 General Assembly

Committee: Rules and Operations of the Senate
Introduced by: Sen. Cook
Analysis of: Third Edition

Date: August 25, 2015
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SUMMARY: *Senate Bill 101 would do all of the following:*

- *Clarify that the chairman of the Elizabeth City-Pasquotank Board of Education votes only in the case of a tie.*
- *Add Beaufort, Dare, Gates, and Hyde Counties to the list of counties requiring the approval of the county board of commissioners of the county where the land is located before a unit of local government may condemn, purchase, lease, or exchange land outside its own county.*
- *Make a conforming change to the Gaston County Board of Commissioners and Gaston County Board of Education resulting from a change in township lines.*

CURRENT LAW & BILL ANALYSIS:

Section 1. The Elizabeth City-Pasquotank Board of Education is composed of seven members. The chair and vice chair of the Board of Education are selected by the Board. The chair is to preside over the meetings. The vice chair is entitled to vote in all matters, but neither the chair nor the vice chair may vote to create a tie, then vote to break the tie.

Section 1 of the bill would clarify that the chair votes only in the case of a tie, and that the vice chair, when sitting as the chair, shall vote only in the case of a tie. Otherwise, the vice chair may vote on matters before the board.

Section 2. G.S. 153A-15 states that when a county, municipality, or other unit of local government seeks to obtain property *located in another county* by eminent domain, purchase, lease, or exchange, the board of commissioners in the county where the property is located must approve the acquisition. Currently, G.S. 153A-15 applies in 85 counties.

Section 2 of the bill would add Beaufort, Dare, Gates, and Hyde Counties to the counties in which this law applies.

Section 3. County commissioners and school board members in Gaston County must reside in the district they represent, but all voters of county can vote for each member. The Gaston County Board of Commissioners recently voted to split Gastonia Township, the county's largest township, which had two representatives for both the board of commissioners and school board.

Section 3 would make conforming changes to the Gaston County Board of Commissioners and Gaston County Board of Education by providing for one representative each from North Gastonia Township and South Gastonia Township as a result of the split of Gastonia Township. The bill would not make any

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changes to the size of either board or to voting at-large, and it would not affect the office of any member elected or appointed before January 1, 2016.

EFFECTIVE DATE: Section 3 would become effective January 1, 2016, and would apply to elections held on or after that date. The remainder of the act would be effective when it becomes law.