



HOUSE BILL 35: Various County Public Notices.

2021-2022 General Assembly

Committee:	House Local Government. If favorable, re- refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 17, 2021
Introduced by:	Reps. Warren, Adams, Hanig	Prepared by:	Sarah Pilon*
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 35 would allow the counties of Burke, Currituck, Davidson, Davie, Iredell, Montgomery, Richmond, Rockingham, Rowan, Rutherford, and Stanly (including the municipalities located wholly within), to adopt ordinances authorizing the electronic publication of notices on their websites, in lieu of publication in a newspaper, and would allow the listed counties to adopt ordinances authorizing legally required notices from private or governmental entities to be published on the county website.*

CURRENT LAW: North Carolina law requires various legal notices and advertisements to be published in a newspaper of general circulation in the area impacted by the legal notice. Examples include judicial sales under Article 29A of Chapter 1 of the General Statutes, administration of estates under Chapter 28A of the General Statutes, and execution sales under Article 29B of Chapter 1 of the General Statutes.

More specifically, the General Statutes, and certain local acts, require governing boards of counties and cities to publish notice or to advertise prior to taking certain actions. When publishing notices, the county or city does so by inserting the notice in a newspaper qualified under G.S. 1-597 in that county or city. Some of the items that require notice or advertisement are:

- Various public hearings statutorily required prior to the county or city taking action or adopting certain ordinances, such as zoning ordinances. Often, the statute requiring the public hearing will specify how notice of the public hearing is to be given, usually publication in a newspaper of general circulation within a specified timeframe of the public hearing.
- Budget ordinance. Chapter 159.
- Sale and disposition of property. Article 12 of Chapter 160A.
- Purchase and contract bids. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.
- Development agreements. Article 18 of Chapter 153A and Article 19 of Chapter 160A.
- Dates of primary, general and special elections, and hours the voting places that will be open for those elections. Chapter 163.

BILL ANALYSIS:

House Bill 35 would do the following:

Section 1:

- Allow city councils (municipalities located wholly within the county) and the board of county commissioners in the listed counties to adopt an ordinance authorizing electronic publication on the

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website of the board of county commissioners of public notices and advertisements that are ordinarily required to be published in the newspaper.

- Require that an ordinance adopted under this section by a city council or the board of commissioners may control notice given by any board appointed by that respective council or board. This includes: planning boards, boards of social services, and boards of health.
- Allow a city council to adopt an ordinance under this section to utilize their respective board of county commissioner's website for electronic publication of the notice if that county has also adopted an ordinance.
- Allow a county board of elections to publish notice electronically on the website of the board of commissioners if the county board of commissioners has adopted an ordinance.

Section 2:

- Allow the listed counties to electronically publish, on the county's own website, any notice permitted or required by law to be published in a newspaper by another private or governmental entity, if that county's board of commissioners has adopted an ordinance establishing the county website as the central location for publishing or advertising legal notices. Counties must comply with certain conditions when publishing notices electronically.

EFFECTIVE DATE: The bill becomes effective when it becomes law and would apply to notices published on or after that date.

BACKGROUND: The following local governments are permitted to use electronic notice for public hearings: **Cabarrus** County (S.L. 2003-81), City of **Raleigh** and Town of **Lake Waccamaw** (S.L. 2003-161), Towns of **Apex**, **Garner**, and **Knightdale** (S.L. 2007-86), and Town of **Cary** (S.L. 2008-5), **Guilford** County, **Archdale**, **Burlington**, **Gibsonville**, **Greensboro**, **High Point**, **Jamestown**, **Kernersville**, **Oak Ridge**, **Pleasant Garden**, **Sedalia**, **Stokesdale**, **Summerfield**, and **Whitsett** (S.L. 2017-210).

**Staff Attorneys Erika Churchill and Billy R. Godwin substantially contributed to this summary.*