



# SENATE BILL 200: Onslow County Public Notices.

2023-2024 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	March 29, 2023
<b>Introduced by:</b>	Sen. Lazzara	<b>Prepared by:</b>	Billy Godwin
<b>Analysis of:</b>	Third Edition		Brad Krehely Staff Attorneys

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## **OVERVIEW:** *Senate Bill 200 would:*

- *Authorize Onslow County and municipalities located wholly or in part in Onslow County to adopt an ordinance to:*
  - *Allow any notice or advertisement the governing board is required to publish in a newspaper to be electronically published on the website of the county board of commissioners, either in lieu of or in addition to being published in a newspaper.*
  - *Allow electronic publication on the website of the county board of commissioners of any legal notice permitted or required by law to be published in a newspaper.*
- *Authorize the Onslow County board of elections to publish any notice, advertisement, or publications concerning elections required by law on the website of the board of county commissioners.*

**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.

The General Statutes, and sometimes local acts, also require governing boards of counties and cities to publish notice or to advertise in a newspaper qualified under G.S. 1-597 prior to taking certain actions. Examples include notice or advertisement of the following:

- Public hearings pertaining to development regulations such as adoption of zoning or subdivision ordinances, rezoning of existing parcels, and special use permits. Chapter 160D
- Adoption of a budget ordinance. Chapter 159.
- Consideration of the sale and disposition of property. Article 12 of Chapter 160A.
- Solicitation of bids for public contracts. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Special assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.

## **BILL ANALYSIS:**

**Section 1** of Senate Bill 200 would:

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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- Allow Onslow County and any municipality located wholly or in part in Onslow County to adopt an ordinance to electronically publish on the website of the county board of commissioners any notice or advertisement those governing boards are required to publish in a newspaper.
  - The electronic publication would be in lieu of or in addition to newspaper publication.
  - The electronic publication could include all governing board notices or advertisements or a clearly identified category of notices or advertisements.
- Authorize the ordinance to set reasonable fees to cover the cost of providing electronic notice on the county board of commissioners' website.
- Require a governing board that adopts an electronic publication ordinance to publish, in a newspaper for 12 consecutive months, instructions on how to access notices published electronically.
- Set forth website and administrative requirements that must be met for notices or advertisements published electronically.
- Provide that electronic publication authority applies to any board appointed by a county board of commissioners or city council that has adopted an electronic publication ordinance.
- Authorize the county board of elections to publish all notices, advertisements, and publications concerning elections required by law on the website of the county board of commissioners.
- Make conforming changes to related statutes.

**Section 2** of the bill would:

- Provide that in lieu of publishing in a newspaper, any notice that is permitted or required by law to be published in a newspaper may be accomplished by contracting with a county that has adopted an ordinance to publish such notice on its website.
- Authorize Onslow County to charge fees for the administrative costs to the county.
- Set forth website and administrative requirements that must be met for legal notices or advertisements published electronically.
- Require newspapers that publish legal notices to provide notice that public notices may be published on the county-maintained website, in the newspaper, or both.

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

**BACKGROUND:** The following local governments are currently 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](#)).

The following local governments have similar authority to what is being provided in Senate Bill 200: **Guilford** County, **Archdale**, **Burlington**, **Gibsonville**, **Greensboro**, **High Point**, **Jamestown**, **Kernersville**, **Oak Ridge**, **Pleasant Garden**, **Sedalia**, **Stokesdale**, **Summerfield**, and **Whitsett** ([S.L. 2017-210](#)).

*LAD Staff Attorneys Erika Churchill and Bill Patterson substantially contributed to this summary.*