

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 1009

Short Title: MSD Amendments. (Public)

Sponsors: Representatives McGrady and Moffitt (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO REFLECT POPULATION SHIFTS IN SINGLE-COUNTY DISTRICTS, TO MODIFY REPRESENTATION IN MULTICOUNTY DISTRICTS, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 162A-67(a) is amended by adding a new subdivision to read:

"(2a) Upon the expansion of the district into another county so that the district lies in two counties, the three board members appointed by the county in which the largest portion of the district lies (determined with reference to the land area of the district lying within the county as a percentage of the land area of the entire district at the time such appointment or reappointment is made) shall continue to serve on the district board, and the board of commissioners of the county in which the largest portion of the district lies shall, upon completion of their respective terms, reappoint such members or appoint other qualified voters residing in the county and district as their successors such that the county in which the largest portion of the district lies shall always have three members on the district board. The board of commissioners of the county in which the lesser portion of the district lies (determined with reference to the land area of the district lying within the county as a percentage of land area of the entire district at the time such appointment or reappointment is made) shall appoint to the district board two qualified voters residing in the county and district to serve for a term of three years and shall, upon completion of the board members' respective terms, reappoint such members or appoint other qualified voters residing in the county and district as their successors such that the county in which the lesser portion of the district lies shall always have two members on the district board."

**SECTION 2.** The prefatory language of G.S. 162A-67(a) reads as rewritten:

"(a) Appointment of Board for District Lying Wholly or Partly outside City or Town Limits. – The district board of a metropolitan sewerage district lying in whole or in part outside



1 the corporate limits of a city or town shall be appointed ~~immediately after the creation of the~~  
2 ~~district~~ in the following manner:"

3 **SECTION 3.** G.S. 162A-67(a)(4) reads as rewritten:

4 "(4) The governing body of each political subdivision, other than counties, lying  
5 in whole or in part within the district, shall appoint one member of the  
6 district ~~board.~~ board, except that no appointment shall be made by or in  
7 behalf of a political subdivision which has not appointed a member to the  
8 district board as of July 1, 2012, and which does not own or operate a public  
9 system for the collection of wastewater at the time of such appointment. ~~No~~  
10 appointment of a member of the district board shall be made by or in behalf  
11 of any political subdivision of which the board or boards of commissioners  
12 shall be the governing body. If any city or town within the district shall have  
13 a population, as determined from the latest decennial census, ~~greater than~~  
14 that of all other political subdivisions (other than counties) and  
15 unincorporated areas within the district, ~~more than one-half the combined~~  
16 population of all other political subdivisions (other than counties) and  
17 unincorporated areas within the district, the governing body of any such city  
18 or town shall appoint three members. For purposes of determining district  
19 board representation of political subdivisions other than counties, population  
20 shall be determined by reference to the most recent decennial census  
21 population of such political subdivisions and unincorporated areas of  
22 counties within the district which have district board representation at the  
23 time of such appointment and not merely that portion of the population  
24 residing within the district boundary itself. ~~All members and their successors~~  
25 appointed by the governing bodies of political subdivisions other than  
26 counties shall serve for a term of three years and shall be qualified voters  
27 residing in the district and the political subdivision from which they are  
28 appointed."

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

30 "**§ 162A-69. Powers generally; fiscal year.**

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

34 ...

35 (13c) To exercise all the powers of a Metropolitan Water District under Article 4  
36 of this Chapter.

37 ...."

38 **SECTION 5.** This act becomes effective July 1, 2012.