

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1074
Committee Substitute Favorable 4/23/03
Committee Substitute #2 Favorable 6/9/03
Senate Finance Committee Substitute Adopted 6/23/03
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/25/03

Short Title: Butner Adv. Council/Nash-Rocky Mt./Edgecombe. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY
2 COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE
3 MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE
4 THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE
5 JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME
6 CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN
7 OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN
8 THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE
9 EDGECOMBE COUNTY PUBLIC SCHOOL SYSTEM.
10

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 122C-413 reads as rewritten:

13 **"§ 122C-413. Butner Advisory Council; created.**

14 (a) There is created a Butner Advisory Council to consist of seven members, to
15 be elected by the residents of the ~~territorial jurisdiction established by G.S.~~
16 ~~122C-408(a),~~ Butner Advisory Council Jurisdiction. The Butner Advisory Council
17 Jurisdiction shall consist of the property shown on a map produced May 20, 2003, by
18 the Information Systems Division of the North Carolina General Assembly and kept on
19 file in the office of the Butner Town Manager and in the office of the Granville County
20 Board of Elections. The Butner Advisory Council shall be elected at a nonpartisan
21 election pursuant to G.S. 163-292 administered by the Granville County Board of
22 Elections to be set after preclearance from the federal Department of Justice. held in the
23 first odd-numbered year after preclearance under section 5 of the Voting Rights Act of
24 1965 is obtained. The Granville County Board of Elections may change the dates of the
25 candidate-filing period for the first election if preclearance is not obtained before the
26 statutory filing period begins.

1 (a1) Any resident of Butner who is also a resident of Durham County shall vote,
2 as if the voter were a Granville County resident, in any Butner election at a location in
3 the Granville County portion of Butner designated by the Granville County Board of
4 Elections or by absentee ballot if absentee voting is authorized by the Secretary. As
5 soon as possible after the close of registration for the election, the Durham County
6 Board of Elections shall send the Granville County Board of Elections any information
7 necessary to conduct the election, including all of the following:

8 (1) A set of mailing labels for all registered voters in Durham County who
9 are eligible to vote in the Butner election.

10 (2) A list of all registered voters in Durham County who are eligible to
11 vote in the Butner election.

12 (3) An official precinct roster to be used by the Granville County Board of
13 Elections to verify the eligibility to vote of persons presenting
14 themselves to vote in the election.

15 The Granville County Board of Elections shall mark on the official roster provided by
16 Durham County all those voters who vote in the election. Promptly after the election,
17 the Granville County Board of Elections shall return the roster to the Durham County
18 Board of Elections so it can update voter history for the Butner voters who are residents
19 of Durham County.

20 (b) ~~Members~~ All members of the Butner Advisory Council shall be elected at
21 ~~large,~~ large in one multiseat race, and the election shall be held in accordance with all
22 applicable federal and State constitutional and statutory provisions, including the Voting
23 Rights Act of 1965. For the purpose of elections under this Part, the jurisdiction shall be
24 considered a city under Chapters 160A and 163 of the General Statutes. ~~Statutes,~~ with
25 the Secretary, advised by the Advisory Council, acting as the governing body of the
26 city. Part 4 of Article 5 of Chapter 160A of the General Statutes does not apply to
27 Butner. In accordance with North Carolina law, a candidate for the Butner Advisory
28 Council must be a registered voter and a resident of the territorial jurisdiction
29 established by G.S. 122C-408(a). Butner Advisory Council Jurisdiction, as shown on a
30 map produced May 20, 2003, by the Information Systems Division of the North
31 Carolina General Assembly and kept on file in the office of the Butner Town Manager
32 and in the office of the Granville County Board of Elections.

33 (c) The candidates for the Butner Advisory Council shall file their notices of
34 candidacy and any required campaign finance report with the Granville County Board
35 of ~~Elections.~~ Elections, regardless of whether they live in the Granville or Durham
36 County portion of the jurisdiction. The Secretary, with the advice of the Advisory
37 Council, shall determine whether to authorize ~~Absentee~~ absentee voting by qualified
38 voters residing in the territorial jurisdiction shall be in accordance with G.S. 163-302.
39 The filing fee shall be ten dollars (\$10.00) for the first election of the Butner Advisory
40 Council. In subsequent elections, the Secretary, with the advice of the Advisory
41 Council, shall set the filing fee using the procedure in G.S. 163-294.2(e).

42 (d) The seven candidates receiving the highest numbers of votes shall be elected
43 ~~for the following terms:~~ four-year terms.

1 (1) ~~If the election is held in an even numbered year, the four candidates~~
2 ~~receiving the highest numbers of votes shall be elected for terms of~~
3 ~~four years, and the three candidates receiving the next highest numbers~~
4 ~~of votes shall be elected for terms of two years.~~

5 (2) ~~If the election is held in an odd numbered year, the four candidates~~
6 ~~receiving the highest numbers of votes shall be elected for terms of~~
7 ~~five years, and the three candidates receiving the next highest numbers~~
8 ~~of votes shall be elected for terms of three years.~~

9 ~~Biennially thereafter, in each even numbered year, the members whose terms expire~~
10 ~~shall be elected to four year terms.~~

11 (d1) The Department of Health and Human Services shall reimburse the Granville
12 County Board of Elections and, if necessary, the Durham County Board of Elections for
13 the actual cost of administering the election of the Butner Advisory Council according
14 to the provisions of G.S. 163-284 as if Butner were a city. Reimbursement shall not
15 come from General Fund appropriations or federal funds.

16 (e) The Chair of the Butner Advisory Council shall be elected from among its
17 members, shall serve a one-year term, may be reelected, and shall serve at the pleasure
18 of the council.

19 (f) The Butner Advisory Council shall comply with the applicable and relevant
20 provisions of Parts 1, 2, and 3 of Article 5 of Chapter 160A of the General Statutes with
21 respect to the filling of vacancies and the organization and procedures of the council as
22 if it were a city. Only those provisions of those Parts that are consistent with an advisory
23 council are applicable and relevant to the Butner Advisory Council.

24 (g) Neither the Secretary nor the Butner Advisory Council shall have any
25 authority over the Lyons Station Sanitary District, except as relates to fire and public
26 safety protection, as provided in Chapter 830 of the 1983 Session Laws and G.S.
27 122C-408."

28 **SECTION 2.** G.S. 122C-408(a) reads as rewritten:

29 "(a) The Secretary of Crime Control and Public Safety may employ special police
30 officers for the territory of the ~~Camp Butner reservation.~~ Butner Advisory Council
31 Jurisdiction. The territorial jurisdiction of these special police officers ~~shall include: (i)~~
32 ~~the Camp Butner reservation; (ii) the Lyons Station Sanitary District; and (iii) that part~~
33 ~~of Granville County adjoining the Butner reservation and the Lyons Station Sanitary~~
34 ~~District situated north and west of the intersection of Rural Paved Roads 1103 and 1106~~
35 ~~and bounded by those roads and the boundaries of the reservation and the sanitary~~
36 ~~district.~~ shall be the Butner Advisory Council Jurisdiction, as defined in G.S.
37 122C-413(a). The Secretary of Crime Control and Public Safety may organize these
38 special police officers into a public safety department for that territory and may
39 establish it as a division within that principal department as permitted by Chapter 143B
40 of the General Statutes."

41 **SECTION 3.** Section 1(a) of Chapter 830 of the 1983 Session Laws reads as
42 rewritten:

43 "**Section 1.(a)** The territorial jurisdiction of the Butner Police and Fire Protection
44 District shall ~~include: (i) any property formerly a part of the original Camp Butner~~

1 ~~reservation, including both those areas currently owned and occupied by the State and~~
2 ~~its agencies and those which may have been leased or otherwise disposed of by the~~
3 ~~State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County~~
4 ~~adjoining the Butner reservation and the Lyons Station Sanitary District situated north~~
5 ~~and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those~~
6 ~~roads and the boundaries of said reservation and said sanitary district.~~be the Butner
7 Advisory Council Jurisdiction, as defined in G.S. 122C-413(a)."

8 **SECTION 4.** To reflect the boundary agreed on by the Nash-Rocky Mount
9 Board of Education at its November 4, 2002, meeting and by the Edgecombe County
10 Board of Education at its May 12, 2003, meeting, Chapter 391 of the 1991 Session
11 Laws is amended by adding a new section to read:

12 "**Sec. 3.1.** Except as follows, the county line between Nash and Edgecombe Counties
13 shall be the boundary line between the Nash-Rocky Mount School Administrative Unit
14 and the Edgecombe County Public School System (as renamed by S.L. 2003-125):

15 Beginning in southeast Rocky Mount the boundary between the two school units
16 shall go east from the county line at the intersection of Kingston Avenue and Sutton
17 Road, following Little Cokey Swamp Creek to Old Wilson Road, then north on Old
18 Wilson Road to its intersection with Proctor Street, then diagonally northeast from the
19 intersection of Old Wilson Road and Proctor Street across undeveloped land to the
20 intersection of Cokey Road and Pitt Street, then northwest on Cokey Road to the
21 Norfolk Railroad tracks, then east along the railroad tracks to Glendale Avenue, then
22 north on South Glendale Avenue to its intersection with Melody Lane, then east on
23 Melody Lane to its intersection with Ashland Avenue, then north on Ashland Avenue to
24 its intersection with Rosewood Avenue, then east on Rosewood Avenue to its
25 intersection with Courtland Avenue, then north on Courtland Avenue to its intersection
26 with Vernon Road, then east on Vernon Road to its intersection with Meadowbrook
27 Road, then northwest on Meadowbrook Road to its intersection with Business US64
28 (North Raleigh Street), then west on Business US64 (North Raleigh Street) to its
29 intersection with Stokes Street, then north on Stokes Street to its intersection with King
30 Circle, then east and north on King Circle to its intersection with Barnes Street, then
31 north on Barnes Street to its intersection with Charter Drive, then east on Charter Drive
32 to its intersection with Anne Street, then north on Anne Street to its intersection with
33 Cherry Street, then east on Cherry Street to its intersection with Harper Street, then
34 north on Harper Street to its intersection with Leggett Road, then west and southwest on
35 Leggett Road to the underpass at Bypass US64, then west on Bypass US64 to the
36 Nash-Edgecombe County line."

37 **SECTION 5.** This act is effective when it becomes law.