

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 35\***  
**Transportation Committee Substitute Adopted 3/19/03**  
**House Committee Substitute Favorable 7/16/03**

Short Title: Charter Schools/Deed Registration.

(Public)

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Sponsors:

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Referred to:

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February 13, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE CLOVER GARDEN CHARTER SCHOOL TO ELECT  
2 TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE  
3 EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO AUTHORIZE  
4 THE STATE BOARD OF EDUCATION TO GRANT OR RENEW CHARTERS  
5 FOR CHARTER SCHOOLS FOR PERIODS UP TO TEN YEARS, TO REQUIRE  
6 THE STATE BOARD OF EDUCATION TO REVIEW THE OPERATIONS OF  
7 CHARTER SCHOOLS AT LEAST EVERY FIVE YEARS, AND TO MODIFY  
8 THE AUTHORITY OF THE DUPLIN BOARD OF COUNTY COMMISSIONERS  
9 TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT  
10 ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION  
11 UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO  
12 DELINQUENT TAXES ARE DUE ON THAT PROPERTY.  
13

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** Notwithstanding the time limitations contained in G.S.  
16 135-40.3A(b), the board of directors of Clover Garden Charter School in Alamance  
17 County may elect to become a participating employing unit in the North Carolina  
18 Teachers' and State Employees' Comprehensive Major Medical Plan in accordance with  
19 Article 3 of Chapter 135 of the General Statutes. The election authorized by this section  
20 shall be made no later than 30 days after the effective date of this act and shall be made  
21 in accordance with all other requirements of G.S. 135-40.3A.

22 **SECTION 2.** G.S. 115C-238.29D(d) reads as rewritten:

23 "(d) The State Board of Education may grant the initial charter for a period not to  
24 exceed ~~five~~ 10 years and may renew the charter upon the request of the chartering entity  
25 for subsequent periods not to exceed ~~five~~ 10 years each. The State Board of Education  
26 shall review the operations of each charter school at least once every five years to  
27 ensure that the school is meeting the expected academic, financial, and governance  
28 standards.

1 A material revision of the provisions of a charter application shall be made only  
2 upon the approval of the State Board of Education.

3 It shall not be considered a material revision of a charter application and shall not  
4 require the prior approval of the State Board for a charter school to increase its  
5 enrollment during the charter school's second year of operation and annually thereafter  
6 (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in  
7 accordance with planned growth as authorized in the charter. Other enrollment growth  
8 shall be considered a material revision of the charter application, and the State Board  
9 may approve such additional enrollment growth of greater than ten percent (10%) only  
10 if the State Board finds that:

- 11 (1) The actual enrollment of the charter school is within ten percent (10%)  
12 of its maximum authorized enrollment;
- 13 (2) The charter school has commitments for ninety percent (90%) of the  
14 requested maximum growth;
- 15 (3) The board of education of the local school administrative unit in which  
16 the charter school is located has had an opportunity to be heard by the  
17 State Board of Education on any adverse impact the proposed growth  
18 would have on the unit's ability to provide a sound basic education to  
19 its students;
- 20 (4) The charter school is not currently identified as low-performing;
- 21 (5) The charter school meets generally accepted standards of fiscal  
22 management; and
- 23 (6) It is otherwise appropriate to approve the enrollment growth."

24 **SECTION 3.** G.S. 161-31, as amended by S.L. 2003-72 and S.L. 2003-189,  
25 reads as rewritten:

26 "(a) Tax Certification. – The board of commissioners of a county may, by  
27 resolution, require the register of deeds not to accept any deed transferring real property  
28 for registration unless the county tax collector has certified that no delinquent ad  
29 valorem county taxes, ad valorem municipal taxes, or other taxes with which the  
30 collector is charged are a lien on the property described in the deed. The county  
31 commissioners may describe the form the certification must take in its resolution.

32 (a1) Exception to Tax Certification. – If a board of county commissioners adopts a  
33 resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the  
34 register of deeds shall accept without certification a deed submitted for registration  
35 under the supervision of a closing attorney and containing this statement on the deed:  
36 "This instrument prepared by: \_\_\_\_\_, a licensed North Carolina attorney.  
37 Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector  
38 upon disbursement of closing proceeds.

39 (b) Applicability. – This section applies only to Alleghany, Anson, Beaufort,  
40 Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck,  
41 Davidson, Duplin, Durham, Forsyth, Gaston, Gates, Graham, Granville, Harnett,  
42 Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, Macon, Madison, Martin,  
43 Montgomery, Northampton, Pasquotank, Perquimans, Person, Pitt, Polk, Rockingham,

1 Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, and  
2 Yadkin Counties."

3           **SECTION 4.** Section 2 of this act is effective when it becomes law and  
4 applies to charters granted or renewed on or after that date. The remainder of this act is  
5 effective when it becomes law.