

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**HOUSE BILL 538
RATIFIED BILL**

AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-388(e)(2), as enacted by Section 2 of S.L. 2013-126, reads as rewritten:

"(2) A member of any board exercising ~~quasi-judicial functions pursuant to this Article~~ the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection."

SECTION 2. G.S. 160A-393 is repealed.

SECTION 3. G.S. 160A-377 is repealed.

SECTION 4. This act applies to the Town of Apex only.

SECTION 5. This act becomes effective October 1, 2013, and applies to quasi-judicial decisions of the Town on or after that date.

In the General Assembly read three times and ratified this the 17th day of July, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

