

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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**HOUSE BILL 205
Committee Substitute Favorable 3/8/17
Senate Commerce and Insurance Committee Substitute Adopted 5/24/17
Proposed Conference Committee Substitute H205-PCCS10403-RNf-1**

Short Title: WC Changes/Legal Notice Modernization. (Public)

Sponsors:

Referred to:

March 1, 2017

A BILL TO BE ENTITLED

1 AN ACT TO AMEND PROVISIONS OF THE WORKERS' COMPENSATION ACT
2 RELATING TO PRISONERS AND TO THE REBUTTABLE PRESUMPTION
3 REGARDING NEWSPRINT EMPLOYEES; TO MODERNIZE PUBLICATION OF
4 LEGAL ADVERTISEMENTS AND NOTICES; TO ALLOW GUILFORD COUNTY
5 AND ANY MUNICIPALITY IN GUILFORD COUNTY TO USE ELECTRONIC
6 MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION; AND TO
7 ALLOW GUILFORD COUNTY TO OPT TO POST LEGAL ADVERTISEMENTS AND
8 NOTICES ON THE COUNTY WEB SITE FOR A FEE WITH MONIES COLLECTED
9 TO BE USED FOR LOCAL SUPPLEMENTS FOR TEACHER SALARY AND OTHER
10 COUNTY NEEDS.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 97-13 is amended by adding a new subsection to read:

14 "(c1) Certain Inmates. – Notwithstanding the thirty dollars (\$30.00) per week limit in
15 subsection (c) of this section, the average weekly wage of inmates employed pursuant to the
16 Prison Industry Enhancement Program shall be calculated pursuant to G.S. 97-2(5)."

17 **SECTION 2.(a)** G.S. 97-2(2) reads as rewritten:

18 "(2) Employee. – The term "employee" means every person engaged in an
19 employment under any appointment or contract of hire or apprenticeship,
20 express or implied, oral or written, including aliens, and also minors,
21 whether lawfully or unlawfully employed, but excluding persons whose
22 employment is both casual and not in the course of the trade, business,
23 profession, or occupation of his employer, and as relating to those so
24 employed by the State, the term "employee" shall include all officers and
25 employees of the State, including such as are elected by the people, or by the
26 General Assembly, or appointed by the Governor to serve on a per diem,
27 part-time or fee basis, either with or without the confirmation of the Senate;
28 as relating to municipal corporations and political subdivisions of the State,
29 the term "employee" shall include all officers and employees thereof,
30 including such as are elected by the people. The term "employee" shall
31 include members of the North Carolina National Guard while on State active
32 duty under orders of the Governor and members of the North Carolina State
33 Defense Militia while on State active duty under orders of the Governor. The
34 term "employee" shall include deputy sheriffs and all persons acting in the



1 capacity of deputy sheriffs, whether appointed by the sheriff or by the
2 governing body of the county and whether serving on a fee basis or on a
3 salary basis, or whether deputy sheriffs serving upon a full-time basis or a
4 part-time basis, and including deputy sheriffs appointed to serve in an
5 emergency, but as to those so appointed, only during the continuation of the
6 emergency. The sheriff shall furnish to the board of county commissioners a
7 complete list of all deputy sheriffs named or appointed by him immediately
8 after their appointment and notify the board of commissioners of any
9 changes made therein promptly after such changes are made. Any reference
10 to an employee who has been injured shall, when the employee is dead,
11 include also the employee's legal representative, dependents, and other
12 persons to whom compensation may be payable: Provided, further, that any
13 employee, as herein defined, of a municipality, county, or of the State of
14 North Carolina, while engaged in the discharge of the employee's official
15 duty outside the jurisdictional or territorial limits of the municipality, county,
16 or the State of North Carolina and while acting pursuant to authorization or
17 instruction from any superior officer, shall have the same rights under this
18 Article as if such duty or activity were performed within the territorial
19 boundary limits of their employer.

20 Except as otherwise provided herein, every executive officer elected or
21 appointed and empowered in accordance with the charter and bylaws of a
22 corporation shall be considered as an employee of such corporation under
23 this Article.

24 Any such executive officer of a corporation may, notwithstanding any
25 other provision of this Article, be exempt from the coverage of the
26 corporation's insurance contract by such corporation's specifically excluding
27 such executive officer in such contract of insurance, and the exclusion to
28 remove such executive officer from the coverage shall continue for the
29 period such contract of insurance is in effect, and during such period such
30 executive officers thus exempted from the coverage of the insurance contract
31 shall not be employees of such corporation under this Article.

32 All county agricultural extension service employees who do not receive
33 official federal appointments as employees of the United States Department
34 of Agriculture and who are field faculty members with professional rank as
35 designated in the memorandum of understanding between the North
36 Carolina Agricultural Extension Service, North Carolina State University, A
37 & T State University, and the boards of county commissioners shall be
38 deemed to be employees of the State of North Carolina. All other county
39 agricultural extension service employees paid from State or county funds
40 shall be deemed to be employees of the county board of commissioners in
41 the county in which the employee is employed for purposes of workers'
42 compensation.

43 The term "employee" shall also include members of the Civil Air Patrol
44 currently certified pursuant to G.S. 143B-1031(a) when performing duties in
45 the course and scope of a State-approved mission pursuant to Subpart C of
46 Part 5 of Article 13 of Chapter 143B of the General Statutes.

47 "Employee" shall not include any person performing voluntary service as
48 a ski patrolman who receives no compensation for such services other than
49 meals or lodging or the use of ski tow or ski lift facilities or any combination
50 thereof.

1 "Employee" shall not include any person elected or appointed and
2 empowered as an executive officer, director, or committee member under the
3 charter, articles, or bylaws of a nonprofit corporation subject to Chapter
4 47A, 47C, 47F, 55A, or 59B of the General Statutes, or any organization
5 exempt from federal income tax under section 501(c)(3) of the Internal
6 Revenue Code, who performs only voluntary service for the nonprofit
7 corporation, provided that the person receives no remuneration for the
8 voluntary service other than reasonable reimbursement for expenses incurred
9 in connection with the voluntary service. When a nonprofit corporation as
10 described herein employs one or more persons who do receive remuneration
11 other than reasonable reimbursement for expenses, then any volunteer
12 officers, directors, or committee members excluded from the definition of
13 "employee" by operation of this paragraph shall be counted as employees for
14 the sole purpose of determining the number of persons regularly employed
15 in the same business or establishment pursuant to G.S. 97-2(1). Other than
16 for the limited purpose of determining the number of persons regularly
17 employed in the same business or establishment, such volunteer nonprofit
18 officers, directors, or committee members shall not be "employees" under
19 the Act. Nothing herein shall prohibit a nonprofit corporation as described
20 herein from voluntarily electing to provide for workers' compensation
21 benefits in the manner provided in G.S. 97-93 for volunteer officers,
22 directors, or committee members excluded from the definition of
23 "employee" by operation of this paragraph. This paragraph shall not apply to
24 any volunteer firefighter, volunteer member of an organized rescue squad, an
25 authorized pickup firefighter when that individual is engaged in emergency
26 fire suppression activities for the North Carolina Forest Service, a duly
27 appointed and sworn member of an auxiliary police department organized
28 pursuant to G.S. 160A-282, or a senior member of the State Civil Air Patrol
29 functioning under Subpart C of Part 5 of Article 13 of Chapter 143B of the
30 General Statutes, even if such person is elected or appointed and empowered
31 as an executive officer, director, or committee member under the charter,
32 articles, or bylaws of a nonprofit corporation as described herein.

33 Any sole proprietor or partner of a business or any member of a limited
34 liability company may elect to be included as an employee under the
35 workers' compensation coverage of such business if he is actively engaged in
36 the operation of the business and if the insurer is notified of his election to
37 be so included. Any such sole proprietor or partner or member of a limited
38 liability company shall, upon such election, be entitled to employee benefits
39 and be subject to employee responsibilities prescribed in this Article.

40 "Employee" shall include an authorized pickup firefighter of the North
41 Carolina Forest Service of the Department of Agriculture and Consumer
42 Services when that individual is engaged in emergency fire suppression
43 activities for the North Carolina Forest Service. As used in this section,
44 "authorized pickup firefighter" means an individual who has completed
45 required fire suppression training as a wildland firefighter and who is
46 available as needed by the North Carolina Forest Service for emergency fire
47 suppression activities, including immediate dispatch to wildfires and standby
48 for initial attack on fires during periods of high fire danger.

49 ~~It shall be a rebuttable presumption that the term "employee" shall not~~
50 ~~include any person performing services in the sale of newspapers or~~
51 ~~magazines to ultimate consumers under an arrangement whereby the~~

1 newspapers or magazines are to be sold by that person at a fixed price and
2 the person's compensation is based on the retention of the excess of the fixed
3 price over the amount at which the newspapers or magazines are charged to
4 the person."

5 **SECTION 2.(b)** This section becomes effective January 1, 2018.

6 **SECTION 3.(a)** Article 50 of Chapter 1 of the General Statutes reads as rewritten:

7 "Article 50.

8 "General Provisions as to Legal Advertising.

9 **"§ 1-595. Advertisement of public sales.**

10 When a statute or written instrument stipulates that an advertisement of a sale shall be made
11 for any certain number of weeks, a publication once a week for the number of weeks so
12 indicated is a sufficient compliance with the requirement, unless contrary provision is expressly
13 made by the terms of the instrument.

14 **"§ 1-596. Charges for legal advertising.**

15 (a) The publication of all advertising required by law to be made in newspapers in this
16 State shall be paid for at not to exceed the local commercial rate of the newspapers selected.
17 Any public or municipal officer or board created by or existing under the laws of this State that
18 is now or may hereafter be authorized by law to enter into contracts for the publication of legal
19 advertisements is hereby authorized to pay therefor prices not exceeding said rates.

20 No newspaper in this State shall accept or print any legal advertising until said newspaper
21 shall have first filed with the clerk of the superior court of the county in which it is published a
22 sworn statement of its current commercial rate for the several classes of advertising regularly
23 carried by said publication, and any owner or manager of a newspaper violating the provisions
24 of this section shall be guilty of a Class 1 misdemeanor.

25 (b) When a notice is required by statute to be published by a unit of government more
26 than once and is paid for by the unit of government and the cost of publication is not paid in
27 advance by or allowed to be recouped from private parties, the unit of government may not be
28 charged for the second and successive publications of that notice at a rate greater than
29 eighty-five percent (85%) of the rate charged for the first publication in the series.

30 **"§ 1-597. Regulations for newspaper publication of legal notices, advertisements, etc.**

31 (a) Whenever a notice or any other paper, document or legal advertisement of any kind
32 or description shall be authorized or required by any of the laws of the State of North Carolina,
33 heretofore or hereafter enacted, or by any order or judgment of any court of this State to be
34 published or advertised in a newspaper, such publication, advertisement or notice shall be of no
35 force and effect unless it shall be published in a newspaper with a general circulation to actual
36 paid subscribers ~~which newspaper at the time of such publication, advertisement or notice, shall~~
37 ~~have been admitted to the United States mails in the Periodicals class in the county or political~~
38 ~~subdivision where such publication, advertisement or notice is required to be published, and~~
39 ~~which shall have been regularly and continuously issued in the county in which the publication,~~
40 ~~advertisement or notice is authorized or required to be published, at least one day in each~~
41 ~~calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the~~
42 ~~first publication of such advertisement, publication or notice; provided that in the event that a~~
43 ~~newspaper otherwise meeting the qualifications and having the characteristics prescribed by~~
44 ~~G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to~~
45 ~~publish one or more of its issues such newspaper shall nevertheless be deemed to have~~
46 ~~complied with the requirements of regularity and continuity of publication prescribed herein.~~
47 ~~Provided further, that where any city or town is located in two or more adjoining counties, any~~
48 ~~newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be~~
49 ~~deemed to be admitted to the mails, issued and published in all such counties in which such~~
50 ~~town or city of publication is located, and every publication, advertisement or notice required to~~
51 ~~be published in any such city or town or in any of the counties where such city or town is~~

1 ~~located shall be valid if published in a newspaper published, issued and admitted to the mails~~
2 ~~anywhere within any such city or town, regardless of whether the newspaper's plant or the post~~
3 ~~office where the newspaper is admitted to the mails is in such county or not, if the newspaper~~
4 ~~otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision~~
5 ~~shall be retroactive to May 1, 1940, and all publications, advertisements and notices published~~
6 ~~in accordance with this provision since May 1, 1940, are hereby validated.~~satisfying all of the
7 following criteria:

- 8 (1) The newspaper has a content that appeals to the public generally.
- 9 (2) The newspaper must have at least 100 paid subscribers and distribute at least
10 1,000 copies per issue in the county where the newspaper is seeking
11 qualification.
- 12 (3) The newspaper's paid subscriber distribution is not entirely limited
13 geographically to one community or section of the county where the
14 newspaper is seeking qualification.
- 15 (4) In the county where the newspaper is seeking qualification, any person who
16 wishes to do so may subscribe to the newspaper.
- 17 (5) The newspaper must have regularly and continuously published for at least
18 one day in each calendar week for at least 50 of the 52 consecutive weeks
19 immediately preceding the date of the application.
- 20 (6) The newspaper maintains a physical location in the county.

21 (b) Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper,
22 document or legal advertisement of any kind or description shall be authorized or required by
23 any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order
24 or judgment of any court of this State to be published or advertised in a newspaper qualified for
25 legal advertising in a county and there is no newspaper qualified for legal advertising as
26 defined in this section in such county, then it shall be deemed sufficient compliance with such
27 laws, order or judgment by publication of such notice or any other such paper, document or
28 legal advertisement of any kind or description in a newspaper published in an adjoining county
29 or in a county within the same district court district as defined in G.S. 7A-133 or superior court
30 district or set of districts as defined in G.S. 7A-41.1, as the case may be; provided, if the clerk
31 of the superior court finds as a fact that such newspaper otherwise meets the requirements of
32 this section and has a general circulation in such county where no newspaper is published
33 meeting the requirements of this section.

34 **"§ 1-597.5. Requirements for electronic publication.**

35 (a) If the newspaper maintains an Internet Web site displaying the contents of the
36 newspaper, then, at no additional charge, each notice shall be placed on that newspaper's
37 Internet Web site on the same day that the notice appears in the print newspaper. The
38 newspaper shall comply with all of the following with respect to the Internet Web site display:

- 39 (1) A hyperlink to legal notices shall be provided on the front page of the
40 newspaper's Internet Web site that provides access to the legal notices
41 without charge.
- 42 (2) If there is a specified size and placement required for a printed legal notice,
43 the size and placement of the notice on the newspaper's Internet Web site
44 shall optimize its online visibility in keeping with the print requirement.
- 45 (3) The newspaper's Internet Web site pages that contain legal notices shall
46 present the legal notices as the dominant subject matter of those pages.
- 47 (4) The newspaper's Internet Web site shall contain a search function to
48 facilitate searching legal notices.
- 49 (5) Notification for the electronic mail registry, as required by subsection (b) of
50 this section, shall be available on the front page of the legal notices section
51 of the newspaper's Internet Web site.

1 (b) Upon request of a person, newspapers that publish notices shall provide electronic
2 mail notification to that person of legal notices when such notices are printed in the newspaper
3 or added to the newspaper's Internet Web site. The electronic mail notification shall be
4 provided without charge. For any legal notice required to be published more than once,
5 electronic mail notification required by this subsection shall apply only to the first publication
6 in the series of that notice.

7 (c) Any error in the placement of a governmental legal notice on a newspaper's Internet
8 Web site or the delivery of an electronic mail notification shall be considered harmless error.
9 The requirement of proper legal notice shall be deemed to have been met if the notice is
10 properly published in the print edition of the newspaper.

11 **"§ 1-598. Sworn statement prima facie evidence of qualifications; affidavit of**
12 **~~publication.~~ publication by a newspaper.**

13 (a) Whenever any owner, partner, publisher, or other authorized officer or employee of
14 any newspaper which has published a notice or any other paper, document or legal
15 advertisement within the meaning of G.S. 1-597 has made a written statement under oath taken
16 before any notary public or other officer or person authorized by law to administer oaths,
17 stating that the newspaper in which such notice, paper, document, or legal advertisement was
18 published, was, at the time of such publication, a newspaper meeting all of the requirements
19 and qualifications prescribed by G.S. 1-597, such sworn written statement shall be received in
20 all courts in this State as prima facie evidence that such newspaper was at the time stated
21 therein a newspaper meeting the requirements and qualifications of G.S. 1-597. When filed in
22 the office of the clerk of the superior court of any county in which the publication of such
23 notice, paper, document or legal advertisement was required or authorized, any such sworn
24 statement shall be deemed to be a record of the court, and such record or a copy thereof duly
25 certified by the clerk shall be prima facie evidence that the newspaper named was at the time
26 stated therein a qualified newspaper within the meaning of G.S. 1-597. Nothing in this section
27 shall preclude proof that a newspaper was or is a qualified newspaper within the meaning of
28 G.S. 1-597 by any other competent evidence. Any such sworn written statement shall be prima
29 facie evidence of the qualifications on any newspaper at the time of any publication of any
30 notice, paper, document, or legal advertisement published in such newspaper at any time from
31 and after the first day of May, 1940.

32 (b) The owner, a partner, publisher or other authorized officer or employee of any
33 newspaper in which such notice, paper, document or legal advertisement is published, when
34 such newspaper is a qualified newspaper within the meaning of G.S. 1-597, shall include in the
35 affidavit of publication of such notice, paper, document or legal advertisement a statement that
36 at the time of such publication such newspaper was a qualified newspaper within the meaning
37 of G.S. 1-597.

38 **"§ 1-599. Application of two preceding sections.**

39 The provisions of G.S. 1-597 and G.S. 1-598 shall not apply in counties wherein only one
40 newspaper is published, although it may not be a newspaper having the qualifications
41 prescribed by G.S. 1-597; nor shall the provisions of G.S. 1-597 and G.S. 1-598 apply in any
42 county wherein none of the newspapers published in such county has the qualifications and
43 characteristics prescribed in G.S. 1-597.

44 **"§ 1-600. Proof of publication of notice in newspaper; prima facie evidence.**

45 (a) Publication of any notice permitted or required by law to be published in a
46 newspaper may be proved by a printed copy of the notice together with an affidavit made
47 before some person authorized to administer oaths, of the publisher, proprietor, editor,
48 managing editor, business or circulation manager, advertising, classified advertising or any
49 other advertising manager or foreman of the newspaper, showing that the notice has been
50 printed therein and the date or dates of publication. If the newspaper is published by a
51 corporation, the affidavit may be made by one of the persons hereinbefore designated or by the

1 president, vice president, secretary, assistant secretary, treasurer, or assistant treasurer of the
2 corporation.

3 (b) Such affidavit and copy of the notice shall constitute prima facie evidence of the
4 facts stated therein concerning publication of such notice.

5 (c) The method of proof of publication of a notice provided for in this section is not
6 exclusive, and the facts concerning such publication may be proved by any competent
7 evidence.

8 **"§ 1-601. Certain legal advertisements validated.**

9 Legal advertisements published prior to June 1, 1983, by a newspaper that met every
10 requirement for publication of legal notices and advertisements under G.S. 1-597 when the
11 advertisement was published except that the newspaper had a second class United States mail
12 permit in a county adjacent to the county in which the advertisement was published instead of
13 the county in which it was published may not be held to be invalid because of the lack of a
14 second class United States mail permit in the proper county.

15 **"§ 1-603. Reserved for future codification purposes.**

16 **"§ 1-604. Reserved for future codification purposes."**

17 **SECTION 3.(b)** G.S. 45-21.17(1)b. reads as rewritten:

18 "b. And in addition thereto,

- 19 1. The notice shall be published once a week for at least two
20 successive weeks in a newspaper ~~published and~~ qualified for
21 legal advertising pursuant to G.S. 1-597 in the county in
22 which the property is situated.
- 23 2. If no such newspaper is ~~published qualified in the that~~ county,
24 then notice shall be published once a week for at least two
25 successive weeks in a newspaper ~~having a general circulation~~
26 ~~in the county~~ accordance with G.S. 1-597(b).
- 27 3. ~~In addition to the required newspaper advertisement, the clerk~~
28 ~~may in his discretion, on application of any interested party,~~
29 ~~authorize such additional advertisement as in the opinion of~~
30 ~~the clerk will serve the interest of the parties, and permit the~~
31 ~~charges for such further advertisement to be taxed as a part of~~
32 ~~the costs of the foreclosure."~~

33 **SECTION 3.(c)** The validation of any publication, advertisement, or notice
34 pursuant to a previous enactment of G.S. 1-597 remains in effect and is not affected by any
35 modifications of that statute enacted by this act.

36 **SECTION 3.(d)** This section becomes effective October 1, 2017.

37 **SECTION 4.(a)** Part 3 of Article 4 of Chapter 153A of the General Statutes is
38 amended by adding a new section to read:

39 **"§ 153A-52.2. Electronic notice for notices required to be published by the board.**

40 (a) Except as provided in this section, the governing board may adopt an ordinance
41 providing that any notice it is required by law to publish or advertise, whether under
42 G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general
43 law, or under any local act, may be published electronically as provided by this section in lieu
44 of or in addition to the required publication or advertisement. The ordinance may cover all
45 notices required to be published or advertised or a clearly identified category of notices.

46 (b) Upon adoption of an ordinance under subsection (a) of this section, the governing
47 board shall publish specific instructions as to how to access all notices published electronically
48 under the ordinance adopted pursuant to this section at least once a month for 12 months in a
49 newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.

50 (c) Any notice published under an ordinance adopted pursuant to subsection (a) of this
51 section shall comply with all of the following:

- 1 (1) The notice is published on the Web site of the governing board no later than
2 the time that publication is required under the applicable statute or local act.
3 (2) The Web site contains, on its main page, links to all notices or a link to
4 another page with links to all notices.
5 (3) Notices and links to all notices on the Web site shall be maintained on that
6 Web site for at least one year after publication and shall be searchable.
7 (4) A copy of the notice shall be filed in a notice book maintained separate and
8 apart from the ordinance book or minutes of the governing board. The notice
9 book shall be appropriately indexed and maintained for public inspection in
10 the office of the clerk or in the office of another individual who is an
11 employee of the governing board, as designated in the ordinance adopted
12 pursuant to this section.
13 (5) A copy of the notice shall be mailed or e-mailed to any person who has filed
14 a written request for notice with the clerk or secretary of the governing board
15 or with some other person designated by the governing board. The governing
16 board may require each person submitting such a written request for notice
17 to renew that request annually.

18 (d) Ordinances adopted pursuant to this section may not supersede any general law or
19 local act that requires notice by mail to certain persons or classes of persons or the posting of
20 signs on certain property.

21 (e) The ordinance adopted by the governing board may control notice given by any
22 board appointed by the governing board, including the planning board, board of social services,
23 and board of health.

24 (f) For purposes of this section, "governing board" means the body elected or appointed
25 as the board of county commissioners, city council, or county board of elections."

26 **SECTION 4.(b)** G.S. 160A-1(7) reads as rewritten:

27 "(7) "Publish," "publication," and other forms of the verb "to publish" mean
28 ~~insertion~~ any of the following:

29 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
30 advertisements in the county or counties in which the city is located.

31 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has
32 been adopted by the governing board."

33 **SECTION 4.(c)** G.S. 153A-1(6) reads as rewritten:

34 "(6) "Publish," "publication," and other forms of the verb "to publish" mean
35 ~~insertion~~ any of the following:

36 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
37 advertisements in the county.

38 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has
39 been adopted by the governing board."

40 **SECTION 4.(d)** G.S. 159-1(b)(5) reads as rewritten:

41 "(5) "Publish," "publication," and other forms of the word "publish" mean
42 ~~insertion~~ any of the following:

43 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
44 advertisements.

45 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has
46 been adopted by that governing board."

47 **SECTION 4.(e)** G.S. 163-33(8) reads as rewritten:

48 "**§ 163-33. Powers and duties of county boards of elections.**

49 The county boards of elections within their respective jurisdictions shall exercise all powers
50 granted to such boards in this Chapter, and they shall perform all the duties imposed upon them
51 by law, which shall include the following:

1 ...
2 (8) To provide for the issuance of all notices, advertisements, and publications
3 concerning elections required by law. If the election is on a State bond issue,
4 an amendment to the Constitution, or approval of an act submitted to the
5 voters of the State, the State Board of Elections shall reimburse the county
6 boards of elections for their reasonable additional costs in placing such
7 notices, advertisements, and publications. In addition, the county board of
8 elections shall give notice at least 20 days prior to the date on which the
9 registration books or records are closed that there will be a primary, general
10 or special election, the date on which it will be held, and the hours the voting
11 places will be open for voting in that election. The notice also shall describe
12 the nature and type of election, and the issues, if any, to be submitted to the
13 voters at that election. Notice shall be given by advertisement at least once
14 weekly during the 20-day period in a newspaper having general circulation
15 in the county and by posting a copy of the notice at the courthouse door.
16 Notice may additionally be made on a radio or television station or both, but
17 such notice shall be in addition to the newspaper and other required notice.
18 This subdivision shall not apply in the case of bond elections called under
19 the provisions of Chapter 159. The county board may adopt a policy in
20 accordance with G.S. 153A-52.2 to provide for notices, advertisements, and
21 publications to be given electronically."

22 **SECTION 4.(f)** This section applies only to Guilford County and any municipality
23 located wholly or partly in Guilford County.

24 **SECTION 4.(g)** This section becomes effective October 1, 2017, and applies to
25 notices published on or after that date.

26 **SECTION 5.(a)** Article 50 of Chapter 1 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 1-602. Publication via county-maintained Web site.**

29 (a) In lieu of publishing in a newspaper in accordance with this Article, publication of
30 any notice permitted or required by law to be published in a newspaper may be accomplished
31 by contracting with a county who has adopted an ordinance under G.S. 153A-458 to publish
32 such notice on the county-maintained Web site.

33 (b) The county shall charge fees as follows for such publication:

34 (1) For foreclosures, except those initiated by that county, four hundred fifty
35 dollars (\$450.00).

36 (2) For other notices, except those by the State or any other political subdivision
37 thereof, one hundred dollars (\$100.00).

38 (3) For notices by the State or any other political subdivision thereof, other than
39 that county, ten dollars (\$10.00).

40 (4) For notices by that county, no fee shall be charged.

41 (c) All fees collected under this section shall be distributed as follows:

42 (1) Ten percent (10%) for administrative costs of the county.

43 (2) Forty percent (40%) to the county general fund.

44 (3) Fifty percent (50%) to the local board of education for payment of local
45 supplements for teachers as defined by G.S. 115C-325.1(6).

46 (d) Whenever a county has published a notice or any other paper, document, or legal
47 advertisement within the meaning of G.S. 1-597 and a county employee makes a written
48 statement under oath taken before any notary public or other officer or person authorized by
49 law to administer oaths, stating that the county placed such notice, paper, document, or legal
50 advertisement upon its Web site, such sworn written statement shall be received in all courts in
51 this State as prima facie evidence that the county placed the notice, paper, document, or legal

1 advertisement upon its Web site for the stated period of time. When filed in the office of the
2 clerk of the superior court of that county, any such sworn statement shall be deemed to be a
3 record of the court and such record or a copy thereof duly certified by the clerk shall be prima
4 facie evidence that the county placed the notice, paper, document, or legal advertisement upon
5 its Web site for the stated period of time.

6 (e) Nothing in this section requires a county to adopt an ordinance under
7 G.S. 153A-458 and publish notices on a county-maintained Web site."

8 **SECTION 5.(b)** G.S. 1-595 reads as rewritten:

9 **"§ 1-595. Advertisement of public sales.**

10 (a) When a statute or written instrument stipulates that an advertisement of a sale shall
11 be made for any certain number of weeks, a publication once a week for the number of weeks
12 so indicated is a sufficient compliance with the requirement, unless contrary provision is
13 expressly made by the terms of the instrument.

14 (b) When a statute or written instrument stipulates that an advertisement of a sale shall
15 be made for any certain number of weeks, publication via the county Web site in accordance
16 with G.S. 1-602 for the number of weeks so indicated is a sufficient compliance with the
17 requirement."

18 **SECTION 5.(c)** This section applies to Guilford County only.

19 **SECTION 5.(d)** This section becomes effective October 1, 2017, and applies to
20 notices published on or after that date.

21 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
22 law.