

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Resolution Supporting HB 205 - Electronic Advertising

**From:** Mayor Bencini  
Council Member Alexander

**Meeting Date:** August 7, 2017

**Public Hearing:** N/A

**Advertising Date:** N/A  
**Advertised By:**

**Attachments:** Resolution  
HB 205 Ratified

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### **PURPOSE:**

Adoption of a Resolution supporting House Bill 205 to modernize publication of legal advertisements and notices; to allow Guilford County and any municipality in Guilford County to use electronic means to provide public notice in lieu of publications.

### **BACKGROUND:**

On March 22, 2017, NC Senator Trudy Wade introduced a bill to the NC General Assembly to modernize publication of legal advertisements and notices; to create a pilot program to authorize certain counties to opt to post legal advertisements and notices on the county web site.

### **BUDGET IMPACT:**

N/A

### **RECOMMENDATION / ACTION REQUESTED:**

Adoption of a Resolution supporting House Bill 205 to modernize publication of legal advertisements and notices; to allow Guilford county and any municipality in Guilford County to use electronic means to provide public notice in lieu of publications.

Office of the Mayor  
City of High Point  
North Carolina

# RESOLUTION

**WHEREAS,** House Bill 205 – Legal Notices/Newsprint has been introduced to the NC General Assembly to modernize publication of legal advertisements and notices; to create a pilot program to authorize certain counties to post legal advertisements and notices on the county website; and to amend provisions of certain benefits for newsprint employees; and,

**WHEREAS,** the current law requires cities publish notices in local newspapers for items such as ordinances, budgets, notices of public hearings and audits. The law was written many years ago, prior to the use of the internet and social media; and,

**WHEREAS,** this antiquated requirement is costing taxpayers money to publish information that is not reaching as many citizens as could be notified through web-based options; and,

**WHEREAS,** the City of High Point has an active website along with Facebook, Twitter and Instagram pages. It is now feasible to notify the public via the governing body's website as it privies notification to a larger audience.

**NOW THEREFORE BE RESOLVED,** that the Mayor and High City Council supports the passage of House Bill 205 to modernize publication of legal advertisements and notices; to allow Guilford County and any municipality in Guilford County to use electronic means to provide public notice in lieu of publications.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused to be affixed the Seal of the City of High Point, North Carolina this 7<sup>th</sup> day of August 2017.

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**William S. Bencini, Jr., Mayor**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

**HOUSE BILL 205**  
**RATIFIED BILL**

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

The General Assembly of North Carolina enacts:

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

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

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

"(2) Employee. – The term "employee" means every person engaged in an employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also minors, whether lawfully or unlawfully employed, but excluding persons whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer, and as relating to those so employed by the State, the term "employee" shall include all officers and employees of the State, including such as are elected by the people, or by the General Assembly, or appointed by the Governor to serve on a per diem, part-time or fee basis, either with or without the confirmation of the Senate; as relating to municipal corporations and political subdivisions of the State, the term "employee" shall include all officers and employees thereof, including such as are elected by the people. The term "employee" shall include members of the North Carolina National Guard while on State active duty under orders of the Governor and members of the North Carolina State Defense Militia while on State active duty under orders of the Governor. The term "employee" shall include deputy sheriffs and all persons acting in the capacity of deputy sheriffs, whether appointed by the sheriff or by the governing body of the county and whether serving on a fee basis or on a salary basis, or whether deputy sheriffs serving upon a full-time basis or a part-time basis, and including deputy sheriffs appointed to serve in an emergency, but as to those so appointed, only during the continuation of the emergency. The sheriff shall furnish to the board of county commissioners a complete list of all deputy sheriffs named or appointed by him immediately



after their appointment and notify the board of commissioners of any changes made therein promptly after such changes are made. Any reference to an employee who has been injured shall, when the employee is dead, include also the employee's legal representative, dependents, and other persons to whom compensation may be payable: Provided, further, that any employee, as herein defined, of a municipality, county, or of the State of North Carolina, while engaged in the discharge of the employee's official duty outside the jurisdictional or territorial limits of the municipality, county, or the State of North Carolina and while acting pursuant to authorization or instruction from any superior officer, shall have the same rights under this Article as if such duty or activity were performed within the territorial boundary limits of their employer.

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

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

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

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

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

"Employee" shall not include any person elected or appointed and empowered as an executive officer, director, or committee member under the charter, articles, or bylaws of a nonprofit corporation subject to Chapter 47A, 47C, 47F, 55A, or 59B of the General Statutes, or any organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, who performs only voluntary service for the nonprofit corporation, provided that the person receives no remuneration for the voluntary service other than reasonable reimbursement for expenses incurred

in connection with the voluntary service. When a nonprofit corporation as described herein employs one or more persons who do receive remuneration other than reasonable reimbursement for expenses, then any volunteer officers, directors, or committee members excluded from the definition of "employee" by operation of this paragraph shall be counted as employees for the sole purpose of determining the number of persons regularly employed in the same business or establishment pursuant to G.S. 97-2(1). Other than for the limited purpose of determining the number of persons regularly employed in the same business or establishment, such volunteer nonprofit officers, directors, or committee members shall not be "employees" under the Act. Nothing herein shall prohibit a nonprofit corporation as described herein from voluntarily electing to provide for workers' compensation benefits in the manner provided in G.S. 97-93 for volunteer officers, directors, or committee members excluded from the definition of "employee" by operation of this paragraph. This paragraph shall not apply to any volunteer firefighter, volunteer member of an organized rescue squad, an authorized pickup firefighter when that individual is engaged in emergency fire suppression activities for the North Carolina Forest Service, a duly appointed and sworn member of an auxiliary police department organized pursuant to G.S. 160A-282, or a senior member of the State Civil Air Patrol functioning under Subpart C of Part 5 of Article 13 of Chapter 143B of the General Statutes, even if such person is elected or appointed and empowered as an executive officer, director, or committee member under the charter, articles, or bylaws of a nonprofit corporation as described herein.

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

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

~~It shall be a rebuttable presumption that the term "employee" shall not include any person performing services in the sale of newspapers or magazines to ultimate consumers under an arrangement whereby the newspapers or magazines are to be sold by that person at a fixed price and the person's compensation is based on the retention of the excess of the fixed price over the amount at which the newspapers or magazines are charged to the person."~~

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

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

"Article 50.

"General Provisions as to Legal Advertising.



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

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

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

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

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

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

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

(a) ~~Whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation to actual paid subscribers which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails in the Periodicals class in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision shall be retroactive to May 1, 1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated satisfying all of the following criteria:~~

(1) The newspaper has a content that appeals to the public generally.

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

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

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

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

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

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

(c) Any error in the placement of a governmental legal notice on a newspaper's Internet Web site or the delivery of an electronic mail notification shall be considered harmless error.

The requirement of proper legal notice shall be deemed to have been met if the notice is properly published in the print edition of the newspaper.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

"b. And in addition thereto,

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

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

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

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

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

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

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

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

- (1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.
- (2) The Web site contains, on its main page, links to all notices or a link to another page with links to all notices.
- (3) Notices and links to all notices on the Web site shall be maintained on that Web site for at least one year after publication and shall be searchable.
- (4) A copy of the notice shall be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice

book shall be appropriately indexed and maintained for public inspection in the office of the clerk or in the office of another individual who is an employee of the governing board, as designated in the ordinance adopted pursuant to this section.

- (5) A copy of the notice shall be mailed or e-mailed to any person who has filed a written request for notice with the clerk or secretary of the governing board or with some other person designated by the governing board. The governing board may require each person submitting such a written request for notice to renew that request annually.

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

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

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

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

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

- a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.
- b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board."

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

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

- a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.
- b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board."

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

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

- a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.
- b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board."

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

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

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

- ...
- (8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the

registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159. The county board may adopt a policy in accordance with G.S. 153A-52.2 to provide for notices, advertisements, and publications to be given electronically."

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

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

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

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

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

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

- (1) For foreclosures, except those initiated by that county, four hundred fifty dollars (\$450.00).
- (2) For other notices, except those by the State or any other political subdivision thereof, one hundred dollars (\$100.00).
- (3) For notices by the State or any other political subdivision thereof, other than that county, ten dollars (\$10.00).
- (4) For notices by that county, no fee shall be charged.

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

- (1) Ten percent (10%) for administrative costs of the county.
- (2) Forty percent (40%) to the county general fund.
- (3) Fifty percent (50%) to the local board of education for payment of local supplements for teachers as defined by G.S. 115C-325.1(6).

(d) Whenever a county has published a notice or any other paper, document, or legal advertisement within the meaning of G.S. 1-597 and a county employee makes a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the county placed such notice, paper, document, or legal advertisement upon its Web site, such sworn written statement shall be received in all courts in this State as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time. When filed in the office of the clerk of the superior court of that county, any such sworn statement shall be deemed to be a record of the court and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time.

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June, 2017.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

\_\_\_\_\_  
Roy Cooper  
Governor

Approved \_\_\_\_\_, m. this \_\_\_\_\_ day of \_\_\_\_\_, 2017