

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 836

Short Title: Local Government Regulatory Reform. (Public)

Sponsors: Representatives Robinson, Bishop, and Fraley (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Regulatory Reform.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE REGULATORY RELIEF FOR LOCAL GOVERNMENTS BY
AUTHORIZING CITIES TO RESERVE CERTAIN EASEMENTS WHEN
PERMANENTLY CLOSING STREETS AND ALLEYS; BY REPEALING THE
REQUIREMENT FOR LICENSING OF GOING OUT OF BUSINESS SALES BY
LOCAL GOVERNMENTS; BY PROVIDING FOR ELECTRONIC SUBMISSION OF
ABSENTEE BALLOT LISTS BY COUNTY BOARDS OF ELECTION; AND BY
EXEMPTING LOCAL GOVERNMENT REGULAR PAYROLL AND BENEFITS
PAYMENTS FROM PRE-AUDIT CERTIFICATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

**CLARIFY EASEMENT RESERVATION AUTHORITY FOR CITIES CLOSING
STREETS AND ALLEYS**

SECTION 1. G.S. 160A-299 reads as rewritten:

"§ 160A-299. Procedure for permanently closing streets and alleys.

...
(f) A city may reserve ~~its~~a right, title, and interest in any ~~utility~~
~~improvement~~improvements or ~~easement~~easements within a street closed pursuant to this
section. An easement under this subsection shall include utility, drainage, pedestrian,
landscaping, conservation, or other easements considered by the city to be in the public interest.
~~Such~~The reservation of an easement under this subsection shall be stated in the order of
closing. ~~Such~~The reservation also extends to utility improvements or easements owned by
private utilities which at the time of the street closing have a utility agreement or franchise with
the city.

...."

REPEAL LICENSING FOR GOING OUT OF BUSINESS/DISTRESS SALES

SECTION 2.(a) G.S. 66-77 is repealed.

SECTION 2.(b) G.S. 66-80 reads as rewritten:

"§ 66-80. Continuation of sale or business beyond termination date.

No person shall conduct a closing-out sale or a sale of goods, wares or merchandise
damaged by fire, smoke, water or otherwise or a distress sale beyond the termination date
specified for such ~~sale, except as otherwise provided for in subsection (b) of G.S. 66-77;~~sale;
nor shall any person, upon conclusion of such sale, continue that business which had been
represented as closing out or going out of business under the same name, or under a different



1 name, at the same location, or elsewhere in the same city or town where the inventory for such
2 sale was filed for a period of 12 months; nor shall any person, upon conclusion of such sale,
3 continue business contrary to the designation of such sale. As used in this section, the term
4 "person" includes individuals, partnerships, corporations, and other business entities. If a
5 business entity that is prohibited from continuing a business under this section reformulates
6 itself as a new entity or as an individual, whether by sale, merger, acquisition, bankruptcy,
7 dissolution, or any other transaction, for the purpose of continuing the business, the successor
8 entity or individual shall be considered the same person as the original entity for the purpose of
9 this section. If an individual who is prohibited from continuing a business under this section
10 forms a new business entity to continue the business, that entity shall be considered the same
11 person as the individual for the purpose of this section."
12

13 **ELECTRONIC REPORTING FOR COUNTY BOARDS OF ELECTIONS**

14 **SECTION 3.(a)** G.S. 163-232 reads as rewritten:

15 **"§ 163-232. Certified list of executed absentee ballots; distribution of list.**

16 The county board of elections shall prepare, or cause to be prepared, a list in at least
17 quadruplicate, of all absentee ballots returned to the county board of elections to be counted,
18 which have been approved by the county board of elections, and which have been received as
19 of 5:00 p.m. on the day before the election. At the end of the list, the chairman shall execute the
20 following certificate under oath:

21 "State of North Carolina

22 County of _____

23 I, _____, chairman of the _____ County board of elections, do hereby
24 certify that the foregoing is a list of all executed absentee ballots to be voted in the election to
25 be conducted on the _____ day of _____, _____, which have been
26 approved by the county board of elections and which have been returned no later than 5:00 p.m.
27 on the day before the election. I certify that the chairman, member, officer, or employee of the
28 board of elections has not delivered ballots for absentee voting to any person other than the
29 voter, by mail or by commercial courier service or in person, except as provided by law, and
30 have not mailed or delivered ballots when the request for the ballot was received after the
31 deadline provided by law.

32 This the _____ day of _____, _____

33 _____
34 (Signature of chairman of
35 county board of elections)

36 Sworn to and subscribed before me this _____ day of _____, _____.

37 Witness my hand and official seal.

38 _____
39 (Signature of officer
40 administering oath)

41 _____
42 (Title of officer)"

43 No later than 10:00 a.m. on election day, the county board of elections shall cause one copy
44 of the list of executed absentee ballots, which may be a continuing countywide list or a separate
45 list for each precinct, to be immediately (i) submitted electronically by means of the State
46 Election Information Management System (SEIMS), or its successor system, to the State Board
47 of Elections or (ii) deposited as "first-class" mail to the State Board of Elections. The board
48 shall retain one copy in the board office for public inspection and the board shall cause two
49 copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the
50 county. The county board of elections shall be authorized to call upon the sheriff of the county
51 to distribute the list to the precincts. In addition the county board of elections shall, upon

1 request, provide a copy of the complete list to the chairman of each political party, recognized
2 under the provisions of G.S. 163-96, represented in the county.

3 The chief judge shall post one copy of the list immediately in a conspicuous location in the
4 voting place and retain one copy until all challenges of absentee ballots have been heard by the
5 county board of elections. Challenges shall be made to absentee ballots as provided in
6 G.S. 163-89.

7 After receipt of the list of absentee voters required by this section the chief judge shall call
8 the name of each person recorded on the list and enter an "A" in the appropriate voting square
9 on the voter's permanent registration record, or a similar entry on the computer list used at the
10 polls. If such person is already recorded as having voted in that election, the chief judge shall
11 enter a challenge which shall be presented to the county board of elections for resolution by the
12 board of elections prior to certification of results by the board.

13 All lists required by this section shall be retained by the county board of elections for a
14 period of 22 months after which they may then be destroyed."

15 **SECTION 3.(b)** G.S. 163-232.1(c) reads as rewritten:

16 "(c) The board shall post one copy of the most current version of each list in the board
17 office in a conspicuous location for public inspection and shall retain one copy until all
18 challenges of absentee ballots have been heard by the county board of elections. The county
19 board of elections shall cause one copy of each of the final lists of executed absentee ballots
20 required under subsection (a) and subsection (b) of this section to be (i) submitted
21 electronically by means of the State Election Information Management System (SEIMS), or its
22 successor system, to the State Board of Elections or (ii) deposited as "first-class" mail to the
23 State Board of Elections. The final lists shall be electronically submitted or mailed no
24 later than 10:00 a.m. of the next business day following the deadline for receipt of such
25 absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In
26 addition the county board of elections shall, upon request, provide a copy of each of the lists to
27 the chairman of each political party, recognized under the provisions of G.S. 163-96,
28 represented in the county."
29

30 PRE-AUDIT CERTIFICATIONS

31 **SECTION 4.** G.S. 159-28 is amended by adding a new subsection to read:

32 "(f) This section shall not apply to disbursements for regular payroll and benefits."
33

34 EFFECTIVE DATE

35 **SECTION 5.** Section 2 of this act becomes effective July 1, 2015. Section 4 of this
36 act becomes effective July 1, 2015, and applies to disbursements on or after that date. The
37 remainder of this act is effective when it becomes law.