



HOUSE BILL 836: Local Government Regulatory Reform

2015-2016 General Assembly

Committee:	House Serial Referral To Regulatory Reform Stricken	Date:	April 26, 2015
Introduced by:	Reps. Robinson, Bishop, Fraley	Prepared by:	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition H836-CSST-34		

SUMMARY: *The proposed committee substitute would make various changes to the law related to counties and cities.*

CURRENT LAW & BILL ANALYSIS:

Section 1. Cities have the authority to permanently close a street or alley. Generally, on the closing of a street or alley by a city, the title to the area is conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, is extended to the centerline of the street or alley. However, the city may reserve a right, title, and interest in any improvements or easements within a closed street. Section 1 of the PCS would clarify the retention of that right, title or interest to specifically state that the easement may include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest.

Section 2. Every person who is advertising or offering for sale a stock of goods, wares or merchandise under the description of closing-out sale, or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, or a distress sale unless must obtain a license to conduct such sale from the clerk of the city or town in which the person proposes to conduct the sale. If the sale is in the unincorporated area, then the license is issued by the officer designated by the Board of County Commissioners in that county. The PCS would repeal the requirement for license to conduct such a sale.

Section 3. Each county board of elections, by 10:00 a.m. on Election Day, must submit, by regular US Postal mail, one copy of the list of executed absentee ballots, either as a countywide list or a separate list for each precinct, to the State Board of Elections. The PCS would authorize the lists to be submitted electronically in a manner approved by the State Board of Elections.

Section 4. North Carolina currently uses two types of electronic voting systems, optical scan machines and direct record electronic machines. Optical scan machines tabulate paper ballots that have been hand-marked by the voter. Direct record electronic (DRE) touchscreen voting machines allow voters to mark and submit their votes electronically and do not produce paper ballots. Effective January 1, 2018, S.L. 2013-381, requires that all voting systems must generate an individual paper ballot marked by the voter. New technology in voting systems would allow for a touchscreen selection of choices by a voter shown all the options for that race, with a printed ballot of only that voter's choices. The PCS would amend the current statutes governing contents of official ballots to allow for the potential use of the new technology, if those voting systems are certified by the State Board of Elections for purchase by the counties to be used in North Carolina elections.

O. Walker Reagan
Director



Research Division
(919) 733-2578

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Section 5. Currently, obligations incurred by a local government subject to the Local Government Budget and Fiscal Control Act accounted for in a fund included in the budget ordinance may not be incurred unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains sufficient to pay in the current fiscal year for that amount. For written contracts, each must be certified by the finance officer, or a duly appointed deputy finance officer, to that effect, and is often called a "preaudit" certification. The PCS would update that statutory requirement to reflect advances in technology that allow for credit cards, gas cards, procurement cards, and other means of remitting payment for obligations. Effective July 1, 2015, and applies to obligations incurred on or after that date.

EFFECTIVE DATE: Except as noted, effective when it becomes law.