



The Daily Bulletin: 2020-05-22

PUBLIC/HOUSE BILLS

H 1168 (2019-2020) [MURPHY BRANCH CORRIDOR REDUCTION](#). Filed May 22 2020, *AN ACT TO PROVIDE FOR THE REDUCTION OF THE DEPARTMENT OF TRANSPORTATION'S INTEREST IN A CERTAIN PORTION OF THE ANDREWS TO MURPHY RAIL CORRIDOR WITHIN THE LIMITS OF CHEROKEE COUNTY.*

Reduces the Department of Transportation's interest in the specified portion of the former Murphy Branch rail corridor between Andrews and Murphy by 25 feet on each side of the center line of the corridor's tracks, and transfers any corresponding real property interest without consideration to current adjacent real property owners. Provides for clarification where there is more than one track. Allows for adjacent real property owners to petition DOT to provide a quitclaim deed to evidence the real property transferred, with preparation and recording expenses borne by the petitioning party. Specifies that the transfers are not subject to Council of State approval. Requires DOT to retain an easement for right of entry and access for track and structure maintenance and repair, parallel to each side of the retained portion of the corridor and 15 feet in width. Provides for application for conveyance by any person owning an underlying fee simple interest in a portion of the corridor DOT determines is not needed for future transportation or utility purposes, subject to federal law.

Repeals Section 35.18 of SL 2016-94, which authorizes DOT to lease or convey specified portions of the Great Smoky Mountain Railroad, formerly the Andrews to Murphy rail line, to the County of Cherokee and the Towns of Andrews and Murphy for public recreation use, as well as mandates revitalization of rail lines for the operation of excursion trains, if applicable.

Appropriates \$100,000 in nonrecurring funds from the Highway Fund to DOT to implement the act. Effective July 1, 2020.

Intro. by Corbin, McNeely.

[APPROP, UNCODIFIED, Cherokee](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, Budget/Appropriations, State Agencies, Department of Transportation, State Government, State Property, Transportation](#)

H 1169 (2019-2020) [ELECTIONS 2020](#). Filed May 22 2020, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS RELATED TO ELECTIONS AND TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS IN RESPONSE TO THE CORONAVIRUS PANDEMIC.*

Section 1

Provides the following requirements for elections held in 2020.

Requires returned absentee ballots to be accepted and processed by the county board of elections (county board) if the voter marked the ballot in the presence of at least one person who is at least 18 years old and is not disqualified under state law, so long as the person signed the application and certificate as a witness and printed that person's name and address on the container-return envelope, and all other absentee ballot requirements are met. Allows the State Board of Elections (State Board) to prepare applications for each container-return envelope accordingly.

Requires county boards to ensure that at least one precinct assistant is a registered voter of the precinct, and allows for the appointment of otherwise qualified registered voters in the same county to serve as precinct assistants, if there are an insufficient number of precinct assistants to meet the precinct residency requirement for a precinct. Requires county boards to

ensure that at least one chief judge or judge is a registered voter of the precinct, and allows for the appointment of registered voters from other precincts in the same county to fill the other two chief judge or judge positions in the precinct.

Permits any individual working as part of the bipartisan team trained and authorized by the county board pursuant to state law to assist any voter in the completion of a request for absentee ballots or in delivering a completed request form for absentee ballots to the county board.

Effective July 1, 2020, and expires December 31, 2020.

Section 2

For 2020 elections, allows for a completed written request for absentee ballots to be delivered in person or by mail, e-mail, or fax, to the county board by the voter, the voter's near relative or verifiable legal guardian, or any individual trained and authorized as part of the bipartisan team. Further specifies the valid methods of delivery pursuant to specified state and federal laws.

Directs the Department of Health and Human Service (DHHS) and the State Board to develop and submit a report to specified NCGA committees and the Governor by August 1, 2020, detailing how to safely allow trained and authorized bipartisan team members to access hospitals, clinics, nursing homes, and rest homes under quarantine to assist voters in requesting, voting, and returning absentee ballots.

Section 3

Amends GS 163-229, as amended, to require container-return envelopes to have a bar code or unique identifier to allow the county board and the voter to track the ballot following its return to the county board. Effective September 1, 2020, and applies to elections held on or after that date.

Section 4

Amends GS 163-230.1, as amended, to require county boards to begin meeting on the fifth Tuesday before an election in which absentee ballots are authorized, rather than the third Tuesday before, to hold at least one public meeting each Tuesday to take action on absentee ballot applications.

Section 5

Amends GS 163-230.2, as amended, to specify that the State Board is responsible for making blank request forms available at its offices, online, and at county board offices. Adds a new provision to allow voters to call a county board office and request that the blank request form be sent to the voter by mail, e-mail, or fax.

Section 6

Amends GS 163-27.1 to prohibit the Executive Director or the State Board from (1) delivering absentee ballots to eligible voters who did not submit a valid written request form for absentee ballots pursuant to state law or (2) ordering an election to be conducted using all mail-in absentee ballots.

Section 7

Enacts GS 163-230.3 to establish an alternative, online method for absentee ballots requests rather than the completed written request form, with all other absentee ballot requirements remaining applicable. Requires the State Board to establish a secure website to permit qualified voters eligible to vote by absentee ballot, or that voter's near relative or verifiable legal guardian, to submit an online request for absentee ballots. Requires the website to be able to track the IP address of anyone who accesses the website, and requires the website to require requests to include all information required for a valid written request under state law and an electronic signature of the voter, or the voter's near relative or verifiable legal guardian, if requesting on behalf of the voter. Requires the State Board to submit online requests received to the respective county board, and requires the county boards to process the online request in the same manner as completed written requests.

Specifies that the State Board is not required to comply with the initial purchase and contract requirements under GS Chapter 143 for establishing or securing a website for online requests. Sunsets this exemption on December 31, 2020.

Requires the State Board to have the secure website available to voters to submit an online request by September 1, 2020.

Section 8

Amends GS 163-237, making it a Class I felony for any person serving on, or as an employee of, the State Board or a county board to knowingly send or deliver an absentee ballot to any person who has not requested it in accordance with state law. Effective July 1, 2020, and applies to offenses committed on or after that date.

Section 9

Amends GS 20-37.7 to require the Division of Motor Vehicles (DMV) to offer renewal of a special identification card in person and online.

Section 10

Amends GS 163-166.16 to expand the forms of identification that are acceptable to present to vote, regardless of whether the identification contains a printed expiration or issuance date, to also include an identification card issued by a State or federal entity for a public assistance government program.

Section 11

Appropriates the following amounts for the 2020-21 fiscal year to the State Board to prevent, prepare for, and respond to the coronavirus pandemic during the 2020 federal election cycle: \$10,987,295 in federal CARES Act funds; and \$2,120,497 as the required match from the State General Fund. Requires at least \$424,000 to be used by the State Board to establish the online portal for absentee ballot requests. Requires the remaining funds to be allocated in specified amounts to counties for county boards, with base grants based on development tier, and other funds specified on a per registered voter basis for counties that conducted second primary elections after March 10, 2020, and for early one-stop voting expenses for counties that adopt uniform one-stop voting plans that include satellite location operations with specified weekday hours, or based on development tier, as specified. Requires any remaining funds after the required allocations to be allocated to counties on a per registered voter basis for expenses eligible under the CARES Act. Requires the base grants to be used to address the coronavirus pandemic such as increased postage costs, ensuring an adequate number of poll workers, and recruiting for and promoting the use of bipartisan assistance teams. Specifies uses are limited by state and federal law.

Section 11.2

Appropriates the following amounts for the 2020-21 fiscal year to the State Board to a new fund code, titled County Reimbursement Account (Account), to reimburse counties for eligible HAVA (Help American Vote Act) expenses: \$11,677,441 from federal HAVA funds; and \$2,335,488 as the required match from the State General Fund. Requires the State Board to ensure timely county reimbursement. Entitles each county to at least \$10,000 in reimbursements, and caps reimbursement at \$250,000 per county. Requires certification that HAVA funds will not be used to supplant county funds, prior to reimbursement. Authorizes the State Board to make bulk purchases from the Account for items on the counties' collective behalf.

Allows the State Board to use portions of the appropriated funds in specified amounts (1) to acquire a more secure system for the delivery and return of uniformed and overseas citizen absentee ballots; (2) to fund State Board security improvements; (3) to assemble Attack Response Kits for county continuity of operations following cyber attacks; (4) for bar code scanners to ensure accurate ballot distribution; (5) to purchase high-speed ballot tabulators for county board disaster recovery or continuity of operations, as needed; (6) to invest in increased ballot-on-demand capacity for county boards for disaster recovery or continuity of operations; (7) to acquire software to modernize the State Board help desk and add a chatbot feature, with staff training on each; and (8) for statewide advertising concerning election law changes and other pandemic response procedures. Requires any unspent funds to revert to the Account and remain until legislatively appropriated.

Requires county coordination with local political parties to enhance or maintain partisan balance of election day workers.

Directs the State Board to collaborate with the Division of Emergency Management to purchase and distribute personal protective equipment to deploy to counties pursuant to the above provisions.

Requires the State Board to provide counties with lists of example expenses eligible under HAVA and the Cares Act after consultation with the US Election Assistance Commission.

Directs the State Board to report to the specified NCGA committee and division on the use of funds appropriated in this section by February 1, 2021. Requires counties receiving funds under this section to provide specified information to the State

Board for its report, including funding used to expand early one-stop and mail-in absentee ballots and to address the coronavirus pandemic.

Intro. by Grange, Dahle, D. Hall, Harrison.

APPROP, GS 20, GS 163

[View summary](#)

Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, Elections, Public Safety and Emergency Management, State Agencies, Department of Health and Human Services, Department of Public Safety, Department of Transportation, State Board of Elections, Local Government, Health and Human Services, Health, Public Health

H 1170 (2019-2020) **EXECUTIVE ORDER LIMITATIONS/FUNDS**. Filed May 22 2020, *AN ACT TO PROVIDE FOR EXPIRATION OF EXECUTIVE ORDERS AND STATES OF EMERGENCY ISSUED BY THE GOVERNOR*.

Amends GS 166A-19.20 to provide for the expiration of gubernatorial statewide state of emergency declarations upon the earliest of either (1) the 14th day after the date of issuance, unless approved by a NCGA joint resolution adopted by majority vote of each house, or (2) upon it being rescinded.

Makes a corresponding change to GS 166A-19.30 to provide for the expiration of gubernatorially declared statewide state of emergencies, establishing that such executive orders expire 14 days after issuance, unless approved by a NCGA joint resolution adopted by majority vote of each house.

Appropriates \$25,000 in nonrecurring funds from the General Fund to the Division of Emergency Management for the 2020-21 fiscal year to implement the act. Effective July 1, 2020.

Applies to executive orders and declarations of states of emergency issued on or after the date the act becomes law.

Intro. by Goodwin.

APPROP, GS 166A

[View summary](#)

Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Public Safety, State Government, Executive

H 1171 (2019-2020) **TOWN OF CORNELIUS/COMMUNITY REDEVELOPMENT**. Filed May 22 2020, *AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF CORNELIUS FOR COMMUNITY REDEVELOPMENT IN LOW- TO MODERATE-INCOME NEIGHBORHOODS*.

Appropriates \$50,000 from the General Fund to the specified Department of Commerce budget code to provide for a directed grant to the Town of Cornelius for community redevelopment in low- to moderate-income neighborhoods. Effective July 1, 2020.

Intro. by Clark.

APPROP, Mecklenburg

[View summary](#)

Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations, State Agencies, Department of Commerce

H 1172 (2019-2020) **TOWN OF CORNELIUS/REG. COMM. ARTS CTR./FUNDS**. Filed May 22 2020, *AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A REGIONAL COMMUNITY ARTS CENTER AND PROVIDE PROGRAM OFFERINGS IN THE TOWN OF*

CORNELIUS.

Appropriates \$125,000 in nonrecurring funds from the General Fund to the specified Department of Natural and Cultural Resources budget code for the 2020-21 fiscal year for a directed grant to the Town of Cornelius. Requires allocation in the amounts of \$100,000 for the construction of a regional community arts center and \$25,000 for program offering for the regional community arts center. Effective July 1, 2020.

Intro. by Clark.

[APPROP, Mecklenburg](#)

[View summary](#)

Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)

H 1173 (2019-2020) **DISAPPROVE CERTAIN DHHS RULES.** Filed May 22 2020, *AN ACT TO DISAPPROVE RULES ADOPTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.*

Disapproves the 33 following rules, adopted by the Department of Health and Human Services on February 11, 2019, and approved by the Rules Review Commission on April 18, 2019:

- 10A NCAC 14J .0101 (Definitions)
- 10A NCAC 14J .0102 (Applicability – Operations and Enforcement and Incorporation by 10 Reference)
- 10A NCAC 14J .0103 (Applicability – Construction)
- 10A NCAC 14J .0201 (Requirement for Operations Manual)
- 10A NCAC 14J .0203 (Contents of Operations Manual)
- 10A NCAC 14J .0204 (Review of Manual)
- 10A NCAC 14J .0301 (Classification System and Total Design Capacity)
- 10A NCAC 14J .0302 (Separation of Male and Female Inmates)
- 10A NCAC 14J .0303 (Confinement of Inmates Under 18 Years of Age)
- 10A NCAC 14J .0402 (Portable Fire Extinguishers)
- 10A NCAC 14J .0403 (Fire Plan, Fire Evacuation Training, and Disaster Plan)
- 10A NCAC 14J .0404 (Mattresses)
- 10A NCAC 14J .0405 (Keys)
- 10A NCAC 14J .0501 (General Security Requirements)
- 10A NCAC 14J .0601 (Supervision)
- 10A NCAC 14J .0702 (Mattresses and Bedding)
- 10A NCAC 14J .0705 (Personal Hygiene Items)
- 10A NCAC 14J .0904 (Menus)
- 10A NCAC 14J .1001 (Medical Plan)
- 10A NCAC 14J .1002 (Screening of Inmates)
- 10A NCAC 14J .1201 (Applicability – Construction)
- 10A NCAC 14J .1202 (Consultation and Technical Assistance)
- 10A NCAC 14J .1203 (Compliance Review and Approval)
- 10A NCAC 14J .1207 (Inmate Processing Area and Padded Cell)
- 10A NCAC 14J .1210 (Other Areas)
- 10A NCAC 14J .1212 (Floors, Ceilings, and Walls)
- 10A NCAC 14J .1213 (Showers and Plumbing Fixtures)
- 10A NCAC 14J .1214 (Windows and Glazing)
- 10A NCAC 14J .1215 (Doors, Bunks, Locks, and Fasteners)
- 10A NCAC 14J .1218 (Plumbing Systems)
- 10A NCAC 14J .1219 (Electrical Systems)
- 10A NCAC 14J .1225 (Standards for Dayrooms)

- 10A NCAC 14J .1226 (Standards for Dormitories)

Intro. by C. Smith, McNeill.

UNCODIFIED

[View summary](#)

Government, APA/Rule Making, State Agencies, Department of Health and Human Services, Health and Human Services

H 1174 (2019-2020) **BUSINESS CLOSURE COMPENSATION/CONST. AMD.** Filed May 22 2020, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO AUTHORIZE INVERSE CONDEMNATION BY A BUSINESS CLOSED BY ORDER OF THE GOVERNOR OR A LOCAL GOVERNMENT DUE TO A STATE OF EMERGENCY.*

Subject to statewide voter approval at the 2020 general election, adds new Section 39 to Article I of the NC Constitution to allow a business owner to bring an inverse condemnation action against the State or a local government if the owner's business is partially or completely closed by a gubernatorial or local order due to a state of emergency declared by the Governor. Deems such closure for a public use and allows for just compensation for (1) loss of income during, and for a reasonable period of time after, a temporary partial or complete closure of business that would not have occurred but for compliance with the described order, and (2) loss of going concern, including real property loss, if the closure of the business results in the owner going out of business which would not have occurred but for compliance with the described order. Places the burden of proving causation and the amount of losses on the business owner. Allows the owner to petition for reimbursement of reasonable costs and expenses, including attorney fees and appraisal fees. Sets the statute of limitations for a cause of action under the Section at one year of the expiration of the order that resulted in the closure. Provides for proper venue. Authorizes the NCGA to prescribe general law to further define and implement the Section.

Intro. by Bumgardner.

CONST

[View summary](#)

Business and Commerce, Constitution, Courts/Judiciary, Civil, Civil Law, Government, Public Safety and Emergency Management, State Government, Local Government

PUBLIC/SENATE BILLS

S 832 (2019-2020) **FUNDS/RIVER CITY COMMUNITY DEV. CORP.** Filed May 22 2020, *AN ACT TO APPROPRIATE FUNDS TO THE RIVER CITY COMMUNITY DEVELOPMENT CORPORATION TO ASSIST THOSE AFFECTED BY THE CORONAVIRUS PANDEMIC.*

Appropriates \$100,000 in nonrecurring funds from the General Fund to the River City Community Development Corporation for the 2020-21 fiscal year. Requires that the funds be used to assist the homeless, provide counseling for housing, and support the YouthBuild Program in the Elizabeth City area. Effective July 1, 2020.

Intro. by Steinburg.

APPROP, Pasquotank

[View summary](#)

Development, Land Use and Housing, Community and Economic Development, Land Use, Planning and Zoning, Government, Budget/Appropriations, Health and Human Services, Social Services, Public Assistance

ACTIONS ON BILLS

PUBLIC BILLS**H 85: EMISSIONS/LEE, ONSLOW, & ROCKINGHAM COUNTIES. (NEW)**

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 1166: CARES ACT FUNDS FOR GREENSBORO.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 1167: PRISONER RELEASE/NOTIFICATION REQUIRED.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 1168: MURPHY BRANCH CORRIDOR REDUCTION.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 1169: ELECTIONS 2020.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House

H 1170: EXECUTIVE ORDER LIMITATIONS/FUNDS.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 1171: TOWN OF CORNELIUS/COMMUNITY REDEVELOPMENT.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1172: TOWN OF CORNELIUS/REG. COMM. ARTS CTR./FUNDS.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1173: DISAPPROVE CERTAIN DHHS RULES.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 1174: BUSINESS CLOSURE COMPENSATION/CONST. AMD.

House: Filed

S 828: ABSENTEE BALLOT EQUALITY/2020 ELECTION.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 829: REPURPOSE PRE-REGULATORY LANDFILL FUNDS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 830: CARES ACT FUNDS FOR GREENSBORO.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

LOCAL BILLS

S 795: LAURINBURG-MAXTON AIRPORT COMMISSION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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