



## The Daily Bulletin: 2021-10-06

### PUBLIC/HOUSE BILLS

H 165 (2021) [DOT LEGISLATIVE CHANGES.-AB](#) Filed Feb 25 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION AND MOTOR VEHICLE LAWS OF THE STATE.*

Senate amendment to the 4th edition makes the following changes.

Adds new Section 15.5. Directs the City of Durham or the Department of Transportation, as applicable, to authorize and allow a charter school to use on-street right-of-way for the purpose of temporary motor vehicle stacking or queuing to load or unload students that attend the charter school. Limits the scope of authority to charter schools located in the City of Durham, chartered prior to 2005, which operate more than one campus within the city limits, operate on a year-round school schedule, and are relocating, renovating, or expanding a campus at or to a location within one-half mile of the existing location. Specifies that these provisions do not allow for motor vehicle stacking or queuing that would block driveway access or the movement of through traffic on streets adjacent to the charter school location. Effective December 1, 2021.

**Intro. by B. Jones, Iler, Shepard.**

[Wake, GS 20, GS 136, GS 143](#)

[View summary](#)

**[Business and Commerce, Insurance, Courts/Judiciary, Civil, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Transportation, Local Government, Health and Human Services, Health](#)**

H 259 (2021) [ELECTION INTEGRITY ACT. \(NEW\)](#) Filed Mar 10 2021, *AN ACT TO REQUIRE THAT ALL VOTING SYSTEMS USED FOR ELECTIONS IN THIS STATE BE MADE IN THE UNITED STATES OF AMERICA, TO CODIFY THE COMMON LAW REQUIREMENT FOR UNITED STATES CITIZENSHIP TO QUALIFY AS A JUROR, TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF SO DESIGNATED BY THE CHIEF DISTRICT COURT JUDGE, TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE SHARED WITH THE STATE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO UNITED STATES CITIZENSHIP, AND TO PROVIDE REPORTING REQUIREMENTS FOR THE STATE BOARD OF ELECTIONS FOLLOWING A POST-ELECTION AUDIT FOR A GENERAL ELECTION.*

House committee substitute to the 1st edition makes the following changes.

Modifies proposed GS 163-165.7(k) to require the State Board of Elections (State Board) to mandate that all voting systems, including software, used for elections be manufactured in the US by a company organized and doing business in the United States (previously, required the voting systems and software be manufactured in the United States by US-owned companies). Makes technical changes.

Sections 2 through 7 add the following new content.

Amends GS 9-3, adding United States citizenship to the qualifications of prospective jurors.

Adds to GS 9-6 to require all applications for excuses from jury duty to be made on a form developed and furnished by the Administrative Office of the Courts (AOC), with applications to allow specification for the reason(s) for excusal based on disqualification, including noncitizenship status. Authorizes the chief district court judge to delegate the authority to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court, after consultation with and the consent of the clerk. Makes clarifying changes and makes language gender-neutral.

Makes clarifying and conforming changes to GS 9-6.1 regarding requests to be excused from jury duty.

Enacts GS 9-6.2 to require the clerk of superior court to retain the name and address provided by each person who requests to be excused from jury duty on the basis of disqualification, along with the reason for that request, for the remainder of the biennium as described in GS 9-2. Provides that the records are not public record and authorizes their destruction at the end of each biennium. Requires the clerk to quarterly electronically report to the State Board of Elections persons disqualified due to lack of US citizenship with personal information from the master jury list and the date of disqualification. Directs the State Board of Elections to use the information to conduct efforts to remove names from lists of registered voters pursuant to GS 163-82.14. Deems records retained by the State Board of Elections public records, subject to state and federal law. Requires the State Board of Elections to retain the electronic records for four years, and authorizes destruction when they are no longer public records. Specifies that the statute has no effect on State and local authorities to determine a person's eligibility to vote. Makes conforming changes to the clerk's recordkeeping duties regarding excusals under GS 9-6.

Adds a new subsection to GS 163-82.14 regarding list maintenance. Directs the State Board of Elections to review the voter registration and citizenship status of each person identified in a clerk's quarterly report of jury duty disqualifications based on US citizenship and distribute to each county board of elections a report of the persons identified who are registered to vote in that county, including the clerk's electronic file and the results of the Board's review. Excludes persons who since attained US citizenship, unless the individual voted prior to attaining citizenship, whereby the State Board is required to furnish its investigation to the district attorney for prosecution. Requires county boards of elections to, within 30 days' receipt of a report, give 30 days' written notice to the voter at the voter's registration address or mailing address and remove the individual's name from its registration records if the voter makes no objection; requires indication of the removal based on noncitizenship status in the statewide computerized voting registration system. Requires entering a challenge and holding a hearing on the matter if an objection is received within 30 days of the notice, with the report constituting prima facie evidence of noncitizenship, rebuttable by proof of citizenship following excusal. Deems county records public records, subject to state and federal law. Requires the State Board of Elections and county boards of elections to retain the electronic records for four years and authorizes destruction when they are no longer public records. Makes clarifying and organizational changes to the statute.

Directs the AOC to amend the Rules of Recordkeeping to implement the act. Specifies that the act does not exempt AOC records from public records laws, except as provided in GS 9-6.2, as enacted.

Makes the above provisions effective January 1, 2022.

Section 8 adds the following new content.

Amends GS 163-182.12A, which requires the State Board to produce and submit a report summarizing the State Board's post-election audits to specified NCGA committees. Establishes distinct requirements for general election post-election audits, now requiring post-election audits for general elections to include: (1) a summary of the types of post-election audits required by law and the requirements for conducting each of the audits; (2) a summary of the results of each of the described post-election audits; (3) a detailed description of each of the described post-election audits, including any issues that could have affected the outcome of the election and the manner in which those issues were resolved; (4) a description of any systemic issues that were identified during the post-election audits and any recommendations on the manner in which those issues should be addressed to ensure election security and integrity; (5) the ways in which the public was allowed to observe and comment on the conduct of the post-election audits, as authorized by law; and (6) any other matters deemed appropriate by the State Board. Makes conforming and technical changes. Applies to elections held on or after the date the act becomes law.

Makes conforming changes to the act's titles.

**Intro. by Kidwell, K. Hall, McNeely, Cleveland.**

**GS 9, GS 163**

[View summary](#)

**Courts/Judiciary, Court System, Government, Elections, State Agencies, State Board of Elections, Local Government, Immigration**

H 531 (2021) **TIMESHARE ACT CHANGES/ED. PROV. BOND REPEAL (NEW)**. Filed Apr 12 2021, *AN ACT TO MAKE CHANGES TO THE NORTH CAROLINA TIMESHARE ACT AND TO ELIMINATE BOND REQUIREMENTS FOR CERTIFICATION OF REAL*

*ESTATE EDUCATION PROVIDERS.*

AN ACT TO MAKE CHANGES TO THE NORTH CAROLINA TIMESHARE ACT AND TO ELIMINATE BOND REQUIREMENTS FOR CERTIFICATION OF REAL ESTATE EDUCATION PROVIDERS. SL 2021-163. Enacted Oct. 6, 2021. Effective Oct. 6, 2021.

**Intro. by Howard, Hastings, Moffitt, K. Hall.**

[GS 47C, GS 53, GS 66, GS 93A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

H 854 (2021) [LAND USE CLARIFICATIONS. \(NEW\)](#) Filed May 4 2021, *AN ACT TO PROVIDE REFORMS TO LOCAL GOVERNMENT ZONING AUTHORITY TO INCREASE HOUSING OPPORTUNITIES AND TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE ZONING STATUTES.*

Senate amendments to the 2nd edition make the following changes.

Amendment #1 further amends GS 160D-108, which provides for development permit choice and statutory vesting, to make a technical, clarifying change.

Amendment #2 adds to the proposed changes to GS 160D-706, which determines governing law in instances of conflict between zoning regulations and statute or local ordinance or regulation. Clarifies that governing law is subject to GS 160A-174(b), which requires city ordinances to be consistent with the Constitution and laws of North Carolina and of the United States and enumerates six instances in which an ordinance is deemed inconsistent, with respect to *cities*.

Amendment #1 corrects a statutory cross-reference in the language proposed to be added to GS 160D-406(k), concerning judicial review of a quasi-judicial local board decision, to provide that a governing board of the local government's authority to settle the litigation is subject to Article 33C of GS Chapter 143, which governs the meetings of public bodies (previously, referenced Article 33, since repealed).

**Intro. by Hardister, Szoka, Bradford, Richardson.**

[GS 160D](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Local Government](#)

## PUBLIC/SENATE BILLS

S 424 (2021) [PRIVATE PROTECTIVE SRVS. LICENSING MODS.](#) Filed Mar 31 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES BOARD AND THE PRIVATE PROTECTIVE SERVICES PROFESSION.*

Senate amendment to the 1st edition makes the following changes.

Revises the proposed changes to GS 74C-13 to require proprietary security organizations (was, proprietary employers) to register individuals carrying a firearm within 30 days of employment.

Modifies the proposed changes to GS 74C-23 to require companies, firms, or corporations licensed under the Chapter to provide the Director of the Private Protective Services Board with notice of change of ownership no later than 10 calendar days (was, within 10 calendar days) prior to the effective date of the transaction a list of all registrants and licensees affected by the transaction.

**Intro. by Daniel.**

[GS 14, GS 74C](#)

[View summary](#)

[Business and Commerce, Occupational Licensing,](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and  
Procedure, Government, Public Safety and Emergency  
Management**

**LOCAL/HOUSE BILLS**

H 118 (2021) **BUNCOMBE SCHOOL BD ELECTION. (NEW)** Filed Feb 17 2021, *AN ACT TO PROVIDE THAT SIX MEMBERS OF THE BUNCOMBE COUNTY BOARD OF EDUCATION BE ELECTED BY ELIGIBLE VOTERS FROM THE DISTRICT THOSE MEMBERS REPRESENT.*

Senate committee substitute deletes the content of the 2nd edition and replaces it with the following.

Amends Section 4 of SL 1975-532, as amended, to require the candidates of the Buncombe County Board of Education representing districts to be voted on by the eligible voters residing in that district, and the candidate representing the Buncombe County School Administrative Unit at large to be voted on at large by the eligible voters residing in the Buncombe County School Administrative Unit (currently, requires candidates of the Buncombe County Board of Education and the Buncombe County School Administrative Unit to be voted on at large by the eligible voters residing in the Administrative Unit). Also eliminates the requirement that the Buncombe County Board of Education be elected by nonpartisan election. Makes a technical correction to specify that candidates representing districts cannot file their notice of candidacy earlier than noon on the first Friday in July. Makes language gender neutral. Makes further technical and clarifying changes.

Establishes parameters with which the Board must comply in establishing or revising electoral districts with regard to population data, territorial contiguity, racial data, district compactness, municipal boundaries, election data, member residence, and community considerations.

Requires the Board to establish the boundaries of the electoral districts required by the act on or before January 1, 2023, and revise the districts thereafter in accordance with state law.

Applies to elections conducted on or after January 1, 2024.

Changes the act's titles.

**Intro. by Willis, Arp, Brody.**

**Buncombe**

[View summary](#)

**Education**

H 400 (2021) **ASHEVILLE CITY SCH. BD. APPT/ELECTIONS. (NEW)** Filed Mar 24 2021, *AN ACT TO CHANGE THE ASHEVILLE CITY BOARD OF EDUCATION FROM AN APPOINTED BOARD OF EDUCATION TO A BOARD OF EDUCATION WITH ELECTED MEMBERS AND TO INCREASE THE MEMBERSHIP OF THE ASHEVILLE CITY BOARD OF EDUCATION FROM FIVE MEMBERS TO SEVEN MEMBERS.*

Senate committee substitute to the 4th edition makes the following changes.

Deletes the proposed changes to Section 4 of SL 1975-532, as amended, requiring the candidates of the Buncombe County Board of Education representing districts to be voted on by the eligible voters residing in that district, and the candidate representing the Buncombe County School Administrative Unit at large to be voted on at large by the eligible voters residing in the Buncombe County School Administrative Unit; and eliminating the requirement that the Buncombe County Board of Education be elected by nonpartisan election.

Makes conforming changes the act's titles.

**Intro. by Fisher, Turner, Ager.**

**Buncombe**

[View summary](#)[Education](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 165: DOT LEGISLATIVE CHANGES.-AB**

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Engrossed*

*Senate: Special Message Sent To House*

*House: Special Message Received For Concurrence in S Com Sub*

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 10/07/2021*

#### **H 259: ELECTION INTEGRITY ACT. (NEW)**

*House: Serial Referral To Rules, Calendar, and Operations of the House Stricken*

*House: Serial Referral To Rules, Calendar, and Operations of the House Stricken*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 10/07/2021*

#### **H 264: EMERGENCY POWERS ACCOUNTABILITY ACT.**

*House: Withdrawn From Cal*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

*House: Withdrawn From Com*

*House: Cal Pursuant Rule 36(b)*

#### **H 531: TIMESHARE ACT CHANGES/ED. PROV. BOND REPEAL (NEW).**

*House: Signed by Gov. 10/6/2021*

*House: Ch. SL 2021-163*

#### **H 624: NORTH CAROLINA REGULATORY SANDBOX ACT.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Special Message Sent To House*

*House: Special Message Received For Concurrence in S Com Sub*

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 10/07/2021*

#### **H 761: POLICE VEHICLE AND EQUIPMENT PROTECTION ACT.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Special Message Sent To House*

*House: Special Message Received For Concurrence in S Com Sub*

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 10/07/2021*

#### **H 854: LAND USE CLARIFICATIONS. (NEW)**

*Senate: Amend Adopted A1*

*Senate: Amend Adopted A2*  
*Senate: Passed 2nd Reading*  
*Senate: Passed 3rd Reading*  
*Senate: Engrossed*  
*Senate: Special Message Sent To House*  
*House: Special Message Received For Concurrence in S Com Sub*  
*House: Cal Pursuant 36(b)*  
*House: Placed On Cal For 10/07/2021*

**H 951: ENERGY SOLUTIONS FOR NORTH CAROLINA. (NEW)**

*Senate: Reptd Fav*  
*Senate: Placed on Today's Calendar*  
*Senate: Passed 2nd Reading*  
*Senate: Passed 3rd Reading*  
*Senate: Special Message Sent To House*  
*House: Special Message Received For Concurrence in S Com Sub*  
*House: Cal Pursuant 36(b)*  
*House: Placed On Cal For 10/07/2021*

**S 85: ALLOW VISION SERVICE PLANS. (NEW)**

*Senate: Concurred In H Amend S85v3*  
*Senate: Ordered Enrolled*

**S 183: BEGIN MODERNIZING IGNITION INTERLOCK LAWS.**

*Senate: Failed Concur In H Com Sub*

**S 191: THE NO PATIENT LEFT ALONE ACT.**

*Senate: Conf Report Adopted*  
*Senate: Ordered Enrolled*

**S 424: PRIVATE PROTECTIVE SRVS. LICENSING MODS.**

*Senate: Passed 2nd Reading*  
*Senate: Amend Adopted A1*  
*Senate: Passed 3rd Reading*  
*Senate: Engrossed*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 695: VARIOUS EDUCATION CHANGES. (NEW)**

*Senate: Concurred In H Com Sub*  
*Senate: Ordered Enrolled*

**LOCAL BILLS**

**H 118: BUNCOMBE SCHOOL BD ELECTION. (NEW)**

*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Re-ref Com On Rules and Operations of the Senate*

**H 400: ASHEVILLE CITY SCH. BD. APPT/ELECTIONS. (NEW)**

*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Re-ref Com On Rules and Operations of the Senate*

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