



The Daily Bulletin: 2013-04-05

PUBLIC/HOUSE BILLS

H 589 (2013-2014) [VIVA/ELECTION REFORM \(NEW\)](#). Filed Apr 4 2013, *A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS.*

Advisory Board. Establishes the Voter Information Verification Advisory Board (Advisory Board, or VIVA), with at least three, but no more than five, members who are registered voters in the state and appointed by the State Board of Elections (State Board). Also requires that appointments include members of more than one party affiliation and of no affiliation. Specifies the Advisory Board's eight duties, including assisting in voter registration drives, educating the public about voter registration and casting a ballot, and assisting in other matters related to voter registration, voting, counting ballots, and candidacy for elected office.

Amends GS 163-82.20 to allow a county, with approval by the State Board, county board of elections, and the county board of commissioners, to offer registration through (1) senior centers or facilities operated by the county and (2) parks and recreation services operated by the county.

Allows the State Board to hire up to 14 people to assist the Advisory Board, to disseminate information about photo identification requirements for voting, provide information on obtaining photo ID, and assist registered voters without appropriate photo ID with obtaining the necessary ID. Specifies the mediums that may be used to distribute information. Requires the State Board to work to identify voters without photo ID and assist those individuals with securing appropriate photo ID. The hired individuals must be state employees, and the positions are time-limited, expiring on December 31, 2016.

Expires December 31, 2016.

Photo Identification. Enacts new GS 163-166.13 requiring every individual voting in person to present photo identification bearing any reasonable resemblance to that voter to a local election official at the voting place before voting. Allows voters without photo ID to vote a provisional ballot. Defines *photo identification* to include any of the following that contains a photo of the voter: (1) an ID card bearing either a date of expiration or a date of issuance that is not more than 10 years beyond the later of those dates, issued by a branch, department, agency, or entity of the United States, this state, or any other state (sets out examples including a NC driver's license or permit, special ID for nonoperators, passport, or college ID card); (2) a tribal identification card; or (3) an identification card that bears a date of expiration and was not expired on the day the voter reached age 70, issued by a branch, department, agency, or entity of the United States, this state, or any other state. Provides that if the local election official determines that the photo ID does not bear any reasonable resemblance to the voter, the official must require the chief judge and judges of election to rule on the matter. If the judges disagree with each other about whether the ID bears a reasonable resemblance to the voter, then the voter may vote; if they agree that the voter's ID does not bear any reasonable resemblance to the voter, the voter may vote in accordance with GS 163-88.1 (request for challenged ballot). Specifies that the statute does not apply to a registered voter who has filed an affidavit in accordance with new GS 163-82.7A and to a registered voter who has a permanent physical or mental disability.

Enacts new GS 163-82.7A allowing a voter with a sincerely held religious objection to being photographed to execute a declaration to that effect to be incorporated as a part of the official record of voter registration. Requires the declaration to include an attestation that the voter holds a sincere religious objection to being photographed and the signature of the voter, under penalty of a Class I felony.

Makes conforming changes to GS 163-82.6A, GS 163-166.7, and GS 163-227.2.

Enacts new GS 163-182.1A to require a voter who cast a provisional ballot as a result of the voter's inability or declination to provide photo ID to provide the photo ID, in person, to the county board of elections no later than the time set for convening the election canvass under GS 163-182.5, in order to seek the counting of that voter's provisional official ballot as provided in the statute. If the voter provides valid photo ID, requires the county board of elections to find that the provisional ballot is valid and direct that it be counted, unless it is disqualified for some other reason. Allows for affidavits by those losing photo ID due to a natural disaster as well as for sincerely held religious objections to being photographed. Specifies process for when a voter casting a provisional ballot as described in the statute has also also cast a provisional ballot for another reason.

Amends GS 163-87 to allow a registered voter to challenge a person for failure to present proof of photo identification as required under GS 163-166.13.

Effective January 1, 2016, and applies to primaries and elections conducted on or after that date.

Implementation. Amends GS 20-37.7(d) to provide that the fee for a special identification card does not apply to a person who is registered to vote in the state but does not have acceptable photo identification. In order to get the card for free, requires the registered voter to sign a sworn statement, which includes a statement that paying the fee would present a financial hardship. Amends GS 130A-93.1 to prohibit charging the fee for vital records copies or search to a registered voter who signs a sworn statement that the voter is registered, does not have a certified copy of his or her birth certificate necessary to obtain acceptable photo ID, and that paying the fee would present a financial hardship. Makes the same change to GS 161A-10(a)(8) concerning birth certificates and marriage licenses. Amends GS 163-229(b) to amend the requirements to absentee ballot container-return envelopes to require that they also provide for (1) the voter's signature; (2) space for the identification of two persons witnessing the casting of the ballot and their signatures; (3) space for identification of any near relative or verifiable legal guardian who assisted the voter if the voter is unable to complete and sign the certification, and the individual's signature; and (4) a prominent display of the unlawful acts under GS 163-226.3. Amends GS 163-230.1 to require a qualified voter desiring to vote by absentee ballot to complete a request form, an absentee application, and absentee ballot so that the county board of elections receives that completed request by 5 p.m. on the Tuesday before the election. Amends GS 163-230.2 to provide that a written request for an absentee ballot is valid only if it is on a form generated by the State Board and signed by the voter making the request or that voter's near relative or verifiable legal guardian. Requires the form to be available at specified locations. Allows a voter to make a request in person or by writing to the county board for the form to request an absentee ballot. Requires the request form to include at least the specified information, including the number of the voter's driver's license, the number of the voter's special ID card, or the last four digits of the applicant's Social Security number. The complete request must be delivered to the county board of elections. If the voter does not include the specified identification number information, then the request form must include a copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document. Amends GS 163-231 to require an absentee ballot to be witnessed by two (was, one) individuals. Makes clarifying changes.

Specifies eight ways in which the public is to be educated about the photo ID requirements. Also amends GS 163-278.69 to require the Judicial Voter Guide to include information about the photo ID requirement. Allows funds from the surcharge on attorney membership fees under GS 84-34, collected on or after July 1, 2013, to be used for the Judicial Voter guide, as provided in amended GS 163-278.69.

Requires the State Board of Elections to study and report to the Joint Legislative Elections Oversight Committee on or before April 1, 2014, on a secure and feasible method of creating and utilizing electronic pollbooks with digital photos of registered voters. Specifies issues to be addressed in the study.

Effective Date. Unless otherwise specified, effective when the act becomes law.

Provides that at any election between August 1, 2013, and January 1, 2016, any registered voter may present that voter's photo identification to the elections officials at the voting place, but may not be required to do so. At each election between August 1, 2013, and January 1, 2016, each voter presenting in person shall be notified that photo identification will be needed to vote beginning in 2016 and be asked if that voter has one of the forms of photo identification appropriate for voting. If that voter indicates he or she does not have one or more of the types of photo identification appropriate for voting, that voter shall be asked to sign an acknowledgment of the photo identification requirement, be given a list of types of photo identification appropriate for voting, and information on how to obtain those types of photo identification. The list of names of those voters who signed an acknowledgment is a public record.

Intro. by Warren, Murry, T. Moore, Samuelson.

GS 20, GS 130A, GS 161, GS 163

[View summary](#)[Elections](#)**PUBLIC/SENATE BILLS**

S 677 (2013-2014) **CORPORATE INCOME TAX REDUCTION & REFORM**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REFORM THE CORPORATE INCOME TAX AND REDUCE THE CORPORATE INCOME TAX RATE BY MOVING TO SINGLE SALES FACTOR APPORTIONMENT AND ELIMINATING CORPORATE TAX EXPENDITURES.*

Amends GS 105-130.3 (*Corporations*) to impose a tax on the state net income of every C Corporation doing business in the state at the following percentages: (1) 6.9% in 2013, (2) 6.5% in 2014, (3) 6.25% in 2015, and (4) 6% after 2015. Effective for taxable years beginning on or after January 1, 2014.

Current law provides for apportioning the apportionable income of corporations other than public utilities, excluded corporations, and qualified capital intensive corporations to the state by multiplying the income by a fraction. Amends GS 105-130.4(i) to provide that the numerator of the fraction is the property factor plus the payroll factor plus three times the sales factor (was, two times the sales factor) and the denominator is five (was, four). Provides that if the payroll or property factor does not exist, but there is a sales factor, then the denominator is the number of existing factors plus two (was, plus one). Effective for taxable years beginning on or after January 1, 2014.

Further amends GS 105-130.4(i), as amended in this act, to again modify the calculations for apportioning the apportionable income of corporations other than public utilities, excluded corporations, and qualified capital intensive corporations effective for taxable years beginning on or after January 1, 2015. Provides that the numerator of the fraction is the property factor plus the payroll factor plus five times the sales factor (was, three times the sales factor) and the denominator is seven (was, five). Provides that if the payroll or property factor does not exist, but there is a sales factor, then the denominator is the number of existing factors plus four (was, plus two).

Amends GS 105-130.4(i), as amended in this act, to make additional changes to this provision effective for taxable years beginning on or after January 1, 2016. Provides that all apportionable income of corporations other than public utilities (exceptions previously included excluded corporations, and qualified capital intensive corporations) be apportioned to this state by multiplying the income by the sales factor as determined under subsection (1) of this section (was, required multiplying the income by a fraction). Makes conforming changes, repealing GS 105-130.4(a)(4), (r), and (s1).

Rewrites GS 105-130.5, *Adjustments to federal taxable income in determining state net income*, as amended by SL 2013-10, to delete the adjustment to federal taxable income for any amount allowed as a net operating loss deduction under the Code. Also deletes adjustments for the applicable percentage amount allowed as a special accelerated depreciation deduction under section 168(k) or section 1400L of the Code [subdivisions (15), (15a), and (15b)] and for the taxpayers' expense deduction for section 179 of the Code for property. Adds an adjustment for the amount required to be paid under GS 105-130.5B when the state decouples from federal accelerated depreciation and expensing. Modifies the adjustment for royalty payments to include interest expenses.

Subsection (b) of GS 105-130.5 allows for deductions from federal taxable income to be made in determining state net income; amends this subsection to delete deductions from federal taxable income in the following subdivisions: (4) through (8), (12), (13), (15), (18), (19), (21), (21a), (21b), (22), (24), (26), and (26a). Adds as a deduction the amount allowed as a deduction under GS 105-130.5B as a result of add-back for federal accelerated depreciation and expensing. Deletes provision of subsection (c)(3) providing that GS 105-130.6A applies to the adjustment for expenses related to dividends received that are not taxed under this Part (Corporation Income Tax Act).

Enacts new GS 105-130.5B to GS Chapter 105, Article 4, Part 1, to provide for adjustments when the state decouples from federal accelerated depreciation and expensing. Includes a depreciation exception for a taxpayer who placed property into service during the 2009 taxable year and whose North Carolina taxable income for the 2009 taxable year had a special

depreciation deduction allowed for the property under section 168(k) of the Code. Defines section 179 property as having the same meaning as under the Code. Effective for taxable years beginning on or after January 1, 2014.

Amends GS 105-130A.7A to provide that the reporting options in this section apply to interest expense and royalty income (was, applied only to royalty income). Amends subsection (b) to add a definition for *interest expense* to mean an amount directly or indirectly allowed as a deduction under section 163 of the Code. Effective for taxable years beginning on or after January 1, 2014.

Repeals Article 3C (*Tax Incentives for Recycling Facilities*) and Article 3K (*Tax Incentives for Railroad Intermodal Facilities*) of GS Chapter 105.

Section 6.(b) of this act lists several statutes from GS Chapter 105 that are repealed dealing with tax credits, adjustments for expenses, net economic loss, contributions and amortization. Section 7.(a) of this act repeals (1) GS 105-259(b)(24), regarding furnishing qualifying information to the Department of Commerce and the Division of Employment Security as required in GS 105-129.7(b) or GS 105-129.86(b); (2) GS 105-259(b)(37) regarding providing information to the Department of Commerce to complete the study required under GS 105-129.82; and (3) GS 105-259(b)(38) regarding verifying eligibility for a credit under GS 105-129.16H with a nonprofit organization or unit of local or state government.

Enacts new GS 143B-437.08A regarding wage, health insurance, environmental impact, and employee safety and health standards applicable to economic development incentives. Sets out the standards to be met and the criteria to be examined in determining if the standards have been met.

Makes conforming changes to GS 143B-437.01(a) and amends the definitions in subsection (a1) for (1) air courier services, (2) company headquarters, (3) information technology and services, (4) manufacturing, (5) warehousing, and (6) wholesale trade. Adds a definition for NAICS to mean as defined in GS 105-228.90.

Except as otherwise indicated, this act becomes effective for taxable years beginning on or after January 1, 2014.

Intro. by Rucho, Rabon.

[GS 105, GS 143B](#)

[View summary](#)

[Tax](#)

S 683 (2013-2014) [SAFE HARBOR/VICTIMS OF HUMAN TRAFFICKING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT.*

Amends GS 14-43.11, (*Human trafficking*), providing that a person commits human trafficking when they (i) knowingly or in reckless disregard of the fact, recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude (previously, offense committed only when elements were knowingly committed) or (ii) knowingly or in reckless disregard of the fact causes a minor to be held in involuntary servitude or sexual servitude (previously, there was not a separate element for minors). Provides that a violation of the above is a Class E felony (was, Class F) if the victim is an adult. Establishes that a mistake of age or consent of a minor is not a defense to prosecution.

Amends GS 14-43.12, (*Involuntary servitude*), providing that a person commits the offense of involuntary servitude when that person knowingly and willfully or in reckless disregard holds another in involuntary servitude (previously, reckless disregard was not a qualifying element of the crime). Provides that a violation of the above is a Class E felony (was, Class F) if the victim is an adult. Establishes that a mistake of age or consent of a minor is not a defense to prosecution.

Amends GS 14-43.13, (*Sexual servitude*), providing that a person commits the offense of sexual servitude when that person knowingly or in reckless disregard subjects or maintains another in sexual servitude (previously, reckless disregard was not a qualifying element of the crime). Provides that a violation of the above is a Class E felony (was, Class F) if the victim is an adult. Establishes that a mistake of age or consent of a minor is not a defense to prosecution.

Repeals GS 14-190.18, (*Promoting prostitution of a minor*), GS 14-190.19 (*Promoting prostitution of a minor*), GS 14-203 (*Definition of terms*), GS 14-204 (*Prostitution and various acts abetting prostitution*), GS 14-204.1 (*Loitering for the purpose of engaging in prostitution offense*), GS 14-205 (*Prosecution; in what courts*), GS 14-207 (*Degrees of guilt*) and GS 14-208 (*Punishment; probation; parole*).

Recodifies GS 14-206 (*Reputation and prior conviction admissible as evidence*) as GS 14-203.9.

Amends GS 14, Article 27, adding multiple new sections.

Enacts GS 14-203.1, (*Definitions*), providing the terms and definitions to be used in Article 27, including advance prostitution, minor, profit from prostitution, and sexual act.

Enacts new GS 14-203.2, (*Prostitution*), defining the offense of prostitution as having been committed by any person who knowingly performs, offers, or agrees to perform any sexual act for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification.

A violation of this results in a Class 1 misdemeanor. A first time offender will automatically receive deferred prosecution and probation in the amount of 12 months, further proceedings will be deferred until the conclusion of the 12 months probation. Provides the conditions of probation, including, attending no fewer than 10 counseling sessions by an approved program. The court can also set other conditions as it sees fit, including but not limited to requiring payment of a fine and court costs. If probation is successfully fulfilled, the court will discharge the person and dismiss the proceedings against them. Provides that when a person charged with this offense is deemed a minor, they are immune from prosecution and instead are subject to temporary custody provisions in GS 7B-1900, 7B-1901, and 7B-1905.

New GS 14-203.3, (*Solicitation of a sexual act*), defines the offense of solicitation as having been committed when a person offers not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any sexual act, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification. A violation of this results in a Class F felony. However, solicitation of a sexual act from a minor or who is severely or profoundly mentally disabled is a Class C felony.

New GS 14-203.4, (*Promoting prostitution*), defines the offense of promoting prostitution as any person who knowingly performs any of the following acts: (1) Advances prostitution as defined in GS 14-203.1. (2) Profits from prostitution by doing any of the following: a. Compelling a person to become a prostitute. b. Arranging or offering to arrange a situation in which a person may practice prostitution. c. Any means other than those described in sub-subdivisions above, including from a person who patronizes a prostitute. This sub-subdivision does not apply to minors engaged in prostitution. A person cannot be convicted of promoting prostitution under this sub-subdivision if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under GS 14-203.2.

Establishes different sentencing and punishment levels in regards to how a person is determined to have promoted prostitution in regards to the above described varying acts, including but not limited to, a violation of GS 14-203.4(a)(1) is a class F felony or a Class C felony if committed within 1,000 feet of a school.

New GS 14-203.5, (*Promoting prostitution of a minor*), defines the offense of promoting prostitution of a minor as any person who knowingly performs any of the following acts:

(1) Advances prostitution as defined in GS 14-203.1, where the minor engaged in prostitution, or any person engaged in prostitution in the place is a minor or is severely or profoundly mentally disabled at the time of the offense. (2) Profits from prostitution by any means where the prostituted person is a minor or is severely or profoundly mentally disabled at the time of the offense. (3) Confines a minor or a severely or profoundly mentally disabled person against the person's will by the infliction or threat of imminent infliction of great bodily harm, permanent disability, or disfigurement or by administering to the minor or severely or profoundly mentally disabled person, without the person's consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in GS 90, Article 5 (North Carolina Controlled Substances Act) and does any of the following: a. Compels the child or severely or profoundly mentally disabled person to engage in prostitution. b. Arranges a situation in which the child or severely or profoundly mentally disabled person may practice prostitution. c. Profits from prostitution by the child or severely or profoundly mentally disabled person.

Establishes different sentencing and punishment levels in regards to how a person is determined to have promoted prostitution of a minor in regards to the above described varying acts, including but not limited to, a violation of GS 14-203.5(a)(1) is a Class B2 felony or a Class B1 felony if committed within 1,000 feet of a school. Provides that any person convicted of a violation of this section that involves promoting prostitution of a minor by keeping a place of minor prostitution or convicted of a violation of GS 14-103.5(a)(3) is subject to the property forfeiture provisions in GS 14-2.3.

New GS 14-203.6, (*Patronizing a prostitute*), defines the offense as having been committed by any person who knowingly performs any of the following acts with a person not his or her spouse: (1) Engages in a sexual act with a prostitute. (2) Enters or remains in a place of prostitution with intent to engage in a sexual act. (3) Engages in any touching or fondling with a prostitute of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.

Establishes different sentencing and punishment levels in regards to how a person is determined to have patronized a prostitute in regards to the above described varying acts, including but not limited to, a violation of any of the above is a Class F felony or a Class C felony if committed within 1,000 feet of a school.

GS 14-203.7, (*Patronizing a minor engaged in prostitution*), any person who does any of the following commits the offense of patronizing a minor engaged in prostitution: (1) Engages in a sexual act with a person engaged in prostitution that is a minor or is a severely or profoundly mentally disabled person. (2) Engages in any touching or fondling, with a person engaged in prostitution that is either a minor or is a severely or profoundly mentally disabled person, of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.

Establishes an affirmative defense to the charge, reasonably believing the person was of an age of 18 years or older or was not severely/profoundly mentally disabled at the time of the charge is an affirmative defense to the charge.

A person who commits patronizing a minor engaged in prostitution is guilty of a Class C felony, unless committed within 1,000 of a school, then it is a Class B2 felony. It is also a Class B2 felony to commit a subsequent violation or of any combination of such number of convictions under the statute and specified other statutes.

New GS 14-203.10, (*Certain probation conditions*), provides that a person that is convicted of a crime under this Article and receives a sentence which includes probation, and that person has a venereal disease, the period of probation can only commence on terms and conditions that ensure medical treatment and prevent the spread thereof. Also provides that no a girl or woman convicted under this Article can be placed on probation in the care or charge of any person except a woman probation officer.

New GS 14-203.15, (*Vehicle impoundment*), provides that a law enforcement officer can tow and impound any vehicle used by the person who committed a crime under this Article and used that vehicle in the commission of the offense. Fees are authorized in the amount of \$1,000. Provides for the distribution of the funds received by this section. As well as the recoupment of those fees upon acquittal of all of the offenses connected to the impoundment.

Amends GS 15A-290(c)(1), adding GS 14-43.11 (*Human trafficking*), GS 14-43.12 (*Involuntary servitude*), GS 14-43.13 (*Sexual servitude*), GS 14-203.5 (*Promoting prostitution of a minor*), and GS 14-203.7 (*Patronizing a minor engaged in prostitution*), providing that these are offenses for which orders for electronic surveillance may be granted.

Adds new subdivision GS 15A-1415(b)(10), providing that the following are grounds upon which the defendant may assert a motion for appropriate relief (MAR) made more than 10 days after entry of judgment: The defendant was convicted of a first offense of misdemeanor prostitution under GS 14-203.2 and prosecution of the offense was not deferred pursuant to GS 14-203.2(c); the defendant's participation in the offense was a result of having been a victim of human trafficking under GS 14-43.11, sexual servitude under GS 14-43.13, or the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)); and the defendant seeks to have the conviction vacated.

Amends GS Chapter 15A, Article 89 by adding a new section, GS 15A-1416.1, (*Motion by the defendant to vacate prostitution conviction for sex trafficking victim*), providing that the Court of Appeals has jurisdiction to hear a MAR filed pursuant to the grounds in GS 15A-1415(b)(10). Provides rules for filing MARs and what they must state and contain in order to be considered. Also establishes that the court may grant the MAR if, within their discretion, the violation was a result of the defendant having been a victim of human trafficking. Provides a list of documents which would constitute evidence of such, and provides that the court can consider other evidence as it deems to have sufficient credibility and probative value in regards to the determination. A granted MAR under this section requires the court to vacate the conviction and allows the court to take such additional action as is appropriate.

Adds new subdivision GS 15A-145.6, (*Expunctions for certain defendants convicted of prostitution*), providing the terms and definitions to be used in this section, including, prostitution offense and violent felony or violent misdemeanor. Allows a person who pleads guilty or was found guilty of a prostitution offense to file a petition in court, where the conviction occurred, for expunction of the offense provided that they meet the following criteria:

- (1) The person has not previously been convicted of any violent felony or violent misdemeanor under the laws of the United States or the laws of this State or any other state.
- (2) The person satisfies any one of the following criteria:
 - a. The person's participation in the prostitution offense was a result of having been a trafficking victim under GS 14-43.11 (human trafficking) or GS. 14-43.13 (sexual servitude) or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)).
 - b. The person was less than 18 years old at the time that the person committed the offense.
 - c. The person was sentenced under the deferred prosecution provisions in GS. 14-203.2 and is eligible to apply for an expunction under GS. 14-203.2(c).

Petition may not be filed earlier than three years after serving the full sentence. Provides the rules for filing such petitions and what they must state and contain in order to be considered. The petitions are to be served on the district attorney (DA) of the convicting court. The DA has 30 days thereafter to file any objection. The DA must make his/her best effort to contact the victim in order to notify them of the expunction request. Provides the specified steps and issues that will be followed by the court in rendering a decision on the petition. Orders the court to restore the person to the status occupied prior to the arrest or indictment if the court finds specified requirements are met, including but not limited to, the petitioner has no outstanding warrants or pending criminal cases, and the criteria set out in subsection (b) of this section are satisfied. Provides other effects and requirements that must take place after a petition for expunction is granted, for example, the court will order that the conviction of the prostitution offense be expunged from the records of the court and direct all law enforcement agencies to do the same.

Amends GS 15A-13.40.16(d) adding the following to a list of aggravating factors for use in GS Chapter 15A, Article 81B (*Structured Sentencing of Persons Convicted of Crimes*): the offense is a violation of GS 14-43.11 (*human trafficking*), GS 14-43.12 (*involuntary servitude*), or GS 14-43.13 (*sexual servitude*) and involved multiple victims; the offense is a violation of GS 14-43.11 (*human trafficking*), GS 14-43.12 (*involuntary servitude*), or GS 14-43.13 (*sexual servitude*) and the victim suffered serious injury as a result of the offense.

Amends GS 15B-2(*Definitions*) of Article 1 (*Crime victim's compensation act*), adding the following classification to the definition of a "claimant" - "a person who was convicted of a first offense under GS 14-203.2 and whose participation in the offense was a result of having been a trafficking victim or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act". Also provides that a claimant cannot be the offender or an accomplice of the offender, except as provided in sub-subdivision (e) of this subdivision (previously, no language referring to sub-subdivision (e) was included).

Amends GS 7B-101 (*Definitions*), as it pertains to Abuse, Neglect, Dependency, to make conforming changes. Adds the following classification to the definition for "abused juveniles" - which is any juvenile less than 18 years old whose parents, guardian, custodian, or caretaker: "commits or allows to be committed an offense under GS 14-43.11 (*human trafficking*), GS 14-43.12 (*Involuntary servitude*), or GS 14-43.13 (*sexual servitude against the child*)."

Amends GS Chapter 14, Article 10A by adding a new section GS 14-43.20, (*Mandatory restitution; victim services; forfeiture*), providing that restitution is mandatory under this Article for a victim. For the purposes of this section a "victim" is an individual subjected to the practices set out in GS 14-43.11, GS 14-43.12, or GS 14-43.13. Provides that in addition to any other amount of loss identified, the court will order restitution including the greater of: (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law.

Provides that the Department of Health and Human Services can provide or fund emergency services and assistance to those who are victims of offenses under GS 14-43.11, GS 14-43.12, or GS 14-43.13. Also includes a certification clause requiring that the Attorney General, a district attorney, or any law enforcement official will certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an

investigation or prosecution under this Article for a violation of GS 14-43.11, GS 14-43.12, or GS 14-43.13. has begun and the individual who is a likely victim of one of those crimes is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible, to qualify for an appropriate special immigrant visa and to access federal benefits. Cooperation with law enforcement is not required of victims who are under 18 years of age. This certification will be made available to the victim and the victim's designated legal representative. Provides that specified property forfeiture provisions are applicable.

Amends the introductory language in GS 14-190.13, making conforming and technical changes.

Amends GS 14-208.6(5), 15A-830(a)(7), GS 90-210.25B(b), GS 114-15(b1), and GS 115C-296(d)(2) making conforming changes.

Effective December 1, 2013, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Intro. by Goolsby, Barringer, Kinnaird.

[GS 115C](#), [GS 7B](#), [GS 14](#), [GS 15A](#), [GS 15B](#), [GS 90](#), [GS 114](#)

[View summary](#)

[Criminal Law and Procedure](#)

S 701 (2013-2014) [STATE IT/IP ASSETS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT RELATING TO STATE INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY ASSETS*.

Enacts Article 11C of GS Chapter 66, titled *State Intellectual Property and Information Technology Assets*. Intellectual property developed by an employee of the state or local government during work hours within the scope of the employee's employment or when using state or locally controlled facilities is the property of the state or joint property of that local employing entity and the state. Contracts entered into between the state and other organizations or vendors must, in express terms, grant the state a security interest in royalties from any intellectual property or information technology capabilities that used state or local funds, facilities, or other resources in its development. Requires the University of North Carolina and constituent institutions, the Community Colleges System, and the Department of Public Instruction to adopt and revise intellectual property, inventor, and information technology development guidelines. To protect its intellectual property and information technology assets, all data, information, and records in any form created by or on behalf of the state must be held as confidential. These items are not subject to public disclosure under Chapter 132 of the General Statutes unless the Governor specifically releases the information.

Intro. by Brock, Hise, Tarte.

[GS 66](#)

[View summary](#)

[State Government](#)

S 702 (2013-2014) [CONSOLIDATE ELECTIONS, ETHICS, LOBBYING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, ETHICS, AND LOBBYING INTO ONE STATE AGENCY*.

Enacts new GS Chapter 163A, *State Elections and Ethics Act*. Establishes the nine-member State Board of Elections and Ethics Enforcement.

Creates Subchapter II, *Ethics and Lobbying*, including Articles on definitions and general provisions, public disclosure of economic interests, ethical standards for covered persons, and lobbying.

Creates Subchapter III, *Election Administration*, with reserved articles.

Creates Subchapter IV, which is reserved for future codification purposes.

Creates Subchapter V, *Campaign Finance Regulation*, which includes Articles on regulating contributions and expenditures in political campaigns, appropriations from the North Carolina Political Parties Financing Fund, the North Carolina Public

Campaign Fund, the voter-owned elections act, candidate specific communications, mailings and telephone banks: candidate-specific communications, and legal expense funds.

Repeals the following:

- (1) Chapter 138A of the General Statutes, *State Government Ethics Act*.
- (2) Chapter 120C of the General Statutes, *Lobbying*.
- (3) Article 22A of Chapter 163 of the General Statutes, *Corrupt Practices and Other Offenses against the Elective Franchise*.
- (4) Article 22B of Chapter 163 of the General Statutes, *Appropriations from the North Carolina Political Parties Financing Fund*.
- (5) Article 22D of Chapter 163 of the General Statutes, *The North Carolina Public Campaign Financing Fund*.
- (6) Article 22G of Chapter 163 of the General Statutes, *Candidate-Specific Communications*.
- (7) Article 22H of Chapter 163 of the General Statutes, *Mass Mailings and Telephone Banks: Candidate Specific Communications*.
- (8) Article 22J of Chapter 163 of the General Statutes, *The Voter-Owned Elections Act*.
- (9) Article 22M of Chapter 163 of the General Statutes, *Legal Expense Funds*.

Makes conforming changes and repeals to statutes in GS Chapters 14, 18B, 58, 62A, 66, 84, 93B, 105, 114, 115D, 116, 120, 126, 128, 130A, 131E, 133, 135, 143, 143B, 147, 150B, 160A, and 163.

Directs the Revisor of Statutes to make related changes in terms and technical corrections and recodifies specified Articles and statutes.

Provides for the act's effect on the validity of previous assignment of duties of a quasi-legislative or quasi-judicial nature by the Governor or General Assembly; actions or proceedings pending on January 1, 2014, brought by or against the State Board of Elections; actions or proceedings pending on January 1, 2014, brought by or against the Employment Securities Commission; ongoing investigations or audits; and evaluations of statements of economic interests.

Requires the State Board of Elections and Ethics Enforcement to adopt all existing rules, policies, procedures, or other guidance documents in accordance with Article 2A, GS Chapter 150B. Any existing rule, policy, procedure, or guidance document that has not been readopted by December 31, 2014, shall expire. The list of covered boards adopted by the State Ethics Commission under GS 163A-208 shall continue in effect until amended or repealed by the State Board of Elections and Ethics Enforcement.

Within six months of its initial appointment, the State Board of Elections and Ethics Enforcement shall adopt rules consistent with this act regarding its investigations and hearings. In the absence of such rules, the State Board of Elections and Ethics Enforcement shall conduct its investigations and hearings to ensure fairness to the parties and enforcement of the law consistent with this act.

Transfers the following to the State Board of Elections and Ethics Enforcement: (1) the authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the State Ethics Commission; (2) the authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the State Board of Elections related to campaign finance; (3) the authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the lobbying registration and lobbying enforcement functions of the Secretary of State. Requires the Director of the Budget to resolve any disputes arising out of this transfer.

Until the State Board of Elections and Ethics Enforcement appoints an Executive Director, the director under GS 163A-9 with the most state service shall be acting Executive Director. The State Board of Elections and Ethics Enforcement shall appoint an Executive Director on or before December 31, 2014.

Transfers to the State Board of Elections and Ethics Enforcement, with the elements of a Type I transfer, (1) the State Ethics Commission; (2) the functions of the State Board of Elections; and (3) the lobbying registration and lobbying enforcement functions of the Secretary of State.

Requires the State Board of Elections and Ethics Enforcement to report to the Joint Legislative Elections Oversight Committee and the Legislative Ethics Committee on or before April 1, 2014, and again on or before March 1, 2015, as to recommendations for statutory changes necessary to further implement this consolidation.

Effective January 1, 2014.

Intro. by Brock.

[GS 116](#), [GS 105](#), [GS 14](#), [GS 18B](#), [GS 58](#), [GS 62A](#), [GS 66](#), [GS 84](#),
[GS 93B](#), [GS 114](#), [GS 115D](#), [GS 120](#), [GS 126](#), [GS 128](#), [GS 130A](#),
[GS 131E](#), [GS 133](#), [GS 143](#), [GS 143B](#), [GS 147](#), [GS 150B](#), [GS](#)
[160A](#), [GS 163](#), [GS 163A](#)

[View summary](#)

Elections, Ethics and Lobbying

S 704 (2013-2014) [STATE IT/CREATE ITAB](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY ADVISORY BOARD.*

Establishes the Information Technology Advisory Board (ITAB) to develop standard practices across state agencies, departments, and institutions regarding information technology (IT) systems management and procurement. The ITAB must do the following: 1) establish best business practices for the management of IT systems for use by all state IT functions; 2) establish professional training and continuing education guidelines to include requirements for IT industry certifications for state IT employees; 3) maintain process and data models for all major state government processes that require the use of IT systems for the storage, retrieval, and processing of data; 4) establish guidelines for the execution of an internal annual quality assurance review of the IT function across state agencies; and 5) by January 1, 2014, conduct, in conjunction with the Program Evaluation Division, a thorough study of state IT systems and processes. Prohibits a procurement of IT systems, hardware, software, or services having a total cost in excess of \$10,000 from being authorized without first obtaining a statement of review and approval from ITAB.

Intro. by Clark.

UNCODIFIED

[View summary](#)

State Government

S 706 (2013-2014) [EXTEND RENEWABLE ENERGY TAX CREDIT CARRYOVER](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAX CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO ALLOW CERTAIN INDIVIDUAL TAXPAYERS A CARRYFORWARD GREATER THAN FIVE YEARS.*

Amends GS 105-129.17(b) creating an exception, provided in GS 105-129.16A, for the handling of unused portions of tax credits. Any unused portion of credits not falling within the exception may be carried forward for the succeeding five years.

Amends GS 105-129.16A, adding subsection (c1) on carryforward tax credits. Any unused portion of a credit allowed in this section may be carried forward for the succeeding five taxable years, unless an extended carryforward period of seven years applies. An extended carryforward period applies only if 1) the taxpayer elects to take the credit against the individual tax levied in Part 2 of Article 4 of this Chapter and 2) the top tax rate imposed by GS 105-134.2 on the taxpayer's income during all years of the carryforward is no greater than 7%. Makes conforming changes.

Effective for taxable years beginning on or after July 1, 2013.

Intro. by McKissick.

GS 105

[View summary](#)**Energy, Tax**

S 707 (2013-2014) **FAMILY FARMS/CHILD LABOR AMENDMENT**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM INJURY AND DEATH AT AGRICULTURAL ESTABLISHMENTS AND TO PRESERVE THE TRADITIONAL ROLE OF EMPLOYMENT ON THE FAMILY FARM.*

Amends GS 95-25.5 adding subsection (o) prohibiting youths under 14 years of age from being employed in agriculture, unless the youth is employed by his or her parent (including stepparent), guardian, grandparent, sibling, aunt, uncle, or person standing in loco parentis on a farm owned or operated by that relative person. If the youth is working on a farm owned or operated by any relative other than the youth's parent, written permission from the parent or guardian is required.

Amends GS 95-25.14 to make conforming changes concerning exemptions to minimum wage, overtime, youth employment, and record keeping.

Intro. by McKissick, Kinnaird.

GS 95

[View summary](#)**Agriculture, Employment and Retirement**

S 708 (2013-2014) **ELLA BAKER VOTER EMPOWERMENT ACT**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO IMPROVE VOTING IN NORTH CAROLINA BY ENACTING THE ELLA BAKER VOTER EMPOWERMENT ACT.*

Amends GS 163-227.2(b) including an exception to the provision addressing one-stop voting conducted on the last Saturday before the election. Accordingly, a county board of elections must conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday, except that during each of the first primary and general elections in even-numbered years the county board of elections must conduct one-stop voting on the last two Saturdays and the last two Sundays, with not less than six or more than eight hours on the final Sunday.

Amends GS 163.227.2(f) including an exception to the requirement of a county office to be open for one-stop voting on the last Saturday before the election. Accordingly, county offices must be open on the last Saturday before the election, except during each of the first primary and general elections in even-numbered years the county board of elections must conduct one-stop voting on the last two Saturdays and the last two Sundays, with not less than six nor more than eight hours on the final Sunday.

Amends GS 163.227.2(g) including an exception to the ability of a county board of elections to unanimously vote to open one or more sites in a county for absentee ballots to be applied for and cast. Accordingly, a board of elections may unanimously vote to provide that county one or more sites for absentee ballots, except that in any incorporated municipality with a population of 15,000 or more that has a public or private college campus, in addition to the required site at the board of elections office if applicable, there must be at least one site on or adjacent to that campus for the general election in even-numbered years.

Amends GS 163-82.6A adding subsection (a1) specifying that only those qualified to register to vote may register in person on election day.

Also amends GS 163-82.6A adding subsection (c1) specifying that persons who register to vote under subsection (a1) of this section must vote a provisional ballot immediately after registering.

Amends GS 126-4 adding subsection (5b) allowing state employees to take 24 hours per year of paid leave for election service, meaning service as a precinct official as provided in GS 163-42 on election day.

Amends GS 163-46, prohibiting the county board of elections from compensating a precinct official for any hours worked for which the precinct official takes paid leave subject to GS 126-4(5b).

Appropriates \$390,871 for 2013-14 from the General Fund to the State Board of Elections to meet federal Help America Vote Act Title II Maintenance of Effort requirements.

Amends GS 163-82.3(a), mandating the State Board of Elections to develop an application form for voter registration that can either be printed out in blank or filled in online and printed out for mailing. Amends GS 163-82.3(a) adding subsection (a1), specifying requirements for the online fillable voter registration form.

Enacts GS 163-82.5A in Article 7A of Chapter 163 of the General Statutes addressing online voter registration. Individuals who are eligible to vote and possess a current and valid NC driver's license or special identification card may submit a voter registration application online. The State Board of Elections must establish a secure website to permit qualified individuals the ability to register to vote and change their name, address, and party affiliation. The Division of Motor Vehicles will compare the information submitted by the applicant with the DMV database and confirm the eligibility of the applicant. If the DMV cannot confirm the applicant's eligibility, the DMV must send the application to the county board of elections where the applicant resides. The county board of elections must then notify the applicant by U.S. mail and by email if the applicant provided an email address with the online registration.

Amends GS 163-82.19(a), providing that applicants for licenses at the DMV must be affirmatively informed of the opportunity to register to vote or update voter registration by the person taking the application at the DMV.

Amends GS 163-82.20(b) adding subsection (1a) requiring specified voter registration agencies to affirmatively inform each applicant of the opportunity to register to vote if the applicant is eligible.

Amends GS 163-41 adding subsection (a1) requiring all chief judges and judges to be certified as knowledgeable on election laws and procedures relating to voting.

Requires the State Board of Elections to publish a voter guide in regional editions covering all state legislative races and statewide races not covered in the Judicial Voter Guide or the Voter Guide.

Amends GS 115C-81(g)(1), clarifying the curriculum of "American History I -- The Founding Principles" to include frequent and free elections in a representative government, specifically including the process of voting and registering to vote.

Effective January 1, 2014.

Intro. by McKissick, Robinson, Bryant.

APPROP, GS 115C, GS 126, GS 163

[View summary](#)

Budget/Appropriations, Education, Elementary and Secondary Education, Elections

S 711 (2013-2014) **HIGHWAY TRUST FUND/FUNDING MECHANISMS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO IMPROVE COORDINATION OF TRANSPORTATION INVESTMENTS WITH ECONOMIC DEVELOPMENT AND JOB CREATION INITIATIVES BY STUDYING THE DISTRIBUTION AND TARGETING OF TRANSPORTATION INVESTMENTS THROUGH THE HIGHWAY TRUST FUND.*

Requires the Joint Legislative Transportation Oversight Committee to study the funding and disbursement structure of the Highway Trust Fund, including comparing state transportation capital funding practices and linkages to economic development priorities with those of other states. Requires a report to the 2013 Regular Session of the General Assembly when it reconvenes in 2014. Effective July 1, 2013.

Intro. by Hunt.

STUDY

[View summary](#)

Transportation

S 712 (2013-2014) [ID CARD FOR HOMEBOUND PERSONS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS WHEREBY PERSONS WHO ARE HOMEBOUND CAN APPLY FOR A SPECIAL PHOTO IDENTIFICATION CARD BY MEANS OTHER THAN PERSONAL APPEARANCE AND TO MAKE OTHER CLARIFYING CHANGES.*

Requires the Division of Motor Vehicles (DMV) to adopt rules allowing a homebound person to apply for or renew a special photo ID card by means other than personal appearance. Defines a person who is homebound. Requires a special identification card to include a color photo of the special ID card holder. Effective July 1, 2014.

Requires the DMV to report to the Chairs of the Joint Legislative Transportation Oversight Committee on the status of the implementation of the system for homebound persons, including the costs, benefits, and feasibility of implementing the system.

Intro. by Hunt.

GS 20

[View summary](#)

[Transportation, Department of Transportation](#)

S 713 (2013-2014) [CLOSE ATM LOOPHOLE/COPPER PURCHASING SITES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT AUTOMATED TELLER MACHINES AT FIXED SITES OCCUPIED BY SECONDARY METALS RECYCLERS.*

Amends GS 66-424 to prohibit a secondary metals recycler from operating or allowing the operation of an automated teller machine at a fixed site at which the recycler purchases regulated metals property. Applies to ATMs purchased, installed, or replaced after the date that the act becomes effective.

Intro. by Bryant.

GS 66

[View summary](#)

[Banking and Finance, Business and Commerce](#)

S 714 (2013-2014) [PERMANENT PLATES FOR RESCUE UNIT/SQUAD](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO RESCUE UNITS OR RESCUE SQUADS.*

Amends GS 20-84, as title indicates.

Intro. by Bryant, Newton.

GS 20

[View summary](#)

[Transportation, Public Safety and Emergency Management](#)

S 715 (2013-2014) [INDIAN CULTURAL CENTER LEASE ADMINISTRATION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO TRANSFER OVERSIGHT OF THE LEASES AT THE INDIAN CULTURAL CENTER SITE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO PROVIDE NECESSARY TECHNICAL ASSISTANCE TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., TO ENSURE THAT THE INTENDED GOALS OF THE LEASE ARE REALIZED.*

As title indicates. Also requires the Department of Environment and Natural Resources, Division of Parks and Recreation, to report to the General Assembly on (1) any assistance it has provided to the NC Indian Cultural Center Inc. and (2) whether it deems that any additional assistance is necessary or funding may be necessary in order to assist the Center in fully developing the Indian Cultural Center property as envisioned in the leases and by the General Assembly.

Intro. by Bryant.

UNCODIFIED

[View summary](#)

[Department of Environmental Quality \(formerly DENR\),](#)

Cultural Resources and Museums

S 716 (2013-2014) [REPEAL CERTAIN TRNPKE PROJTS. AUTH'N/FUNDING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROJECTS FROM THE LIST OF TURNPIKE AUTHORITY PROJECTS; TO TRANSFER THE FUNDING TO THE MOBILITY FUND; AND TO PREVENT THE EXPENDITURE OF ANY FURTHER STATE FUNDS ON THOSE PROJECTS.*

Amends GS 136-89.183 to give the Turnpike Authority the powers necessary to study, plan, develop, and undertake preliminary design work on up to five (was, eight) turnpike projects; removes the Gaston East-West Connector (Garden Parkway), Cape Fear Skyway, and a bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia, pursuant to GS 136-89.183A. Reduces the annual appropriation to the Authority in GS 136-176 from \$112 million to \$49 million, removing specified amounts for the mid-Currituck Bridge and the Garden Parkway. Amends GS 105-187.9 to increase the amount to be transferred to the Mobility Fund from \$58 million to \$121 million.

Effective July 1, 2013.

Intro. by Rabon.

[GS 105, GS 136](#)

[View summary](#)

[Transportation](#)

S 717 (2013-2014) [MV SAFETY INSPECTOR/MV LICENSING LAW CHANGES \(NEW\)](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS AND TO CLARIFY THE MOTOR VEHICLE DEALERS AND MANUFACTURERS' LICENSING LAW.*

Amends GS 20-183.8F, as the title indicates. Provides that failure to comply with the notice requirement will result in dismissal of the violation. Effective October 1, 2013.

Intro. by Rabon.

[GS 20](#)

[View summary](#)

[Transportation](#)

S 718 (2013-2014) [I.B.P.O.E.W. SPECIAL PLATE](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE WORLD (I.B.P.O.E.W.).*

Amends GS 20-79.4(b) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$25 and requires that \$15 of that amount be transferred quarterly to the NC Alliance of Boys and Girls Clubs to support its mission of promoting the social welfare of boys and girls as served by various Boys and Girls Clubs in North Carolina that are affiliated with the Boys and Girls Clubs of America. Effective July 1, 2013.

Intro. by Graham.

[GS 20](#)

[View summary](#)

[Transportation](#)

S 719 (2013-2014) [STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO*

PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS.

Enacts new GS 116-40.12, allowing a student organization to determine that ordering the organization's internal affairs, selecting leaders, defining doctrines, and resolving disputes are in furtherance of the organization's mission and that only persons committed to that mission should conduct those activities. Prohibits constituent institutions granting recognition and access to any student organization or group from discriminating against any such student organization or group that exercises these rights.

Intro. by Soucek.

GS 116

[View summary](#)

Higher Education

S 720 (2013-2014) [NCEMPA/DUKE ENERGY NEGOTIATIONS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA EASTERN MUNICIPAL ELECTRIC POWER AGENCY SHALL ACTIVELY ENGAGE IN NEGOTIATIONS TO SELL OR TRANSFER ITS ELECTRIC GENERATION ASSETS TO DUKE ENERGY OR ANOTHER INVESTOR-OWNED UTILITY AND SHALL ENGAGE IN NEGOTIATIONS WITH DUKE ENERGY FOR THE PURPOSE OF RENEGOTIATING ITS CONTRACTUAL OBLIGATIONS TO PURCHASE ELECTRICITY EXCLUSIVELY FROM DUKE ENERGY.*

Requires the North Carolina Eastern Municipal Electric Power Agency (NCEMPA) to 1) actively engage in negotiations with Duke Energy to transfer or sell its ownership interest in five specified electric generating assets to Duke Energy or another investor-owned utility, 2) actively seek to renegotiate its contracts with Duke Energy to eliminate or amend any requirements that NCEMPA exclusively purchase electric power from Duke Energy if such action would result in cost savings, and 3) submit the results of its efforts to the Utilities Commission and the Joint Legislative Commission on Governmental Operations no later than December 31, 2013.

Intro. by Newton.

UNCODIFIED

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Energy, Public Enterprises and Utilities

S 721 (2013-2014) [ELECTION OMNIBUS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE PHOTO IDENTIFICATION TO VOTE, TO PROVIDE PROCEDURES FOR RESTORATION OF CITIZENSHIP AFTER CONVICTION OF A FELONY, AND TO REVISE THE EARLY VOTING AND SAME-DAY REGISTRATION LAWS.*

Voter photo identification. Amends GS 163-166.12 to require every individual seeking to vote in person to present a valid photo identification. Enumerates eight valid types of identification, including a North Carolina driver's license, a special ID for nonoperators, and a passport. Enacts new GS 163-166.13 to require each county board of elections to issue voter ID cards without charge upon presentation of specified documentation. Lists information included on the voter identification card and provides additional information on the cards. Makes conforming changes to GS 163-82.6A and provides that an individual not presenting the required identification may vote a provisional ballot. Makes conforming changes to GS 163-166.7 and GS 163-227.2.

Enacts new GS 163-182.1A to require a voter who cast a provisional ballot as a result of the voter's inability or declination to provide photo ID to provide the photo ID in person to the county board of elections no later than the date of the conclusion of the election canvass for that county to seek counting of the provisional official ballot. If the voter provides valid photo ID and executes the required affidavit, requires the county board of elections to find that the provisional ballot is valid and direct that it be counted, unless it is disqualified for some other reason. Allows for affidavits by those with sincerely held religious objections to being photographed. Specifies process for when a voter casting a provisional ballot as described in the statute has also also cast a provisional ballot for another reason.

Amends GS 163-87 to allow a registered voter to challenge a person for failure to present proof of photo identification as required under GS 163-166.12. Also allows observers to enter challenges.

Above provisions are effective (1) in counties not subject to section 5 of the Voting Rights Act of 1965 beginning with the statewide primary in 2014 and (2) in any county covered by section 5 of the Voting Rights Act of 1965 beginning with the later of the statewide primary in 2014 or the date this act is precleared or approved under section 5 of the Voting Rights Act of 1965.

Amends GS 20-37.7(d) to allow issuance of a DMV special identification card to a registered voter who does not otherwise have required ID to vote; no fee to be charged upon an oath that ID is needed to vote. Makes clarifying changes.

Specifies education and publicity requirements for the photo identification requirement. Appropriates \$600,000 from the General Fund for 2013-14 to a special reserve to carry out public service announcements through print, radio, tv, online, and social media, and to provide for issuance of voter identification cards. Allocates the appropriation to specified entities.

Allows funds under the Help America Vote Act, the Election Assistance for Individuals with Disabilities provision of the Help America Vote Act, and unexpended funds in the NC Voter-Owned Elections fund to be used for the education and publicity requirements as well as for the voter identification cards. Allows funds from the surcharge on attorney membership fees to be used for education and publicity requirements as it relates to judicial elections.

Above provisions become effective July 1, 2013.

Restoration of citizenship. Amends GS 13-1 to add a five-year wait period before restoring citizenship rights (1) upon the conditional discharge of an inmate, of a probationer, or of a parolee by the Division of Adult Correction of the Department of Public Safety, or of a defendant under a suspended sentence by the court; (2) with regard to any person convicted of a crime against the United States who has been unconditionally discharged; and (3) with regard to any person convicted of a crime in another state and that has been unconditionally discharged. For those subject to the five-year waiting period, the restoration is conditioned upon unanimous approval by the county board of education of a petition for restoration of the right of citizenship, which is to be approved upon satisfying the following conditions: (1) no new felony charge upon the expiration of five years from the charge; (2) applicant has not been convicted of any violation of GS Chapter 163; and (3) the applicant has presented affidavits from two registered voters in the county of the applicant's residence attesting that the applicant is of upstanding moral character, with false affidavits punishable as if it were perjury.

Early voting changes. Amends GS 163-227.2(b) to set the time for early voting as six calendar days (not including Sunday) designated by the county board of elections, during the period beginning the second Tuesday before an election and no later than the last Thursday before the election. Provides that as one of the six days, the county board must conduct one-stop voting on the last Saturday of that period before the election until 1 p.m. and may conduct it until 5 p.m. on that Saturday. Amends GS 163-227.2(f) to require counties operating a modified full-time office to remain open on days where one-stop voting is conducted. Makes conforming changes to GS 163-227.2(g).

Effective date. Effective January 1, 2014.

Intro. by Newton.

[GS 13, GS 20, GS 163](#)

[View summary](#)

[Criminal Justice, Budget/Appropriations, Elections](#)

S 722 (2013-2014) [HORTON INDEPENDENT REDISTRICTING COMM.](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH THE HAMILTON C. HORTON, JR. INDEPENDENT REDISTRICTING COMMISSION.*

Subject to the approval of voters at the November 2014 general election, proposes the following constitutional amendments to create an independent redistricting commission.

Amends Section 3 (*Senate districts; apportionment of senators*) and Section 5 (*Representative districts; apportionment of representatives*) of Article II of the North Carolina Constitution to provide that the Independent Redistricting Commission, created in this act, revise Senate and House districts and apportionment of Senators and Representatives among those districts so that the districts meet the following goals to the extent possible: (1) compactness, to avoid elongated and irregularly shaped districts; (2) one person, one vote to ensure each voter's vote; and (3) minimizing the number of split counties, municipalities, and other communities of interest.

Constitutional amendment to Article II adds a new Section 25 providing for an 11-member Hamilton C. Horton Jr. Independent Redistricting Commission (Commission), four members each from the two largest political parties and three unaffiliated with either major party. Prohibits more than two members from residing in the same county and requires racial, ethnic, geographic, and gender diversity. Excludes anyone or any family member who has been a candidate for or served in public office in the last five years or has been a party official or employee or a lobbyist. Provides additional details on the Commission composition.

Amends Article II, Section 22(5), to provide that a bill in which the General Assembly makes an appointment or appointments to public office and which contains no other matters must be read three times in each house before it becomes law and must be signed by the presiding officers of each house; deletes the requirement for three readings for redistricting bills.

New GS 163-207.1 sets out procedure for selection of members to the redistricting Commission. Sets out nominating process for selecting screening panelists. Creates 10-member screening panel of current or retired county election board members and directors responsible for establishing a pool of 55 nominees for the Commission, with 20 nominees each registered with the two major political parties in North Carolina. The President Pro Tempore, the Speaker, and Minority Leaders in both houses then get to strike up to two nominees each. Commission members are then chosen by lottery by the State Board of Elections (State Board) from political party and unaffiliated subpools. If three of four legislative leaders object to the Commission for lack of diversity, the State Board goes to another round of random drawings, with a limit of three drawings.

Intro. by Graham.

[CONST, GS 163](#)

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[Constitution, Elections](#)

S 723 (2013-2014) [LOCAL ACCOUNTABILITY ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT THOSE WHOSE PROPERTY IS BEING TAKEN BY EMINENT DOMAIN BY PROVIDING THAT WHEN A LOCAL GOVERNMENT CONDEMNOR IS NOT AN ELECTED BOARD, A MAJORITY OF THE ELECTED BOARDS APPOINTING IT MUST APPROVE FILING OF THE CONDEMNATION ACTION, TO ALSO REQUIRE APPROVAL OF THE GOVERNING BOARD OF THE COUNTY WHERE THE PROPERTY IS LOCATED, AND TO PROVIDE THAT A BOARD CONSISTING OF APPOINTED PERSONS MAY NOT LEVY AD VALOREM TAXES WITHOUT APPROVAL OF THE COUNTY WHERE THE PROPERTY SUBJECT TO TAXATION IS LOCATED.*

Amends Article I of the North Carolina Constitution adding Section 19.1 qualifying the ability of local governments to take land by eminent domain. Accordingly, if a local governmental subdivision is granted authority by the General Assembly to exercise the power of eminent domain, and the governing body of that entity is not composed entirely of elected officials, then prior to the commencement of any condemnation action the condemnation action may be filed only if (1) a majority of the members of the entity are appointed by boards consisting of elected officials, (2) a majority of all the entities making appointments to that entity have approved initiation of the action, and (3) there is approval by the governing board of the county where the property is located.

Further amends Article I of the North Carolina Constitution adding Section 19.2 requiring a local governmental subdivision to get prior approval to be granted approval by the governing body of the county where a property is located prior to an initial levy of taxes where (1) a property is subject to taxation, (2) the subdivision seeks to exercise the power of ad valorem taxation of the property, but (3) the local governmental subdivision is not composed entirely of persons elected by the people.

Amendment is to be submitted to voters at a statewide election to be conducted on November 4, 2014. Provides that the amendment, if passed by the voters, becomes effective upon certification and applies to takings after that date.

Intro. by Clark.

[CONST](#)

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S 724 (2013-2014) **PROHIBITED IMITATION CONTROLLED SUBSTANCES**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF CERTAIN IMITATION CONTROLLED SUBSTANCES UNLAWFUL*.

Enacts new GS 90-94.1 prohibiting the manufacture, possession, sale, use, and delivery of certain imitation controlled substances. Defines *imitation controlled substance* to mean a pill, capsule, tablet, or substance in any form that (1) is not a controlled substance as enumerated in Article 5 of GS Chapter 90 but purports to act like a controlled substance and (2) the chemical structure is a derivative of or substantially similar to the chemical structure of a controlled substance.

Makes it a Class H felony to knowingly manufacture; deliver; sell; import into or export from a state; or possess with intent to sell, deliver, or manufacture an imitation controlled substance.

Subsection (c) makes it a Class 1 misdemeanor to ingest in any way an imitation controlled substance for the purposes of causing a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system or disturbing or distorting of the audio or vision processes. Provides that it is also a Class 1 misdemeanor to use or possess for the purpose of using an imitation controlled substance for the purpose of violating subsection (c).

In addition to all other relevant factors, considerations in determining whether or not a substance qualifies as an "imitation controlled substance" will include comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedical use. Determining a person's intent to manufacture, sell, give, or distribute an imitation controlled substance may be inferred from a demand of money or other property in exchange for the substance, the proposed cost of the substance in relation to its normal market value, change in the composition of the substance, as well as other relevant evidence.

Effective December 1, 2013, and applies to offenses committed on or after that date. Provides that prosecutions for offenses committed prior to the effective date of this act are not abated nor affected by this act and that statutes applicable except for this act remain applicable to those prosecutions.

Intro. by J. Davis.

GS 90

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Criminal Law and Procedure, Health

ACTIONS ON BILLS

No public actions on bills

No local actions on bills

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