



The Daily Bulletin: 2013-04-12

PUBLIC/HOUSE BILLS

H 633 (2013-2014) **VARIOUS ELECTION CHANGES**. Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS.*

Amends GS 126-4 to add the Tuesday after the first Monday in November in years in which a general election is to be held, to the holidays that are paid holidays for State employees.

Amends GS 163-82.24 to require every appointed chief judge or judge to receive training developed and approved by the State Board in each election cycle before the first election in that cycle in the county. Makes conforming and technical changes.

Amends GS 163-41 to require chief precinct judges and judges to comply with the training and certification requirements in GS 163-82.24.

Amends GS 163-82.5 to require that voter registration application forms be available for completion and submission online.

Enacts new GS 163-82.5A regarding online voter registration. Provides that the section applies to an individual who meets both of the following requirements: (1) is eligible to register to vote and (2) has a current and valid North Carolina driver's license, learner's permit, or provisional license, or a special identification card for non-operators issued under GS 20-37.7. Individuals who meet the stated requirements may register to vote or change registration online. Requires the Board to establish a secure Internet site to allow individuals meeting the prescribed requirements to submit voter registration applications. Provides that the secure website is to allow qualified individuals to submit an application to do the following: (1) register to vote or (2) report a change in name, address, or party affiliation. In addition, the secure web site is to allow the individual to submit information demonstrating that individual's eligibility to register online and to submit their email address. Directs the county board of elections, in conjunction with the State Board of Elections (State Board) to verify the license or security number, update the statewide registration database and search for duplicate registrations, and verify the person's address. If the number is verified, requires the Division of Motor Vehicles to transfer the applicant's digital signature to the State Board. Provides that if the State Board can not verify the number, the State Board must notify the applicant and give the applicant the opportunity to register under GS 163-82.6 or GS 163-82.6A. Amends GS 163-82.10 to make conforming changes. Effective December 1, 2013.

Amends GS 163-82.6A (in person registration and voting at one-stop sites) to provide that a person's vote is to be counted if the county board determines that the applicant is qualified to vote at or before the time for canvass.

Amends GS 163-111 to provide that nominations in primary elections are to be determined by a plurality (was, substantial plurality) of the votes cast. Deletes provisions concerning determining substantial plurality. Also deletes provisions concerning the right to demand a second primary and concerning tie votes. Makes conforming changes to GS 160A-23.1, GS 163-55, GS 163-82.6, GS 163-82.17, GS 163-226, GS 163-255, GS 163-258.9, GS 163-258.16, GS 163-278.6, GS 163-278.13, GS 163-278.40B, GS 163-279, and GS 163-291, GS 163-329. Makes conforming repeals of GS 163-227.1, GS 163-227.3(b), and GS 163-278.13B(d).

Amends GS 163-227.2 to provide that a county board of elections must conduct one-stop voting on the last Saturday before the election until 1:00 pm and may conduct it until 5 pm on that Saturday, on at least on additional Saturday, and on at least one Sunday. Prohibits conducting one-stop voting on a Sunday before 1 pm on that Sunday.

Amends GS 163-231 (transmitting excused absentee ballots to county board of elections) to remove the option of transmitting ballots to the voter's near relative or verifiable legal guardian. Provides that if ballots are received later than the deadline, the ballots may be accepted if they meet specified requirements, including if the ballots are received by the county board of election no later than three days after the election by 5 pm (deletes the requirement that the ballots also be postmarked by the day of the statewide primary or general election or county bond election).

Amends GS 163-278.22 to require the State Board to publish a voter guide that explains the functions of all statewide offices and legislative office, to be distributed to as many voting age individuals as practical. Specifies information that may be included in the guide. Specifies information that the Board must request from each candidate.

Amends GS 115C-81 to require local boards of education to require teaching seniors a course on civics and citizenship education. Specifies components that must be included in the curriculum. Repeals GS 115C-81(g1)(1), concerning modifying the high school social studies curriculum to include instruction in civic and citizenship education. These provisions are effective when the act becomes law and apply beginning with the 2014-15 school year. Provides that students who have passed a high school civics course before the start of the 2014-15 school year do not have to reenroll in the course in their senior year.

Transfers \$390,871 to the State Board to meet federal Help America Vote Act Title II Maintenance of Effort requirements. In the event that funds for the Maintenance of Efforts are insufficient, requires the State Board to transfer funds from their Administration Fund Code. If funds appropriated to the State Board are in excess of the required amount, the State Board will retain the excess and revert it to the General Fund at the end of the 2012-13 fiscal year.

Intro. by Michaux.

[GS 115C, GS 126, GS 160A, GS 163](#)

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[State Board of Elections, Elections](#)

H 725 (2013-2014) [YOUNG OFFENDERS REHABILITATION ACT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JUVENILE JURISDICTION ADVISORY COMMITTEE, TO CREATE A PILOT CIVIL CITATION PROCESS FOR JUVENILES, AND TO RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE COMMITTED MISDEMEANOR OFFENSES.*

Establishes the 24 member Juvenile Jurisdiction Advisory Committee (Committee) within the Division of Juvenile Justice of the Department of Public Safety (Department), with specified membership, including members appointed by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor, to plan for the implementation of changes to the juvenile justice system for the extension of its jurisdiction. Specifically changes that would be required to extend jurisdiction in delinquency matters to include 16 and 17 year olds with misdemeanor offenses in the juvenile justice system.

Provides that the co-chairs of the Committee will establish a 7 member Juvenile Civil Citation Subcommittee, with specified membership, to develop and implement a juvenile civil citation process as an alternate to custody of juveniles who commit non-serious delinquent act. Requires a proposed process and implementation plan to be submitted to the Committee no later than July 1, 2014. Sets out other requirements of the Subcommittee, including establishing a pilot program and establishing a juvenile citation program in every county of NC by July 1, 2018. Requires an interim report by the Committee to be submitted to the 2015 General Assembly and to specified Committees, with a final report due by January 15, 2019 at which time the Committee terminates.

Amends GS 7B-1501(7), effective July 1, 2016, expanding the definition of a delinquent juvenile to include individuals less than 17 but at least 16 years of age who commit a misdemeanor or infraction under State law or other ordinances and regulations, or who commits indirect contempt by a juvenile.

Amends GS 7B-1501(7), effective July 1, 2017, expanding the definition of a delinquent juvenile, changing the age as amended above, to include individuals less than 18 but at least 16 years of age who commit a misdemeanor or infraction under State law or other ordinances and regulations, or who commits indirect contempt by a juvenile.

Amends GS 7B-1501(11), effective July 1, 2016, making technical changes and requiring that a holdover facility meet the standards for the operation of local confinement facilities (was, standards for detention).

Amends GS 7B-1601, (*Jurisdiction over delinquent juveniles*), effective July 1, 2016, providing extensions of jurisdiction to the court over juveniles in specified situations and circumstances, including but not limited to a juvenile who is delinquent for an offense prior to the age of 16, the court will retain jurisdiction until the age of 18, or a juvenile alleged to be delinquent for

an offense that would be a misdemeanor if an adult committed it, but it was committed by a juvenile who was at least 16, the court will retain jurisdiction until the age of 19.

Amends GS 7B-1601(b1) and GS 7B-1601(c1), effective July 1, 2017, amending the specified ages and extensions of jurisdictions for these new sections added above, by one year.

Amends GS 7B-1604, (*Limitations on juvenile court jurisdiction*), provides that any juvenile who commits a criminal offense on or after reaching the age of 17, is subject to prosecution as an adult (was, after the 16th birthday). Further provides that any juvenile who has been previously convicted in either district or superior court for a felony will be prosecuted as an adult (previously only established that juveniles who were transferred to and convicted in superior court were to be prosecuted as an adult) for any offense committed on or after the conviction. Amends GS 7B-1604(a), effective July 1, 2017, providing that the age of 17, as amended above, is changed to 18.

Amends GS 7B-1901(a), effective July 1, 2016, providing that a juvenile who is at least 16 years old and is taken into custody without a court order, pursuant to GS 7B-1900(1), can be released from custody, in the discretion of the custody holder, without the presence of the juvenile's parent, guardian, or custodian.

Amends GS 7B-2506, (*Dispositional alternatives for delinquent juveniles*), effective July 1, 2016, providing specified age restrictions for the alternatives for delinquent juveniles, including but not limited to, excusing a juvenile under the age of 16 from compliance with the compulsory school attendance law due to the availability of suitable alternatives. Deletes provision limiting participation in community-based, substance abuse treatment, or residential or nonresidential treatment programs to 12 months.

Amends GS 7B-2507, (*Delinquency history levels*), effective July 1, 2016, setting out the procedures and processes for calculating points assigned to a juvenile's prior adjudications or convictions, for use in the juvenile's record, including, for a prior conviction of a Class A1 misdemeanor, 2 points are assigned. Makes conforming and clarifying changes.

Amends GS 7B-2513(a), effective July 1, 2016, setting out the age cutoffs for offenses which can require a juvenile to complete an indefinite term in a youth development center, for example, for an offense the juvenile committed prior to reaching the age of 16, the term will not exceed the 18th birthday of the juvenile if the juvenile was committed for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult. Provides in new (a2) that the term will not exceed the juvenile's 19th birthday when the juvenile was at least 16 at the time of the offense. Amends GS 7B-2513(a2), effective July 1, 2017, changing a specified age to at least 16 years of age but less than 17 (was, at least 16 years of age).

Amends GS 7B-2513(a3), effective July 1, 2017, establishing that for an offense the juvenile committed, while the juvenile was at least 17 years of age, the term will not exceed the juvenile's 20th birthday (previously, this subsection was reserved and blank).

Amends GS 7B-2515(a), effective July 1, 2016, establishing that juveniles that are being considered for release before their 18th birthday, pursuant to this section, must be juveniles that were committed for an offense which occurred prior to reaching the age of 16.

Amends GS 7B-2603(b), effective July 1, 2016, requiring that a juvenile be detained pending release.

Amends the introductory language of GS 5A-31(a), effective July 1, 2016, providing the qualifying requirements for contempt by a juvenile, establishing that specified acts must be committed by a minor who is at least six but not yet 17 years of age (was, 16 years of age). Amends the introductory language of GS 5A-31(a), effective July 1, 2017, changing the age amended from 17 to 18 years of age.

Amends GS 5A-34(b), effective July 1, 2016, providing that the provision of Article 1 and 2 of GS 5A apply to acts or omissions by minors who are 17 years of age or older (was, 16 years of age or older). Amends the same provision, effective July 1, 2017 to remove the provision making it applicable to minors 17 or older.

Amends GS 143B-805(6), effective July 1, 2016, expanding the definition of a delinquent juvenile, for the purposes of the Division of Juvenile Justice, to include any juvenile, while less than 17 years of age but at least 16 years of age, who committed a misdemeanor or infraction under State law or other ordinances and regulations. Amends GS 143B-805(6), effective July 1, 2017, changing the age in the definition from 17 years of age to 18.

Amends GS 143B-806(b), effective July 1, 2016, providing that the Secretary of the Division of Juvenile Justice has the power and duty to provide transportation to and from any State or local juvenile facility of any person under the jurisdiction of the juvenile court for any purpose required by GS Chapter 7B, or upon order of the court.

Amends GS 14-316.1(*Contributing to delinquency and neglect by parents and others*), effective July 1, 2016, providing that any person who is at least 17 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected is guilty of a Class 1 misdemeanor. Further amends GS 14-316.1, effective July 1, 2017, changing the age as provided and amended above from 17 years of age to 18.

Except as otherwise provided, this act is effective when it becomes law.

Intro. by Avila, Moffitt, Mobley, D. Hall.

[GS 5A](#), [GS 7B](#), [GS 14](#), [GS 143B](#)

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[Juvenile Law, Delinquency](#)

H 750 (2013-2014) [CHARTER SCHOOL FLEXIBILITY/PILOT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PILOT PROGRAM FOR LOCAL BOARDS OF EDUCATION TO ACT AS THE CHARTERING ENTITY FOR CHARTER SCHOOLS IN A LOCAL SCHOOL ADMINISTRATIVE UNIT AND CONVERT EXISTING PUBLIC SCHOOLS TO CHARTER SCHOOLS.*

Effective July 1, 2013 and beginning with the 2013-14 school year, directs the State Board of Education (SBE) to implement a five-year pilot program to be known as the Local Board of Education Charter School Oversight Pilot Program (pilot program) in up to 10 local school administrative units (LEAs) selected by the SBE. States the purpose of the pilot program is to (1) expand on the options for local boards of education to improve student learning and (2) provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system.

Authorizes the local boards for the LEA selected by the SBE to participate in the pilot program to (1) act as a chartering entity and approve or revoke a school's charter, and (2) approve the conversion of an existing public school to a charter school.

Classifies schools established as a result of a successful application for a charter submitted to the local board as "local charter schools" and those public schools converted to charter schools as the result of a successful application as "district charter schools." Provides details as to the application process to establish either a local charter school or a district charter school.

An application for a district charter school must be made to the superintendent of the LEA by the principal of the school seeking conversion to a charter school. Requires that there must be approval of the application for a district charter school at the school level with a majority vote of the current school personnel in favor of the application and the application must be signed by the district school advisory committee, the principal, the president of the parent-teacher organization, and the chair of the school improvement team. Directs the superintendent of the LEA where the applicant school is located to review the application and make a recommendation to the local board as to whether the application should be approved or disapproved. Provides criteria to be considered by the local board in making its decision. Declares that the local board's decision is final and there is no right of appeal if the local board disapproves an application. Provides that except as otherwise provided in this act and in the provisions of its charter agreement, a district charter school is exempt from statutes and rules applicable to public schools located in the LEA and subject to the statutes and rules that apply to charter schools.

Provides that an applicant seeking to operate as a local charter school should apply directly to the local board. Also provides that an application submitted under this section takes the place of submitting a preliminary application to a board of trustees at a constituent institution of the University of North Carolina or an application to the SBE to establish a charter school under GS 115C-238.29B. Specifies the required content of the application. Limits initial charters to five years. Provides that if the local board disapproves the application, the decision is final and there is no right of appeal.

Includes additional specifications regarding performance standards, accountability, and funding for local charter schools and district charter schools. Also provides specifications regarding nonrenewal, termination, or revocation of a charter.

Directs the SBE to make an interim report on or before January 1, 2016, and a final report on or before March 15, 2018 to the Joint Legislative Education Oversight Committee on the school performance of the schools participating in the pilot program and to make recommendations on the implementation of the program statewide.

Intro. by Lambeth, Glazier, Hanes.

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Elementary and Secondary Education, State Board of Education

H 758 (2013-2014) **STUDENT SCREEN AND ED./EATING DISORDERS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN STUDENTS AND THEIR PARENTS RECEIVE INFORMATION ANNUALLY ABOUT EATING DISORDERS AND TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES ON A SCREENING PROGRAM FOR USE BY LOCAL BOARDS OF EDUCATION.*

Amends GS 115C-12 to require the State Board of Education, in collaboration with the Department of Health and Human Services, Division of Public Health, to develop guidelines for local boards of education on the development and implementation of an eating disorder screening program, including specifying training needs and requirements, appropriate opt out and exemption procedures, and parental notification procedures for positive indications of an eating disorder.

Amends GS 115C-47 to require local boards of education to adopt policies to ensure that students in seventh through 12th grades and their parents receive annual information about the symptoms, treatment, and health risks associated with eating disorders. Allows for the development of an optional screening program to identify students at risk for eating disorders.

Amends GS 115C-238.29F, GS 115C-548, GS 115C-556, GS 115C-565 to require the Department of Public Instruction to ensure that information is available to schools, charter schools, nonpublic schools, and home schools, so that they can provide students in seventh through 12th grade with information about eating disorders.

Provides that within 60 days of the act becoming effective, and annually thereafter, the Department of Health and Human Services, Division of Public Health, must provide sample educational information about the symptoms, treatment, and health risks associated with eating disorders to (1) local school administrative units, (2) the Department of Public Instruction, and (3) the Division of Nonpublic Education, Department of Administration. Applies beginning with 2013-14.

Intro. by McGrady, Ramsey, Cunningham.

GS 115C

[View summary](#)

Education, Health

H 759 (2013-2014) **REQUIRED NUMBER OF OPERATING BRAKE LIGHTS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MOTOR VEHICLES MUST HAVE AT LEAST ONE WORKING STOP LAMP ON EACH SIDE OF THE REAR OF THE VEHICLE AND TO MAKE OTHER CLARIFYING CHANGES.*

Amends GS 20-129 to prohibit selling or operating a vehicle, or any motorcycle or motor-driven cycle, manufactured after December 31, 1955, unless it has a stop lamp on each side of the rear of the vehicle. Requires the lamps to emit, reflect, or display a red or amber light visible from no less than 100 feet to the rear, and requires it to be actuated by foot brake. Makes conforming changes to GS 20-129.1 (additional lighting equipment required on certain vehicles).

Intro. by Stam, B. Brown.

GS 20

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Transportation

H 762 (2013-2014) **AMEND CERTAIN BAIL BOND PROCEDURES**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS.*

Amends GS 15A-531(4) clarifying that a bail bond signed by any surety, as defined in GS 15A-531(8)a. and b., is considered the same as a cash deposit for all purposes in this Article.

Amends 15A-540(b) expanding the forms a surety must provide to a sheriff before surrendering a defendant to a sheriff to a bail bond, forfeiture, or release order and deleting the requirement that a copy of such form be certified.

Amends GS 15A-544.5(d)(2) deleting the procedural requirement that a clerk provide a copy of a motion to set aside a forfeiture to the district attorney for the county and to the attorney for the county board of education.

Amends GS 15A-544.5(d)(4) changing the party responsible for serving a copy of a motion from the "clerk of superior court pursuant to Rule 4" to the "moving party pursuant to Rule 5".

Amends GS 15A-544.8(c)(2) deleting the procedural requirement that a clerk of superior court provide a copy of a motion seeking relief from a final judgment to the district attorney for the county and to the attorney for the board of education.

Effective December 1, 2013.

Intro. by Hardister, Faircloth, Turner, Wray.

[GS 15A](#)

[View summary](#)

Criminal Justice

H 763 (2013-2014) [ALLOW ALIMONY/POST SEP SUPP DURING MARRIAGE](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE.*

Amends GS 52-10 adding subsection (a1) allowing a husband and wife to contract to waive, release, or establish rights and obligations to post separation support, alimony, or spousal support, with or without valuable consideration, as long as the contract is in writing and acknowledged by both parties before a certifying officer. Such a release is allowable as evidence in a proceeding in which a party is seeking recovery of the rights released.

Amending GS 50-16.6(b) expanding the types of contracts having express provisions that may bar alimony, post separation support and counsel fees to include a valid separation agreement, premarital agreement or marital contract made pursuant to GS 52-10(a1).

Intro. by Goodman, Jordan.

[GS 50, GS 52](#)

[View summary](#)

Family Law

H 764 (2013-2014) [OCC LIC BD/AUDIT BUSINESS IT REGULATES/TAXES](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING OCCUPATIONAL LICENSING BOARD TO CONDUCT AUDITS OF THE PERSONS OR BUSINESSES THE OCCUPATIONAL LICENSING BOARDS REGULATE AND ALLOWING OCCUPATIONAL LICENSING BOARDS TO REVOKE THE LICENSES OF PERSONS OR BUSINESSES REGULATED BY THE BOARD FOR FAILURE TO PAY TAXES OR PROPERLY CLASSIFY WORKERS; AND AUTHORIZING THE DEPARTMENT OF REVENUE TO DISCLOSE TAX INFORMATION PURSUANT TO A REQUEST FROM AN OCCUPATIONAL LICENSING BOARD.*

Enacts section 93B-4.1 of Chapter 93 of the General Statutes authorizing an occupational licensing board (the board) to audit the business it regulates and also revoke licenses for failure to pay taxes or properly classify workers for tax purposes. This audit authority is to ensure 1) proper classification of employees for tax purposes and 2) the person or business entity's compliance with worker's compensation coverage. The person or business entity audited are also required to pay for the cost of the audit. The board may submit a tax request for tax information to the Department of Revenue.

Amends GS 105-259(b) adding subsection (44) expanding the enumerated purposes for which a disclosure of tax information may be made to include providing tax information pursuant to a request from an occupational licensing board conducting an audit under GS 93B-4.1(b).

Intro. by Richardson.[GS 105, GS 93B](#)[View summary](#)[Occupational Licensing, Tax](#)

H 765 (2013-2014) [JURY INSTRUCTIONS FOR SCHOOL BUDGET DISPUTE](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS.*

Amends GS 115C-431(c) expanding and clarifying the required issue submitted to the jury for a budget dispute between a board of education and board of county commissioners. Accordingly, the issue submitted to the jury must be what amount of money is necessary from all sources to maintain a system of free public schools and what amount of money is needed from the county to make up this total. The jury must also be instructed that the board of county commissioners is required to provide the appropriation legally necessary to support a system of free public schools, and that the jury must consider the educational goals and policies of the State, the budgetary request of the local board of education, the financial resources of the county, and the fiscal policies of the board of county commissioners.

Intro. by Dixon.[GS 115C](#)[View summary](#)[Civil Law, Education, Local Government](#)

H 766 (2013-2014) [SIMPLE ELECTION ACT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE ELECTION PROCESS.*

Amends GS 163-111 to provide that nominations in primary elections are to be determined by a plurality (was, substantial plurality) of the votes cast. Deletes provisions concerning determining substantial plurality. Also deletes provisions concerning the right to demand a second primary and concerning tie votes. Makes conforming changes to GS 160A-23.1, GS 163-55, GS 163-82.6, GS 163-82.17, GS 163-226, GS 163-255, GS 163-258.9, GS 163-258.16, GS 163-278.6, GS 163-278.13, GS 163-278.40B, GS 163-279, GS 163-291, and GS 163-329. Makes conforming repeals of GS 163-227.1, GS 163-227.3(b), and GS 163-278.13B(d).

Amends GS 115C-37 to provide that the election of any county board of education held at the time of the primary, its to be determined by a plurality and prohibits runoff elections.

Effective with respect to primaries and elections held on or after January 1, 2014.

Intro. by Riddell, Hardister, Malone.[GS 115C, GS 160A, GS 163](#)[View summary](#)[Elections](#)

H 767 (2013-2014) [CORPORAL PRUITT RAINEY BRASS TO CLASS ACT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT ENACTING THE CORPORAL PRUITT RAINEY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDED CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES.*

Requires the State Board of Education to modify its policies for giving credit for salary purposes to principals, assistant principals, and teachers who served in the US Armed Forces and received an Honorable Discharge. Requires that one full year of experience be credited toward his or her total licensure experience rating for each full year of relevant nonteaching work experience while on active military duty, regardless of whether the military service occurred before or after the individual received a bachelor's degree. Applies beginning with the 2013-2014 school year.

Intro. by Murry, Whitmire, Szoka, Pierce.

UNCODIFIED

[View summary](#)**Education, State Board of Education, Military and Veteran's Affairs**

H 768 (2013-2014) **PRETRIAL RELEASE/NO UNSECURED BOND**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION AND TO MAKE CONFORMING CHANGES.*

Amends GS 15A-534(a) deleting subsection (2) which included an unsecured appearance bond as one of five options of conditions a judicial official must impose in determining conditions of pretrial release.

Amends GS 15A-534(b) restricting the judicial official in granting pretrial release to impose condition (1) (written promise to appear) or (3) (placing the defendant in the custody of a designated person or organization) in subsection (a). Upon making the determination that release will not assure the defendant's appearance, the judicial official must then impose condition (4) (appearance bond) or (5) (house arrest with electronic monitoring) in subsection (a) instead of condition (1) or (3) and must record the reasons for doing so to the extent provided in the policies or requirements issued by the senior resident superior judge.

Amends GS 15A-534(d) clarifying that the judicial official authorizing pretrial release must inform the defendant in writing of the penalties applicable to violations of the conditions of the defendant's release; and advise the defendant that the defendant's arrest will be ordered immediately upon any violation.

Amends GS 15A-534(d1) limiting the type of bond for which the secured appearance bond will be based on to secured bonds, instead of secured or unsecured bonds.

Amends GS 15A-534(d2)(1) removing the reference to condition (2) in subsection (a) to conform with amended subsection (a).

Amends GS 15A-534(g) clarifying the role of the judicial official by changing "him" and "he" to "the judicial official."

Amends GS 15A-535(b) removing the reference to condition (2) in subsection (a) to conform with amended subsection (a).

Applies to criminal action to determine pretrial release conditions on or after December 1, 2013.

Intro. by Schaffer, Hager, Jordan, Brandon.

GS 15A

[View summary](#)**Criminal Justice**

H 769 (2013-2014) **ZONING/LIMIT MANUFACTURED HOME RESTRICTIONS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE ZONING LAWS TO LIMIT WHEN COUNTIES MAY RESTRICT THE PLACEMENT OF MANUFACTURED HOMES IN AREAS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.*

Amends GS 153A-341.1, by deleting the provision that GS 160A-383.1 applies to counties, and provides the following instead. Prohibits a county from adopting or enforcing zoning regulations or other provisions which have the effect of excluding individual manufactured homes located on individual lots from any area zoned for single-family residential use, other than in a historic district where uniform aesthetic and design standards are imposed, or in any other area where the county has a compelling interest in preserving aesthetic and design standards. Defines manufactured home for purposes of the statutes. Includes a severability clause. Effective October 1, 2013, and applies to zoning permits and zoning decisions affecting manufactured homes issued on or after that date.

Intro. by Ramsey, Burr, Wray.

GS 153A

[View summary](#)**Land Use, Planning and Zoning, Local Government**

H 770 (2013-2014) [ENVIRONMENTAL PRACTICALITY ACT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO SUSPEND ENFORCEMENT OF THE FALLS LAKE RULES FOR TWO YEARS AND STUDY THE RULES' EFFICACY AND IMPACT ON LOCAL GOVERNMENTS, BUSINESS, AND INDUSTRY.*

Prohibits the Department of Environment and Natural Resources (DENR) and local governments in the Upper Neuse Watershed from enforcing any rules intended to allow the Falls of the Neuse reservoir to attain its classified uses, including specified rules. Requires DENR to study, and report to the Environmental Management Commission by January 15, 2015, concerning: (1) alternative methods of attaining classified uses in the Falls of the Neuse reservoir that would have less economic impact; and (2) trends in water quality in the reservoir based on water quality sampling between the effective date of the act and November 15, 2014, performed at the same sampling locations and using the same techniques as sampling performed during 2011 and 2012.

Effective when the act becomes law and expires on June 30, 2015.

Intro. by Wilkins.

[STUDY](#)

[View summary](#)

[Environment](#)

H 771 (2013-2014) [INFORM PATIENT/DRUG COST LESS THAN INS. COPAY](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE PHARMACISTS OR ANYONE DISPENSING OR SELLING PRESCRIPTION DRUGS TO INFORM THE PATIENT IF THE COST OF THE PRESCRIPTION DRUG IS LESS THAN THE COST OF THE INSURANCE CO-PAY UNDER THE PHARMACY PRACTICE ACT.*

Enacts new GS 90-85.32A to provide as the title indicates.

Intro. by R. Brawley.

[GS 90](#)

[View summary](#)

[Health, Health Insurance, Health Care Facilities and Providers](#)

H 772 (2013-2014) [STUDY FREE AND REDUCED LUNCH](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDY COMMITTEE TO STUDY NORTH CAROLINA'S PARTICIPATION IN THE NATIONAL SCHOOL LUNCH PROGRAM.*

Establishes the 12 member Committee to Study North Carolina's Participation in the National School Lunch Program (Committee). Requires the Committee to study the state's participation in the National School Lunch Program and any flexibility at the state level to address the sustainable, continued operation of a child nutrition program for students in the public schools. Specifies issues to be considered. Provides for the appointment of membership and chairs, as well as for compensation and staffing. Requires the Committee to report to the Joint Legislative Education Oversight Committee on or before March 15, 2014, at which time the Committee terminates.

Intro. by R. Brawley.

[STUDY](#)

[View summary](#)

[Elementary and Secondary Education](#)

H 773 (2013-2014) [LOCAL GOV'TS/BLDGS/STRUCTURES/INSPECTIONS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT REVISING THE CONDITIONS UNDER WHICH COUNTIES AND CITIES MAY INSPECT BUILDINGS OR STRUCTURES.*

Amends GS 153A-364 changing the title to read "Inspections for hazardous or unlawful conditions."

Amends GS 153A-364(a) expanding areas the inspection department cannot discriminate between to include single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings.

Amends GS 153A-36(b) removing the requirement that inspections be "periodic" and adding the purpose that such inspections be part of a targeted effort to respond to blighted or potentially blighted conditions within a geographical area that has been designed by the county commissioners. Additionally, the targeted area must meet the requirements for a community development block grant, and the total aggregate of designated geographic areas in the county shall not be greater than one square mile. It is further specified that the county shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings in its selection of housing types to be inspected in the targeted area.

Amends GS 153A-36(c)(i) clarifying actions that a county may not take to include adoption or enforcement of any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the county to register rental property, except for those individual rental units that have more than three verified violations of housing ordinances or codes in a 12-month period or upon the property being identified within the top 4% (rather than 10%) of properties with crime or disorder problems as set forth in the ordinance. Amends GS 153A-36(c)(iii) by removing the exception referencing subsection (d). Amends GS 153A-36(c) adding subsections (iv) and (v). Subsection (iv) requires proof of registration under subsection (i) when applicable, be posted in the business office, common area, or other conspicuous place. Subsection (v) provides that any violation of a rental registration ordinance is punishable as a criminal offense.

Amends GS 153A-36 deleting subsection (d).

Amends GS 153A-36 adding subsection (e) defining "verified violation" as both 1) the aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential property during a 72-hour period, or 2) any violations that have not been corrected by the owner or manager within 30 days of receipt of written notice from the county of the violations.

Amends GS 153A-36 adding subsection (f) requiring the county to notify the landlord of any crimes, disorders, or other violations that will be counted against the property owner if the property is identified by the county as being in the top 4% of properties with crime and disorder problems. Such notification is designed to allow the landlord an opportunity to correct the problems. Further, the county and the county's sheriff department is required to assist the landlord in addressing any criminal activity or aid in evicting a tenant who has been charged with a crime.

Amends GS 160A-424 changing the title from "Periodic inspections" to "Inspections for hazardous or unlawful conditions."

Amends GS 160A-424(a) and (b) deleting the term "periodic."

Amends GS 160A-424(a) expanding areas the inspection department cannot discriminate between to include single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings.

Amends GS 160A-424(b) adding the purpose that inspections be part of a targeted effort to respond to blighted or potentially blighted conditions within a geographical area that has been designed by the city council. Additionally, the targeted area must meet the requirements for a community development block grant, and the total aggregate of designated geographic areas in the city shall not be greater than one square mile. It is further specified that the city shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings in its selection of housing types to be inspected in the targeted area.

Amends GS 160A-424(c)(i) changing the exception from "properties" to "individual rental units" that have more than three verified violations in a 12-month period or upon the property being identified within the top 4% (rather than 10%) of properties with crime or disorder problems. Amends GS 160A-424(c)(iii) deleting the exception referencing subsection (d). Amends GS 160A-424(c) adding subsections (iv) and (v). Subsection (iv) requires proof of registration under subsection (i) when applicable, be posted in the business office, common area, or other conspicuous place. Subsection (v) provides that any violation of a rental registration ordinance is punishable as a criminal offense.

Amends GS 160A-424 deleting subsection (d).

Amends GS 160A-424 adding subsection (e) defining "verified violation" as both 1) the aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential property during a 72-hour period, or 2) any violations that have not been corrected by the owner or manager within 30 days of receipt of written notice from the city of the violations.

Amends GS 160A-424 adding subsection (f) requiring the city to notify the landlord of any crimes, disorders, or other violations that will be counted against the property owner if the property is identified by the city as being in the top 4% of properties with crime and disorder problems. Such notification is designed to allow the landlord an opportunity to correct the problems. Further, the city and the city's police department are required to assist the landlord in addressing any criminal activity or aid in evicting a tenant who has been charged with a crime.

Intro. by W. Brawley, Moffitt, Hardister, Brisson.

[GS 153A, GS 160A](#)

[View summary](#)

[Building and Construction, Local Government](#)

H 774 (2013-2014) [BUILDING CODE EXCLUSION/PRIMITIVE STRUCTURES](#). Filed Apr 10 2013, *A BILL ENTITLED AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING CODE*

Provides that primitive structures and roof only structures as defined in the Primitive Structures Amendment and intended to be occupied only on a temporary basis are subject only to the following provisions of the Code, and additional life safety issues not addressed must be mitigated by the code official: (1) the structures must be evaluated to meet the interior and exterior loading requirements contained in Chapter 16 of the Code;(2) ignition sources such as fireplaces or stoves must shall be separated from combustibles; (3) recreational fires must be separated from the buildings in accordance with the Fire portion of the Code, and (4) a clear means of egress must be maintained from each sleeping room. These provisions must be implemented until the effective date of the Code amendment below that the Building Code Council is required to adopt.

Requires the Council to the Primitive Structures Amendment to be substantively identical to the provisions in the paragraph above. Rules adopted pursuant to this section are not subject to GS 150B-21.8 through GS 150B-21.14. Rules adopted pursuant to this section become effective as provided in GS 150B-21.3(b1) as though 10 or more written objections had been received.

Intro. by Jordan, McGrady, Dollar.

[UNCODIFIED](#)

[View summary](#)

[Building and Construction](#)

H 775 (2013-2014) [MORATORIUM ON HIGH-STAKES TESTING](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO PLACE A MORATORIUM ON STATE-MANDATED HIGH-STAKES STANDARDIZED TESTING IN NORTH CAROLINA.*

Requires the State Board of Education to place a one-year moratorium on any state law requirement to attach high-stakes consequences to standardized tests for prekindergarten through grade 12 students. Applies to the attachment of any direct consequences to standardized student test results, including assigning school performance scores and letter grades in the annual report card, retaining a student in a grade level solely on the basis of a standardized test result, and the use of student test results to determine a portion of a teacher's pay or determining a financial award. Defines "high-stakes" to mean real-world, direct consequences resulting from a student's performance on a test or assessment.

Provides that the moratorium does not apply to (1) testing and assessment measures required by federal law or as a condition of a federal grant or (2) pilot programs that began operating prior to the 2013-14 school year that incorporate the use of standardized student test results.

Intro. by McManus, Glazier.

[UNCODIFIED](#)

[View summary](#)

[Elementary and Secondary Education, State Board of Education](#)

H 776 (2013-2014) [LRC STUDY/BANKING LAW AMENDMENTS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF VARIOUS CHANGES TO THE BANKING LAWS.*

Requires the Legislative Research Commission to study: (1) including non-depository industry representation on the State Banking Commission; (2) eliminating the requirement of an audited statement of financial condition; (3) adjusting the amount of the assessment fee; (4) adjusting the amount of the bonds required under GS 53-244.103. 12; (5) allowing the origination of reverse mortgages by all mortgage loan originators, mortgage brokers, mortgage lenders, and mortgage servicers, who are licensed by the Commissioner of Banks; (6) revising the procedure by which the Commissioner of Banks makes rules; and (7) eliminating the requirement that the North Carolina Housing Finance Agency adopt rules and oversee the training of housing counselors. Requires a report to the 2013 General Assembly when it convenes in 2014.

Intro. by J. Bell.

[STUDY](#)

[View summary](#)

[Banking and Finance, General Assembly](#)

H 777 (2013-2014) [SEX OFFENDER/EXPAND RESIDENTIAL RESTRICTIONS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON SEX OFFENDERS TO PROVIDE THAT A SEX OFFENDER IS PROHIBITED FROM RESIDING WITHIN ONE THOUSAND FEET OF A SITE WHERE A BOYS AND GIRLS CLUB OF AMERICA IS LOCATED.*

As title indicates.

This act becomes effective December 1, 2013, and applies to offenses committed on or after that date.

Intro. by Jackson.

[GS 14](#)

[View summary](#)

[Criminal Law and Procedure, Corrections
\(Sentencing/Probation\)](#)

H 778 (2013-2014) [IMPLEMENT EFFICIENCIES IN STATE GOVERNMENT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPLEMENTATION OF RECOMMENDED EFFICIENCIES IN STATE GOVERNMENT.*

Enacts new GS 120-19.10 requiring each Senate Appropriations Committee and House Appropriations Subcommittee to meet jointly within 90 days after the State Auditor publishes an audit that reviews a state agency or program within the funding jurisdiction of those committees. Requires the committee and subcommittee to review the Auditor's report and determine whether any of the recommended efficiencies or improves requires legislative action, and if so, and the committees agree to the recommendations, then the committees may recommend proposed legislation during the next regular session. Such legislation is exempt from the filing deadlines and is eligible for consideration in both chambers.

Intro. by Torbett.

[GS 120](#)

[View summary](#)

[State Government](#)

H 779 (2013-2014) [LRC STUDY INFRASTRUCTURE/FORECLOSED PROPERTY \(NEW\)](#). Filed Apr 10 2013, *AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF RESPONSIBILITY FOR MAINTENANCE OF INFRASTRUCTURE ON FORECLOSED OR ABANDONED PROPERTIES.*

Amends GS Chapter 143, adding a new section GS 143-139.4 (*Financial assurance for certain retaining systems*), providing that any person who is constructing a retaining system greater than five feet in vertical cumulative relief, as part of the development of specified lots, will obtain and file a surety bond with the clerk of superior court in the county the retaining

system is located. Sets out the financial requirements and terms of the bond. Provides that no local government can issue a permit for such a system without proof of having obtained and filed the surety bond.

Amends GS Chapter 113A, adding a new section GS 113A-54.3, (*Financial assurance for establishment of permanent ground cover*), providing that no person can begin a land-disturbing activity in the development of specified lots, unless the person establishes financial assurances that sufficient funds are available to comply with the provisions of this article until permanent ground cover has been established and the site has been closed by the North Carolina Department of Environment and Natural Resources (DENR), or a local government administering a local erosion and sedimentation control program. Sets out the forms that the financial assurance can take, including, but not limited to, a surety performance bond made by a surety bonding company licensed and authorized in North Carolina or a cash deposit by way of an official bank check drawn in favor of the permitting entity and deposited with the same. Assets used to meet the financial assurance requirements must be in a form that will permit DENR or a delegated program to readily access funds for the purposes of this section.

Provides that such financial assurances will be continuous in nature and will remain in force until canceled or released by DENR or a delegated local program. The required amount of financial assurance is calculated on a per disturbed acre rate, as determined by the Director of the Division of Energy, Mineral, and Land Resources (Director) or the Director's designee, and must be sufficient to comply with the provisions of this section. Provides that an applicant can submit an estimate of costs for installing and maintaining erosion and sedimentation control measures if there is a disagreement about the amount of the financial assurance the Director has determined is necessary. Sets out the time requirements and review process for the submittal of the estimate.

Provides that the required amount of financial assurance can be reduced as permanent ground cover is established and approved on the areas of the land disturbance.

Provides that the financial assurance is subject to seizure by DENR or local government when uncorrected violations of GS 113A-57 continue for over 60 days. Sets out the requirements and conditions of the proceedings for the seizure of the financial assurance. Provides that funds collected as a result of the proceedings will be used to bring the land-disturbing activity into compliance with GS 113-57. Provides that State and local governmental agencies, including water or sewer authorities or districts, will not be subjected to the provisions of this section.

Amends GS 136-102.6(f), making technical and organizational changes. Establishes that the developer and seller, when developing a subdivision with designated private streets, must obtain and file a surety bond with the clerk of superior court in the county of the subdivision. The bond must be in the favor of the property owners to be served by the private street and secured by two or more sureties and the limited duration of the surety bond must be disclosed in the disclosure statement. Requires the amount of the bond to be at least equal to projected costs for the first 10 years of the private street's use, as determined by the Division of Highways. The bond must remain in force for 10 years after construction and if any action by the developer or seller reduces the liability of the surety, then a replacement surety bond must be obtained by the same and is required to remain in force for 10 years after the date it is obtained.

Effective October 1, 2013.

Intro. by Torbett.

GS 113A, GS 136, GS 143

[View summary](#)

Building and Construction

H 780 (2013-2014) **STUDY ANTIBIOTICS FED TO LIVESTOCK**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO STUDY THE POTENTIAL REPORTING OF ANTIBIOTIC DRUG USE IN LIVESTOCK RAISED IN NORTH CAROLINA*.

Requires the Division of Public Health, with the cooperation of the Department of Agriculture and Consumer Services to study the use of antibiotic drugs in livestock production in the state. Specifies issues to be included in the study. Requires a report to the Joint Legislative Oversight Committee on Health and Human Services on or before January 1, 2015.

Intro. by Harrison, Fulghum, Murry, Moffitt.

STUDY

[View summary](#)[Agriculture, Department of Agriculture and Consumer Services, Department of Health and Human Services](#)

H 781 (2013-2014) [INCREASE SMALL BREWERY LIMITS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE SMALL BREWERY LIMIT FROM TWENTY-FIVE THOUSAND BARRELS TO SIXTY THOUSAND BARRELS BEFORE THE BREWERY MUST USE A WHOLESALE DISTRIBUTOR TO DISTRIBUTE ITS PRODUCTS.*

As title indicates.

Intro. by Harrison.

[GS 18B](#)

[View summary](#)[Alcoholic Beverage Control](#)

H 782 (2013-2014) [FORTIFIED MALT BEVERAGES ACT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO REGULATE THE SALE OF FORTIFIED MALT BEVERAGES.*

Amends GS 18B-101 to add a definition of fortified malt beverage as a beverage that (1) contains at least 9% alcohol by volume and no more than 15% alcohol by volume; (2) is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 CFR. § 25.55; (3) contains an added flavor containing alcohol or any other ingredient containing alcohol; and (4) the manufacturer is required to file a formula for approval with the US Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 CFR. § 25.55. Makes conforming changes to the definition of malt beverage.

Amends GS 18B-800 to allow fortified malt beverages to be sold only in ABC stores operated by local boards.

Amends GS 18B-804 to require the sale price of fortified malt beverages to include the tax levied on beer as well as state and local sales taxes.

Effective July 1, 2014.

Intro. by Starnes, Luebke, Jordan, Holley.

[GS 18B](#)

[View summary](#)[Alcoholic Beverage Control](#)

H 783 (2013-2014) [PYROTECHNICS TECHNICAL AND CONFORMING CHANGES](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS.*

Amends GS 14-410 allowing the pyrotechnics display operator for the University of North Carolina School of the Arts to appoint a representative to supervise any performances that include a proximate audience display, provided that the representative is 21 years old or older and is properly trained in the safe discharge of proximate audience displays.

Amends GS 14-410 adding subsection (a4) allowing pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State as a special effect for a motion picture production as long as the set is closed to the public or there is a minimum of 500 feet distance from the public.

Amends GS 14-410 adding subsection (a5) allowing the use of pyrotechnics for the purpose of pyrotechnic or proximate audience display instruction consisting of classroom and practical skills training as approved by the Office of State Fire Marshall.

Amends GS 14-413, adding subsections (1) and (2) enumerating circumstances for which no permits for concerts or public exhibitions are required.

Amends GS 58-82A-3 adding subsection (b1) allowing the Commissioner of Insurance to issue a Limited Pyrotechnic Operator license to an individual meeting all of the requirements in subsection (b) with the exception of the letter of clearance if the individual signs a statement affirming that they have not been convicted of a specified violation and are not prohibited from possessing pyrotechnic materials. Makes a conforming change.

Amends GS 58-82A-3 adding subsection (e) excluding public exhibitions consisting of materials exempted by GS 14-414 from the operator license requirements.

Amends GS 58-82A-25(3) changing the on-site examination passing score to a minimum of 5 (instead of 5) questions testing basic pyrotechnic safety knowledge.

Amends GS 58-82A-25(4) prohibiting an event employee from being in the presence of pyrotechnic materials without signing a statement provided by the Commissioner of Insurance affirming that the individual has not been convicted of violating 18 U.S.C. Chapter 40, Section 842(i), or is not otherwise prohibited from possession pyrotechnic materials. The event employee will also not be allowed to discharge or be in the presence of pyrotechnic materials unless under direct supervision of a licensed pyrotechnic operator.

Intro. by Starnes.

[GS 14, GS 58](#)

[View summary](#)

[Criminal Law and Procedure](#)

H 784 (2013-2014) [WORTHLESS CHECK/PRESENT CASHED CHECK](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REMEDIES AND PENALTIES FOR WORTHLESS CHECKS ALSO APPLY WHEN A CHECK THAT HAS BEEN PAID IN FULL IS PRESENTED AGAIN FOR PAYMENT AND TO PROVIDE THAT CHECKS REFUSED TO BE HONORED BY A BANK MAY BE SUBMITTED AS EVIDENCE IF THEY ARE STAMPED OR MARKED WITH ONE OF A NUMBER OF DIFFERENT LISTED TERMS.*

Amends GS 6-21.3(a), providing that any person, firm, or corporation that knowingly draws, makes, utters, or issues and delivers to another any check that has previously been presented and honored for the payment of money or its equivalent will be liable to the payee for the following: (1) the amount owing on the check, the service charges, and processing fees and (2) additional damages of three times the amount owing on the check, not to exceed \$500 or to be less than \$100.

Sets out the procedure for demanding the damages, including initial and subsequent demand letters and steps that can be taken after the sending of or failure of the demand letters.

Amends GS 6-21.3(d), establishing that the remedies provided in this section also apply to checks that have been presented with the knowledge that the check had previously been presented and honored for the payment of money or its equivalent (previously, only applied to checks that were drawn, made, uttered or issued with the knowledge there were insufficient funds in the account).

Amends GS 14-107 (*Worthless checks; multiple presentment of checks*), providing that it is illegal for any person, firm or corporation, to draw, make, utter or issue and deliver to another, any check or draft on any bank or depository, for the payment of money or its equivalent, or to solicit, aid, or abet another person, firm or corporation to do the same when, knowing at the time, the check has been previously presented for the payment of money or its equivalent. Such a violation is a Class 1 felony if the amount of the check or draft is more than \$2,000, if less, then it is a misdemeanor, punishable as specified (previously, the provisions of this section only applied to checks that were drawn, made, uttered or issued with the knowledge there were insufficient funds in the account).

Effective December 1, 2013 and applies to offense committed on or after that date.

Intro. by Stone, Dobson, Jordan, Carney.

[GS 14](#)

[View summary](#)**Banking and Finance, Criminal Law and Procedure**

H 785 (2013-2014) **COST-SHARING/TRANSPORTATION IMPROVEMENTS**. Filed Apr 10 2013, *AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE A STATEWIDE PILOT PROGRAM FOR CONTRACTED SERVICES COST-SAVINGS*.

Amends GS 136-28.6 to authorize the Department of Transportation (DOT) to create a statewide pilot program to participate in cost-sharing for transportation improvements and allows DOT to create a fair share allocation formula and other procedures to facilitate the pilot program. Require the formula to uniformly determine the value of transportation improvements and apportion these costs among applicable parties. Allows transportation improvement projects developed under the pilot program to provide for ingress and egress to new additional private development before acceptance of the improved portion of the roads constructed providing access to the development by the State or local government for maintenance as a public street or highway. For the purposes of this pilot program, funds collected by DOT may be administered and managed in the same way as a public enterprise improvement. Requires DOT to report on the pilot program to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Commission no later than the convening date of the 2021 regular session of the General Assembly. Effective July 1, 2013.

Intro. by Iler, W. Brawley, Torbett.

GS 136

[View summary](#)**Transportation**

H 786 (2013-2014) **RECLAIM NC ACT**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE'S E-VERIFY LAWS*.

To be summarized.

Intro. by Warren, Jordan, B. Brown, Collins.

GS 14, GS 15A, GS 20, GS 58, GS 64, GS 108A, GS 143, GS 147, GS 148, GS 153A, GS 160A

[View summary](#)**Immigration**

H 787 (2013-2014) **PROTECT RURAL LAND USE RIGHTS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT RURAL ENVIRONMENTAL AND ECONOMIC LAND USE RIGHTS BY CLARIFYING THAT OWNERS OF BONA FIDE FARMS MAY FILE A CIVIL ACTION FOR A REGULATORY TAKING IF THE OWNER CAN NO LONGER USE THE LAND FOR A BONA FIDE FARM USE*.

Allows a property owner to initiate an action under GS 40A-51 to seek compensation for the lost use of the property against any condemnor listed in GS 40A-3(b) or (c), when rural property used for a bona fide farm purpose may no longer be used for that purpose in an economically viable manner due to the application of environmental regulations or other state laws or local ordinances limiting land use in order to obtain a general environmental benefit to the region where the property is located.

Applies to causes of action filed on or after the date that the act becomes law.

Intro. by Cleveland.

GS 40A

[View summary](#)**Civil Law, Property and Housing**

H 788 (2013-2014) [WATER/SEWER AUTHORITY/RATE FLEXIBILITY](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS.*

As title indicates.

Intro. by Catlin, Hamilton.

[GS 162A](#)

[View summary](#)

[Public Enterprises and Utilities](#)

H 789 (2013-2014) [USTS ELIGIBLE FOR BROWNFIELDS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESENCE OF A SUBSTANCE RELEASED FROM AN UNDERGROUND STORAGE TANK DOES NOT DISQUALIFY A PROPERTY FROM PARTICIPATION IN THE NORTH CAROLINA BROWNFIELDS PROGRAM.*

Amends GS 130A-310.31, (*Definitions*), deleting references to GS Chapter 143, Article 21A, Part 2A, (*Leaking Petroleum Underground Storage Tank Cleanup*), found in the definitions for *Brownfields property* and *regulated substance*. This deletion qualifies properties or sites for the NC Brownfields Program that were previously disqualified.

Directs the Department of Environment and Natural Resources to report to the Environmental Review Commission no later than April 1, 2014, regarding the impact of this act on the Brownfields Property Reuse program and the Leaking Petroleum Underground Storage Tank Cleanup Program.

Effective July 1, 2013.

Intro. by Catlin.

[GS 130A](#)

[View summary](#)

[Environment](#)

H 790 (2013-2014) [REIMBURSEMENT AGREEMENT CHANGES](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN THE PUBLIC BIDDING PROCESS MUST BE USED UNDER A REIMBURSEMENT AGREEMENT.*

Amends GS 153A-451, (*Reimbursement agreements*), establishing that when a county enters into a reimbursement agreement with private developers and property owners for the design and construction of municipal infrastructure that is included on the county's Capital Improvement Plan, the developer or property owner who is party to a reimbursement agreement must solicit bids in accordance with GS Chapter 143, Article 8, when awarding contracts for work that would have been required to undergo competitive bidding had the contract been awarded by the county, unless the developer or property owner is designing and constructing the municipal infrastructure themselves.

Effective July 1, 2013 and applies to reimbursement agreements entered into on or after that date.

Intro. by Catlin.

[GS 153A](#)

[View summary](#)

[Local Government](#)

H 791 (2013-2014) [INCENTIVES STUDY BILL](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE JOINT LEGISLATIVE ECONOMIC DEVELOPMENT AND GLOBAL ENGAGEMENT OVERSIGHT COMMISSION TO COMPREHENSIVELY EVALUATE INCENTIVES OFFERED FOR ECONOMIC DEVELOPMENT PURPOSES.*

Requires the Joint Legislative Economic Development and Global Engagement Oversight Committee to study incentives offered by state and local units of government for purposes of evaluating the cost, need, benefit, and efficacy of the offered incentives. Lists issues to be examined in the study. Requires a report to the 2013 General Assembly when it reconvenes in 2014.

Intro. by Catlin, Hager, Millis, Wells.

STUDY

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Community and Economic Development

H 792 (2013-2014) **ALLOW HUMAN CONSUMPTION OF RAW MILK**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT ALLOWING THE DISPENSING OF RAW MILK AND RAW MILK PRODUCTS TO INDEPENDENT OR PARTIAL OWNERS OF LACTATING ANIMALS FOR PERSONAL USE OR CONSUMPTION.*

Amends GS 106-266.35(b) adding the term "sale" to the definition of "sold" and limiting the definition to exclude the transfer, dispensing, or acquisition of raw milk and raw products to the independent or partial owner of a cow, goat, or other lactating animal.

Amends GS 106-266.35 adding subsection (d) allowing the dispensing of raw milk or raw milk products for personal use by an independent or partial owner of a cow, goat or other lactating animal.

Makes conforming changes.

Effective October 1, 2013.

Intro. by Riddell, Harrison, Starnes, Queen.

GS 106

[View summary](#)

Agriculture, Business and Commerce

H 793 (2013-2014) **HOAS/FIDELITY BONDS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS SHALL OBTAIN AND MAINTAIN A FIDELITY BOND INSURING THE ASSOCIATIONS FROM LOSSES RESULTING FROM THEFT OR DISHONESTY COMMITTED BY MEMBERS OF THE EXECUTIVE BOARD OR PERSONS EMPLOYED BY THE ASSOCIATIONS, PROVIDING THAT ANY MANAGEMENT AGENT OR COMPANY HIRED BY AN ASSOCIATION SHALL AT ALL TIMES BE COVERED BY A FIDELITY BOND, AND PROVIDING FINANCIAL AUDIT REQUIREMENTS FOR ASSOCIATIONS.*

To be summarized.

Intro. by Saine, R. Moore.

GS 47C, GS 47F

[View summary](#)

Property and Housing

H 794 (2013-2014) **VOTER FREEDOM ACT OF 2013**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "POLITICAL PARTY," TO AMEND THE NOMINATION PROCESS, TO AMEND THE REQUIREMENTS FOR UNAFFILIATED AND WRITE-IN CANDIDATES, TO ALLOW NOMINATION BY CONVENTION BY SMALLER PARTIES, AND TO PROVIDE THAT SMALLER PARTIES ELECTING TO HAVE PRIMARIES WILL HAVE THE RESULTS DETERMINED BY PLURALITY.*

To be summarized.

Intro. by Saine, Luebke, Lewis, R. Moore.

GS 163

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Elections

H 795 (2013-2014) [CREDIT FOR ACCESS CONSTRUCTION/RENOVATION](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR CONSTRUCTING OR IMPROVING A RESIDENCE TO HAVE INCREASED ACCESS FOR THE IMPAIRED.*

Amends GS 105-151.1 changing the title to "Credit for accessible dwelling units" and allowing an owner of a residence located in North Carolina a tax credit against the tax imposed by this Part equal to the lesser of \$5,000 or the cost incurred by the owner for construction or renovation costs to the residence that improve conformity of the residence with Chapter 11 of the North Carolina Building Code. Provisions relating to Volume I C of the North Carolina Building Code are deleted. Previous conditions requiring for the credit to be claimed under this section are also deleted.

Intro. by Saine, Ramsey.

GS 105

[View summary](#)

Tax

H 798 (2013-2014) [RELEASE OF MEDICAL RECORDS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT DEFINING PATIENT MEDICAL RECORDS AND FINANCIAL RECORDS, REQUIRING THE TIMELY RELEASE OF PATIENT MEDICAL RECORDS AND FINANCIAL RECORDS UPON REQUEST OF THE PATIENT OR A PERSONAL REPRESENTATIVE OF THE PATIENT, AND ESTABLISHING A CIVIL MONETARY PENALTY FOR VIOLATIONS.*

Amends GS 90-410 changing the format of the definitions section.

Amends GS 90-410(2) changing the definition of "Medical records" to mean the entire set of information in existence that is created or maintained by a health care provider in connection with the diagnosis, care, and treatment of an individual.

Amends GS 90-401 adding subsection (3) defining "financial records or patient financial information" as the entire set of financial information in existence regarding an individual that is within the possession, custody, or control of a licensed health care provider.

Amends GS 90-401 adding subsection (4) enumerating all individuals who qualify as a "personal representative."

Enacts GS 90-410.1 addressing requests for medical records. Sets forth procedures for a health care provider after receiving a written request for complete or portions of medical or financial records by the individual who is the subject of the records, or that individuals personal representative including requiring copies of records within 15 days or receiving payment of the copying fee. Identifies the statute of limitations for a medical malpractice action brought under Article 1B of Chapter 90 of the General Statutes as beginning to toll one day for each day a health care provider fails to comply with subsection (a)(2) of this section. The health care provider can be fined a civil monetary penalty not to exceed \$100 per day for each day the health care provider fails to comply with the provisions of this section.

Effective October 1, 2013.

Intro. by D. Hall, Moffitt, Murry.

GS 90

[View summary](#)

Health

H 799 (2013-2014) [CROSSING SOLID LINE TO PASS CERTAIN VEHICLES](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DRIVER OF A VEHICLE TO OVERTAKE AND PASS SLOWER MOVING VEHICLES ON PORTIONS OF THE HIGHWAY WHICH ARE MARKED BY SIGNS, MARKERS, OR MARKINGS PLACED BY THE DEPARTMENT OF TRANSPORTATION STATING OR CLEARLY INDICATING THAT PASSING SHOULD NOT BE ATTEMPTED.*

Amends GS 20-150(e) adding an exception that the driver of a vehicle may overtake and pass a stopped vehicle or slower moving vehicle in areas marked no passing. Includes in the definition of "slower moving vehicle" farm vehicles, trash

collection vehicles, mail delivery vehicles, mopeds, bicycles, and other vehicles operating at least 10 miles per hour below the posted speed limit.

Effective December 1, 2013.

Intro. by D. Hall.

GS 20

[View summary](#)

Transportation

H 801 (2013-2014) **MULTIPLE EXPUNCTIONS/DISMISSAL OR NOT GUILTY**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON MAY OBTAIN AN EXPUNCTION FOR ANY CHARGES THAT WERE DISMISSED OR FOR WHICH A FINDING OF NOT GUILTY OR NOT RESPONSIBLE IS ENTERED AND TO PROVIDE THAT NO FEE SHALL BE CHARGED FOR THE FIRST PETITION TO EXPUNGE A CHARGE FROM A PERSON'S RECORD BUT THAT A FEE SHALL BE CHARGED FOR ANY PETITIONS FILED TO EXPUNGE ANY SUBSEQUENT CHARGES.*

Amends GS 15A-146 removing previously received expungements from list of findings that would preclude an order of expunction upon application of the person charged with a crime. Allows expunction for a person who has not been previously convicted of any felonies when the charge is dismissed or a finding of not guilty or not responsible is entered.

Amends GS 15A-146 deleting subsection (a1) regarding the expungement of multiple offenses that are all dismissed or findings of not guilty or not responsible are made.

Changes "expungement" to "expunction" in the following sections: GS 15A-146(b)(b1) and (b2)

Amends GS 15A-146 adding subsection (d) prohibiting a person from being charged a fee for the person's first expunction under this section. Subsequent applications for expunction require a fee of \$150 and will be deposited in the General Fund. Fee requirements do not apply to petitions filed by an indigent.

Effective December 1, 2013.

Intro. by D. Hall.

GS 15A

[View summary](#)

Criminal Justice

H 803 (2013-2014) **HEALTHY AND HIGH PERFORMANCE SCHOOLS ACT**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE HEALTHY AND HIGH PERFORMANCE SCHOOLS ACT OF 2013.*

To be summarized.

Intro. by Harrison, McGrady, Glazier, Carney.

GS 115C

[View summary](#)

Education, Health

H 804 (2013-2014) **GREAT LEADERS FOR GREAT SCHOOLS/STUDY**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY STRATEGIES FOR PROVIDING NORTH CAROLINA WITH GREAT LEADERS FOR GREAT SCHOOLS.*

Requires the Joint Legislative Education Oversight Committee to study and make recommendations on implementation of the following initiatives: (1) recruitment of the highest performing leaders for the school leadership administrator role; (2) greater flexibility and autonomy for principals over school-based decisions, including personnel decisions; (3) a compensation plan that will attract and retain principals and assistant principals to the lowest-achieving schools and will reward outstanding leadership at those schools; (4) specialized State professional development for principals and assistant principals that is

focused exclusively on turning around the lowest-achieving schools; and (5) strategies for assisting less than proficient principals and assistant principals in improving their work performance and, if necessary, removing them from their positions. Specifies ten items to be considered. Requires a report to the 2014 Regular Session of the 2013 General Assembly, upon its convening. Effective July 1, 2013.

Intro. by Cotham, Holloway, Blackwell, Langdon.

STUDY

[View summary](#)

Education

H 805 (2013-2014) **BAN SMOKING IN FOSTER CARE SETTING/INFANTS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT A POLICY PROHIBITING A FOSTER PARENT FROM SMOKING IN THE PRESENCE OF AN INFANT IN THE FOSTER PARENT'S CARE.*

Amends GS 131D-10.5 (*Powers and duties of the Commission*), providing that the Social Service Commission will adopt rules establishing a policy to prohibit a foster parent from smoking in the presence of an infant in the foster parent's care, pursuant to GS 131D-10.9A.

Amends GS Chapter 131D, by creating a new section GS 131D-10.9A (*Policy prohibiting smoking in the presence of an infant in foster care setting*), establishing that the Division of Social Services will enforce a written policy which prohibits a foster parent from smoking in a private residence used to provide licensed foster care. This policy will also prohibit a foster parent from smoking in the presence of an infant in the foster parent's care while in a motor vehicle. Requires the foster parent to prohibit others from smoking in the presence of an infant in that foster parent's care as well.

Intro. by Cotham, Jackson.

GS 131D

[View summary](#)

Health, Child Welfare

H 806 (2013-2014) **STUDY BUSINESS LICENSE INFORMATION OFFICE**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO STUDY THE BUSINESS LICENSE INFORMATION OFFICE.*

Directs the Joint Legislative Economic Development and Global Engagement Oversight Committee (Committee) to study the performance of the clearinghouse for State business license information established in GS 143B-431(e) and evaluate the cost, need, benefit, and efficacy of the assistance to businesses provided by that clearinghouse. Specifies issues to be examined in the study. The Committee must report its findings and recommendations to the 2013 General Assembly when it reconvenes in 2014.

Intro. by Cotham, Saine, Tine, Murry.

STUDY

[View summary](#)

Business and Commerce

H 807 (2013-2014) **BUILDING CODE COUNCIL/POST CODE ONLINE**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NC BUILDING CODE COUNCIL TO MAKE THE NORTH CAROLINA BUILDING CODE AVAILABLE FOR DOWNLOAD ONLINE.*

Amends GS 143-138(g) requiring the North Carolina Building Code Council to provide the North Carolina State Building Code and its amendments on the Council's website after adoption in a form that may be downloaded and printed free of charge.

Effective October 1, 2013.

Intro. by Cotham, Hager, Brody.

GS 143

[View summary](#)**Building and Construction**

H 810 (2013-2014) **MODIFY CERTAIN CEMETERY REQUIREMENTS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY THE COUNTY POPULATION AND MINIMUM ACREAGE REQUIREMENTS IN CERTAIN TRACTS OF LAND USED AS CEMETERIES*.

Amends GS 65-55 changing the population and acreage tract requirements for proposed cemeteries. In counties with a population of less than 100,000 (rather than 35,000) according to the latest federal decennial census the tract need be only 20 acres (rather than 15 acres).

Amends GS 65-69 adding subsection (e) requiring the minimum acreage by counties with a population of less than 100,000 according to the latest federal decennial census be 20 acres of land.

Intro. by Boles.

GS 65

[View summary](#)**Public Health**

H 851 (2013-2014) **REQUIRED NUMBER OF OPERATING BRAKE LIGHTS**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MOTOR VEHICLES MUST HAVE AT LEAST TWO WORKING STOP LAMPS ON THE REAR OF THE VEHICLE AND TO MAKE OTHER CLARIFYING CHANGES*.

Amends GS 20-129 to prohibit selling or operating a vehicle, or any motorcycle or motor-driven cycle, manufactured after December 31, 1955, unless it has two stop lamp on the rear of the vehicle. Requires the lamps to emit, reflect, or display a red or amber light visible from no less than 100 feet to the rear, and requires it to be actuated by foot brake. Makes conforming changes to GS 20-129.1 (additional lighting equipment required on certain vehicles).

Intro. by Setzer, Carney.

GS 20

[View summary](#)**Transportation****ACTIONS ON BILLS****PUBLIC BILLS****H 139: ADOPT UNIFORM DEPLOYED PARENT CUST/VISIT. ACT.***Pres. To Gov. 4/12/2013***No local actions on bills**

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