

The Daily Bulletin: Thursday, February 5, 2015

PUBLIC/HOUSE BILLS

H 55 (2015-2016) [PUBLIC EXHIBIT OF FIREWORKS/NCSU](#). Filed Feb 5 2015, *AN ACT TO AMEND THE LAW REGARDING PYROTECHNIC EXHIBITIONS AUTHORIZED BY NORTH CAROLINA STATE UNIVERSITY*.

Amends GS 14-410(a1) to provide that, when other requirements are fulfilled, pyrotechnics can be exhibited, used, handled, manufactured, or discharged at a concert or public exhibition without written permission from the board of county commissioners or city if written authority is given by the University of North Carolina (UNC) or NC State University, pursuant to GS 14-413, and the pyrotechnics are exhibited on lands or buildings in Wake County owned by UNC or NC State University.

Amends GS 14-413, making conforming changes.

Intro. by Dollar, Langdon, S. Ross, D. Hall.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, UNC System

H 56 (2015-2016) [STATE HEALTH PLAN/REHIRED RETIREE ELIGIBILITY](#). Filed Feb 5 2015, *AN ACT TO ALLOW RETIREES WHO RETURN TO WORK FOR THE STATE IN NONPERMANENT POSITIONS TO RETAIN THEIR COVERAGE OPTIONS UNDER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES RATHER THAN LIMITING SUCH RETIREES' COVERAGE OPTIONS TO THE "BRONZE LEVEL" HIGH-DEDUCTIBLE HEALTH PLAN NECESSITATED BY THE AFFORDABLE CARE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE*.

Identical to [S 6](#), filed 1/28/15.

Amends GS 135-48.40, as amended by Section 35.16 of SL 2014-100, by enacting new subdivision (1a) to GS 135-48.40(b) to make retirees who return to employment by the state in nonpermanent full-time positions eligible for partially contributory coverage under the State Health Plan for Teachers and State Employees (the Plan). Eligible retirees returning to state employment cannot qualify for partially contributory coverage under subdivision (1) of GS 135-48.40(b) (applies to permanent full-time state employees) and must be determined to be full-time employees as provided in section 4980H of the Internal Revenue Code and the applicable regulations, as amended. Directs the Department of State Treasurer, using a process developed by that Department, to reimburse an employing unit with the cost of providing coverage to an eligible retiree enrolled in the Plan. Requires that the reimbursement be made at least once per plan year and be paid from the Retiree Health Benefit Fund. Makes conforming changes to GS 135-48.40(e) and GS 135-48.41(j).

Effective July 1, 2015.

Intro. by Holloway, Johnson, McGrady, Lucas.

GS 135

Employment and Retirement, Government, State Agencies, Department of State Treasurer, State

[View summary](#)

[Government, State Personnel, Health and Human Services, Health, Health Insurance](#)

H 57 (2015-2016) [HONOR BOY SCOUTS](#). Filed Feb 5 2015, *A HOUSE RESOLUTION HONORING THE BOY SCOUTS OF AMERICA AND THE ORDER OF THE ARROW*.

As the title indicates. Requires the Principal Clerk to provide a copy of this resolution to the National Council of Boy Scouts of America.

Intro. by Jones, Dollar, Iler, J. Bell.

[HOUSE RES](#)

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[Government, Cultural Resources and Museums](#)

H 59 (2015-2016) [CLARIFY REPORT ADMISSIBILITY](#). Filed Feb 5 2015, *AN ACT TO CLARIFY THE ADMISSIBILITY OF REPORTS OF FORENSIC AND CHEMICAL ANALYSIS*.

Amends the following provisions regarding the admissibility of reports of forensic and chemical analysis:

- (1) GS 15A-1225.3(b), authorizing remote testimony regarding the results of forensic testing under GS 8-58.20(d);
- (2) GS 20-139.1(c1), providing for the admissibility of the results of a chemical analysis of blood and urine reported by the NC State Crime Lab, the Charlotte NC Police Department Lab, or any other lab approved for chemical analysis by the Department of Health and Human Services, without further authentication and testimony of the analyst;
- (3) GS 20-139.1(c3), permitting establishing the chain of physical custody without calling unnecessary witnesses;
- (4) GS 20-139.1(c5), permitting the remote testimony of an analyst regarding the results of a chemical analysis of blood or urine; and
- (5) GS 90-95(g), providing for the admissibility of the results of a chemical analysis of matter submitted to the NC State Crime Lab, the Charlotte NC Police Department Lab, or the Toxicology Lab, Reynolds Health Center in Winston-Salem, to determine if the matter is or contains a controlled substance without further authentication and testimony of the analyst.

Clarifies that in each instance, if the defendant or the defendant's attorney of record fails to file a written objection to the admissibility of the forensic and chemical analysis reports, then the objection is deemed to have been waived.

This act applies to notices of intent to introduce a statement or report provided by the state on or after the date the act becomes law.

Intro. by Faircloth, Stam, Glazier.

[GS 15A, GS 20, GS 90](#)

[View summary](#)

[Courts/Judiciary, Evidence, Motor Vehicle](#)

PUBLIC/SENATE BILLS

S 39 (2015-2016) [STATE MINIMUM WAGE/INFLATION INCREASES](#). Filed Feb 5 2015, *AN ACT AMENDING THE WAGE*

AND HOUR ACT TO PROVIDE FOR AUTOMATIC ADJUSTMENT TO REFLECT INCREASES IN THE COST OF LIVING.

Amends GS 95-25.3 to add a new subsection (a1) that requires the minimum wage to be increased on January 1, 2016, and every January 1 thereafter, by the cost of living as measured by the percentage increase of the consumer price index calculated by the US Department of Labor. Requires the Commissioner of Labor to calculate the indexed minimum wage. Effective when the act becomes law.

Intro. by D. Davis, Bryant.

GS 95

[View summary](#)

Employment and Retirement

S 40 (2015-2016) [DESIGNATE OFFICIAL STATE GOLD FESTIVAL](#). Filed Feb 5 2015, *AN ACT DESIGNATING THE GOLD FESTIVAL IN OLD FORT AS THE STATE'S OFFICIAL GOLD FESTIVAL*.

Identical to [H 52](#), filed 4/4/15.

Enacts new GS 145-48, as the title indicates.

Intro. by Hise.

McDowell

[View summary](#)

Government, Cultural Resources and Museums

S 42 (2015-2016) [DATACENTER INFRASTRUCTURE ACT](#). Filed Feb 5 2015, *AN ACT TO ENACT THE DATACENTER INFRASTRUCTURE ACT*.

Amends GS 105-164.13 to provide that the sales of electricity for use at a qualifying datacenter and datacenter support equipment that is to be located and used at the qualifying datacenter are exempt from the tax imposed by GS Chapter 105, Article 5, Sales and Use Tax. Specifies what types of capitalized property is considered to be "datacenter-support equipment" for tax purposes.

Amends GS 105-164.3, the definitions section for the the sales and use tax article, adding language to define *qualifying datacenter* as a datacenter that (1) meets the wage standard and health insurance requirements of GS 143B-437.08A and (2) has been certified by the Secretary of Commerce, by way of written determination, that at least \$75 million in private funds has or will be invested in the datacenter by the owners, users, or tenants within five years of the date the same make the first real or tangible property investment in the datacenter on or after January 1, 2012. Makes conforming technical changes to the statute.

Sets out in GS 105-164.13(55a) when the tax exemption can be forfeited including: the level of investment specified above is not timely, investment is timely but specific datacenter support equipment is not located or used at the qualifying datacenter, or portions of the electricity are not used at the datacenter. Specifies that a taxpayer that forfeits such an exemption is liable for all past taxes avoided as a result of the exemption, computed from the date the taxes would have been due if the exemption was not allowed, plus interest established pursuant to GS 105-241.21. Sets out formula for calculating the interest due depending on the way in which the forfeiture was triggered.

Effective July 1, 2015, applying to sales made on or after that date.

Intro. by Gunn, Barefoot, Clark.

GS 105

S 43 (2015-2016) [CDLS FOR VETERANS REVISIONS](#). Filed Feb 5 2015, *AN ACT TO EXTEND THE PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION FROM 90 DAYS TO ONE YEAR IN WHICH A MILITARY VETERAN SEEKING A WAIVER OF THE COMMERCIAL SKILLS TEST MUST HAVE BEEN REGULARLY EMPLOYED AND TO PROVIDE A MILITARY VETERAN WITH AN ADDITIONAL METHOD FOR SATISFYING THE CERTIFICATION REQUIREMENT IN G.S. 20-37.13.*

Amends GS 20-37.13(c1), providing that the DMV may waive the commercial driver's license skills test for any qualified military applicant if the applicant is currently licensed at the time of application and meets several qualifications, including, but not limited to, providing evidence that the applicant is a retired, discharged, or current member of an active or reserve component of the Armed Forces of the United States and is regularly employed or was regularly employed in a military position that required operation of a commercial vehicle within the one-year period (was, 90-day period) immediately preceding the date of application. Makes conforming changes.

Enacts new GS 20-37.13(c2) providing clarifying language and establishing that the above one-year period applies unless a different period is provided by federal law. Specifies what forms and documents are acceptable to prove and certify that the applicant is a retired, discharged, or current member of an active or reserve component.

Intro. by Brown, Meredith.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Military and Veteran's Affairs, Transportation

S 44 (2015-2016) [INCLUDE JONES COUNTY IN STATE HEALTH PLAN](#). Filed Feb 5 2015, *AN ACT TO AUTHORIZE JONES COUNTY TO ENROLL ITS EMPLOYEES AND DEPENDENTS IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

Amends GS 135-48.47, as the title indicates. Effective July 1, 2015.

Intro. by Brown.

Jones

[View summary](#)

Health and Human Services, Health, Health Insurance

LOCAL/HOUSE BILLS

H 58 (2015-2016) [ALAMANCE COUNTY SHERIFF/FOOD PURCHASES](#). Filed Feb 5 2015, *AN ACT PROVIDING THAT THE ALAMANCE COUNTY SHERIFF'S OFFICE MAY CONTRACT FOR THE PURCHASE OF FOOD AND SUPPLIES FOR THE COUNTY'S DETENTION FACILITY WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF CERTAIN STATE PURCHASE AND CONTRACT LAWS.*

Provides that the Alamance County Sheriff's Office can contract for food and supplies for the County's detention facility without being subject to the purchase and contract requirements found in GS 143-129 or GS 143-131.

Intro. by Riddell, S. Ross.

Alamance

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation)**

LOCAL/SENATE BILLS

S 41 (2015-2016) [30TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 5 2015, *AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Randleman.

Stokes, Surry, Wilkes

[View summary](#)

S 45 (2015-2016) [6TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 5 2015, *AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Brown.

Jones, Onslow

[View summary](#)

S 46 (2015-2016) [JACKSONVILLE OCCUPANCY TAX](#). Filed Feb 5 2015, *AN ACT TO MODIFY THE USE OF OCCUPANCY TAX PROCEEDS FOR THE CITY OF JACKSONVILLE.*

Amends SL 2009-429 to require the Jacksonville Tourism Development Authority to use at least two-thirds of the funds remitted to it from the Jacksonville occupancy tax for tourism related expenditures with the remainder used to promote travel and tourism in Jacksonville (was, use two-thirds of the funds to promote travel and tourism in Jacksonville with the remainder used for tourism-related expenditures).

Intro. by Brown.

Onslow

[View summary](#)

Government, Tax

ACTIONS ON BILLS

PUBLIC BILLS

H 3: EMINENT DOMAIN.

House: Passed 2nd Reading

House: Placed On Cal For 02/10/2015

H 44: CITIES/OVERGROWN VEGETATION NOTICE.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Regulatory Reform

H 45: CHILD ADVOCACY CENTER FUNDS.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 46: SENIOR TAX DEDUCTION FOR MEDICAL EXPENSES.

House: Passed 1st Reading

House: Ref to the Com on Aging, if favorable, Finance

H 47: YOUTH CAREER CONNECT.

House: Passed 1st Reading

House: Ref To Com On Education - Community Colleges

H 48: AMENDMENTS PROPOSAL CONVENTION OF STATES.

House: Passed 1st Reading

House: Ref To Com On Judiciary I

H 49: INDEPENDENT REDISTRICTING COMMISSION.

House: Passed 1st Reading

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

H 50: AMEND MAND. RETIRE. AGE/JUDGES & MAGISTRATES.

House: Passed 1st Reading

House: Ref To Com On Pensions and Retirement

H 51: JUSTICE FOR RURAL CITIZENS ACT.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Finance

H 55: PUBLIC EXHIBIT OF FIREWORKS/NCSU.

House: Filed

H 56: STATE HEALTH PLAN/REHIRED RETIREE ELIGIBILITY.

House: Filed

H 57: HONOR BOY SCOUTS.

House: Filed

H 59: CLARIFY REPORT ADMISSIBILITY.

House: Filed

S 14: ACAD. STANDARDS/RULES REVIEW/COAL ASH/FUNDS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 28: INDEPENDENT REDISTRICTING COMMISSION.

Senate: Passed 1st Reading

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

S 29: DOB REDACTION REQUESTS FOR PUBLIC DOCUMENTS.

Senate: Passed 1st Reading

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

S 30: VALUE STUDENT LEARNING ACT.

Senate: Passed 1st Reading

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

S 31: RESTORE TEACHING FELLOWS PROGRAM.

Senate: Passed 1st Reading

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

S 32: GRAND JURY INVEST./PROSECUTOR TRAINING STUDY.

Senate: Passed 1st Reading

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

S 34: EXPAND SHELLFISH CULTIVATION AREAS.

Senate: Passed 1st Reading

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

S 35: JUMPSTART BUSINESS STARTUPS/NEW MARKET CREDIT.

Senate: Passed 1st Reading

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

S 37: WAIVE TUITION/FALLEN OFFICER WAS GUARDIAN.

Senate: Passed 1st Reading

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

S 39: STATE MINIMUM WAGE/INFLATION INCREASES.

Senate: Filed

S 40: DESIGNATE OFFICIAL STATE GOLD FESTIVAL.

Senate: Filed

S 42: DATACENTER INFRASTRUCTURE ACT.

Senate: Filed

S 43: CDLS FOR VETERANS REVISIONS.

Senate: Filed

S 44: INCLUDE JONES COUNTY IN STATE HEALTH PLAN.

Senate: Filed

LOCAL BILLS

H 43: WINSTON-SALEM/PARKING METERS.

House: Passed 1st Reading

House: Ref To Com On Local Government

H 58: ALAMANCE COUNTY SHERIFF/FOOD PURCHASES.

House: Filed

S 33: 16TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 36: GREENSBORO CITY COUNCIL CHANGES.

Senate: Passed 1st Reading

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

S 38: 12TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 41: 30TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 45: 6TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 46: JACKSONVILLE OCCUPANCY TAX.

Senate: Filed

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