

The Daily Bulletin: Wednesday, February 11, 2015

PUBLIC/HOUSE BILLS

H 74 (2015-2016) [STUDY MPO/RPO OVERSIGHT](#). Filed Feb 11 2015, *AN ACT TO STUDY THE OVERSIGHT OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS AND THEIR ROLE IN TRANSPORTATION PLANNING.*

Creates the 10-member Study Committee (Committee) on Metropolitan Planning Organizations (MPO) and Rural Transportation Planning Organizations (RPO). Provides for five members from the House of Representatives (House), appointed by the Speaker of the House, and five members from the Senate, appointed by the President Pro Tempore of the Senate. Provides the process for selecting co-chairs, filling vacancies, calling meetings and determining a quorum.

Directs the Committee to study the organization, structure, and oversight of MPOs and RPOs, and their role in transportation planning. Also directs the committee to study the way the organization, structure, and oversight of MPOs and RPOs may be revised to better match their role in transportation planning while maintaining compliance with federal transportation requirements.

Permits the Committee to exercise all the powers provided for under GS 120-19 and GS 120-19.1 through GS 120-19.4 while discharging its official duties. Provides guidelines regarding the site for meetings, receipt of travel and subsistence and travel expenses, and the assigning of clerical and professional staff to the Committee. Permits the Committee to contract for professional, clerical, or consultant services as provided by 120-32.02.

Provides that the Committee may make an interim report, including any proposed legislation, to the 2016 Session of the 2015 General Assembly. Directs the Committee to terminate when it files its final report or when the 2016 Session of the 2015 General Assembly convenes, whichever occurs first.

Intro. by Floyd.

[STUDY](#)

[View summary](#)

[Transportation](#)

H 75 (2015-2016) [NC HIGHWAY BEAUTIFICATION](#). Filed Feb 11 2015, *AN ACT TO LIMIT HONORARY DESIGNATIONS OF HIGHWAYS AND OTHER TRANSPORTATION STRUCTURES TO PUBLIC SAFETY OR MILITARY PERSONNEL KILLED IN THE LINE OF DUTY.*

Amends GS 136-18 concerning the power of the Department of Transportation (DOT) to name state highways or change names of highways that are to become part of the state highway system providing that upon the effective date of this bill highways or components of a highway in the state highway system can only be named after law enforcement officers, firefighters, emergency medical services employees, or active and reserve military personnel killed in the line of duty. Defines *component of a highway* to mean bridges, overpasses, and any other highway structure.

Intro. by Bumgardner, Blust, G. Martin.

[Government, Public Safety, Military and Veteran's](#)

[View summary](#)

H 76 (2015-2016) [DISAPPROVE MEC OIL AND GAS RULES](#). Filed Feb 11 2015, *AN ACT TO DISAPPROVE A RULE ADOPTED BY THE MINING AND ENERGY COMMISSION PROVIDING FOR MANAGEMENT OF OIL OR GAS EXPLORATION AND DEVELOPMENT*.

Identical to [S 72](#), filed 2/11/15.

As the title indicates, disapproves rule 15A NCAC Subchapter 5H (Oil and Gas Conservation) adopted by the Mining and Energy Commission on November 14, 2014, and approved by the Rules Review Commission on December 17, 2014, and January 15, 2015.

Intro. by Reives, Fisher, Harrison.

UNCODIFIED

[View summary](#)

[Environment, Energy, Environment/Natural Resources, Government, APA/Rule Making](#)

H 78 (2015-2016) [ENACT MEDICAL CANNABIS ACT](#). Filed Feb 11 2015, *AN ACT TO ENACT THE NORTH CAROLINA MEDICAL CANNABIS ACT*.

Adds new Article 43, "North Carolina Medical Cannabis Act," to GS Chapter 90. Provides broad civil and criminal immunity for a "qualified patient" or a "designated caregiver" for purchasing or possessing cannabis for medical use if the quantity does not exceed an "adequate supply" for the patient as determined by his or her physician. Adequate supply is defined by the act to, among other things, (1) apply only to cannabis from an intrastate source, (2) limit permitted supply or garden space to amount needed for three-month period and not more than 24 ounces, (3) limit use to alleviating symptoms or effects of a debilitating medical condition (also defined in the act). Requires the Department of Health and Human Services (DHHS) to issue "registry identification cards" to persons who qualify as qualified patients or designated caregivers, and provides that a card creates a rebuttable presumption of permissible use if the person does not possess more than an adequate supply. Specifies conditions under which provisions of the act are applicable to minors. Prohibits a school, employer, or landlord from refusing to enroll, employ, or lease to, or to otherwise penalize, a person because of his or her status under the act or the permissible possession or use of cannabis. Also provides immunity and protection from penalties for licensed producers of medical cannabis and for physicians for conduct consistent with the act. Provides other protections relating to conduct of law enforcement, child custody or visitation, constructive possession, and the unauthorized substances tax.

The act does not permit a person to control a motor vehicle, aircraft, or motorboat while impaired by cannabis; undertake any task under the influence of cannabis that would constitute negligence or malpractice; or smoke cannabis in a school bus or on public transportation, on school grounds, in a correctional facility, or in any public place in the state. No government-sponsored medical assistance program or private health insurer is required by the act to cover costs of medical use of cannabis, and an employer is not required to accommodate use in the workplace. Makes fraudulent representation to law enforcement of any fact relating to medical use of cannabis to avoid arrest or prosecution a Class 2 misdemeanor punishable by a fine of up to \$500 and any other applicable penalty. Specifies criteria and procedures for DHHS's issuance or renewal of registry identification cards and requires that DHHS maintain a confidential list of persons to whom cards are issued. Allows DHHS to verify for law enforcement whether a card is valid and to report to law enforcement about falsified or fraudulent information submitted to DHHS. Makes violation of the confidentiality provision a Class 1 misdemeanor, subject to a fine of up to \$1,000.

Directs the Department of Agriculture and Consumer Services to establish a medical cannabis supply system to provide a safe, regulated supply of quality medical cannabis for use by qualified patients with a valid registry identification card

and to generate revenue sufficient to maintain and operate the system. Prohibits use of appropriations from the General Fund to establish or operate the system, which must be funded by authorized fees. Establishes criteria for licensing of medical cannabis supply centers and producers of medical cannabis, as well as for suspending or revoking licenses. Requires the Department of Agriculture and Consumer Services to maintain a confidential list of licensees and specifies when it may release information to law enforcement. Requires the North Carolina Medical Care Commission to adopt rules to implement the supply system, and provides for temporary rules in the interim. Specifies when medical use of cannabis may be asserted as an affirmative defense to a criminal charge. Expresses the General Assembly's intent that the University of North Carolina system undertake scientific research regarding the efficacy and safety of the medical use of cannabis and, subject to approval by the UNC Board of Governors, directs the university to create the North Carolina Cannabis Research Program. Makes conforming changes to GS 106-121 (definitions under Food, Drugs, and Cosmetics Act). Amends GS 105-164.4(a) to impose a privilege tax of 5 percent on specified cannabis sales.

Intro. by Alexander, Carney, Harrison, Cunningham.

GS 90, GS 105, GS 106

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Health and Human Services, Tax, Health and Human Services, Health

H 79 (2015-2016) **ALLOW CIVIL & CRIMINAL CONTEMPT/50C VIOLATION**. Filed Feb 11 2015, *AN ACT AMENDING THE LAWS PERTAINING TO CIVIL NO-CONTACT ORDERS TO CLARIFY THAT A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER IS PUNISHABLE BY CIVIL OR CRIMINAL CONTEMPT*.

Amends GS 50C-10, as the title indicates. Effective for orders entered on or after October 1, 2015.

Intro. by Glazier, Stevens, Davis.

GS 50

[View summary](#)

Courts/Judiciary, Civil, Civil Law

H 80 (2015-2016) **RIVERLINK PLATE BACKGROUND**. Filed Feb 11 2015, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR RIVERLINK THAT DOES NOT HAVE A "FIRST IN FLIGHT" BACKGROUND*.

Amends GS 20-63(b1) to exempt the special registration license plate for Riverlink from the "First in Flight" background requirement.

Intro. by Fisher.

GS 20

[View summary](#)

Government, State Agencies, Department of Transportation, Transportation

H 81 (2015-2016) **EXPAND 1%/\$80 RATE FOR MILL MACHINERY**. Filed Feb 11 2015, *AN ACT TO CLARIFY THAT MILL MACHINERY IS TO BE TAXED ACCORDING TO THE PREPONDERANCE OF THE USE OF THE MACHINERY*.

Amends GS 105-187.51B(a) adding subdivision (6) imposing a privilege tax at a rate of 1 percent of the sales price of

the equipment or personal property, up to \$80 per item, on a company engaged in specified categories of fabrication of metal work that purchases equipment or an attachment or repair part that is (1) capitalized by the company for tax purposes and (2) used by the company in the fabrication of metal products or used to create equipment for the fabrication of metal products.

Effective July 1, 2015.

Intro. by Malone, Lewis, Collins, S. Martin.

GS 105

[View summary](#)

Government, Tax

H 82 (2015-2016) [EXECUTION/NONSECURE CUSTODY ORDER/CHILD ABUSE](#). Filed Feb 11 2015, *AN ACT CLARIFYING THE MANNER IN WHICH A LAW ENFORCEMENT OFFICER MAY TAKE CUSTODY OF A JUVENILE WHEN EXECUTING A NONSECURE CUSTODY ORDER UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY.*

Amends GS 7B-504 to allow a law enforcement officer or other authorized person executing a written order for nonsecure custody under laws pertaining to abuse, neglect, and dependency, to take physical custody (was, assume) of the juvenile who is the subject of the nonsecure custody order.

Allows the court to authorize law enforcement to enter private property to take physical custody of the juvenile if it is the finding of the court based on the petition for custody or the testimony of the petitioner that there is no less intrusive remedy available. Also permits the court, if required by exigent circumstances in the case, to authorize law enforcement to make a forcible entry at any hour as long as the officer has reason to believe that the juvenile is being abused at the time that the officer is executing the nonsecure custody order.

Applies to orders issued on or after the date that this act becomes law.

Intro. by Stevens, Glazier, Jordan.

GS 7B

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency

H 83 (2015-2016) [SUICIDE PREVENTION RESOLUTION](#). Filed Feb 11 2015, *A HOUSE RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO EXAMINE WAYS TO PREVENT SUICIDE AMONG MINORS AND VETERANS IN NORTH CAROLINA.*

Includes several whereas clauses concerning suicide among minors and veterans in North Carolina.

Provides that the intent of the General Assembly is to prevent as many suicides as possible, particularly among minors and veterans, by enacting legislation that (1) requires health care providers to complete training in best practices for suicide assessment, treatments, and management as part of continuing education and (2) implementing training in best practices for other adults who are regularly in contact with people at risk for suicide to recognize factors that may indicate thoughts of suicide.

Authorizes the Legislative Research Commission to study the role of health care providers and other key gatekeepers in suicide prevention among minors and veterans. Sets out seven areas that the commission should examine, including the feasibility and effectiveness of providing training to school, clergy, and law enforcement personnel on recognizing at-risk behavior and the categories of licensed health care providers that should be required to complete training in suicide assessment, treatment, and management as part of continuing education requirements.

Allows an interim report on the study to be submitted to the 2015 General Assembly when it reconvenes in 2016 and requires the final report to be submitted to the 2017 General Assembly when it convenes.

Intro. by Cunningham.

HOUSE RES

[View summary](#)

Health and Human Services, Mental Health, Military and Veteran's Affairs

PUBLIC/SENATE BILLS

S 15 (2015-2016) **UNEMPLOYMENT INSURANCE LAW CHANGES (NEW)** Filed Feb 3 2015, *AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE.*

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

Changes the short and long titles.

Makes technical and organizational changes to the bill.

Adds new Part II to the bill titled "Unemployment Law Changes," amending GS 20-7(b2) to give the Department of Motor Vehicles (DMV) authority to disclose Social Security numbers to the Department of Commerce (Commerce), Division of Employment Security (DES), for the purpose of verifying employer and claimant identity. Amends GS 96-9.2(c) and changes the end date of the 12-month period used to calculate "total insured wages" for contribution rates to June 30 (was, July 31). Applies to contributions payable for calendar quarters beginning on or after January 1, 2014.

Amends the actively seeking work requirement as found in GS 96-14.9(e), requiring individuals to make at least five job contacts (was, sought work on at least two different days during the week and made at least two contacts) with potential employers each week to fulfill the work-seeking requirement. Effective July 1, 2015, applying to claims for benefits on or after that date.

Amends GS 96-15(h), making clarifying and technical changes regarding judicial review of hearing decisions of the Board of Review. Provides that a decision of the Board of Review becomes final thirty days after the date of mailing unless a party to the decision seeks judicial review. Effective July 1, 2015, applying to decisions made on or after that date.

Amends GS 96-3, GS 96-4(j), and GS 96-9.15(f) regarding the DES, deleting and/or replacing the language that referred to the Employment Security Section and the Employment Insurance Section within DES.

Enacts new GS 1-359(b) to provide that when DES wins a civil action against an employer to collect unpaid employment taxes, DES can attach or garnish the employer's credit card receipts in recovering the unpaid taxes. Direct receipt of those funds by DES represents a sufficient discharge for the amount paid by the credit card company.

Amends GS 96-10(b)(1) regarding collections of contributions, providing that any judgment that is executable and allowed by GS 96-10 will be subject to attachment and garnishment for payment of unpaid taxes as provided in GS 1-359(b).

Amends GS 96-14.9, concerning weekly certification of eligibility for benefits, requiring individuals to present valid photo identification when requested to report to the DES. Also sets out what is considered to be a valid photo ID.

Amends Section 1.10(c) of SL 2011-401 to extend the deadline for rule and regulation readoption by the Division of Employment Security, as required by the Administrative Procedure Act in GS Chapter 150B, Article 2A, to require any existing rule that has not been readopted and filed with the Rules Review Commission by May 20, 2015 to expire (was,

if not readopted by December 31, 2012, will expire).

Repeals GS 96-14.4, Duration of benefits for individual claimant. Effective July 1, 2015, applying to claims for benefits made on or after July 1, 2015.

Amends GS 96-14.3, changing the title to Duration of benefits (was, Minimum and maximum duration of benefits). Deletes any language referencing minimum or maximum number of weeks and establishes that the maximum number of weeks will now serve as the number of weeks an individual will receive benefits according to the seasonally adjusted unemployment rate. Provides that the total benefits paid to an individual is calculated by multiplying the individual's weekly benefit by the number of weeks allowed under GS 14.3(a). Effective July 1, 2015, applying to claims for benefits made on or after July 1, 2015.

Amends GS 96-14.12(b) to provide that the duration of benefits for an individual who is unemployed based on services provided to a corporation in which the individual held 5 percent or more outstanding of voting stock will be limited to six weeks (previously, it was the lesser of six weeks or the weeks determined under now repealed GS 94-14.4). Effective July 1, 2015, applying to claims for benefits made on or after July 1, 2015.

Amends GS 96-16(f), updating statutory references, replacing GS 96-14.4 with GS 96-14.3. Effective July 1, 2015, applying to claims for benefits made on or after July 1, 2015.

Adds new Part III to the bill titled "Division of Employment Security Board of Review," providing that decisions issued in an appeal by a party to a decision of an appeals referee or hearing officer that were issued by the Assistant Secretary of Commerce for the Division of Employment Security or by the Secretary of Commerce's designee, as well as decisions issued by the three individuals appointed by the Governor in December 2013 to serve on the DES Board of Review (Board), are validated and are given the same legal effect as if they had been issued by the Board. Effective when the act becomes law and applies to decisions rendered on or after November 1, 2011.

Repeals GS 96-4(b) and Section 21 of SL 2013-224, both of which concern the DES Board and the appointment process.

Enacts new GS 96-15.3, Board of Review, expounding on the appointment process for the Board. Establishes the Board to determine appeals policies and procedures as well as to hear appeals arising from decisions and determinations of DES. Directs the Department of Commerce (Commerce) to assign staff to the Board. Requires the Board and its staff to perform job responsibilities independent of the Governor, the General Assembly, Commerce, and DES but in accordance with any written guidance issued by the US Department of Labor.

Establishes that the Board consists of three members, serving staggered four-year terms, with one member each classified as a representative for either employees, employers, or the public. Provides that the member serving as a representative for the general public will be the chair of the Board and is required to be a licensed attorney in North Carolina.

Provides that appointments to the Board are to be made by the Governor and confirmed by the General Assembly by joint resolution. Requires the Governor to submit the name of the individual the Governor wants to appoint to the Board to the General Assembly for confirmation on or before May 1 of the year of the expiration of the term. Provides that if the General Assembly does not confirm the appointment by May 30, the office will be considered vacant and will be subject to being filled in accordance with specified procedures. When vacancies arise when the General Assembly is in session, the Governor must submit the name of the appointee to fill the vacancy to the General Assembly for confirmation within thirty days after the vacancy arises. If the appointment is not confirmed within thirty days the office will be considered vacant and the Governor must resubmit a name for confirmation. However, the Governor cannot resubmit the same nominee that the General Assembly did not confirm.

For vacancies arising when the General Assembly is not in session, the Governor must appoint someone to the office on an interim basis, pending confirmation by the General Assembly. Once the General Assembly is in session, the Governor must submit the name of the interim appointee within fourteen days of the date the General Assembly

convenes.

Provides that if the Governor fails to submit a name for appointment in a timely manner, regardless of if it occurs while the General Assembly is in Session, then the General Assembly can appoint an individual to the vacancy in accordance with GS 120-121. Specifies that if the vacancy occurs in an odd-numbered year then the appointment is made by recommendation of the President Pro Tempore of the Senate, and in even-numbered years it is filled upon recommendation of the Speaker of the House.

Provides that the term for the member serving as the employer's representative will expire on June 30, 2015, the term for the employee representative will expire on June 30, 2016, and the term for the general public representative will expire on June 30, 2017.

Requires the Secretary of Commerce and the chair of the Board to make a detailed written report by May 1, 2015, to the chairs of the Joint Legislative Oversight Committee on Unemployment Insurance, the chairs of the Senate Appropriations Committee on Natural and Economic Resources, the chairs of the House of Representatives Appropriations Subcommittee on Natural and Economic Resources, and the Fiscal Research Division. This written report is to include five specific areas of information, including measures taken to ensure the independence of Board staff and whether or not adequate staff is assigned to the Board.

Intro. by Rucho.

GS 1, GS 20, GS 96

[View summary](#)

Employment and Retirement, Government, State Agencies, Department of Commerce, Health and Human Services, Social Services, Public Assistance

S 20 (2015-2016) [IRC UPDATE/MOTOR FUEL CHANGES. \(NEW\)](#) Filed Feb 3 2015, *AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL TAX INCREASE PREVENTION ACT OF 2014, TO MODIFY THE MOTOR FUELS TAX RATE, AND TO MAKE CERTAIN REDUCTIONS WITHIN THE DEPARTMENT OF TRANSPORTATION FOR THE 2014-2015 FISCAL YEAR.*

Senate amendment to the 2nd edition makes a technical change to Part II, Section 2.2, of this act regarding *Motor Fuel Tax Changes*, deleting an incorrect statutory reference to GS 105-449.108(c) and replacing it with GS 105-449.107(c).

Intro. by Rabon, Rucho, Tillman.

GS 105

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Transportation, Tax, Transportation

S 71 (2015-2016) [STAGGER RRC MEMBER TERMS.](#) Filed Feb 11 2015, *AN ACT TO REESTABLISH STAGGERED TERMS FOR THE MEMBERSHIP OF THE RULES REVIEW COMMISSION.*

Amends the terms of specified members of the Rule Review Commission providing that the terms of Margaret Currin, John Hemphill, and Jeffrey Hyde, which are set to expire on June 30, 2015, will be extended one year until June 30, 2016.

Intro. by Lee.

UNCODIFIED

[View summary](#)

Government, APA/Rule Making, State Government

S 72 (2015-2016) [DISAPPROVE MEC OIL AND GAS RULES](#). Filed Feb 11 2015, *AN ACT TO DISAPPROVE A RULE ADOPTED BY THE MINING AND ENERGY COMMISSION PROVIDING FOR MANAGEMENT OF OIL OR GAS EXPLORATION AND DEVELOPMENT*.

As the title indicates, disapproves rule 15A NCAC Subchapter 5H (Oil and Gas Conservation) adopted by the Mining and Energy Commission on November 14, 2014, and approved by the Rules Review Commission on December 17, 2014, and January 15, 2015.

Intro. by Foushee, Woodard.

UNCODIFIED

[View summary](#)

[Environment](#), [Energy](#), [Environment/Natural Resources](#), [Government](#), [APA/Rule Making](#)

S 73 (2015-2016) [HAYWOOD TOWN SQUARE CONVEYANCE](#). Filed Feb 11 2015, *AN ACT TO DIRECT CONVEYANCE BY THE STATE OF THE HAYWOOD TOWN SQUARE*.

Directs the North Carolina Department of Administration to sell or lease a tract of land in Chatham County that is the property of the state. Identifies the tract of land as formerly used and designed as a town square in Haywood. Directs that the tract of land be sold or leased at fair market or sold or leased for a public purpose.

Intro. by Foushee.

UNCODIFIED, Chatham

[View summary](#)

[Government](#), [State Agencies](#), [Department of Administration](#), [State Government](#), [State Property](#)

S 74 (2015-2016) [EMINENT DOMAIN](#). Filed Feb 11 2015, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES*.

Identical to [H 3](#), filed 1/14/15.

Subject to approval by the voters at the May 3, 2016, statewide election, amends Article I of the North Carolina Constitution by adding a new Sec. 19.1 to prohibit the taking by eminent domain of private property except for a public use. Directs that just compensation be paid to the private property owner and provides that either party may request that the amount of just compensation be determined by a jury. Provides that if the majority of votes are in favor of the amendment, the State Board of Elections is to certify the amendment to the Secretary of State and the amendment will become effective upon certification and apply to takings of private property by eminent domain after the certification date.

Amends GS 40A-3(a) and (b1) to restrict private condemnors and local public condemnors to exercising the power of eminent domain for a public use (was, for a public use or benefit). Amends the list of private condemnors permitted to exercise the power of eminent domain to include communication facilities (was, specified telegraphs and telephones), facilities related to the distribution of natural gas, and pipelines or mains originating in North Carolina for the transportation of natural gas.

Also amends subsection (c) to limit takings by public entities (other public condemnors) to the exercise of eminent

domain for the public use (was, public use or benefit). Enacts a new subsection (d) to GS 40A-3 to provide that private condemnors, local public condemnors, and other public condemnors in subsections (a), (b), (b1), and (c) of this statute possess the power of eminent domain and may acquire any property for the connection of any customer(s) via purchase, gift, or condemnation.

Makes additional technical changes to punctuation.

Statutory changes become effective when this act becomes law and apply to takings occurring on or after that date.

Intro. by B. Jackson.

CONST, GS 40A

[View summary](#)

Constitution, Development, Land Use and Housing, Property and Housing

S 75 (2015-2016) [LABOR/UP AMUSEMENT DEVICE PENALTIES](#). Filed Feb 11 2015, *AN ACT TO INCREASE THE PENALTIES FOR THE ILLEGAL OPERATION OF AMUSEMENT DEVICES*.

Identical to [H 39](#) introduced on 2/3/15.

Article 14B of GS Chapter 95 is known as the Amusement Device Safety Act of North Carolina (Act). Amends GS 95-111.13 regarding violations, civil and criminal penalties, and appeal rights under the Act, to increase the civil and criminal penalties for violations under the Act. Makes willful violations that result in the serious injury or death of a person a Class E felony punishable by a fine of up to \$50,000 (was, a Class 2 misdemeanor with a fine of up to \$10,000). Other willful violations of the Article are a Class 2 misdemeanor with a fine of up to \$10,000. Effective December 1, 2015, and applies to violations occurring on or after that date.

Intro. by B. Jackson, Brock, Wade.

GS 95

[View summary](#)

Business and Commerce, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure

S 78 (2015-2016) [OFF-DUTY CORRECTIONAL OFFICERS/CONCEAL CARRY](#). Filed Feb 11 2015, *AN ACT TO PROVIDE THAT A STATE CORRECTIONAL OFFICER MAY CARRY A CONCEALED WEAPON WHEN OFF-DUTY*.

Amends GS 14-269(b) concerning exemptions from the prohibition on carrying concealed weapons, providing that state correctional officers are exempt from the prohibition on carrying concealed weapons when off duty and not consuming alcohol or an unlawful controlled substance, or while alcohol or such substance remains in the officer's body.

Effective December 1, 2015.

Intro. by Randleman, Daniel, Newton.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure

S 79 (2015-2016) [CLINICAL EXPERIENCE IN TEACHER ED PROGRAMS](#). Filed Feb 11 2015, *AN ACT TO REQUIRE TEACHER EDUCATION PROGRAMS TO PROVIDE HIGH QUALITY SCHOOL-BASED CLINICAL EXPERIENCES THROUGH PARTNERSHIPS WITH LOCAL BOARDS OF EDUCATION*.

Amends GS 115C-296(b)(2) to add a new subdivision e1 to mandate that the standards for approval of teacher education institutions must require that teacher education for all students include clinical school experience programs for student teachers, as defined in GS 115C-309. Declares that the clinical school experience programs are to be established via partnerships with local boards of education, and the teacher education institutions and the local boards are to share responsibility, authority, and accountability for clinical and school-based training, including in program development and implementation. Requires that a clinical school experience program at minimum meet the following criteria: (1) align with statewide priorities in teacher preparation and demonstrated competencies, (2) provide student teachers with access to qualified supervising teachers, (3) provide opportunities for student teachers to teach as part of a team with one or more teachers, and (4) evaluate the effectiveness of the clinical school experience by assessing the performance of the student teacher, the supervising teacher, and the outcomes of any students for whom the student teacher was responsible.

Amends GS 115C-47(20) to make a conforming change providing that a local board of education may enter into a partnership with an institution of teacher education to provide a clinical school experience program as described in new GS 115C-296(b)(2)e1.

Act applies beginning with the 2015-16 academic year.

Intro. by Robinson.

GS 115C

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education](#)

LOCAL/HOUSE BILLS

H 73 (2015-2016) [CARY ANNEXATION](#). Filed Feb 11 2015, *AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CARY*.

Adds described property to the corporate limits of the Town of Cary.

Effective July 1, 2015.

Intro. by Dollar.

Wake

[View summary](#)

H 77 (2015-2016) [SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS](#). Filed Feb 11 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE BEAUFORT COUNTY, CRAVEN COUNTY, AND PAMLICO COUNTY BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the dates for the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided in GS 115C-84.2(d). Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates. Deletes all provisions of subsection (d) except the authorization given to local boards of education to determine the dates for the opening and closing of public schools. This act applies only to the Beaufort County, Craven County, and Pamlico County school administrative units beginning with the 2015-16 school year.

Intro. by Speciale.

[Beaufort, Craven, Pamlico](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

LOCAL/SENATE BILLS

S 70 (2015-2016) [31ST SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 11 2015, *AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT.*

Blank bill.

Intro. by Krawiec.

[Forsyth, Yadkin](#)

[View summary](#)

S 76 (2015-2016) [WILKES FOX TRAPPING](#). Filed Feb 11 2015, *AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN WILKES COUNTY.*

Identical to [H 65](#), filed 2/10/15.

As the title indicates, this act establishes a season for trapping foxes in Wilkes County. Provides that regardless of any other provision of law, there is an open season for trapping foxes set each year by the Wildlife Resources Commission (WRC), with no tagging requirements before or after sale. Sets no bag limit for foxes taken under this act. Directs the WRC to provide for the sale of foxes taken lawfully under this act. Limits application of this act to Wilkes County.

Intro. by Randleman.

[Wilkes](#)

[View summary](#)

[Animals](#)

S 77 (2015-2016) [INCREASE WILKESBORO FIREMEN'S PENSION](#). Filed Feb 11 2015, *AN ACT TO INCREASE THE MONTHLY PENSION BENEFIT PAID TO MEMBERS OF THE WILKESBORO FIREMEN'S SUPPLEMENTAL PENSION FUND.*

Amends Section 4 of SL 1985-131 concerning the Wilkesboro Firemen's Pension, providing that individuals that have served twenty years as firemen in the Wilkesboro Fire Department and have attained the age of 55 or served for five years or more and have become totally and permanently disabled are entitled to a monthly pension equal to 150 percent of the monthly pension amount paid by the NC Firemen's and Rescue Squad Workers' Pension Fund. Pension will be adjusted to remain at 150 percent of said pension amount when the amount of the state pension fund is changed (previously the pension amount was equal to the pension amount paid by the NC Firemen's and Rescue Squad Workers' Pension Fund and adjusted to equal that amount if necessary).

Effective July 1, 2015.

Intro. by Randleman.

Wilkes

[View summary](#)

[Employment and Retirement, Government, Public Safety](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 3: EMINENT DOMAIN.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 37: HOUSE UNC BOARD OF GOVERNORS ELECTION.

House: Reptd Fav For Adoption

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Adopted

H 63: NC INTRASTATE PRIVATE CAPITAL ACT.

House: Passed 1st Reading

House: Ref to the Com on Commerce and Job Development, if favorable, Finance

H 66: SALES TAX EXEMPTION FOR DATACENTER EQUIPMENT.

House: Passed 1st Reading

House: RefTo Com On Finance

H 67: PHASE OUT CERTAIN HF TRANSFERS.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Appropriations

H 74: STUDY MPO/RPO OVERSIGHT.

House: Filed

H 75: NC HIGHWAY BEAUTIFICATION.

House: Filed

H 76: DISAPPROVE MEC OIL AND GAS RULES.

House: Filed

H 78: ENACT MEDICAL CANNABIS ACT.

House: Filed

H 79: ALLOW CIVIL & CRIMINAL CONTEMPT/50C VIOLATION.

House: Filed

H 80: RIVERLINK PLATE BACKGROUND.

House: Filed

H 81: EXPAND 1%/\$80 RATE FOR MILL MACHINERY.

House: Filed

H 82: EXECUTION/NONSECURE CUSTODY ORDER/CHILD ABUSE.

House: Filed

H 83: SUICIDE PREVENTION RESOLUTION.

House: Filed

S 3: STATE EMP'S./NO PAYROLL DUES DEDUCTIONS.

Senate: Withdrawn From Com

Senate: Re-ref Com On Pensions & Retirement and Aging

S 15: UNEMPLOYMENT INSURANCE LAW CHANGES (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 20: IRC UPDATE/MOTOR FUEL CHANGES. (NEW)

Senate: Amend Adopted A2

Senate: Amend Failed A1

Senate: Amend Tabled A3

Senate: Passed 2nd Reading

S 47: SENATE 2015 UNC BOARD OF GOVERNORS ELECTION.

Senate: Reptd Fav

S 49: CURBSIDE VOTING ID'S.

Senate: Withdrawn From Com

Senate: Re-ref Com On Redistricting

S 51: UNC ENERGY SAVINGS PROJECTS.

Senate: Passed 1st Reading

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

S 52: CITIES/MEANS FOR ACTIVATING PARKING METERS.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref Com On State and Local Government

S 53: CITIES/OVERGROWN VEGETATION NOTICE.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref Com On Judiciary II

S 54: ALLOW COUNTY-WIDE CHALLENGES/ABSENTEE BALLOTS.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref Com On Redistricting

S 60: NO CONTACT ORDER/NO EXPIRATION.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref Com On Judiciary II

S 61: DEATH CERTIFICATES WITHOUT CHARGE/VETERANS.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref Com On Appropriations/Base Budget

S 66: AMEND ENVIRONMENTAL LAWS 2015.

Senate: Passed 1st Reading

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

S 69: HONOR BOY SCOUTS.

Senate: Passed 1st Reading

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

S 71: STAGGER RRC MEMBER TERMS.

Senate: Filed

S 72: DISAPPROVE MEC OIL AND GAS RULES.

Senate: Filed

S 73: HAYWOOD TOWN SQUARE CONVEYANCE.

Senate: Filed

S 74: EMINENT DOMAIN.

Senate: Filed

S 75: LABOR/UP AMUSEMENT DEVICE PENALTIES.

Senate: Filed

S 78: OFF-DUTY CORRECTIONAL OFFICERS/CONCEAL CARRY.

Senate: Filed

S 79: CLINICAL EXPERIENCE IN TEACHER ED PROGRAMS.

Senate: Filed

LOCAL BILLS

H 62: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.

House: Passed 1st Reading

House: Ref to the Com on Commerce and Job Development, if favorable, Education - K-12

H 64: SCHOOL CALENDAR FLEXIBILITY.

House: Passed 1st Reading

House: Ref to the Com on Commerce and Job Development, if favorable, Education - K-12

H 65: WILKES FOX TRAPPING.

House: Passed 1st Reading

House: Ref To Com On Wildlife Resources

H 73: CARY ANNEXATION.

House: Filed

H 77: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.

House: Filed

S 46: JACKSONVILLE OCCUPANCY TAX.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Finance

S 55: SCHOOL CALENDAR FLEXIBILITY/GUILFORD.

Senate: Passed 1st Reading

Senate: Ref To Com On Ways & Means

S 56: 13TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 57: 22ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 58: YANCEYVILLE SATELLITE ANNEXATION.

Senate: Passed 1st Reading

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

S 59: SCHOOL CALENDAR FLEX./PERSON COUNTY SCHOOLS.

Senate: Passed 1st Reading

Senate: Ref To Com On Ways & Means

S 62: 33RD SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 63: 42ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 64: 9TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 65: 25TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 67: 41ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 68: 24TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 70: 31ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 76: WILKES FOX TRAPPING.

Senate: Filed

S 77: INCREASE WILKESBORO FIREMEN'S PENSION.

Senate: Filed

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