



The Daily Bulletin: Tuesday, February 24, 2015

PUBLIC/HOUSE BILLS

H 103 (2015-2016) [JOINT SESSION/STATE OF THE JUDICIARY](#). Filed Feb 24 2015, *A JOINT RESOLUTION INVITING THE HONORABLE MARK MARTIN, CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.*

Identical to [S 109](#), filed 2/23/15.

As the title indicates. Sets the date and time for the Honorable Mark Martin, Chief Justice of the Supreme Court of North Carolina, to address a joint session of the Senate and the House of Representatives as Wednesday, March 4, 2015, at 4:00 p.m. Effective upon ratification.

Intro. by Lewis, Daughtry, Davis, Bryan.

[JOINT RES](#)

[View summary](#)

[Courts/Judiciary, Government, General Assembly](#)

H 104 (2015-2016) [ELIMINATE AUDITED FINANCIAL STATEMENT REQ.](#) Filed Feb 24 2015, *AN ACT TO ELIMINATE THE REQUIREMENT THAT LICENSED MORTGAGE LENDERS OBTAIN AN AUDITED FINANCIAL STATEMENT, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON BANKING LAW AMENDMENTS.*

Amends GS 53-244.104, concerning The Secure and Fair Enforcement Mortgage Licensing Act, replacing the requirement that licensed mortgage lenders obtain an unqualified audited financial statement documenting required net worth and liquidity amounts with a requirement that such amounts be documented by a certified public accountant's compilation of financial condition.

Intro. by J. Bell, Jordan.

[GS 53](#)

[View summary](#)

[Banking and Finance](#)

H 105 (2015-2016) [REDUCE MORTGAGE LENDER SURETY BONDS](#). Filed Feb 24 2015, *AN ACT TO REDUCE THE SURETY BOND REQUIREMENT FOR LICENSEES UNDER THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT (NC S.A.F.E. ACT), AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON BANKING LAW AMENDMENTS.*

Amends GS 53-244.103, Surety bond requirements, adjusting the amount of bond required for mortgage loan originators or transitional mortgage loan originators. Establishes that a mortgage broker must post a minimum surety bond of \$25,000 (was \$75,000). Provides, however, that if such a broker has originated mortgage loans in North Carolina in excess of \$25 million but less than \$100 million, in a 12-month period ending December 31, then the broker's minimum bond amount must be \$75,000 (previously, required a \$125,000 minimum bond if the broker originated loans in excess of \$10 million but less than \$50 million in a 12-month period ending December 31). Further provides that if a broker has originated mortgage loans, in North Carolina in a 12-month period ending December 31, of

\$100 million or more then the broker's minimum bond must be \$150,000 (previously, required a minimum bond of \$250,000 if the broker originated more than \$50 million in loans in North Carolina the specified time period).

Provides that a mortgage lender or servicer must post a minimum bond of \$100,000 (was, \$150,000). Provides, however, that if such a mortgage lender, in a 12-month period ending December 31, has originated mortgage loans in North Carolina of \$100 million or more, then the lender's minimum bond must be \$150,000 (previously, required a bond of \$250,000 for loans originated in excess of \$10 million but less than \$50 million, and a bond of \$500,000 for a lender that has originated more than \$50 million).

Intro. by J. Bell, Jordan.

[GS 53](#)

[View summary](#)

[Banking and Finance](#)

H 106 (2015-2016) [EXPAND BANKING COMMISSION MEMBERSHIP](#). Filed Feb 24 2015, *AN ACT TO AMEND THE BANKING LAW OF NORTH CAROLINA TO INCREASE THE MEMBERSHIP OF THE BANKING COMMISSION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON BANKING LAW AMENDMENTS.*

Amends GS 53C-1-4(58), the definition for a "public member" of the State Banking Commission (Commission), providing that persons licensed under GS Chapter 53, Article 19B (The Secure and Fair Enforcement Mortgage Licensing Act) who were also employees of a NC financial institution at the time of appointment or within the five years preceding the appointment are not considered public members of the Commission.

Amends GS 53C-2-1 expanding the membership of the Commission to 17 members (was 15 members). Further provides that 14 members of the Commission will be appointed by the Governor (was 12 members) including one person licensed under GS Chapter 53, Article 19B and nine public members (was, eight).

Intro. by J. Bell, Jordan.

[GS 53C](#)

[View summary](#)

[Banking and Finance](#)

H 107 (2015-2016) [LIQUOR SALES - PERMITTED DISTILLERIES](#). Filed Feb 24 2015, *AN ACT TO ALLOW DISTILLERY PERMIT HOLDERS TO SELL SPIRITUOUS LIQUOR DISTILLED ON PREMISES TO VISITORS OF THE DISTILLERY FOR CONSUMPTION OFF THE PREMISES AND TO EXPAND THE LIST OF PLACES AT WHICH FREE SPIRITUOUS LIQUOR TASTINGS MAY BE HELD.*

Identical to [S 24](#), filed 2/3/15.

Enacts new subdivision (4) to GS 18B-1105(a) authorizing distillery permit holders to sell spirituous liquor that is distilled on the premises to visitors to the distillery for consumption off the premises. Requires that the spirits be sold in closed containers. Restricts sales under this subdivision to areas where establishing an ABC store has been approved under GS 18B-602(g). Directs that the spirits sold at a distillery under this subdivision be sold at a price set by the ABC Commission, including all excise taxes, bottle charges, and sales tax, and requires that the taxes and bottle charges be remitted to the Department of Revenue. Limits the authorization under this subdivision to a distillery that makes less than 100,000 proof gallons per year. Limits the amount of liquor that a consumer may purchase under this subdivision per calendar year and limits the hours and days of retail sales of spirituous liquor under this subdivision to the hours and days of sales provision in GS 18B-802. Requires that spirits sold under this subdivision have a label on the bottle that has the words "North Carolina Distillery Tour Commemorative Spirit" in addition to any other labeling required by law.

Amends GS 18B-1001(19) to expand the locations where free tastings of spirituous liquor may be held to include trade shows, conventions, shopping malls, beverage festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fundraisers, and other similar events approved by the ABC Commission. Specifies that any person pouring spirituous liquor at a tasting must be an employee of the distillery owned by the permit holder, as well as at least 21 years old. Provides that the liquor used in the consumer tasting event must be distilled at the distillery that is owned by the permit holder conducting the event (was, at the distillery where the event is being held).

Amends GS 18B-301(f)(1) to create an exception to the unlawful possession or use provisions for tasting events authorized under GS 18B-1001(19), as amended in this act, held on a public road, street, highway, or sidewalk.

Intro. by J. Bell, Hager, B. Brown, Hanes.

GS 18B

[View summary](#)

Alcoholic Beverage Control

H 108 (2015-2016) **SITE AND BUILDING DEVELOPMENT FUND**. Filed Feb 24 2015, *AN ACT TO CREATE A FUND TO PROVIDE LOANS TO LOCAL GOVERNMENT UNITS FOR THE DEVELOPMENT OF SITES AND BUILDINGS*.

Enacts new GS 143B-437.021 to create the Site Building and Development Fund (Fund), as a restricted reserve in the Department of Commerce (Department). Provides that the Fund can be used only for providing loans to local government units for the acquisition and development of qualified business facilities, as specified and for expenses directly related to the operation of the Fund as well as the administration of the approved loans from the Fund, including the costs of the required development plan.

Sets out and defines the terms to be used for the Fund, including development plan, nonprofit economic development corporation, and qualified business facilities. Requires local governments to submit an application for a project to be considered for a loan from the Fund. Directs the Department to prescribe the form of the application, application process, and the information necessary to evaluate the qualified business facility. Requires the Department to develop written guidelines to identify and evaluate qualified business facilities as well as issue written findings for any application approved for a loan. Sets out five factors the Department must consider in approving loan applications, including consistency with the economic development goals of the State and of the area where the qualified business facility will be located, and the necessity of a loan from the Fund for the completion of the qualified business facility.

Requires the Department to obtain a strategic analysis of potential qualified business facilities (Development Plan) and requires the analysis to be updated every four years. The Department must also contract with an entity having demonstrated experience in site selection services for business as well as experience in evaluating sites for business recruitment purposes. Exempts those contracts from the provisions of GS Chapter 143, Article 3 or 3C.

Requires the Department to determine the amount of the loan awarded from the Fund, preferred form, details of the loan participation, and safeguards to protect the State's investment.

Sets out five loan terms that all loans from the Fund must meet, including that the loan is evidenced by a promissory note and secured by a first deed of trust, that the maximum duration of the loan is 15 years, and that the interest rate will be 0% for tier one counties, 1% for tier two counties, and 2% for tier three counties. Allows one or more financial institutions to hold a security interest in the property with priority equal to the security interest for the loan if there is a written intercreditor agreement that provides that any loss, in the event of default, is shared proportionately among the creditors. Provides the Department is responsible for monitoring the loan and repayment and must remit all amounts paid to the Fund. Allows the Department discretion to release property from the first deed of trust and restructure the terms of the loan if adequate security remains for the outstanding balance.

Requires the Department to publish the guidelines for qualified business facilities at least 20 days before the effective date of any guidelines. Directs that the guidelines be published on the Department's Web site and notice be provided to

persons who have requested it. Also requires written comments on proposed guidelines to be accepted during the 15 business days that begins after the Department has completed specified notice requirements.

Requires the Department to submit a written report on the Fund to the Joint Legislative Commission on Governmental Operations on September 1 of each year, until the Fund has no assets. The report must also be posted on its website. Sets out what the report, at a minimum, must contain, including lists of all outstanding loans and loan information, written findings that address applications approved for loans, and details about any defaults and repayment.

Amends GS 150B-1(d) to exempt the Department from rulemaking requirements in regards to developing criteria and guidelines as specified above. Further provides that the provisions of this bill are not subject to the terms found in GS 160A-20, concerning security interest of cities and towns. Also provides that the loans from the Fund are not subject to review and approval by the Local Government Commission under Article 8 of GS Chapter Chapter 159.

Appropriates \$400,000, for the 2015-16 fiscal year, from the General Fund to the Site and Building Development Fund. Further appropriates \$600,000 from the General Fund to the Department for fiscal year 2015-16 to be used to further assess State-owned buildings.

Intro. by Stam, Jeter, Waddell, S. Martin.

[APPROP, GS 143B, GS 150B](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Building and Construction, Community and Economic Development, Government, APA/Rule Making, Budget/Appropriations, State Agencies, Department of Commerce, State Government, State Property, Local Government](#)

H 109 (2015-2016) [LOTTERY ACT CLARIFIED](#). Filed Feb 24 2015, *AN ACT TO PROVIDE FOR HONESTY IN ADVERTISING AND MARKETING OF THE NORTH CAROLINA STATE LOTTERY.*

Under current law, GS 18C-114(a)(2) delineates the powers and duties of the North Carolina Lottery Commission (Commission), which includes the authority of the Commission to prescribe the nature of lottery advertising and the rules and guidelines to which all lottery advertising must adhere.

Makes a clarifying change to GS 18C-114(a)(2) to authorize the Commission to require that all advertising include resources for gambling (was, gaming) addiction. Authorizes the Commission to require that lottery advertising, which states the chances of winning a prize, does not omit the value of the lowest prize that may be won. Authorizes the Commission to require that lottery advertising, which states the odds of winning a prize, must at a minimum disclose the odds of winning the prize with the largest value. Prohibits any advertising or sponsorship from taking place during or in connection with any high school or high school sporting event.

Amends GS 18C-115 to require full disclosure to the public of the amounts received and activities supported by lottery proceeds from any state department or agency that receives lottery funds.

Amends GS 18C-130 to limit the types of lottery games in the state to draw-style games and instant scratch-off games unless the General Assembly approves other types of lottery games. Prohibits the printing of any cartoon characters on lottery game tickets, no longer allowing the use of characters that do not appeal to minors. Requires that any web site established or maintained by the Commission must include the actual or estimated overall odds of winning each lottery game, and include a detailed tabulation of the estimated number of prizes and the odds of winning of each particular denomination on the Commission's web site.

Amends GS 18C-132(a) to prohibit any advertising for a North Carolina lottery game using specified types of drawings from referring to the role of the independent certified public accountant or auditor employed by a certified public

accounting firm.

Makes conforming changes to GS 18C-152(c) to include the term "gambling" in the provisions of this section.

Effective July 1, 2015.

Intro. by Stam, Glazier, Hardister.

[GS 18C](#)

[View summary](#)

[Lottery and Gaming](#)

H 113 (2015-2016) [PROTECT OUR STUDENTS ACT](#). Filed Feb 24 2015, *AN ACT TO PROTECT NORTH CAROLINA'S STUDENTS BY INCREASING THE CRIMINAL PENALTY FOR THE COMMISSION OF CERTAIN SEX OFFENSES COMMITTED AGAINST A STUDENT BY A PERSON WHO IS SCHOOL PERSONNEL AND TO ESTABLISH A PROCEDURE FOR INSTITUTIONS OF HIGHER EDUCATION TO OBTAIN A LIST OF STUDENTS AND EMPLOYEES AT THE INSTITUTION WHO ARE REGISTERED AS SEX OFFENDERS.*

Provides that the bill can be cited as "Protect Our Students Act".

Amends GS 14-27.7(b), concerning sexual offenses involving defendants who are teachers, school administrators, student teachers, school safety officers, coaches, or other school personnel that are less than four years older than the victim, providing that such defendants that engage in vaginal intercourse or other sexual acts with a student victim are guilty of a Class I felony (was, Class A1 misdemeanor).

Amends GS 14-202.4(a) to provide that defendants that are teachers, school administrators, student teachers, school safety officers, coaches at any age, or other school personnel that are at least four years older than a student victim, and at any time during or after the time the defendant and victim were present in the same school but before the victim ceases to be a student, and took indecent liberties with the victim are guilty of a Class H felony (was, Class I felony).

Amends GS 14-202.4(b) to provide that defendants who are school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the student victim and takes indecent liberties, are guilty of a Class I felony (was, Class AI misdemeanor).

Enacts new GS 14-208.15(c) which directs the Sheriff of any county, upon the request of an institution of higher education, to provide a report containing sex offender registry information for any registrant that has stated that they are a student or employee, or expected to become such, of that higher education institution. Directs the Department of Public Safety to provide each sheriff with the ability to generate the above report from the statewide registry, electronically and without charge. Allows the institution of higher education to receive a written report for reasonable duplication and mailing costs.

Effective December 1, 215, with the new criminal penalties applying to offenses committed on or after that date.

Intro. by Hastings, Presnell, Turner.

[GS 14](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Higher Education](#)

H 114 (2015-2016) [EQUAL TAX TREATMENT OF GOVT RETIREES](#). Filed Feb 24 2015, *AN ACT TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS.*

Amends GS 105-153.3 to add a new subdivision (15a) defining the term "retirement plan," as used in the state

Individual Income Tax Act. Defines a "retirement plan," as a written plan established by the employer to make payments to an employee or the beneficiary of an employee after the employee's period of employment ends and where the entitlement to the payments is based upon the employment relationship. Also defines the term as used with respect to a self-employed person or the beneficiary of a self-employed person. Additionally, declares that the term include an individual retirement plan as defined in the Tax Code and any plan treated as an individual retirement plan under the Code. Provides that for the purposes of this new subdivision, the term "employee" includes a volunteer worker.

Adds a new subdivision (5a) to GS 105-153.5(b), which provides that a taxpayer may make other deductions from the taxpayer's adjusted gross income (AGI) for specified items in this section that are included in the taxpayers AGI. Provides a time table for a taxpayer regarding the amount received during the specified taxable year from one or more state, local, or federal government retirement plans subject to the phase-in provided in this new subdivision. This section is effective for taxable years beginning on or after January 1, 2015, and repealed for taxable years beginning on or after January 1, 2024.

Amends GS 10-153.5(b) to add two new subdivisions effective for taxable years beginning on or after January 1, 2024. Provides that a taxpayer may deduct from the taxpayer's AGI any of the following items included in the taxpayer's AGI: (1) the amount received during the taxable year under state and local government retirement plans and under federal government retirement plans, and (2) the amount received during the taxable year under a state or local government retirement plan of a state other than North Carolina, to the extent that the other state would not subject the equivalent amount received under a North Carolina state or local government retirement plan to individual income tax.

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

Intro. by Cleveland, Iler, Setzer, Whitmire.

[GS 105](#)

[View summary](#)

[Employment and Retirement, Government, Tax](#)

H 115 (2015-2016) [PROSECUTOR CONSENT TO WAIVE JURY TRIAL](#). Filed Feb 24 2015, *AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON MUST HAVE THE CONSENT OF THE PROSECUTOR IN ADDITION TO THE CONSENT OF THE TRIAL JUDGE TO WAIVE THE PERSON'S RIGHT TO A JURY TRIAL IN SUPERIOR COURT FOR A NONCAPITAL OFFENSE.*

Subject to the approval of voters at a statewide general election held in November 2016, amends Section 24 of Article I of the state constitution to allow a person accused of a crime (when the State is not seeking the death penalty) to, in writing or on the record, with the trial judge's and prosecutor's consent, waive jury trial, subject to regulations by the General Assembly (previously, allowed to waive right to jury with just the trial judge's consent). If approved by voters, the amendment becomes effective December 1, 2016, and applies to criminal offenses arraigned in superior court on or after that date.

Amends GS 15A-1201 to allow a defendant in a criminal case in superior court (when the State is not seeking the death penalty) to waive the right to trial by jury with the judge's and prosecutor's consent (previously, allowed to waive right to jury with just the trial judge's consent), in writing or on the record. Effective December 1, 2016, only if the constitutional amendment is approved.

Intro. by Speciale, Cleveland, Millis, Ford.

[CONST, GS 15A](#)

[View summary](#)

[Constitution, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

H 116 (2015-2016) [SAME REQS/OFFICIALS/EARLY VOTE & ELECTION DAY](#). Filed Feb 24 2015, *AN ACT ENSURING THAT REQUIREMENTS FOR PRECINCT OFFICIALS ON ELECTION DAY ARE THE SAME FOR ONE-STOP VOTING LOCATIONS.*

Enacts new GS 163-227.2(a2) to require every individual staffing a one-stop voting site to meet the same qualifications and requirements as individuals that are appointed as precinct officials under GS 163-41. However, provides that such individuals are not required to be residents of a specific precinct.

Amends GS 163-227.2(g) to require that employees staffing absentee ballot sites are either full-time employees of the county board of elections or an employee of the county board of elections that meets the requirements of GS 163-227(a2), as outlined above, and has received training equivalent to that given to a full-time employee (previously, could be an employee that had only been given training equivalent to that given to a full-time employee).

Intro. by Speciale, Cleveland, Jeter, Lewis.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

H 117 (2015-2016) [NC COMPETES ACT](#). Filed Feb 24 2015, *AN ACT TO ENACT THE NORTH CAROLINA COMPETES ACT.*

To be summarized.

Intro. by S. Martin, Jeter, Collins, Steinburg.

[View summary](#)

PUBLIC/SENATE BILLS

S 2 (2015-2016) [MAGISTRATES RECUSAL OF CIVIL CEREMONIES](#). Filed Jan 28 2015, *AN ACT TO ALLOW MAGISTRATES, ASSISTANT REGISTERS OF DEEDS, AND DEPUTY REGISTERS OF DEEDS TO RECUSE THEMSELVES FROM PERFORMING DUTIES RELATED TO MARRIAGE CEREMONIES DUE TO SINCERELY HELD RELIGIOUS OBJECTION.*

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

Amends GS 51-5.5 to provide that for the duration of the time the Administrative Office of the Courts has not designated a magistrate to perform marriages in that jurisdiction, the chief district court judge or such other district court judge as may be designated by the chief district court judge (was, only the chief district court judge) is be deemed a magistrate for the purposes of performing marriages. Makes technical changes.

Amends GS 161-27 to provide that no assistant register of deeds or deputy register of deeds (was, no Register of Deeds) recusing under GS 51-5.5 may be charged under GS 161-27 for recusal to issue marriage licenses.

Amends the act's long title.

Intro. by Berger.

[GS 7A, GS 14, GS 51, GS 161](#)

[Courts/Judiciary, Civil, Family Law, Criminal Justice,](#)

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

S 19 (2015-2016) **REVENUE LAWS TECHNICAL CHANGES**. Filed Feb 3 2015, *AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO VARIOUS REVENUE LAWS, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE*.

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

Adds that the purpose of Section 4 of the act is to clarify the intent of the 2013 Session of the General Assembly that the Utilities Commission must adjust the rate for sales of electricity, piped natural gas, and water and wastewater service to reflect tax changes made by SL 2013-316. Makes technical and conforming changes.

Adds a new Section 24, the purpose of which is to extend the statute of limitations for requesting a refund of State income taxes to conform to federal tax treatment of the rollover of an airline payment amount by a qualified airline employee to a traditional or Roth IRA to prevent double taxation of the amount for State income tax purposes. Defines airline payment amount and qualified airline employee. Allows a qualified airline employee, or the surviving spouse of a qualified airline employee, that meets all of the following conditions to apply to the Department of Revenue for a refund of the State individual income tax paid on the airline payment amount that was transferred to a traditional IRA: (1) received an airline payment amount in a taxable year beginning before 21 January 1, 2012, and included the amount in federal adjusted gross income; (2) transferred any portion of the airline payment amount to a traditional IRA by August 13, 2012; and (3) filed a claim for refund of federal individual income tax paid on the airline payment amount by April 15, 2015, that was accepted by the Internal Revenue Service. Requires a request for a refund to be made to the Secretary of Revenue on or before October 15, 2015 and bars refund requests received after that date.

Intro. by Rabon, Rucho, Tillman.

[GS 105](#), [GS 153A](#), [GS 160A](#)

[View summary](#)**Government, Tax, Local Government**

S 110 (2015-2016) **PHASE OUT CERTAIN HF TRANSFERS**. Filed Feb 24 2015, *AN ACT TO PHASE OUT THE TRANSFER OF FUNDS FROM THE HIGHWAY FUND TO THE GENERAL FUND*.

Identical to [H 67](#), filed 2/10/15.

As the title indicates. Sets out the schedule for reducing the total amount of funds transferred each fiscal year from the Highway Fund to the General Fund, making a reduction of \$49,145,745.25 in recurring funds in each of the following fiscal years: 2017-18, 2018-19, 2019-20, and 2020-21. Subsequent to the reduction in fiscal year 2020-21, eliminates the transfer of funds from the Highway Fund to the General Fund except for transfers required by statute.

Intro. by Rabon, Harrington, Meredith.

UNCODIFIED

[View summary](#)**Government, Budget/Appropriations, Transportation**

S 112 (2015-2016) **COMM. FISHING COURSES/COASTAL COLLEGES**. Filed Feb 24 2015, *AN ACT URGING ALL COASTAL COMMUNITY COLLEGES TO OFFER COURSES ON COMMERCIAL FISHING AND AQUACULTURE*.

Urges all community colleges serving the state's coastal area to offer classes on commercial fishing and aquaculture. Requires the North Carolina Community Colleges System Office to provide technical assistance to these colleges on

offering such classes, and requires the Office to report to the Joint Legislative Education Oversight Committee on any fiscal and administrative issues it identifies that limit colleges' ability to offer such courses.

Intro. by Cook, Tillman, Sanderson.

UNCODIFIED

[View summary](#)

Education, Higher Education, Environment, Aquaculture and Fisheries, Government, State Agencies, Community Colleges System Office

S 113 (2015-2016) **FERRY DIVISION / FUEL FUTURES**. Filed Feb 24 2015, *AN ACT TO AUTHORIZE THE FERRY DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF MOTOR FUEL THAT OFFERS A GUARANTEED PRICE PLAN OR PREPAID GUARANTEED PRICE PLAN AND TO EXPAND THE PURPOSES FOR WHICH CERTAIN PROCEEDS COLLECTED BY THE FERRY DIVISION MAY BE USED.*

Authorizes the Ferry Division (Division) of the Department of Transportation to enter into a contract for the purchase of motor fuel that offers a guaranteed price plan or prepaid guaranteed price plan. Sets out the following requirements that apply to any such contract: (1) the maximum length of any contract under this section is six months; (2) the maximum price at which the Division may contract to purchase motor fuel is \$2.50 per gallon; (3) the maximum amount of motor fuel the Division may contract to purchase is two million gallons per contract; (4) the Division may take delivery of motor fuel in installments, with the contract specifying the number of deliveries and the dates on which the deliveries are to be made; (5) the motor fuel dealer must file a guaranty bond with the clerk of the superior court in the county in which the contract is entered into; the bond must be in an amount determined by the Division to be adequate to provide indemnification to the Division for any loss incurred by the Division if the motor fuel dealer fails to deliver the amount of motor fuel specified in the contract, and remains in full force and effect until the contract is fully executed by both parties; and (6) except as otherwise provided in this section, any contract entered into under this section is subject to applicable law. The authority to enter into contracts under this section expires 30 days after this act becomes law.

Amends GS 136-82 to establish the Capital Improvement Account (Account) under the control and direction of the Ferry Division of the Department of Transportation, as a nonreverting special revenue account within the Highway Fund. Requires the Division to credit to the Account all proceeds generated from (1) the leasing of office space in the shipyard by the Division and (2) maintenance and other services performed by the Division. Requires the Division to use the proceeds credited to the Account for covering expenses incurred in the leasing of office space in the shipyard and performing maintenance and other services on boats and other vessels, including the purchase, lease, or rental of equipment. Makes conforming changes.

Intro. by Cook, Sanderson.

GS 136

[View summary](#)

Transportation

LOCAL/HOUSE BILLS

H 110 (2015-2016) **CHEROKEE CO. BD. OF ED. ELECTIONS**. Filed Feb 24 2015, *AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION.*

Provides that beginning in 2016, all members of the Cherokee County Board of Education (Board) will be elected on a partisan basis, at the general election in each even-numbered year as terms expire. Provides that candidates for election to the Board will be nominated at the same time and manner as other county officers. Such elected members are to take

office and qualify on the first Monday in December of the year of their election and as such the terms of their predecessors will expire at the same time. Requires vacancies on the Board for positions elected on a partisan basis to be filled in accordance with GS 115C-37.1, provisions concerning the filling of partisan elected positions.

Amends GS 115C-37.1(d) to provide that the provisions of the statute also apply to Cherokee County, effective the first Monday in December 2016.

Amends Section 2 of Chapter 502 of the 1975 Session Laws to delete language that provided that no primary election would be held for the seats of the Cherokee County Board of Education.

Makes other conforming and clarifying positions, including repealing Section 8 of Chapter 502 of the 1975 Session Laws, concerning the filing for nonpartisan candidacy for the Cherokee County Board of Education.

Also amends Section 10 of Chapter 502 of the 1975 Session Laws to clarify that vacancies occurring in nonpartisan positions in 2012 or 2014 for the Board must be filled within 20 days of such vacancy by the remaining members of the Board and for the unexpired term. Makes technical changes.

Provides that the bill does not affect any term of office of a person elected in 2014 or 2014 to the Board.

Provides that all laws and clauses in conflict with this bill are repealed to the extent of the conflict.

Intro. by West.

UNCODIFIED

[View summary](#)

Education

H 111 (2015-2016) **STANLY CO BD. OF ED. RECALL**. Filed Feb 24 2015, *AN ACT TO ALLOW THE RECALL OF MEMBERS OF THE STANLY COUNTY BOARD OF EDUCATION*.

Allows members of the Stanly County Board of Education to be removed from office through a petition process. Allows any registered voter of the Stanly County School Administrative Unit to file an affidavit with the Stanly County Board of Elections containing the name of the official sought to be removed and a general statement of the grounds alleged for removal. Requires the supervisor of elections to then deliver to the registered voter making the affidavit copies of petitions for demanding the removal. Requires a copy of the petition to be promptly delivered to the Superintendent of the Stanly County School Administrative Unit, who must enter the copy of the petition in a record book kept for that purpose in the office of the superintendent. Specifies that a recall petition must be returned within 30 days after the filing of the affidavit and, must bear the signatures of at least 15% of the registered voters of the school administrative unit. Sets out further requirements concerning the petition signatures.

Requires the Stanly County Board of Elections to investigate the sufficiency of any petition and certify the results of the investigation to the Stanly County Board of Education. Requires that the investigation and issuance of the certification of the investigation results occur within 15 days after the filing of any petition. Allows a petition that is shown to be insufficient to be amended within 10 days from the date of certification. Specifies the procedure for re-review of an amended petition. Requires, when a sufficient recall petition has been submitted, that the Stanly County Board of Elections fix a date for holding a recall election. Sets the time period during which the recall election must be held. Specifies information that must be included in the required notice of election. Requires the reasonable costs of the election to be reimbursed to the Board of Elections by the school administrative unit. Specifies the question that must be presented on the ballot.

Provides that if less than a majority of the votes cast on the question of recalling an official are for recall, the official continues in office for the remainder of the unexpired term; if a majority of the votes are for the recall of the official designated on the ballot, the official must be deemed removed from office.

Provides the procedure for filling a vacancy that results from a recall election. Prohibits recall petitions from being filed

during the term of office against an officer who has been subjected to a recall election and not removed the election, and during the first or last six months of the term of that office.

Intro. by Burr.

[Stanly](#)

[View summary](#)

Education

H 112 (2015-2016) [STANLY CO BD OF ED ELECTION METHOD](#). Filed Feb 24 2015, *AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF THE MEMBERS OF THE STANLY COUNTY BOARD OF EDUCATION*.

Under current law, GS 115C-37.1 authorizes partisan elections for members of county boards of election in certain specified counties. Amends GS 115C-37.1(d) to add Stanly County to the listed counties to which the statute applies effective the first Monday in December 2016. Provides that this act does not affect the terms of office of any person elected to the Stanly County Board of Education in 2012 or 2014. Provides that any vacancy on the Board due to death, resignation, or other cause, of a position elected on a nonpartisan basis in 2012 or 2014 is to be filled by the remaining Board members and the person selected to fill the vacancy is to serve for the unexpired term and until a successor is elected and qualified.

Repeals all laws and clauses in conflict with this act to the extent of the conflict. Enacts these provisions regardless of the merge plan of the Stanly County and Albermarle City Schools or any other provision of law.

Provides that except as otherwise indicated, this act is effective when it becomes law.

Intro. by Burr.

[Stanly, GS 115C](#)

[View summary](#)

Education

LOCAL/SENATE BILLS

S 111 (2015-2016) [8TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 24 2015, *AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Rabon.

[Bladen, Brunswick, New Hanover, Pender](#)

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ACTIONS ON BILLS

PUBLIC BILLS

H 97: 2015 APPROPRIATIONS ACT.

House: Passed 1st Reading

House: RefTo Com On Appropriations

H 98: APPROPRIATIONS 2015.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 100: RECORD OF EXCUSALS FROM JURY DUTY.

House: Passed 1st Reading

House: Ref To Com On Judiciary II

H 101: APPROPRIATIONS 2015.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 103: JOINT SESSION/STATE OF THE JUDICIARY.

House: Filed

H 104: ELIMINATE AUDITED FINANCIAL STATEMENT REQ.

House: Filed

H 105: REDUCE MORTGAGE LENDER SURETY BONDS.

House: Filed

H 106: EXPAND BANKING COMMISSION MEMBERSHIP.

House: Filed

H 107: LIQUOR SALES - PERMITTED DISTILLERIES.

House: Filed

H 108: SITE AND BUILDING DEVELOPMENT FUND.

House: Filed

H 109: LOTTERY ACT CLARIFIED.

House: Filed

H 113: PROTECT OUR STUDENTS ACT.

House: Filed

H 114: EQUAL TAX TREATMENT OF GOVT RETIREES.

House: Filed

H 115: PROSECUTOR CONSENT TO WAIVE JURY TRIAL.

House: Filed

H 116: SAME REQS/OFFICIALS/EARLY VOTE & ELECTION DAY.

House: Filed

H 117: NC COMPETES ACT.

House: Filed

S 2: MAGISTRATES RECUSAL OF CIVIL CEREMONIES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

House: Postponed To 03/03/2015

S 15: UNEMPLOYMENT INSURANCE LAW CHANGES (NEW)

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 19: REVENUE LAWS TECHNICAL CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 109: JOINT SESSION/STATE OF THE JUDICIARY.

Senate: Passed 1st Reading

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

S 110: PHASE OUT CERTAIN HF TRANSFERS.

Senate: Filed

S 112: COMM. FISHING COURSES/COASTAL COLLEGES.

Senate: Filed

S 113: FERRY DIVISION / FUEL FUTURES.

Senate: Filed

LOCAL BILLS**H 65: WILKES FOX TRAPPING.**

House: Passed 2nd Reading

House: Passed 3rd Reading

H 99: TOWN OF POLKTON/DEANNEXATION.

House: Passed 1st Reading

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

H 110: CHEROKEE CO. BD. OF ED. ELECTIONS.

House: Filed

H 111: STANLY CO BD. OF ED. RECALL.

House: Filed

H 112: STANLY CO BD OF ED ELECTION METHOD.

House: Filed

S 111: 8TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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