



The Daily Bulletin: Wednesday, February 25, 2015

PUBLIC/HOUSE BILLS

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

Part I.

Amends Section 15.19(a1) of SL 2013-360, concerning the Job Development Investment Grant Program (Program). Provides that regardless of the provisions of subsection (c) of GS 143B-437.52, for July 1, 2013 through December 31, 2015, the maximum total amount for grants awarded under the Program, including the amounts transferred to the Utility Account under GS 143B-437.61, is \$45 million.

Changes the title of Part 2G of Article 10 of GS Chapter 143B to Job Growth Reimbursement Opportunities-People Program (was, Job Development Investment Grant Program). Directs the Revisor of Statutes to make the necessary conforming changes to reflect the renaming of the Program as provided in this section.

Repeals GS 143B-437.52(b), which gave priority in selecting between applicants for grants under the Program to a project located in an Eco-Industrial Park (Park) certified under GS 143B-437.08 over a comparable project not located in a certified Park.

Amends GS 143B-437.53(c) to provide that for the purposes of this subsection (Health Insurance), a business provides health insurance for employees if it pays at least 50% of the premiums for health care coverage for its employees.

Amends GS 143B-437.57(a) to require that each community economic development agreement must include a requirement that the business maintain employment levels in North Carolina at whichever is greater: (1) the level of employment on the date of the application, or (2) the level of employment on the date of the award.

Amends GS 143B-437.62 to provide that the authority of the Committee to award new grants expires January 1, 2020 (was, January 1, 2016).

Part II.

Changes the title of Part 2H of Article 10 of GS Chapter 143B to Job Growth Reimbursement Opportunities-Capital Program (was, One North Carolina Fund) and changes the title of Part I to Job Growth Reimbursement Opportunities-Capital Small Business Program (was, One North Carolina Small Business Program). Directs the Revisor of Statutes to make the necessary conforming changes to reflect the renaming as provided in this section.

Part III.

Directs \$20 million of the funds appropriated to the Department of Commerce for the 2014-15 fiscal year to be transferred to the Site Infrastructure Development Fund for uses consistent with GS 143B-437.02, Site infrastructure development. Requires the Office of State Budget and Management along with the Office of the State Controller and the Department of Commerce to transfer the unencumbered cash balance of the Job Catalyst Fund to the Site Infrastructure Development Fund.

Amends the catchline of GS 143B-437.02 to read as "Site Acceleration Fund", was "Site infrastructure development". Further amends the section to provide that a business is considered to be providing health insurance, for the purposes of this subsection, if it pays at least 50% of the premiums for health coverage (was, if it pays at least 50% of the premiums for health coverage or exceeds the minimum provisions of the basic care plan of coverage recommended by the Small

Employer Carrier Committee pursuant to GS 58-50-125).

Directs the Revisor of Statutes to make the necessary conforming statutory changes necessary to the General Statutes to reflect the renaming of the Site Infrastructure Development Fund to the Site Acceleration Fund.

Part IV.

Amends GS 105-130.4(s1), concerning the allowable allocation and apportionment of income for corporations that meet certain conditions of this section. Deletes language which previously provided that if a corporation fails to invest \$1 billion dollars in private funds within nine years, then the benefit of GS 105-130.4(s1) and the corporation must apportion income as it would otherwise be required to without the benefit of this section. Enacts new language that provides that if a corporation fails to satisfy the specified conditions of GS 105-130.4(s1), any benefit provided under GS 105-130.3(s1) will be forfeited and income must be apportioned as otherwise required. Additionally provides that the corporation which forfeits the benefits will also be liable for all past taxes which had been previously avoided, plus interest at the specified rate. Requires that all past taxes and interest be due 30 days after any benefit has been forfeited. If such payment is not received specified penalties will be enforced. Further provides that if a corporation does forfeit the benefits then the period for proposing an assessment of any tax due as a result of such forfeiture is three years after the date of discovery of the forfeiture. Deletes certain conditions that are required to be met for a corporation to be considered a "qualified capital intensive corporation", including language which detailed how income should be apportioned by multiplying the income by specified sales factor and that certain facilities be located in counties that are designated as development tier one or tier two area at the time construction of the facility began. Clarifies that the wage standard condition in GS 105-130.4(s1)(5) is satisfied if the corporation pays an average weekly wage at least equal to the lesser of 110% of the average wage for all insured private employers in the State and 90% of the average wage for all insured private employers in the county. Makes clarifying changes.

Repeals Section 4 of SL 2009-54, which provided that qualified capital intensive corporations are not eligible for grants from the Job Development Investment Grant or the One North Carolina Fund.

The above portions of this Part are effective when it becomes law and applies to corporations receiving a written determination from the Secretary of Commerce on or after that date.

Amends Section 6 of SL 2009-54, deleting language that provided that GS 105-130.4(s1) will be repealed for taxable years beginning on or after January 1, 2019 if no corporation has qualified as a qualified capital intensive corporation under GS 105-130.4(s1). Effective when it becomes law.

Part V.

Amends GS 105-164.14A(a)(1) to extend the sales tax refund for fuel purchased by passenger air carriers until January 1, 2020 (was, repealed for purchases made on or after January 1, 2016).

Part VI.

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.

This part is effective July 1, 2015, applying to sales made on or after that date.

Part VII.

Unless otherwise indicated, effective when the act become law.

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

GS 105, GS 143B

[View summary](#)

**Business and Commerce, Government, State Agencies,
Department of Commerce, Tax**

PUBLIC/SENATE BILLS

S 114 (2015-2016) **CUSTODIAL PARENT/PARTY COOPERATE W/CHILD SUPP.** Filed Feb 25 2015, *AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION AND THE DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN REQUIRING A CUSTODIAL PARENT OR OTHER RELATIVE OR PERSON WITH PRIMARY CUSTODY OF A CHILD RECEIVING CHILD CARE SUBSIDY PAYMENTS TO COOPERATE WITH COUNTY CHILD SUPPORT SERVICES PROGRAMS AS A CONDITION OF RECEIVING CHILD CARE SUBSIDY PAYMENTS, AS RECOMMENDED BY THE CHILD SUPPORT SUBCOMMITTEE OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Provides that the Division of Child Development and Early Education (DCDEE) with the Division of Social Services (DSS) will implement a process to require child care subsidy recipients to participate in and cooperate with county child support services programs as a condition of receiving such child care subsidy payments. Sets out 13 criteria that must be considered by DCDEE and DSS in developing the plan, including the number of child care subsidy cases that would be referred to county child support services programs, any implementation issues related to IV-D child support cases versus non-IV-D child support cases, and the need to update current policies and procedures for child care subsidy payments and child support payments.

Directs the DCDEE and DSS to submit a report on the plan, with any recommendations, to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division, no later than February 1, 2016.

Effective July 1, 2015.

Intro. by Randleman, Tarte, Bingham.

UNCODIFIED

[View summary](#)

**Government, State Agencies, Department of Health and
Human Services, Health and Human Services, Social
Services, Child Welfare**

S 115 (2015-2016) **FEDERAL CHILD SUPPORT INCENTIVE PAYMENTS.** Filed Feb 25 2015, *AN ACT TO REVISE THE STATE CHILD SUPPORT INCENTIVE SYSTEM TO PROMOTE IMPROVED PROGRAM PERFORMANCE BY DIRECTING THE NORTH CAROLINA CHILD SUPPORT SERVICES SECTION OF THE DEPARTMENT OF HEALTH AND HUMAN*

SERVICES, DIVISION OF SOCIAL SERVICES, TO RETAIN UP TO FIFTEEN PERCENT (15%) OF FEDERAL INCENTIVE PAYMENTS FOR CENTRALIZED CHILD SUPPORT SERVICES, REVISE THE METHODOLOGY FOR DISTRIBUTING INCENTIVE PAYMENTS TO COUNTY CHILD SUPPORT SERVICES PROGRAMS, AND REQUIRE THE DEVELOPMENT OF A PLAN AND REPORTS ON HOW INCENTIVE FUNDS ARE USED, AS RECOMMENDED BY THE CHILD SUPPORT SUBCOMMITTEE OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Requires the North Carolina Child Support Services Section (NCCSS) of the Department of Health and Human Services, Division of Social Services, to retain up to 15% of the annual federal incentive payments it receives from the federal government to enhance centralized child support services. Requires NCCSS to: (1) in consultation with representatives from county child support services programs, identify how federal incentive funding could improve centralized services; (2) use federal incentive funds to improve the effectiveness of the State's centralized child support services by supplementing and not supplanting State expenditures; (3) develop and implement rules that explain the State process for calculating and distributing federal incentive funding to county child support services programs.

Requires NCCSS to allocate no less than 85% of the annual federal incentive payments it receives from the federal government to county child support services programs to improve effectiveness and efficiency using the federal performance measures. Requires NCCSS to: (1) in consultation with representatives from county child support services programs, examine the current methodology for distributing federal incentive funding to the county programs and determine whether an alternative formula would be appropriate, requiring NCCSS to use its current distribution formula until an alternative formula is adopted; and (2) upon adopting an alternative formula, develop a process to phase in the alternative formula over a four year period.

Requires NCCSS to establish guidelines that identify appropriate uses for federal incentive funding. Requires NCCSS to require county child support services programs to comply with each of the following: (1) submit an annual plan describing how federal incentive funding would improve program effectiveness and efficiency as a condition of receiving federal incentive funding; and (2) report annually on: how federal incentive funding has improved program effectiveness and efficiency and been reinvested into their programs, provide documentation that the funds were spent according to their annual plans, and explain any deviations from their plans.

Requires NCCSS to develop an implementation plan and to submit a progress report on the plan to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by November 1, 2015. After implementing the plan, requires NCCSS to submit a report on federal child support incentive funding to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by November 1 of each year. Sets out items that must be included in the report.

Effective July 1, 2015.

Intro. by Randleman, Tarte, Bingham.

UNCODIFIED

Courts/Judiciary, Civil, Family Law, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Child Welfare

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S 116 (2015-2016) **HANDICAPPED PARKING WINDSHIELD PLACARD**. Filed Feb 25 2015, *AN ACT TO PROVIDE THAT A HANDICAPPED VEHICLE OWNER WHO QUALIFIES FOR A DISTINGUISHING LICENSE PLATE SHALL ALSO RECEIVE ONE REMOVABLE WINDSHIELD PLACARD.*

Amends GS 20-37.6(b) concerning distinguishing license plates for handicapped car owners, providing that any vehicle owner that qualifies for a distinguishing license plate will also receive one removable windshield placard (previously, language stated that such vehicles owners could receive one removable windshield placard).

Effective July 1, 2015, applying to applications for a distinguishing license plate on or after that date.

Intro. by Bingham.

GS 20

[View summary](#)

Transportation

S 118 (2015-2016) [NATUROPATHIC DOCTORS LICENSING ACT](#). Filed Feb 25 2015, *AN ACT TO ESTABLISH LICENSURE AND EDUCATION STANDARDS FOR THE PRACTICE OF NATUROPATHIC MEDICINE*.

Adds new Article 43, North Carolina Naturopathic Doctors Licensure Act, to GS Chapter 90. Prohibits a person from practicing as a naturopathic physician without a state license issued pursuant to the bill, with specified exemptions. Defines naturopathic medicine generally as a system of natural health care that employs diagnosis and treatment using natural therapies and diagnostic techniques. Sets out the techniques that may and may not be used by naturopathic physicians. Makes violation of proposed GS 90-734 a Class 1 misdemeanor. Establishes the NC Naturopathic Physicians Licensing Board (Board), with seven members (three appointed by the Governor and two each upon recommendation of the Speaker of the House of Representative and the President Pro Tem. of the Senate, with each member having to come from specified groups) to be appointed by January 1, 2016. Prohibits members from serving more than two consecutive terms. Charges Board with administration of the licensing program. Sets out qualifications for licensure as a naturopathic physician, fees that may be charged by the Board, and the Board's disciplinary authority. Permits criminal record checks for licensees and persons seeking licenses. Creates a six member Advisory Council to assist the Board in administration of the licensing program, with member terms beginning July 1, 2016.

Intro. by Bingham.

GS 90, GS 114

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers

S 119 (2015-2016) [GSC TECHNICAL CORRECTIONS 2015](#). Filed Feb 25 2015, *AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION*.

As the title indicates.

Makes technical corrections to GS 15A-1340.16(f) regarding the Notice to State Treasurer of Finding of an aggravating factor regarding an indictment charging a defendant with an underlying offense.

Corrects a statutory reference in GS 20-183.2(a1) regarding vehicle safety inspection exceptions.

Recodifies GS 62-36B (regulation of natural gas service agreements) as GS 62-36.01.

Amends GS 66-372(e), regarding service agreements, to correct a statutory reference.

Makes a technical correction to GS 90-89(5) (defining stimulants).

Makes a technical correction to GS 143C-6-23(f1), regarding the return of grant funds to the state for noncompliance.

Repeals 150B-21.1(a)(12), regarding the need for an agency to adopt a temporary rule for specified acts that have already been repealed.

Amends GS 150B-21.3(b2), to reference guidelines for making a written objection to the adoption of a permanent rule

that are published on an agency's website (instead of guidelines contained in the specified notice).

Amends GS 150B-23.2(d) to correct a spelling error.

Corrects a statutory reference in GS 161-22.3, regarding the minimum standards for land records management.

Provides that Section 2 of SL 2010-32 (prohibiting transfer fee covenants) is codified as GS 39A-4. Amends GS 39A-4 as created in this act to provide that GS Chapter 39A applies to (1) any transfer fee covenant recorded after July 1, 2010, (2) any lien filed to enforce a transfer fee covenant recorded after July 1, 2010, and (3) any agreement imposing a private transfer fee obligation entered into after July 1, 2010. Makes an organizational change to Section SL 2010-32 moving the language regarding transfer fee covenants to GS 39A-4 as created in this act. Provides that nothing in GS Chapter 39A is to be construed to mean that a transfer fee covenant recorded before July 1, 2010 is valid or enforceable.

Corrects the statutory reference in the introductory language of Section 3 of SL 2014-76 replacing GS 94-133(a) with GS 95-133(a).

Intro. by Hartsell.

[GS 15A](#), [GS 20](#), [GS 39A](#), [GS 62](#), [GS 66](#), [GS 90](#), [GS 143C](#),
[GS 150B](#), [GS 161](#)

[View summary](#)

[Courts/Judiciary](#), [Court System](#), [Criminal Justice](#),
[Criminal Law and Procedure](#), [Development](#), [Land Use
and Housing](#), [Property and Housing](#), [Government](#),
[APA/Rule Making](#), [State Agencies](#), [Department of State
Treasurer](#), [Health and Human Services](#), [Health](#), [Public
Enterprises and Utilities](#), [Transportation](#)

S 120 (2015-2016) [DOI LICENSE PROCESSING FEES](#). Filed Feb 25 2015, *AN ACT TO REQUIRE THAT THE DEPARTMENT OF INSURANCE INCLUDE DIFFERENTIAL LICENSE PROCESSING FEES WHEN ISSUING ITS NEXT REQUEST FOR PROPOSAL FOR A LICENSING ADMINISTRATIVE SERVICES CONTRACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Amends GS 58-2-69(g), concerning the Department of Insurance's (DOI) ability to contract for the provision of online services for applicants and licensees for a reasonable fee, providing that DOI can, when negotiating such contracts for online services, allow the other contracting party the option of charging different fees in regards to the effort necessary to process licenses of different categories of applicants or for the different licensee services offered.

Effective when the act becomes law, applying to any contract for license processing services entered into by DOI on or after that date.

Intro. by Hartsell.

[GS 58](#)

[View summary](#)

[Government](#), [State Agencies](#), [Department of Insurance](#)

S 121 (2015-2016) [THE EXCELLENCE IN SCHOOL LEADERSHIP ACT](#). Filed Feb 25 2015, *AN ACT TO ENACT THE EXCELLENCE IN SCHOOL LEADERSHIP ACT.*

Enacts the Excellence in School Leadership Act, as the title indicates. Provides a series of "whereas" clauses setting out the policy reasons supporting this act, which include the importance of a school principal in ensuring the effectiveness of all teachers in a school and the academic success of students.

Appropriates \$6 million for the 2015-16 fiscal year and \$6 million for the 2016-17 fiscal year from the General Fund to the Department of Public Instruction (DPI) to be used to increase pay under the school-based administrator salary schedule by 3% effective July 1, 2015. States that the increase in the school-based administrator salary schedule will provide an incentive for entry into the profession, retention, and continuous professional growth.

Additionally appropriates from the General Fund to DPI the sum of \$2 million for fiscal year 2015-16 and \$2 million for the 2016-17 fiscal year to provide principals of schools that exceed annual growth expectations for student achievement, as measured by the Education Value-Added Assessment System (EVAAS) with a annual bonus of \$2,000.

Directs the Joint Legislative Education Oversight Committee (Committee) to conduct a comprehensive study on excellence in school leadership and report the results of the study to the General Assembly before December 31, 2015. Tasks the Committee with developing comprehensive strategies to be implemented in the 2016-17 that will attract, prepare, induct, develop, support, and reward principals and assistant principals. Provides a list of suggested strategies but does not limit strategies to those provided in this list.

Makes this act effective July 1, 2015.

Intro. by Tillman.

APPROP

[View summary](#)

Education, Government, Budget/Appropriations, State Agencies, Department of Public Instruction

S 123 (2015-2016) **UNIFORM FRAUDULENT TRANSFER ACT**. Filed Feb 25 2015, *AN ACT TO AMEND THE UNIFORM FRAUDULENT TRANSFER ACT TO ADOPT THE AMENDMENTS APPROVED BY THE UNIFORM LAW COMMISSION IN 2014 AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends the title of GS Chapter 39, Article 3A to read “Uniform Voidable Transactions Act” (was, Uniform Fraudulent Transfer Act).

Amends GS 39-23.1, the definitions section for the above act, making technical and clarifying changes. Also adds new terms and definitions to the section, including electronic, organization, record, and sign.

Amends GS 39-23.2 to provide that a debtor that is not paying debts as they become due, other than as a result of a bona fide dispute, is presumed to be insolvent (previously, did not include language about a bona fide dispute). Also adds language providing that the presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probably than its existence. Deletes language that provided for what constituted an insolvent partnership. Makes technical and clarifying changes.

Amends the catchline of GS 39-23.4 to read as “Transfer or obligation voidable as to present or future creditor” (was, Transfers fraudulent as to present and future creditors). Provides that a transfer made or obligation incurred by a debtor is voidable (was, fraudulent) as to a creditor, whether the creditor’s claim arose before or after the transfer/obligation was incurred if specified conditions are met. Adds clarifying language that provides that a creditor making a claim for relief under GS 39-23.4(a) has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

Amends the catchline of GS 39-23.5 to read “Transfer or obligation voidable as to present creditor” (was, Transfers fraudulent as to present creditors). Provides that a transfer made or obligation incurred by a debtor is voidable (was, fraudulent) as to a creditor, whose claim arose before the transfer/obligation was made/incurred. Adds clarifying language that provides that a creditor making a claim for relief under GS 39-23.5(a) or (b) has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

Amends GS 39-23.6, concerning when transfers or obligations are considered to be made or incurred, making technical and clarifying changes. Amends language concerning when an obligation is incurred, providing it has incurred when, if evidenced by a record, when the signed record is delivered to or for the benefit of the obligee (was, if evidenced by a writing, the obligation was incurred when it was executed by the obligor and delivered to or for the benefit of the obligee).

Amends GS 39-23.7, making a technical change to the catchline which now reads as “Remedies of creditor”, (was, Remedies of creditors). Makes technical changes.

Amends the catchline of GS 39-23.8 to read “Defenses, liability, and protection of transferee or obligee (was, Defenses, liability, and protection of transferee). Clarifies which provisions apply when a transfer is avoidable in an action by a creditor pursuant to GS 39-23.7. Makes organizational changes. Provides that a creditor can recover a judgment for the value of the asset transferred and provides who that judgment can be entered against, including new language that allows it to be entered against an immediate or mediate transferee of the first transferee as long as they are not (1) a good faith transferee that took for value or (2) an immediate or mediate good-faith transferee of a person described in GS 39-23.8(b)1. Also provides that a recovery pursuant to GS 39-23.7(a)(1) or (b) of or from the asset transferred or its proceeds, by levy or otherwise is only available against a person described in GS 39-23.8(1)a or (1)b. Makes clarifying changes.

Enacts new GS 39-23.8(g), which outlines four technical rules for the determination for the burden of proving matters in GS 39-23.8.

Enacts new GS 39-23.8(h) to clarify that the standard of proof required to establish matters in GS 39-23.8 is by the preponderance of the evidence.

Amends the catchline of GS 39-23.9 to read “Extinguishment of claim of relief” (was, Extinguishment of cause of action). Replaces the phrase “cause of action” with “claim for relief”. Makes technical and clarifying changes providing that the subsection now refers only to claims of relief for voidable transfers. Makes further technical changes.

Enacts new GS 39-23.9A, Governing law, which outlines rules for determining a debtor’s location for the purpose of determining jurisdiction. Clarifies that a claim for relief in the nature of a claim for relief under GS Chapter 39, Article 3A is to be governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or obligation is incurred.

Enacts new GS 39-23.9B, Application to series organization. Provides definitions for use including protected series and series organization. Provides that a series organization and each protected series of the organization is a separate person for the purposes of GS Chapter 39, Article 3A.

Enacts new GS 39-23.11A, Relation to Electronic Signatures in Global and National Commerce Act, which provides that GS Chapter 39, Article 3A, modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, with a few specified limitations.

Makes clarifying changes.

Amends GS 50-13.4(f), concerning child support enforcement remedies, making technical and conforming changes.

Amends GS 50-16.7(h), concerning a dependent spouse with alimony or support orders, making technical and conforming changes.

Directs the Revisor of Statutes to print all relevant portions of the Official Comments to the Uniform Voidable Transactions Act and explanatory comments of the drafters of the act as annotations to the published General Statutes.

Effective October 1, 2015, applying to transfer/obligations made/incurred on or after that date.

[View summary](#)**Banking and Finance, Business and Commerce**

S 124 (2015-2016) **MODERNIZE ASSUMED BUSINESS NAME STATUTES**. Filed Feb 25 2015, *AN ACT TO MODERNIZE THE LAW GOVERNING THE USE OF ASSUMED BUSINESS NAMES, TO APPROPRIATE FUNDS FOR THE PURPOSE, AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

To be summarized.

Intro. by Hartsell.

[View summary](#)

S 125 (2015-2016) **JIM FULGHUM TEEN SKIN CANCER PREVENTION ACT**. Filed Feb 25 2015, *AN ACT PROHIBITING PERSONS UNDER EIGHTEEN YEARS OF AGE FROM USING TANNING EQUIPMENT.*

Provides that this act will be known as the Jim Fulghum Teen Skin Cancer Prevention Act.

Amends GS 104E-9.1(a) to provide that operators of tanning equipment and owners of tanning facilities cannot allow any individual under 18 years old to use tanning equipment (previously, allowed all individuals to use tanning equipment but required a written prescription from a medical physician for an individual that was 13 years old or younger).

Effective October 1, 2015.

Intro. by Tucker, Meredith, Curtis.

GS 104[View summary](#)**Business and Commerce, Health and Human Services,
Health**

S 126 (2015-2016) **CREATE VETERANS TASK FORCE/PED REPORT**. Filed Feb 25 2015, *AN ACT TO ESTABLISH THE TASK FORCE FOR VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES; TO DIRECT THE TASK FORCE TO IMPLEMENT A STATEWIDE STRATEGIC PLAN TO TRACK, COORDINATE, AND IMPROVE SERVICES FOR VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES; TO REQUIRE STATE AGENCIES TO COLLECT AND REPORT DATA ON SERVICES, BENEFITS, AND DISCOUNTS PROVIDED TO VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES; AND TO ESTABLISH THE JOINT LEGISLATIVE VETERANS AND MILITARY SERVICE MEMBERS OVERSIGHT COMMITTEE TO MONITOR IMPLEMENTATION OF THE STRATEGIC PLAN, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.*

Enacts new GS Chapter 165, Article 9, titled "Task Force on Veterans, Service Members, and Their Families" (Task Force), creating, effective January 1 2015, a 27 member Task Force. Provides that 16 ex officio members of the Task Force are made up of the heads or respective designees of specified departments or agencies. The remaining 11 members are to be appointed, with the Governor appointing five members in line with specified criteria, and three each are to be appointed by the Speaker of the House and President Pro Tempore, following specified criteria. Appointed members will serve two-year terms, at the pleasure of the Governor or General Assembly. Provides that the members of the Task Force are to elect a chair and hold meeting at least quarterly. Provides that the Department of Administration will provide clerical and professional staff for the Task Force. No salary or per diem is to be received by the members, but they will receive necessary travel and subsistence expenses.

Sets out eleven duties of the Task Force, including developing and implementing interagency solutions to make North Carolina a more veteran friendly state, advising the Governor and General Assembly on issues related to veterans, service members, and families, as well as tracking any federal, State, and local legislation affecting the same.

Requires the Task Force to make an annual report to the Governor and General Assembly, no later than November 1 of each year, reporting any recommendations for statutory, regulatory, or policy changes that would improve the provision of services for veterans, service members, and their families.

Requires the Task Force to create a subcommittee, with all of the ex officio members of the Task Force serving as members, with the purpose of engaging in a strategic planning process that achieves six goals, including, defining North Carolina's mission and vision for veterans, service members, and their families, identifying critical stakeholders, and analyzing the challenges and opportunities that North Carolina faces in their ability to meet those challenges and seize opportunities. Provides that the above strategic planning must define measurable outcomes and goals and sets out 11 such outcomes and goals to be accomplished, including coordinating the activities of existing programs and other efforts affecting veterans, maximizing the amount of federal dollars to support these efforts, and proposing legislation that would benefit veterans, service members, and their families. Requires the final plan to be approved by January 15, 2016 and requires the Task Force to report on the plan by April 15, 2016 to the Joint Legislative Veterans and Military Service Members Oversight Committee, with quarterly reports required thereafter.

Enacts new GS 165-44.02, directing all NC agencies that provide a service, benefit, or discount targeted or directed at veterans, service members, and their families to collect and report specified information, including the number of persons served, the type of benefits provided, sources of funding for services and benefits provided, and outcomes. Such information is to be reported to the Task Force no later than September 1 of each year.

Enacts new GS Chapter 120, Article 12S, titled "Joint Legislative Veterans and Military Service Members Oversight Committee" (Committee), consisting of 16 members with eight members appointed from the Senate by the President Pro Tempore and eight from the House by the Speaker in line with specified criteria for appointment. Sets terms of the Committee at two years, beginning when the General Assembly convenes in each odd numbered year, except for the terms of the initial members, which begin once appointed and end on the day of the convening of the 2017 General Assembly.

Sets out the purpose and powers of the Committee, including examining and monitoring the programs and initiatives for veterans, service members, and their families in North Carolina in order to improve accountability and awareness of programs directed towards the same. Provides that the Committee can review reports prepared by the Task Force, monitor and review the statewide strategic plan for veterans, service members, and their families, as well as study any matter believed to be appropriate to the Committee's purpose. Requires the Committee to report to the General Assembly any recommendations it has no later than December 31, 2017, and annually after that date. A final report of the Committee is to be submitted no later than April 1, 2022.

Sets out the organization and regulations of the Committee, including that cochairs are to be appointed by the President Pro Tempore and the Speaker of the House, nine members is considered a quorum of the Committee, and only recommendations or proposed legislation receiving at least eight affirmative votes can be included in a report to the General Assembly. Professional and clerical staff will be assigned by the Legislative Services Officer.

Sets a sunset date for new GS Chapter 120 Article 12S of July 1, 2022.

Intro. by Pate, Clark, D. Davis.

GS 120, GS 165

[View summary](#)

Military and Veteran's Affairs

S 127 (2015-2016) **ALL STATE AGENCIES/USE TEMPORARY SOLUTIONS**. Filed Feb 25 2015, *AN ACT TO REQUIRE*

STATE AGENCIES TO OBTAIN THE SERVICES OF TEMPORARY EMPLOYEES THROUGH THE TEMPORARY SOLUTIONS PROGRAM OPERATED BY THE OFFICE OF STATE HUMAN RESOURCES.

Enacts GS 126-6.3 as the title indicates. Mandates that state agencies that use the services of temporary employees to do work that is not information technology related to secure temporary employees through the Temporary Solutions Program administered by the Office of State Human Resources (HR) or in a manner approved by the Director of the HR.

Directs the HR to monitor the employment of temporary employees by state agencies subject to this section and report biannually to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division as to the compliance of agencies with this section. Defines a state agency to mean a unit of the executive branch of state government regardless of whether the agency is a part of the Council of State. Excludes the University of North Carolina as a state agency under this section.

Makes a conforming change to GS 126-4 directing the state Human Resources Commission to establish policies and rules governing the implementation of new GS 126-6.3.

Intro. by Hartsell, Randleman.

GS 126

[View summary](#)

Employment and Retirement, Government, State Agencies, State Government, State Personnel

S 129 (2015-2016) **LEGAL NOTICES/REQUIRE INTERNET PUBLICATION.** Filed Feb 25 2015, *AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES.*

Amends GS 1-596 (*Charges for legal advertising*), providing that when a government notice is required to be published more than once and is paid for by the government entity, but not paid in advance by or recouped from private parties, then the governmental entity cannot be charged for the second and successive insertions of that notice at a rate greater than 85% of the original rate.

Amends GS 1-597 (*Regulations for newspaper publication of legal notices, advertisements, etc.*), establishing rules and requirements for electronic and internet publication of legal notices or other documents or papers that are required by NC law to be published in a newspaper including but not limited to, that each notice must be placed on the newspaper's website, at no additional charge, on the same day that the notice appears in the newspaper, and that if a legal notice is published in the newspaper but cannot be published on the newspaper's website, the publishing newspaper will place the notice on the statewide internet website, established and maintained by the NC Press Association as a repository for such notices. Includes provisions for email notifications and concerning errors in notices posted online.

Makes technical changes.

Effective October 1, 2015, and applies to notices that must be published on or after that date, except that it does not apply to notices permitted to be published on a government website in lieu of newspaper publication pursuant to an ordinance enacted before that date.

Intro. by Sanderson, Apodaca, Hise.

GS 1

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Courts/Judiciary, Civil, Civil Procedure

LOCAL/SENATE BILLS

S 117 (2015-2016) [SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS](#). Filed Feb 25 2015, *AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN LOCAL 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 dates for public schools. Amends this subsection to require that regardless of the opening date of school for students, all first semester exams must be given before winter break.

This act applies only to the Davidson County, Lexington City, Montgomery County, and Thomasville City school administrative units beginning with the 2015-16 school year.

Intro. by Bingham.

[Davidson, Montgomery](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 122 (2015-2016) [TOWN OF GLEN ALPINE/VOLUNTARY ANNEXATION](#). Filed Feb 25 2015, *AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF GLEN ALPINE, AT THE REQUEST OF THE TOWN*.

Provides for the annexation of specified property to be added to the corporate limits of the Town of Glen Alpine.

Intro. by Daniel.

[Burke](#)

[View summary](#)

S 128 (2015-2016) [34TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 25 2015, *AN ACT RELATING TO THE 34TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Brock.

[Davie, Iredell, Rowan](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS**S 2: MAGISTRATES RECUSAL OF CIVIL CEREMONIES.**

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 19: REVENUE LAWS TECHNICAL CHANGES.

Senate: Passed 2nd Reading

Senate: Placed On Cal For 03/02/2015

S 108: CHANGE CROSSOVER DEADLINE.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Placed On Cal For 02/02/2015

S 109: JOINT SESSION/STATE OF THE JUDICIARY.

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 110: PHASE OUT CERTAIN HF TRANSFERS.

Senate: Passed 1st Reading

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

S 112: COMM. FISHING COURSES/COASTAL COLLEGES.

Senate: Passed 1st Reading

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

S 113: FERRY DIVISION / FUEL FUTURES.

Senate: Passed 1st Reading

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

S 114: CUSTODIAL PARENT/PARTY COOPERATE W/CHILD SUPP.

Senate: Filed

S 115: FEDERAL CHILD SUPPORT INCENTIVE PAYMENTS.

Senate: Filed

S 116: HANDICAPPED PARKING WINDSHIELD PLACARD.

Senate: Filed

S 118: NATUROPATHIC DOCTORS LICENSING ACT.

Senate: Filed

S 119: GSC TECHNICAL CORRECTIONS 2015.

Senate: Filed

S 120: DOI LICENSE PROCESSING FEES.

Senate: Filed

S 121: THE EXCELLENCE IN SCHOOL LEADERSHIP ACT.

Senate: Filed

S 123: UNIFORM FRAUDULENT TRANSFER ACT.

Senate: Filed

S 124: MODERNIZE ASSUMED BUSINESS NAME STATUTES.

Senate: Filed

S 125: JIM FULGHUM TEEN SKIN CANCER PREVENTION ACT.

Senate: Filed

S 126: CREATE VETERANS TASK FORCE/PED REPORT.

Senate: Filed

S 127: ALL STATE AGENCIES/USE TEMPORARY SOLUTIONS.

Senate: Filed

S 129: LEGAL NOTICES/REQUIRE INTERNET PUBLICATION.

Senate: Filed

LOCAL BILLS

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

Senate: Passed 1st Reading

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

S 117: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.

Senate: Filed

S 122: TOWN OF GLEN ALPINE/VOLUNTARY ANNEXATION.

Senate: Filed

S 128: 34TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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