

The Daily Bulletin: Monday, March 2, 2015

PUBLIC/HOUSE BILLS

H 122 (2015-2016) [ADD COUNTIES/TOWNS TO STATE HEALTH PLAN](#). Filed Mar 2 2015, *AN ACT TO AUTHORIZE HAYWOOD, MADISON, AND YANCEY COUNTIES AND THE TOWNS OF BURNSVILLE, CANTON, CLYDE, HOT SPRINGS, MAGGIE VALLEY, MARSHALL, MARS HILL, AND WAYNESVILLE TO ENROLL THEIR EMPLOYEES AND DEPENDENTS IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

Amends GS 135-48.47 to additionally authorize Haywood, Madison, and Yancey counties, along with the towns of Burnsville, Canton, Clyde, Hot Springs, Maggie Valley, Marshall, Mars Hill, and Waynesville to enroll their employees and dependents of those employees in the State Health Plan. Participation is not guaranteed and is contingent on those local governments complying with specified statutes and Articles, as well as policies adopted by the State Health Plan. Effective July 1, 2015.

Intro. by Presnell.

[Haywood, Madison, Yancey, GS 135](#)

[View summary](#)

[Health and Human Services, Health, Health Insurance](#)

H 123 (2015-2016) [LEGISLATORS SPEND TIME IN SCHOOLS](#). Filed Mar 2 2015, *AN ACT TO ENCOURAGE LEGISLATORS TO SPEND TIME IN THEIR LOCAL PUBLIC SCHOOLS.*

Amends Article 2 of GS Chapter 120, adding a new statute, GS 120-9.1, to provide that each member of the General Assembly is responsible for educating himself or herself about the needs of the public schools in the member's legislative district.

Current law provides that members of the General Assembly may receive subsistence and travel allowances when the legislature is not in session, with approval from the speaker of the House of Representatives in the case of representatives, or the approval of the president pro tempore of the Senate in the case of senators, providing that the member is traveling as a representative of the General Assembly or of its committees or commissions, or the member is otherwise in the service of the state. Amends GS 120-3.1(a)(3) to provide that the term "in the service of the state," as it is used in this subdivision, applies to no more than four days per year used to visit public schools in a member's district, and requires that the host principal or superintendent document each day of attendance by the member.

Includes "whereas" clauses that provide the rationale for the provisions of this act.

Intro. by R. Johnson.

[GS 120](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, General Assembly](#)

H 124 (2015-2016) [ELIMINATE SECOND PRIMARIES](#). Filed Mar 2 2015, *AN ACT TO ELIMINATE SECOND PRIMARIES AND MAKE OTHER CONFORMING STATUTORY CHANGES.*

Amends GS 160A-23.1(d) to delete the provisions governing a second primary. Provides new language establishing that instead of a second primary, runoff results for those using the election and runoff method will be determined by the nonpartisan plurality election method pursuant to GS 163-292. Makes conforming changes.

Amends GS 163-111 (currently provides for determination of primary results; second primaries), deleting the provisions applicable to second primaries, and makes a conforming change to the statute's catch line. Enacts new provisions that specify the procedures for instances where candidates receive the same number of votes. Provides that these provisions override any local act to the contrary. Deletes the provisions related to second primaries in various statutes of GS Chapter 163.

Repeals the following statutes that relate to second primaries: GS 163-227.1, 163-227.3(b), and 163-278.13B(d). Makes additional technical changes.

Intro. by Floyd.

[GS 160A, GS 163](#)

[View summary](#)

[Government, Elections, Local Government](#)

H 125 (2015-2016) [AMEND CONSTITUTION/CITIZENS UNITED](#). Filed Mar 2 2015, *A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.*

As the title indicates. Declares that the North Carolina General Assembly requests that the United States Congress propose an amendment to the US Constitution to affirm that: (1) the rights protected by the US Constitution are the rights of natural persons only; (2) spending money to influence elections is not protected speech under the First Amendment; (3) the privileges of corporations, limited liability companies, labor unions, and other artificial entities, for profit and not for profit, are not to be construed as being inherent or inalienable and are subject to regulation by the people via federal, state, or local law; and (4) nothing in the proposed amendment is to be construed as abridging freedom of the press.

Directs the Secretary of State to transmit a certified copy of this joint resolution to each member of North Carolina's delegation to the US Congress. Provides that this resolution is effective upon ratification.

Includes a series of "whereas" clauses regarding the January 21, 2010, ruling by the United States Supreme Court in *Citizens United v. Federal Election Commission* and the resulting consequences of that ruling as to corporate spending in elections.

Intro. by Insko, Harrison, Fisher, Queen.

[JOINT RES](#)

[View summary](#)

[Constitution, Government, Elections](#)

H 126 (2015-2016) [MORTGAGE ORIGINATION SUPPORT REGISTRATION](#). Filed Mar 2 2015, *AN ACT TO AUTHORIZE THE OFFICE OF THE COMMISSIONER OF BANKS TO IMPLEMENT A REGISTRATION SYSTEM FOR PERSONS ENGAGED EXCLUSIVELY IN THE PROCESSING OR UNDERWRITING OF RESIDENTIAL MORTGAGE LOANS AND NOT ENGAGED IN THE MORTGAGE BUSINESS.*

To be summarized.

Intro. by Hardister, Szoka, Meyer, S. Ross.

[GS 53](#)

[View summary](#)

**Banking and Finance, Development, Land Use and
Housing, Property and Housing**

H 127 (2015-2016) **DOT CONDEMNATION CHANGES**. Filed Mar 2 2015, *AN ACT TO MODIFY THE MEASURE OF DAMAGES IN A CONDEMNATION ACTION INITIATED BY THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT INTEREST ON A DOT CONDEMNATION AWARD SHALL BE PAID FROM THE DATE OF TAKING UNTIL THE DATE THE JUDGMENT IS PAID; TO AUTHORIZE A DEFENDANT IN SUCH AN ACTION TO RECOVER ATTORNEYS' FEES AND COSTS IF THE JUDGMENT EXCEEDS THE DEPOSIT BY TWENTY-FIVE PERCENT OR MORE; TO REDUCE TO ONE HUNDRED EIGHTY DAYS ANY DELAY OF A BUILDING PERMIT ISSUANCE DUE TO THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT; TO PROVIDE THAT A PROPERTY OWNER IS ENTITLED TO COMPENSATION FOR PARTIAL CONTROL OF ACCESS; AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL SEND ANY RELOCATION NOTICE REQUIRED BY FEDERAL LAW WITHIN A SPECIFIED PERIOD OF TIME.*

Amends the following statutes as the title indicates: (1) GS 136-112, to provide that the measure of damages in a condemnation action initiated by the Department of Transportation (DOT) is as provided in GS 40A-63 and 40A-64 (concerning just compensation for takings), deleting language that provided for other measures of damages; (2) GS 136-113, regarding the determination of interest as a part of just compensation on a DOT condemnation award providing that interest is to be calculated from the date of taking to the date the judgment is paid (previously, to the date of the judgment, effective July 1, 2015; and (3) GS 136-119, regarding the recovery of costs, including attorneys' fees if certain conditions apply, adding language that provides that fees can be awarded when the final judgement exceeds the initial deposit by 25 percent or more. Provides that attorneys' fees can not exceed 1/3 of the difference between the judgment award, plus interest, and the initial deposit. Makes organizational changes.

Amends GS 136-44.51(b), concerning the effect of a transportation corridor official map on permit issuance, providing that no application for building permits or subdivision plat approval for a tract subject to a valid transportation corridor official map can be delayed for more than 180 days (was, three years) due to the provisions of GS 136-44.51. Effective July 1, 2015.

Amends GS 136-89.53 (New and existing facilities; grade crossing eliminations), to clarify that compensation that land owners are entitled to, when an existing street or highway is designated as and included within a controlled-access facility and that street or highway abuts their land, also includes compensation for partial control of access.

Amends GS 136-103(a) to require the Department of Transportation, when condemnation is necessary, to provide written notices of relocation required by federal law no earlier than five working days before instituting a filing under this subsection and no later than one working day prior to instituting a filing pursuant to this subsection. Effective October 1, 2015, applying to condemnation actions filed on or after that date.

Unless otherwise noted above, this act becomes effective July 1, 2016, applying to condemnation actions filed on or after that date.

Intro. by Stam, Jackson, Bryan.

GS 136

[View summary](#)

**Development, Land Use and Housing, Property and
Housing, Government, State Agencies, Department of
Transportation, Transportation**

S 14 (2015-2016) *ACAD. STANDARDS/RULES REVIEW/COAL ASH/FUNDS*. Filed Feb 2 2015, *AN ACT TO PROVIDE FUNDS FOR THE LITIGATION EXPENSES OF THE RULES REVIEW COMMISSION; TO PROVIDE FUNDS FOR THE OPERATING EXPENSES OF THE ACADEMIC STANDARDS REVIEW COMMISSION; TO REQUIRE THAT THE ACADEMIC STANDARDS REVIEW COMMISSION POST CERTAIN PUBLIC RECORDS ON ITS WEB SITE; TO PROVIDE THAT A STATE OFFICER MAY SERVE ON THE ECONOMIC DEVELOPMENT PARTNERSHIP BOARD; TO CLARIFY COAL ASH MANAGEMENT COMMISSION APPROPRIATIONS; TO CLARIFY THAT THE PRACTICE OF ENGINEERING DOES NOT INCLUDE THE DEVELOPMENT OF A DAM EMERGENCY ACTION PLAN; TO EXTEND THE DEADLINE FOR THE SUBMISSION OF EMERGENCY ACTION PLANS FOR DAMS NOT ASSOCIATED WITH COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS TO DECEMBER 31, 2015; AND TO LIMIT THE USE OF FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR HEALTH INFORMATION EXCHANGE.*

House amendments to the 2nd edition make the following changes.

Amendment #1 makes the following changes. Deletes provision which transferred \$100,000 of the funds appropriated to the Department of Public Instruction for the 2014-15 fiscal year to the Office of Administrative Hearings to be allocated for the litigation expenses of the Rules Review Commission. Makes a conforming change to the long title of the act.

Amendment #2 adds a new section to the act, as follows. Requires the State Auditor to conduct a performance audit of county departments of social services' administration of the North Carolina Medicaid program that examines the county departments of social services' accuracy in determining Medicaid eligibility and compliance with the requirements of the Centers for Medicare and Medicaid Services and state law. Requires the audit to consider the impact of the Department of Health and Human Services' policy decisions related to re-enrollment eligibility determinations. Requires the auditor, in conducting the audit, to ensure that a representative sample of counties, including both urban and rural counties, audited and that a statistically significant number of cases are audited in each county in the sample. Requires the audit to include the State Auditor's examination of at least: (1) the accuracy of Medicaid application eligibility determinations; (2) the timeliness of Medicaid application determinations; (3) the accuracy of Medicaid re-enrollment eligibility determinations; (4) the timeliness of Medicaid re-enrollment eligibility determinations; (5) the accuracy of presumptive Medicaid application determinations; (6) the timeliness of presumptive Medicaid application determinations; and (7) the controls and oversight county departments of social services have in place to ensure accurate and timely processing of Medicaid applications and re-enrollment. Requires the State Auditor to give a preliminary report on the performance audit to the Joint Legislative Oversight Committee on Health and Human Services and to the Fiscal Research Division by June 1, 2015, and complete the performance audit by February 1, 2016. Requires the Department of Health and Human Services and county departments of social services to give the State Auditor full access to all data necessary to complete the audit and the report.

Requires \$300,000 of the funds appropriated to the Department of Health and Human Services, Division of Medical Assistance, for 2014-15 in SL 2014-100, 9 Section 12H.10(c), for a personal care services (PCS) study, to be transferred to the North Carolina Office of the State Auditor to be used for the required audit.

Makes conforming changes to the act's long title.

House Amendment #3 makes the following changes. Amends GS 113-391(a3), which identifies the purposes for which the Environmental Management Commission (EMC) must adopt rules after considering recommendations from the Mining and Energy Commission. Amends GS 113-391(a3)(2) to require the EMC to adopt rules for regulation of toxic air emissions from drilling operations, if the EMC finds that the state's current air toxics program and any federal regulations governing toxic air emissions to be adopted by the state are inadequate to protect public health, safety, welfare, and the environment. Effective retroactively to July 2, 2012. Makes a conforming change to the long title of the act.

Amendment #4 makes the following changes.

Deletes previous changes made to GS 89C-3, definitions regarding the practice of engineering.

Amends GS 143-215.31(a1), concerning the supervision over maintenance and operation of dams, adding language that provides that a downstream inundation map included as part of an Emergency Action Plan by a high or intermediate hazard dam owner does require preparation by a licensed professional engineer or a person under the responsible charge of a licensed professional engineer, unless the dam is associated with a coal combustion residuals surface impoundment, as defined.

Adds new Section 9(c) to the bill directing the Department of Environment and Natural Resources (DENR) to study whether downstream inundation maps prepared pursuant to GS 143-215.31 should be prepared by a licensed professional engineer or a person under the charge of a licensed professional engineer. DENR must also consult with the State Board of Examiners for Engineers and Surveyors in conducting this study. Requires DENR to report the results of the study to the Environmental Review Commission no later than March 31, 2016.

Makes conforming changes to the long title.

Intro. by Brown, Harrington, B. Jackson.

[GS 62, GS 113, GS 143, GS 143B](#)

[View summary](#)

[Education, Environment, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, Department of Administration, Department of Environment and Natural Resources, Department of Health and Human Services, Department of Public Safety, State Board of Education](#)

S 136 (2015-2016) [CHARTER SCHOOL IN STATE HEALTH PLAN](#). Filed Mar 2 2015, *AN ACT TO AUTHORIZE PIONEER SPRINGS COMMUNITY SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

Provides that the Board of Directors of the Pioneer Springs Community School in Charlotte can elect to become a participating employing unit in the State Health Plan for Teachers and State Employees pursuant to GS Chapter 135, Article 3B. Provides that the election, if any, to participate in the plan must be made no later than thirty days after the effective date of this act and while the time limitation of GS 135-48.54 does not apply to the election, the election must comply with all other requirements of GS 135-48.54.

Intro. by Tarte.

[UNCODIFIED](#)

[View summary](#)

[Education, Elementary and Secondary Education, Health and Human Services, Health, Health Insurance](#)

S 138 (2015-2016) [PROFESSIONAL CORPORATIONS/ENGINEERS](#). Filed Mar 2 2015, *AN ACT TO ALLOW THE FORMATION OF A PROFESSIONAL CORPORATION PROVIDING ENGINEERING SERVICES IN ACCORDANCE WITH CHAPTER 89C OF THE GENERAL STATUTES BY A NONLICENSED PERSON AND TO ALLOW A NONLICENSED INCORPORATOR, OFFICER, DIRECTOR, OR EMPLOYEE OF A PROFESSIONAL CORPORATION PROVIDING ENGINEERING SERVICES IN ACCORDANCE WITH CHAPTER 89C OF THE GENERAL STATUTES TO OWN SHARES OF THE STOCK OF THE CORPORATION.*

Amends GS 55B-4, concerning the formation of corporations, to exempt professional corporations that render engineering services in accordance with GS Chapter 89C (Engineering and Land Surveying) from the statutes requirements, except for the requirement that the articles of incorporation designate the personal services to be rendered

by the corporation.

Amends GS 55B-6 to add that a nonlicensed incorporator, director, officer, agent, or employee may own the stock of a professional corporation rendering engineering services in accordance with GS Chapter 89C as long as all licensees who perform professional services on behalf of the corporation comply with GS Chapter 89C and the rules adopted under the chapter. Requires the corporation, upon the transfer of any shares to a nonlicensed incorporator, director, officer, or employee, to inform the appropriate licensing board of the name and address of the transferee and the number of shares issued. Prohibits a shareholder of a professional corporation from entering into a voting trust agreement or any other type of agreement vesting in another person the authority to exercise the voting power of any of the stock of the professional corporation.

Makes a technical change to GS 55B-14. Makes technical and conforming changes to GS 55B-16.

Effective July 1, 2015.

Intro. by Tarte, Tucker, Cook.

[GS 55B](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships, Occupational Licensing](#)

LOCAL/SENATE BILLS

S 131 (2015-2016) [2ND SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 2 2015, *AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT*.

Blank bill.

Intro. by Sanderson.

[Carteret, Craven, Pamlico](#)

[View summary](#)

S 132 (2015-2016) [CARTERET FOX TRAPPING](#). Filed Mar 2 2015, *AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN CARTERET COUNTY*.

As the title indicates, this act establishes a season for trapping foxes in Carteret County. Provides that regardless of any other provision of law, there is an open season for trapping foxes during the trapping season 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 Carteret County.

Intro. by Sanderson.

[Carteret](#)

[View summary](#)

[Animals](#)

S 133 (2015-2016) [48TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 2 2015, *AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Apodaca.

[Buncombe, Henderson, Transylvania](#)

[View summary](#)

S 134 (2015-2016) [29TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 2 2015, *AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Tillman.

[Moore, Randolph](#)

[View summary](#)

S 135 (2015-2016) [7TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 2 2015, *AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Pate.

[Lenoir, Pitt, Wayne](#)

[View summary](#)

S 137 (2015-2016) [CHARLOTTE FIREFIGHTERS' RETIREMENT](#). Filed Mar 2 2015, *AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM.*

Identical to [H 70](#), filed 2/10/15.

Amends Section 12 of Chapter 926 of the 1947 Session Laws, as amended by various other session laws, adding new language concerning the Charlotte Firefighters' Retirement System. Provides that if a member of the Charlotte Firefighters' Retirement System (Member) dies while performing qualified military service, the survivors are entitled to any additional benefits, except for benefit accruals related to the period of qualified military service, provided under the System as if the Member had resumed and then terminated employment on account of death. Further provides that, for benefit accrual purposes, the Charlotte Firefighters' Retirement System (System) treats an individual who, on or after January 12, 2007, dies or becomes disabled while performing qualified military service, as if the individual had resumed employment in accordance with reemployment rights under USERRA, on the day preceding death or disability and terminated employment on the date of death or disability. Sets out how the System will determine contribution amounts of an individual treated as reemployed pursuant to these provisions. Adds additional language concerning differential wage payments for years beginning after December 31, 2008, including that (i) an individual receiving such payments will be treated as a Member of the Sponsor making the payment, (ii) the differential wage payment will be treated as compensation, and (iii) the System will not be treated as failing to meet the requirements of any provision pursuant to section 414(u)(1)(C) of the Internal Revenue Code. Makes clarifying and organizational changes.

Amends Section 13.1 of Chapter 926 of the 1947 Session Laws, as amended by various other session laws, making a clarifying change and adding new subsections concerning non-spouse beneficiary rollover rights. Sets out the rights and limitations, for distributions after December 31, 2009, of a non-spouse beneficiary that is a "designated beneficiary" to

roll over all or portions of a distribution to an IRA. Further provides that, for distributions made after December 31, 2007, a participant or beneficiary can elect to roll over directly an "eligible rollover distribution" to a Roth IRA.

Amends Section 1 of Chapter 830 of the 1991 Session Laws, as amended by various other session laws, adding a new section concerning retiree health insurance premiums, providing that, effective January 1, 2007, any Member that is an "eligible retired public safety officer" who retired pursuant to the specified sections of the session law can elect to receive a distribution from the System in an amount not to exceed the lesser of (i) the amount paid by such a Member for qualified health insurance premiums for the Member, spouse or dependents or (ii) \$3,000 for the taxable year. Further provides that any distributions pursuant to this new section will reduce the benefit payable to the Member for the taxable year from the System. Provides that after December 31, 2012, no Member can elect to receive a distribution pursuant to this section.

Effective July 1, 2015, applying only to the City of Charlotte.

Intro. by Tarte, Ford.

[Mecklenburg](#)

[View summary](#)

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

ACTIONS ON BILLS

PUBLIC BILLS

H 118: CREATE VETERANS TASK FORCE/PED REPORT.

House: Passed 1st Reading

House: Ref To Com On Homeland Security, Military, and Veterans Affairs

H 119: PED RECS/PUBLICLY FUNDED SUBSTANCE ABUSE SVCS.

House: Passed 1st Reading

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

H 120: CUSTODIAL PARENT/PARTY COOPERATE W/CHILD SUPP.

House: Passed 1st Reading

House: Ref to the Com on Children, Youth, and Families, if favorable, Judiciary III

H 121: FEDERAL CHILD SUPPORT INCENTIVE PAYMENTS.

House: Passed 1st Reading

House: Ref to the Com on Children, Youth, and Families, if favorable, Appropriations

H 122: ADD COUNTIES/TOWNS TO STATE HEALTH PLAN.

House: Filed

H 123: LEGISLATORS SPEND TIME IN SCHOOLS.

House: Filed

H 124: ELIMINATE SECOND PRIMARIES.

House: Filed

H 125: AMEND CONSTITUTION/CITIZENS UNITED.

House: Filed

H 126: MORTGAGE ORIGINATION SUPPORT REGISTRATION.

House: Filed

H 127: DOT CONDEMNATION CHANGES.

House: Filed

S 2: MAGISTRATES RECUSAL OF CIVIL CEREMONIES.

House: Passed 1st Reading

House: Ref To Com On Judiciary I

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

House: Amend Adopted A1

House: Amend Adopted A2

House: Amend Adopted A3

S 19: REVENUE LAWS TECHNICAL CHANGES.

Senate: Passed 3rd Reading

S 108: CHANGE CROSSOVER DEADLINE.

Senate: Adopted

S 109: JOINT SESSION/STATE OF THE JUDICIARY.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

LOCAL BILLS

S 131: 2ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 132: CARTERET FOX TRAPPING.

Senate: Filed

S 133: 48TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 134: 29TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 135: 7TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed