

The Daily Bulletin: Monday, March 9, 2015

PUBLIC/HOUSE BILLS

H 172 (2015-2016) [FRACKING-PROTECTING THE PUBLIC](#). Filed Mar 9 2015, *AN ACT TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION, IN CONSULTATION WITH THE MINING AND ENERGY COMMISSION, TO ADOPT RULES ESTABLISHING TECHNICAL REQUIREMENTS AND BEST MANAGEMENT PRACTICES TO MINIMIZE LEAKS AND OTHER UNPERMITTED RELEASES OF AIR POLLUTANTS FROM ACTIVITIES AND INFRASTRUCTURE ASSOCIATED WITH GAS EXPLORATION, DEVELOPMENT, PRODUCTION, PROCESSING, AND COMPRESSION INFRASTRUCTURE.*

Amends GS 113-391(a3) to require the Environmental Management Commission to establish, after considering recommendations from the Mining and Energy Commission, technical standards and practices to minimize emissions of air toxics, volatile organic compounds, and other air pollutants as well as minimizing leaks resulting from activities and infrastructure used in the exploration, development, production, processing, and compression of natural gas. Sets out criteria that must be included in the standards and practices, including minimum standards for an instrument-based leak detection and repair program.

Intro. by Pendleton, Malone, Dollar.

[GS 113](#)

[View summary](#)

[Environment, Energy, Environment/Natural Resources](#)

H 173 (2015-2016) [OMNIBUS CRIMINAL LAW BILL](#). Filed Mar 9 2015, *AN ACT TO AMEND VARIOUS CRIMINAL LAWS FOR THE PURPOSE OF IMPROVING TRIAL COURT EFFICIENCY.*

Part I.

Amends GS 7A-304 to give defendants 40 days (was, 20 days) from the date specified in the court's judgment before being charged the \$50 late fee in a case where a defendant fails to appear to answer the charge as scheduled.

Amends GS 20-24.2 to give a person charged with a motor vehicle offense 40 days (was, 20 days) before his or her name is reported to the Division of Motor Vehicles for failure to pay a fine, penalty, or court cost.

Applies to fee assessed on or after July 1, 2015.

Part II.

Requires the Administrative Office of the Courts to consult with the Conference of Clerks of Superior Court and make any necessary modifications to its information systems in order to maintain records of all cases in which the defendant in a criminal case withdraws an appeal for trial de novo in superior court and the superior court judge has signed an order remanding the case to the district court. Requires reporting on those remanded cases annually to the chairs of the Senate Appropriations Committee on Justice and Public Safety, the chairs of the House Appropriations Committee on Justice and Public Safety, and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1. Requires that the report (1) include the total number of remanded cases and the total number of cases for which the court has remitted costs and (2) aggregate those totals by the district in which they were granted and by the name of each judge ordering remand.

Part III.

Amends the powers of chief district judges in GS 7A-146 to allow designating certain magistrates to appoint counsel and accept waivers of counsel (was, to appoint counsel only) to no longer limit this designation to magistrates who are duly licensed attorneys and to provide that the designation does not give any magistrate the authority to appoint counsel or accept waivers of counsel for potential capital offenses (under the current law, the designation does not give magistrates the authority to accept a waiver of counsel at all).

Amends the power of magistrates in GS 7A-292 to give magistrates the power to accept waivers of counsel when authorized by the chief district judge.

Amends GS 14-444 (intoxicated and disruptive in public) to no longer prohibit a magistrate from accepting a guilty plea and entering judgement for this offense.

Part IV.

Amends GS 143B-426.38A (Government Data Analytics Center; State data-sharing requirements) to require that the State Criminal Justice Information Services (CJIS) Systems Agency ensure that the State Criminal Justice Law Enforcement Automated Data System (CJLEADS) receives access to federal criminal information deemed to be essential in managing CJLEADS to support state-appointed public defenders who are permanent state employees (in addition to criminal justice professions). Prohibits state-appointed public defenders from having access to nonpublic information about unserved warrants, victims, or witnesses.

Part V.

Amends GS 15A-2005 to replace the term "mentally retarded" with "intellectual disability." The statute provides that an intelligence quotient of 70 or below on an individually administered, scientifically recognized standardized intelligence quotient test administered by a licensed psychiatrist or psychologist is evidence of significantly subaverage general intellectual functioning; but, it is not sufficient, without evidence of significant limitations in adaptive functioning and without evidence of manifestation before the age of 18, to establish that the defendant is mentally retarded. Adds that an intelligence quotient of 70 is approximate and a higher score resulting from the application of the standard error of measure to a quotient of 70 does not preclude the defendant from being able to present additional evidence of intellectual disability. Requires accepted clinical standards for diagnosing significant limitation in intellectual functioning and adaptive behavior to be applied in the determination of intellectual disability. Makes clarifying changes.

Part VI.

Amends GS 14-27.5A to provide that when a person is convicted of sexual battery under the statute, the sentencing court must consider whether the person is a danger to the community and whether requiring the person to register as a sex offender would further the purposes of Article 27A (Sex Offender and Public Protection Registration Programs). Provides that if the court finds that the person is a danger to the community and that the person must register, then an order must be entered requiring registration. Makes conforming changes to GS 14-208.6(4), defining convictions that must be reported under Article 27A, and to GS 14-208.6(5) removing sexual battery from those violations that meet the definition of *sexually violent offense*. Amends GS 50-13.1 to require any person instituting an action or proceeding for custody of a child ex parte who has been convicted of sexual battery and ordered to register to disclose the conviction in the pleadings.

Applies to sentences imposed on or after December 1, 2015.

Part VII.

Amends GS 122C-251 to require a city or county to provide, to the extent feasible (was, required), transportation of a respondent in involuntary commitment proceedings by a driver or attendant who is the same sex as the respondent unless certain specified circumstances exist.

Enacts new GS 122C-295 to allow a custody order entered by the clerk or magistrate under the Chapter (the Mental

Health, Developmental Disabilities, and Substance Abuse Act of 1985) to be delivered to the law enforcement officer by electronic or facsimile transmission.

Part VIII.

Amends GS 14-269.1, confiscation and disposition of deadly weapons, to allow any petition or order to dispose of a weapon entered under the statute to be transmitted to the appropriate person, sheriff, or agency electronically or by facsimile.

Amend GS 15-11.1(b1) to allow a petition or order to dispose of a firearm under (b1) (where a district attorney determines the firearm is no longer necessary or useful as evidence in a criminal trial and has applied to the court for an order of disposition of the firearm) to be transmitted to the appropriate person, sheriff, or law enforcement agency electronically or by facsimile.

Part IX.

Amends GS 15A-150 concerning notification requirements for specified expunction of records, providing that the Director of the Administrative Office of the Courts can enter into an agreement with any of the specified state agencies for electronic and facsimile transmission of the information required to be provided pursuant to GS 15A-150. Makes conforming changes.

Part X.

Amends GS 15A-534(d1) concerning the conditions of pretrial release of certain defendants to provide that, if no conditions are recommended in the most recent order for arrest after the defendant's failure to appear, then the judicial officer can require the execution of a secured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond for the charges (previously, judicial officer was required to double the bond amount). Effective July 1, 2015, applying to conditions of pretrial release on or after that date.

Part XI.

Amends GS 15A-268(a5), making a clarifying change to provide that the duty to preserve biological evidence cannot be waived knowingly and voluntarily by a defendant without a court proceeding, which can include any hearing associated with the disposition of the case.

Amends GS 15A-268(a6), concerning required periods of preservation for physical evidence, to provide specified time and circumstances when evidence can be disposed of, including when the State certifies that charges will not be brought even if a perpetrator can be identified, and in specified times when the evidence collected is of a size, bulk, or physical character as to render retention impracticable, the State and the defendant can enter into a consent motion for the retention of other evidence in lieu of the actual physical evidence. Also provides that at the time of conviction the State and defendant can enter into a consent motion to destroy or return any physical evidence not offered or admitted during the criminal proceeding. Effective October 1, 2015.

Part XII.

Amends Rule 803(6) of the Rules of Evidence found in GS Chapter 8C to allow a custodian of business records to certify the authenticity of such records in lieu of requiring an in-person testimony by the custodian. Requires advance notice of intent to offer records under such certification and limits the admissibility of such certified evidence to records of non-parties of the case at hand. Effective October 1, 2015.

Part XIII.

Amends GS 50B-4.1(d) to provide that the provisions of this subsection regarding the enhanced penalties for violation of protective orders do not apply to convictions of a Class A or B1 felony or conviction of the offenses as found in GS 50B-4.1(f) or (g) [previously, stated that they did not apply to a person charged with or convicted of a Class A or B1 felony or a person charged pursuant to GS 50B-4.1(f) or (g)].

Part XIV.

Amends GS 14-50.43(d) to provide that orders entered concerning street gang nuisance abatement cases will expire one year after entry unless extended by the court for good cause as established by the plaintiff after a hearing (previously, did not provide for an extension of the order).

Part XV.

Amends GS 15A-173.2(a) to provide that an individual convicted of criminal offenses no higher than a Class G felony can petition the court where the individual was convicted of his or her most serious offense for a certificate of relief, relieving the specified collateral consequences (previously, provided that only individuals that had not been convicted of more than two Class G, H, or I felonies or misdemeanors in one session of court, and that have no other convictions for a felony or misdemeanor other than a traffic violation could petition for such relief). Effective October 1, 2015, applying to certificates issued on or after that date.

Intro. by Stam, Faircloth, Glazier, Turner.

[GS 7A, GS 8C, GS 14, GS 15, GS 15A, GS 20, GS 50, GS 50B, GS 122C, GS 143B](#)

[Courts/Judiciary, Civil, Family Law, Evidence, Motor Vehicle, Court System, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Mental Health](#)

[View summary](#)

H 174 (2015-2016) [LANDLORD/TENANT-FORECLOSURE & EVICT. CHANGES](#). Filed Mar 9 2015, *AN ACT TO AMEND AND ENHANCE CERTAIN NOTICE REQUIREMENTS AND PROTECTIONS FOR TENANTS OF REAL PROPERTIES IN FORECLOSURE AND TO ALLOW FOR PURCHASERS OF REAL PROPERTY UNDER OPTION CONTRACTS TO PURSUE MONETARY DAMAGES SEPARATELY FROM SUMMARY EJECTMENT PROCEEDINGS AND OTHER AMENDMENTS TO THE HOMEBUYER PROTECTION ACT.*

Amends GS 42-45.2 regarding the early termination of rental agreements by military and other tenants residing in certain foreclosed real property. Permits a tenant residing in residential real property with less than 15 rental units that is being sold in a foreclosure proceeding under Article 2A of GS Chapter 45 to terminate the rental agreement by providing the landlord with a written notice of termination effective at least 10 days but no more than 90 days after the expiration of the upset bid period provided by GS 45-21.27 (was, required the tenant to provide written notice of termination effective at least 10 days after the date of the notice of sale).

Makes conforming changes to GS 45-21.16A(b), which provides for the contents of the notice of sale of residential real property with less than 15 rental units.

Enacts new GS 45-21.33A, Effect of foreclosure on preexisting tenancy. Provides that any purchaser or successor in interest who acquires title to a single-family residential real property under Article 2A of GS Chapter 45 assumes that title subject to certain specified rights of tenants of that real property. Provides that the provisions regarding those specified rights apply only to a lease that meets all of certain criteria as delineated in subsection (b) of proposed GS 45-21.33A. Prohibits construing anything in this statute to set limits on the remedies available to the purchaser or successor in interest for any breaches of the lease by the tenant. Makes conforming changes to GS 45-21.29 (Orders for possession).

Amends GS 47G-1 to clarify that the definition for *option contract or contract* does not include a contract obligating a buyer to purchase the property even though the obligation may be subject to one or more contingencies or unilateral rights to terminate the contract.

Amends GS 47G-2 to clarify when an instrument is deemed ineffective.

Amends GS 47G-3 to provide that the provisions of GS Chapter 42 apply to covered lease agreements unless otherwise specified in GS Chapter 47G.

Amends GS 47G-5 to provide that the judgment in an action to recover possession of the real property does not prejudice either party in a subsequent action for monetary damages or other remedies.

Amends GS 47G-7 (regarding remedies available to an option purchaser under GS Chapter 47G) and GS 47H-8 (regarding remedies available to a purchaser under GS Chapter 47H) to delete provisions that a violation of any provision of GS Chapter 47G or GS Chapter 47H is an unfair and deceptive trade practice under GS 75-1.1. Makes conforming changes to GS 75-120.

Adds a new subsection (b) to GS 47G-7 to provide that an option seller may initiate an action for eviction (summary ejection) under GS Chapter 42 if an option purchaser defaults on the lease agreement terms. Provides that the magistrate retains jurisdiction over the summary ejection proceeding. Permits the option purchaser to counterclaim for damages in any summary ejection proceeding.

Amends GS 47H-2 to minimize and clarify the contents for a contract for deed.

Amends GS 75-121 to provide that the fair market value of a property covered under the exceptions for foreclosure rescue transactions may be determined by a certified appraiser (was, a licensed appraiser). Requires that an appraisal to determine fair market value be performed no more than 120 days (was, 90 days) before the transfer of the property and be delivered to the transferor no less than seven days before the time that the transferor is obligated to perform the agreement.

Becomes effective October 1, 2015, and applies to upset bids, orders for possession, and transactions entered into on or after that date.

Intro. by Stam.

[GS 42, GS 45, GS 47G, GS 47H, GS 75](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

H 176 (2015-2016) [CITIZENSHIP TEST](#). Filed Mar 9 2015, *AN ACT TO REQUIRE ALL HIGH SCHOOL STUDENTS TO TAKE THE CIVICS PORTION OF THE NATURALIZATION TEST USED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES*.

Amends GS 115C-81(g) as the title indicates. Adds new subdivision (4a) to the civic literacy requirements of the state's basic education program as provided in GS 115C-81 to require that the 100 questions from the civics portion of the United States Citizenship and Immigration Services naturalization test be administered as a component of a social studies test required for high school graduation. Prohibits more than 10 percent of a student's grade in a social studies course being based on the results of the test.

Applies beginning with the 2015-16 school year.

Intro. by Steinburg.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 178 (2015-2016) [SPIRITUOUS LIQUOR TASTINGS/ABC STORES](#). Filed Mar 9 2015, *AN ACT TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT ABC STORES*.

Identical to [S 171](#), filed 3/4/15.

Amends Article 8 of GS Chapter 18B by enacting new GS 18B-800.1, which permits the tasting of spirituous liquor at ABC stores. For the purposes of this statute, defines *permit holder* to mean the person who holds (1) a distillery permit issued under GS 18B-1105, (2) a distiller broker representative permit, or (3) a distiller representative permit.

Authorizes a local board (a city or county ABC board, or local board created pursuant to the provisions of GS 18B-703) to allow a permit holder to hold a consumer tasting event at any ABC store within the local board's system under 16 specified conditions as provided in subsection (b) of new GS 18B-800.1. Those conditions: (1) require the permit holder to conduct the consumer tasting event and to be solely responsible for any violations of GS Chapter 18B that occur in connection with the tasting event, (2) set age restrictions for servers of spirituous liquor at the event, (3) limit the amount of the tasting sample served to consumers, (4) prohibit providing tasting samples to any visibly intoxicated consumer, (5) prohibit serving any tasting samples to any person under the legal age for consuming spirituous liquor, and (6) prohibit the permit holder from charging a consumer for any tasting sample. Provides additional criteria that must be met and conditions adhered to by permit holders conducting consumer tastings of spirituous liquor. Provides that any additional conditions imposed by the local board must be in writing and posted at the local board's administrative offices and at all ABC stores within the local board's system.

Prohibits a permit holder from offering consideration to the local board, its board members, or its employees for any purpose related to the consumer tasting event, except as otherwise provided under this statute. Prohibits permit holders from using a consumer tasting event to make unlawful inducements to a local board.

Makes conforming changes to GS 18B-301 and GS 18B-1105(a).

Intro. by J. Bell, Jeter, Malone, Carney.

GS 18B

[View summary](#)

Alcoholic Beverage Control

H 179 (2015-2016) **FORM OF GOVT. CHANGES BY REFERENDUM ONLY**. Filed Mar 9 2015, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REQUIRE THAT ALL CHANGES MADE BY THE GENERAL ASSEMBLY TO THE FORMS OF GOVERNMENT AND ELECTORAL DISTRICT BOUNDARIES FOR COUNTIES, CITIES, AND SCHOOL BOARDS SHALL BE BY REFERENDUM ONLY, AND TO PROVIDE THAT ALL CHANGES MADE BY CITY GOVERNING BOARDS TO THE CITY'S FORM OF GOVERNMENT SHALL BE BY REFERENDUM ONLY.*

Amends Section 1 of Article VII of the NC Constitution to provide that the General Assembly cannot alter or change the form, structure, or electoral district boundaries of a county governing board, city governing board, or local board of education unless such alterations are submitted for the approval of the voters of the specified geographic area affected in a referendum for that sole purpose. Requires that the amendment to the NC Constitution as provided above is to be submitted to the voters of NC at the statewide primary election on May 8, 2016. Provides for approval if a majority of votes cast are in favor of the amendment.

Makes the following changes only if the constitutional amendment is approved.

Enacts new GS 120-29.6 to provide that General Assembly acts that alter or change the form, structure, or electoral district boundaries of a county governing board, city governing board, or local board of education are to be submitted for the approval of the voters of the specified geographic area affected in a referendum for that sole purpose.

Amends GS 160A-101 to provide that cities can only change its name or alter its form of government by calling a referendum. Adds language that any change under GS 160A-101 is subject to approval by referendum and only effective after such a vote. Deletes language which referred to initiative petitions for altering single member electoral districts. Requires the drawing of district boundaries and apportionment of members to the district to be approved by a vote in a referendum. Makes conforming changes.

Amends GS 160A-102 to provide that changes to any optional form in government as set out in GS 160A-101 are only allowed if approved by a vote of the people by referendum. Makes technical and conforming changes.

Repeals GS 160A-103, Referendum on charter amendments by ordinance, and GS 160A-104, Initiative petitions for charter amendments.

Amends GS 160A-23.1(b) making conforming changes.

Intro. by Harrison, R. Johnson.

[CONST, GS 120, GS 160A](#)

[View summary](#)

[Constitution, Government, General Assembly, Local Government](#)

H 180 (2015-2016) [LEGISLATIVE 4-YEAR TERMS](#). Filed Mar 9 2015, *AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY*.

Amends Section 2 of Article II of the NC Constitution to provide that the NC Senate will be composed of 50 Senators elected by ballot every four years. Also provides in Section 4 that the NC House will be composed of 120 Representatives elected by ballot every four years. Amends Section 8 of Article II of the NC Constitution to provide that the election for respective districts will occur in 2020 and after that every four years. Amends Section 7(3) of Article III of the NC Constitution to provide that office vacancies by any of the officers specified in this section will be filled by election at the first statewide election for members of the US House of Representatives (was, when members of the General Assembly are elected). Amends Section 9(3) of Article IV of the NC Constitution to provide that elections for the office of the clerk of the superior court for each county will be at the same time and places as statewide elections for the US House of Representatives (was, when members of the General Assembly are elected). Amends Section 18(1) of Article IV of the NC Constitution to provide elections for the office of district attorney for each district across North Carolina will be at the same time and places as statewide elections for the US House of Representatives (was, when members of the General Assembly are elected). Amends Section 19 of Article IV of the NC Constitution to provide that vacancies in the NC Judicial Branch will be filled by appointment by the Governor and those appointed will hold their offices until the next statewide election for members of the US House of Representatives (was, until the next election for members of the General Assembly). Amends Section 2 of Article VII of the NC Constitution to provide that in each county a sheriff will be elected at the same time and place as members of the US House of Representatives (was, when members of the General Assembly are elected). Provides for the changes presented here to be voted on by the people of North Carolina in the November 2016 general election. Presents the language that will be placed on the ballot to be considered. If amendments are approved, changes become effective with members elected in 2020.

Amends Sections 15 and 14 of Article II of the NC Constitution to limit service as speaker of the House of Representatives and president pro tempore to no more than two consecutive regular sessions of the General Assembly. Directs that both of the proposed amendments be submitted to the qualified voters of the state at the November 2016 general election with a "for" or "against" question presented on the ballot regarding the constitutional amendments providing that the speaker and the president pro tem may not serve more than two terms. Provides that if the majority vote is in favor of the proposed amendments that (1) the State Board of Elections is to certify the amendments to the secretary of state and (2) the amendments become effective upon the convening of the next General Assembly on or after January 1, 2021. Prohibits service as speaker or president pro tem prior to January 1, 2021, from being considered for purposes of the proposed amendments.

Intro. by Warren, Hardister, Malone, Glazier.

[CONST](#)

[View summary](#)

[Constitution, Government, General Assembly](#)

H 181 (2015-2016) [CHARTER SCHOOL GRADE LEVEL EXPANSION](#). Filed Mar 9 2015, *AN ACT TO AUTHORIZE GRADE LEVEL EXPANSION IN CHARTER SCHOOLS IN AREAS MEETING CERTAIN CRITERIA TO MEET THE NEEDS OF RAPIDLY GROWING POPULATIONS NEAR MILITARY INSTALLATIONS.*

Identical to [S 176](#), filed 3/4/15.

Authorizes a charter school, which opened an elementary school in the 2014-15 school year, to expand the school to include a middle school serving grade six for the 2015-16 school year providing that the charter school is located in a county that meets all of the following criteria: (1) the county is adjacent to a county with a major military installation, as defined in GS 143-151.71; (2) the county has a population greater than 100,000, as verified by the 2010 US Census; and (3) there has been more than an 8 percent change in the county's population since the 2010 Census, as determined by the US Census Bureau.

Intro. by Lewis.

UNCODIFIED

[View summary](#)

[Education, Elementary and Secondary Education](#)

PUBLIC/SENATE BILLS

S 60 (2015-2016) [NO CONTACT ORDER/NO EXPIRATION](#). Filed Feb 10 2015, *AN ACT TO PROVIDE THAT A NON-EXPIRING, PERMANENT CIVIL NO-CONTACT ORDER MAY BE ISSUED AGAINST A SEX OFFENDER ON BEHALF OF THE CRIME VICTIM AND TO ESTABLISH THE PROCEDURE FOR OBTAINING SUCH AN ORDER.*

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

Enacts new GS 50D-9, Recission, providing that after the issuance of an order, the victim can make a motion to rescind the permanent no-contact order. Allows the court to rescind the permanent no-contact order if the court determines that reasonable grounds for the victim to fear any future contact with the respondent no longer exist.

Further requires the Administrative Office of the Courts to amend the Rules of Recordkeeping to require the Clerk of Superior Court to retain the records of an action filed under GS Chapter 50D.

Intro. by Bingham.

GS 50D

[View summary](#)

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

S 199 (2015-2016) [FUNDS DEPOSITED WITH CLERK OF COURT](#). Filed Mar 9 2015, *AN ACT TO INCREASE THE AMOUNT OF FUNDS IN A SINGLE ACCOUNT ON DEPOSIT WITH THE CLERK OF SUPERIOR COURT ABOVE WHICH THE EXCESS MUST BE INVESTED PURSUANT TO STATUTORY REQUIREMENTS.*

Amends GS 7A-112(b) to require Clerks of Superior Court to invest funds that exceed \$5,000 in a single account within 60 days of receipt when it is reasonably expected that the money will remain on deposit with the clerk for more than six months from date of receipt (previously, required funds in excess of \$2,000 to be invested). Requires that the first \$5,000 (was, first \$2,000) received by a clerk and money in an account totaling less than \$5,000 be invested and administered in accordance with regulations promulgated by the Administrative Officer of the Courts. Makes technical changes.

Intro. by Randleman.

GS 7A

[View summary](#)

[Courts/Judiciary, Court System](#)

S 200 (2015-2016) [ELIMINATE SAFETY INSP./MODIFY EMISSION INSP.](#) Filed Mar 9 2015, *AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION AND TO MAKE CONFORMING STATUTORY CHANGES MADE NECESSARY BY REPEAL OF THAT REQUIREMENT, TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A MANAGEMENT IMPROVEMENT PLAN TO INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.*

Amends Article 3A of GS Chapter 20 by eliminating the requirement that a motor vehicle be subject to a safety inspection. Makes conforming changes to eliminate all provisions referencing or applying to safety inspections in GS Chapter 20. Retains the vehicle emissions inspection program.

Amends GS 20-183.7 to establish fees for an emissions inspection as follows: (1) \$9.13 for a vehicle emissions inspection (was, \$23.75 for emissions and safety) and (2) \$7.27 for the issuance of an electronic inspection authorization (was, \$6.25 for emissions and safety). Deletes the fee for inspecting after-factory tinted windows. Amends subsection (c), which specifies the amounts of the electronic inspection authorization fees, payable to the Division of Motor Vehicles (DMV) that are to be credited to the Highway Fund and the Division of Air Quality of the Department of Environment and Natural Resources (DENR), to modify the amounts of those indicated fees. Eliminates all fees from safety only electronic authorization. Remits \$5.30 of each fee collected for emissions and safety electronic authorization to the Highway Fund and \$1.97 of each fee collected to DENR's Division of Air Quality. Eliminates the fee distributions, resulting from the collection of electronic authorizations for emissions and safety inspections combined, to the Volunteer Rescue/EMS Fund, and the Rescue Squad Worker's Relief Fund. Amends GS 20-183.7(e) to provide that the clear proceeds of all civil penalties, civil forfeitures, and civil fines collected by the Division pursuant to this statute are to be remitted to the Civil Penalty and Forfeiture Fund (was, civil penalties collected are to be credited to the Highway Fund as non-tax revenue).

Above provisions are effective October 1, 2015.

Amends GS 20-87 to add an additional \$1 passenger vehicle registration fee to be distributed as follows: (1) 78¢ to the Highway Fund, (2) 13¢ to the Volunteer Rescue/EMS Fund, and (3) 9¢ to the Rescue Squad Workers' Relief Fund. Amends GS 20-88 to add an additional \$1 property hauling vehicle registration fee to be distributed as follows: (1) 78¢ to the Highway Fund, (2) 13¢ to the Volunteer Rescue/EMS Fund, and (3) 9¢ to the Rescue Squad Workers' Relief Fund. Effective October 1, 2015.

Amends GS 20-122.1 to eliminate the following possible defenses to a charge of operating a motor vehicle with unsafe tires: (1) that a person obtained a certificate from an official safety inspection equipment station within 15 days after the arrest; (2) that the tires had been made to conform to the requirements of the statute; or (3) that the vehicle had been sold, destroyed, or permanently removed from the highways.

Requires that the DMV, with the assistance of the Department of Environment and Natural Resources, Division of Air Quality, develop and implement a management improvement plan for the Motor Vehicle Emission Inspection program to increase efficiency, reduce costs, and improve customer service. Specifies information to be included in the plan, including that it meets both federal and state reporting requirements. Requires the DMV to present the plan to the Joint

Legislative Transportation Oversight Committee and the Joint Environment and Natural Resources Oversight Committee by December 31, 2015.

Makes a conforming change to GS 20-127(d) (window tinting violations).

Amends GS 58-88-5(a) to provide that the revenue credited to the Rescue Squad Workers' Relief Fund (Relief Fund) consists of revenue credited to it under GS 20-87 and GS 20-88 and is to be used for the purposes set out in Article 88 of GS Chapter 58, which creates the Relief Fund.

The DMV must also report annually to the Joint Legislative Transportation Oversight Committee by January 15 of each year on the prior fiscal year and include recommendations on legislation to improve the program.

Requires the Fiscal Research Division to conduct a fiscal review of the Motor Vehicle Emissions Inspection program. Specifies factors to be reviewed. Requires the Fiscal Research Division to report to the Joint Legislative Transportation Oversight Committee, the Joint Environment and Natural Resources Oversight Committee, the Joint Program Evaluation Oversight Committee, and the Program Evaluation Division by May 1, 2016.

Effective when the act becomes law unless otherwise noted.

Intro. by Randleman, Tarte, Bingham.

[STUDY, GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, General Assembly, State Agencies, Department of Transportation, Transportation](#)

S 202 (2015-2016) [REENACT PRESERVATION REHAB TAX CREDITS](#). Filed Mar 9 2015, *AN ACT TO REENACT THE REHABILITATION TAX CREDITS*.

Reenacts Article 3H, Mill Rehabilitation Tax Credit, of Subchapter I of GS Chapter 105 as it existed immediately before its repeal and makes the following changes. Extends the sunset of the Article to January 1, 2021 (was, 2015). Applies to rehabilitation projects for which an application for eligibility certification is submitted on or after the date that this Part of the act becomes law.

Reenacts Article 3D, Historic Rehabilitation Tax Credit, of Subchapter I of GS Chapter 105 as it existed immediately before its repeal and makes the following changes. Extends the sunset of the Article to January 1, 2021 (was, 2015). Applies to qualified rehabilitation expenditures and rehabilitation expenses incurred on or after the date that this Part of the act becomes law.

Intro. by

[GS 105](#)

[View summary](#)

[Government, Tax](#)

S 204 (2015-2016) [REENACT FILM CREDIT](#). Filed Mar 9 2015, *AN ACT TO REENACT THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY*.

Reenacts GS 105-151.29 and GS 105-130.47, individual and corporate income tax credits for qualifying expenses of a production company, as they existed immediately before repeal and makes the following changes. Extends the sunset of the statutes to January 1, 2021 (was, 2015). Applies to qualifying expenses occurring on or after January 1, 2015.

Intro. by

[GS 105](#)

[View summary](#)

Government, Tax

S 205 (2015-2016) [WC/TRUCK DRIVERS' STATUS](#). Filed Mar 9 2015, *AN ACT TO AMEND THE WORKERS' COMPENSATION ACT CONCERNING THE STATUS OF TRUCK DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS*.

Amends GS 97-19.1, concerning truck, tractor, or truck tractor driver's status as employee or independent contractors, replacing language referring to various licensing agencies with a reference to motor carriers as defined in GS 20-4.01(21b).

Amends language regarding liability as an employer for compensation for injuries or death, adding new language that provides that principal contractors, intermediate contractors, or subcontractors are not liable for such when (1) they contract with an independent contractor who owns or leases the vehicle providing service, (2) the independent contractor personally operates or hires and pays the personnel operating the vehicle, and (3) the independent contractor is covered under an occupational accident policy either issued to the independent contractor or motor carrier.

Enacts provisions that allow a motor carrier and an independent contractor meeting the specified criteria to enter into a mutual agreement in writing that provides that an independent contractor and its employees are covered by the motor carrier's workers' compensation insurance policy or self-insurance and would be deemed employees of the motor carrier for workers' compensation only. Specifies other allowances and limitations regarding the mutual agreement.

Enacts provisions that define *occupational accident insurance* for the purposes of this statute. Requires that occupational accident policies or workers' compensation policies be purchased from an insurance company that has an AM Best "A" rating to satisfy the specified requirements.

Deletes provisions concerning the insuring of independent contractors under a blanket policy as well as provisions concerning reimbursement for the cost of such coverage.

Intro. by B. Jackson, Brown.

[GS 97](#)

[View summary](#)

Employment and Retirement

S 206 (2015-2016) [APPROPRIATIONS ACT OF 2015](#). Filed Mar 9 2015, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES*.

Blank bill.

Intro. by B. Jackson, Brown, Harrington.

[APPROP](#)

[View summary](#)

Government, Budget/Appropriations

S 207 (2015-2016) [AGGRAVATING FACTOR/VIOLENT ACT BEFORE MINOR](#). Filed Mar 9 2015, *AN ACT TO MAKE IT AN AGGRAVATING FACTOR TO COMMIT A VIOLENT FELONY THAT A DEFENDANT REASONABLY SHOULD KNOW IS BEING WITNESSED BY A CHILD WHO IS LESS THAN SIXTEEN YEARS OLD AND TO PROVIDE THAT THE INCREASED PENALTY FOR A MISDEMEANOR ASSAULT COMMITTED IN THE PRESENCE OF A MINOR MAY BE IMPOSED WHEN THE MINOR WAS IN A POSITION TO SEE OR HEAR THE COMMISSION OF THE MISDEMEANOR OFFENSE*.

Identical to [H 167](#), filed 3/5/15.

Amends GS 15A-1340.16 to add to the list of aggravating factors that can be considered in determining whether to impose an aggravated sentence, that it is an aggravating factor when a defendant commits a violent offense and knows or reasonably should know that a person under the age of 16 who was not involved in the commission of the offense was in a position to see or hear the offense.

Amends the definition of in the presence of a minor as used in GS 14-33(d), concerning misdemeanor assault in the presence of a minor to mean that the minor was in a position to see or hear the assault (was, minor was in the position to have observed the assault).

Effective December 1, 2015, applying to offenses committed on or after that date.

Intro. by

[GS 14, GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure](#)

LOCAL/HOUSE BILLS

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

House committee substitute makes the following changes to the first edition.

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

Intro. by Riddell, S. Ross.

[Alamance](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\)](#)

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

House committee substitute to the 1st edition changes the effective date of this act, which annexes all of the Holly Brook subdivision, Phases 1, 2, and 3, except a specified area, into the corporate limits of the Town of Cary, to June 30, 2015 (was, July 1, 2015).

Intro. by Dollar.

[Wake](#)

[View summary](#)

H 175 (2015-2016) [SCHOOL CALENDAR FLEX./GASTON COUNTY SCHOOLS](#). Filed Mar 9 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE GASTON COUNTY BOARD 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 of public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided in GS 115C-84.2(d). Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

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

Intro. by Torbett.

[Gaston](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 177 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN LEAS](#). Filed Mar 9 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO 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 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 opening and closing dates for public schools. Provides that a student who is absent from school before September 1 due to a family vacation is to receive an excused absence and be given an opportunity to make up tests or any other work that is missed.

This act applies only to the Camden County, Currituck County, Edenton-Chowan, Elizabeth City-Pasquotank, Perquimans County, and Tyrell County school administrative units beginning with the 2015-16 school year.

Intro. by Steinburg.

[Camden, Chowan, Currituck, Pasquotank, Perquimans, Tyrell, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

LOCAL/SENATE BILLS

S 201 (2015-2016) [36TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 9 2015, *AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT*.

Blank bill.

[View summary](#)

S 203 (2015-2016) [WINSTON-SALEM/SIMULTANEOUS COMMUNICATIONS](#). Filed Mar 9 2015, *AN ACT TO CLARIFY HOW PUBLIC BODIES IN THE CITY OF WINSTON-SALEM MAY CONDUCT BUSINESS DURING MEETINGS INVOLVING SIMULTANEOUS COMMUNICATION.*

Amends GS 143-318.13 to allow public bodies in Winston-Salem to conduct official meetings with *simultaneous communication* (defined in GS 143-318.10 to mean any communication by conference telephone or electronic means). Requires rules of procedure that govern the meeting to be adopted by the body before conducting an official meeting with simultaneous communication. Sets out five issues that must be addressed by the rules, including the means by which the public can listen to or watch the meeting. Requires a member of the public body participating from a remote location by simultaneous communication to be counted as present for quorum purposes, and requires all votes of members made during an official meeting with simultaneous communication to be counted as if the members were physically present at the official meeting if all specified nine conditions are met, including: the members of the public body participating from a remote location by simultaneous communication can hear what is said by the other members of the public body and by any individual addressing the public body, the vote of the members participating in the public meeting from a remote location by simultaneous communication is not participating by electronic mail, and no written ballots are taken at the official meeting with members participating from a remote location by simultaneous communication. Provides that the chair, mayor pro tempore, or presiding officer of the public body participating from a remote location by simultaneous communication retains the same voting rights he or she has when presiding. The quorum and meeting provisions do not apply if the official meeting is an emergency meeting.

Deletes the provision concerning a \$25 per listener fee charged when providing a location and means for the public to listen to an official meeting of a public body meeting via conference call or other electronic means.

Requires a public body holding an official meeting by use of simultaneous communication to provide a location and means whereby members of the public may listen to the official meeting and requires the notice of the official meeting that is required to specify that location.

Requires the ballots to be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that official meeting (was, meeting) are approved.

Prohibits the members of a public body from acting on any matter by reference to a letter, number, or other designation or other secret device or method with the intention of making it impossible for persons attending an official meeting (was, a meeting) of the public body to understand what is being deliberated, voted, or acted upon.

Effective October 1, 2015, and ratifies any vote taken by a public body in the City of Winston-Salem that included a member voting by simultaneous communication by conference telephone or other electronic means before that date.

[View summary](#)

PUBLIC BILLS

H 31: 0.00 ALCOHOL RESTRICTION-ALL DWI.

House: Passed 2nd Reading

H 41: REVENUE LAWS TECHNICAL CHANGES.

House: Passed 2nd Reading

H 44: CITIES/OVERGROWN VEGETATION NOTICE.

House: Reptd Fav

House: Re-ref Com On Regulatory Reform

H 55: PUBLIC EXHIBIT OF FIREWORKS/NCSU.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

H 71: CLARIFY COUNTY COMM OATH FILING.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

H 117: NC COMPETES ACT.

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 160: STEEL MANUFACTURING SLAG.

House: Passed 1st Reading

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

H 161: ADOPT STATE CAT.

House: Passed 1st Reading

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

H 162: SUDDEN CARDIAC ARREST PREVENTION/STUDENTS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Health

H 163: CAPTIVE INSURANCE AMENDMENTS.

House: Passed 1st Reading

House: RefTo Com On Insurance

H 164: SCHOOL CALENDAR FLEXIBILITY.

House: Passed 1st Reading

House: RefTo Com On Education - K-12

H 165: STRENGTHEN CONTROLLED SUBSTANCES MONITORING.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Judiciary II

H 166: EQUAL RIGHTS AMENDMENT.

House: Passed 1st Reading

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

H 167: AGGRAVATING FACTOR/VIOLENT ACT BEFORE MINOR.

House: Passed 1st Reading

House: Ref To Com On Judiciary II

H 168: EXEMPT BUILDERS' INVENTORY.

House: Passed 1st Reading

House: Ref To Com On Finance

H 169: LIMIT MOTOR VEHICLE EMISSIONS INSPECTIONS.

House: Passed 1st Reading

House: Ref To Com On Transportation

H 170: HANDICAPPED PARKING WINDSHIELD PLACARD.

House: Passed 1st Reading

House: Ref To Com On Transportation

House: Serial Referral To Finance Added

H 171: MODIFY FILM GRANT FUND.

House: Passed 1st Reading

House: Ref To Com On Finance

H 172: FRACKING-PROTECTING THE PUBLIC.

House: Filed

H 173: OMNIBUS CRIMINAL LAW BILL.

House: Filed

H 174: LANDLORD/TENANT-FORECLOSURE & EVICT. CHANGES.

House: Filed

H 176: CITIZENSHIP TEST.

House: Filed

H 178: SPIRITUOUS LIQUOR TASTINGS/ABC STORES.

House: Filed

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

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Failed Concur In H Com Sub

S 37: WAIVE TUITION/FALLEN OFFICER WAS GUARDIAN.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 60: NO CONTACT ORDER/NO EXPIRATION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 82: VITAL RECORDS INTEGRITY ACT.

Senate: Reptd Fav

S 187: AIR CARRIER FUEL TAX EXEMPTION.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 188: ADJUST CAP ON TURNPIKE PROJECTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 189: APPROPRIATIONS ACT OF 2015.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 190: MODERNIZE PHYSICAL THERAPY PRACTICE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 191: DARE MAGISTRATE FUNDS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 192: CITATIONS/SHERIFFS ACCEPT FAXES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 193: MODIFY FILM GRANT FUND.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 194: PORT USAGE CONTRACTS/PUBLIC RECORDS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 195: MOTOR VEHICLE SERVICE AGREEMENT AMENDMENTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 197: ALLOW SUBSTITUTION OF BIOSIMILARS.

Senate: Passed 1st Reading

Senate: RefTo Com On Health Care

S 198: PERSONS UNDER 18 IN CONFINEMENT FACILITIES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 199: FUNDS DEPOSITED WITH CLERK OF COURT.

Senate: Filed

S 200: ELIMINATE SAFETY INSP./MODIFY EMISSION INSP.

Senate: Filed

S 202: REENACT PRESERVATION REHAB TAX CREDITS.

Senate: Filed

S 204: REENACT FILM CREDIT.

Senate: Filed

S 205: WC/TRUCK DRIVERS' STATUS.

Senate: Filed

S 206: APPROPRIATIONS ACT OF 2015.

Senate: Filed

S 207: AGGRAVATING FACTOR/VIOLENT ACT BEFORE MINOR.

Senate: Filed

LOCAL BILLS

H 43: WINSTON-SALEM/PARKING METERS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

H 58: ALAMANCE COUNTY SHERIFF/FOOD PURCHASES.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

H 73: CARY ANNEXATION.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 175: SCHOOL CALENDAR FLEX./GASTON COUNTY SCHOOLS.

House: Filed

H 177: SCHOOL CALENDAR FLEXIBILITY/CERTAIN LEAS.

House: Filed

S 196: 19TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 201: 36TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 203: WINSTON-SALEM/SIMULTANEOUS COMMUNICATIONS.

Senate: Filed