

The Daily Bulletin: Tuesday, March 10, 2015

PUBLIC/HOUSE BILLS

H 19 (2015-2016) [WAIVE TUITION/FALLEN OFFICER WAS GUARDIAN](#). Filed Jan 28 2015, *AN ACT TO PROVIDE THAT THE TUITION WAIVER FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR RESCUE SQUAD WORKERS AND CERTAIN OTHERS ALSO APPLIES TO CHILDREN WHOSE LEGAL GUARDIANS OR LEGAL CUSTODIANS ARE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR RESCUE SQUAD WORKERS.*

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

Changes the long title.

Makes clarifying changes providing that the tuition waiver for persons whose parents or legal guardians were law enforcement officers, firefighters, rescue workers, and other specified individuals also applies to persons whose legal custodians served in the above noted capacities.

Makes technical and conforming changes.

Amends GS 115B-5(b) to require verification of the legal guardian or legal custodian-child relationship by an order from a court proceeding that established the relationship (was, by documentary evidence deemed appropriate). Makes a technical correction.

Amends GS 115B-5(c) and GS 115B-5.1, concerning tuition waivers and scholarship values, making updates to statute references.

Intro. by C. Graham.

[GS 115B](#)

[View summary](#)

[Education, Higher Education](#)

H 102 (2015-2016) [UTILITY VEHICLES/LAW ENFORCEMENT](#). Filed Feb 23 2015, *AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS, EMERGENCY PERSONNEL, AND CERTAIN MUNICIPAL AND COUNTY EMPLOYEES TO OPERATE UTILITY VEHICLES ON SOME PUBLIC HIGHWAYS.*

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

Makes a technical correction.

Adds the town of Enfield to the list of towns that GS 20-171.24 (motorized all terrain vehicle use by employees of listed municipalities and counties on certain highways) applies to.

Intro. by Davis.

[Halifax, New Hanover, GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, Public Safety, Local Government, Transportation](#)

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

Part II.

Amends GS 130A-290, definitions for Article 9, Solid Waste Management, defining steel slag as a product of the electric arc furnace steelmaking process that is sold and distributed in the stream of commerce for consumption and use and managed as an item of commercial value in a controlled way.

Amends GS 130A-309.05 concerning regulated wastes to add language that provides that materials that are accumulated speculatively, as specified, do not qualify as a recovered material and are subject to regulation as solid waste. Provides that in order to qualify as a recovered material, the material must be managed as a valuable commodity in a manner consistent with the desired use or end use and must meet the specified four conditions. Amends the first condition to be that 75%, by weight or volume, of the recovered material stored at a facility at the beginning of a calendar year commencing January 1 must be removed from the facility through sale, use, or reuse by December 31 of the same year (previously, required a majority of the material to be sold, used, or reused within one year). Adds new requirement that recovered material cannot contain significant concentrations of foreign constituents that render it unserviceable or inadequate for sale or its intended use or reuse.

Amends GS 130A-294 by adding two new subsections concerning the solid waste management program, providing that construction and demolition debris, as well as garbage, diverted from the waste stream or collected as source separated material is subject to a solid waste permit for transfer, treatment, and processing in a permitted solid waste management facility.

Amends GS 130A-309.131, the definitions for use in Part 2G, Plastic Bag Management, updating definitions concerning computers, deleting separate definitions for a notebook or desktop computer. Adds new definition for an electronic device.

Enacts new GS 130A-309.142, Registration of facilities recovering or recycling electronics required, providing that facilities that recover or recycle covered devices or other electronic devices diverted from the waste stream for transfer, treatment, or processing must register annually with the Department of Health and Human Services on or before August 1 of each year.

Amends GS 130A-309.82 to provide that a county must use the proceeds of the tax distributed to it under Article 5C of GS 105 for the management of discarded white goods and electronic devices, as defined in GS 130A-309.131 (previously, only required counties to use the proceeds to discard white goods). Deletes language that referred to the cleanup of illegal disposal sites consisting of more than 50% discarded white goods and the cleanup of the white goods in disposal sites where white goods compose less than 50% of the waste. Makes conforming changes. Effective July 1, 2015.

Part III.

Amends GS 130A-309.201(7) providing that Commission in Part 2 I, Coal Ash Management Act of 2014, means the Coal Ash Management Commission (previously, Commission meant the Environmental Management Commission).

Enacts new GS 130A-309.205(a1) which provides that "Commission," for use in this statute, means the Environmental Management Commission.

Amends GS 130A-309.220(a)(6) to provide that the term Commission refers to the Environmental Management Commission.

Amends Section 3(c) of SL 2014-122, correcting a reference to GS 130A-309.204 to GS 130A-309.211.

Amends Section 3(f) of SL 2014-122, deleting language that required the first report due under GS 130A-309.210 to be due on November 1, 2014.

Amends Section 4(b) of SL 2014-122, making a technical change.

Amends Section 4(f) of SL 2014-122 to provide that the section, once it became effective, applies to the use of coal combustion products as structural fill contracted for on or after that date (was, coal combustion residuals as structural fill). Effective retroactively to September 20, 2014, and applies to the use of coal combustion products as structural fill contracted for on or after that date.

Amends GS 143-215.1(k), concerning sources of water pollution, changing references to the Director or the Director's designee to Secretary, meaning the Secretary of Environment and Natural Resources.

Amends GS 62-302.1, making clarifying changes providing that in subsection (c) and (d), "Commission" refers to the Coal Ash Management Commission.

Amends GS 113-415 concerning conflicting laws, replacing a reference to the Environmental Management Commission with the Commission for Public Health.

Part IV.

Amends the following statutes: GS 143-214.8, 143-214.9, 143-214.10, 143-214.11, 143-214.12, 143-214.13, and 143-214.14, changing the name of the Ecosystem Enhancement Program to the Division of Mitigation Services.

Part V.

Amends GS 113B-3 to provide that the membership of the Energy Policy Council can include: (1) the Secretary of Environment and Natural Resources designee instead of the Secretary; (2) the Secretary of Commerce designee instead of the Secretary; and (3) the Lieutenant Governor's designee instead of the Lieutenant Governor. Requires a Council member to be automatically removed for failing to attend three successive Council meetings without just cause. Gives the Governor the power to remove any member of the Council from office for misfeasance, malfeasance, or nonfeasance.

Part VI.

Amends GS 113-391(a3) to require the Environmental Management Commission, after considering recommendations from the Mining and Energy Commission, to adopt rules for the regulation of toxic air emissions from drilling if it determines that the state's air toxics program or any federal regulations governing toxic air emissions from drilling operations are inadequate to protect the public health, safety, welfare, and the environment (previously, did not require a determination of inadequacy to regulate such toxic air emissions). Effective retroactively to July 2, 2012.

Part VII.

Includes a severability clause.

Intro. by McElraft, Catlin.

[GS 62](#), [GS 74](#), [GS 113](#), [GS 113B](#), [GS 130A](#), [GS 143](#)

[View summary](#)

**[Environment](#), [Energy](#), [Government](#), [State Agencies](#),
[Department of Environment and Natural Resources](#),
[Health and Human Services](#), [Health](#), [Public Health](#)**

H 182 (2015-2016) [PROPERTY INSURANCE FAIRNESS](#). Filed Mar 10 2015, *AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF PROPERTY INSURANCE RATE MAKING IN NORTH CAROLINA BY REQUIRING THAT CERTAIN PROPERTY INSURANCE DATA BE MADE AVAILABLE TO THE PUBLIC; BY PROVIDING THE COMMISSIONER WITH THE AUTHORITY TO ORDER A DECREASE IN RATES IN A PROPERTY INSURANCE RATE-MAKING PROCEEDING; BY*

PROVIDING THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION THE AUTHORITY TO HAVE ISSUED TAX-EXEMPT BONDS TO COVER LOSS-RELATED LIABILITIES; BY REFORMING CONSENT TO RATE PRACTICES; BY REQUIRING THAT CATASTROPHE MODELING USED FOR PROPERTY RATE-MAKING PURPOSES MORE ACCURATELY REFLECT POTENTIAL IMPACTS IN NORTH CAROLINA; AND BY CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PROPERTY INSURANCE RATE MAKING.

Part I.

Part I.

Amends GS Chapter 58 by creating new Part 10 (Property Insurance Rate Clarity). Provides that each insurer authorized to conduct property insurance business in North Carolina, the NC Insurance Underwriting Association, and the NC Joint Underwriting Association must annually submit to the Department of Insurance (Department) computations of the total amount of direct incurred losses, the number of policies in force, and the direct earned premiums for the prior calendar year, including policies written or serviced under GS Chapter 58, Articles 45 and 46. This information will be reported by rate territory and by type of property insurance policy. Provides that for this Part, property insurance also includes condo insurance, dwelling fire policies, renter's or tenant's insurance, and mobile home and manufactured housing property insurance.

Also requires each insurer authorized to conduct homeowners insurance in North Carolina to annually submit to the Department the total amount of direct incurred losses and the number of policies in force, by rate territory, for the prior calendar year for perils including fire, wind and hail, and all other perils.

Requires each insurer authorized to transact property insurance in North Carolina to provide information required pursuant to GS 58-10-705(a) for calendar years 2009 through 2014. Based on this information, the Department will compile aggregate totals and post such totals to the Department website no later than December 1, 2015.

Allows the Commissioner of Insurance (Commissioner) to waive, modify, or extend for an additional time period for good cause the reporting requirements imposed by this act when the waiver is requested in writing. Describes what constitutes good cause and how to demonstrate it. Failing to timely comply with the reporting requirements triggers a notice by the Department and any delay in complying past the 90th day after notice and hearing will require an insurer to pay a civil penalty of \$2,500 per month to the Commissioner until the date of compliance. Establishes that information reported to the Department pursuant to this act is considered a trade secret, as found in GS 66-152, and will be treated as confidential information.

The above changes are effective when the act becomes law, with any any current year requirements applying to the 2015 and subsequent calendar years.

Part II.

Amends GS 58-36-20, establishing that in the event the Commissioner finds that the proposed rates are excessive, the Commissioner will issue an order disapproving the filing and will specify the appropriate rate level that may be used (was, will specify the overall rates that may be used by the members of the Bureau instead of the rates proposed by the Bureau filing).

Part III.

Amends GS Chapter 58 to enact a new Article 45A (Recovery Finance Authority). Provides legislative findings establishing reasons for the Recovery Finance Authority, including the likelihood that one or more hurricanes or catastrophic events could surpass the financial abilities of the NC Insurance Underwriting Association (Association). Provides eight definitions for use in this Article, including *assessment*, *bonds*, and *catastrophe recovery charge*.

Creates the North Carolina Recovery Finance Authority (Authority), constituted as a public agency, located in the Department, with specified powers related to the financing of deficits of the Association due to catastrophic events. Provides for a nine-member board with two members each appointed by the Speaker of the House and the Senate

President Pro Tempore, two members appointed by the Governor, two members appointed by the Association, and one is the Commissioner of Insurance, with the Chair of the Authority to be appointed by the Board. Provides for staggered terms of the initial members and the members thereafter. Provides further requirements for the Authority regarding removal of board members, conflicts of interest and ethics, and compensation. Requires the Authority to create bylaws concerning organizational and administrative matters of the board.

Specifies 18 powers of the Authority, including to invest the proceeds of bonds of the Authority that are pending disbursement or other idle funds and to apply for, accept, and administer loans and grants of money or real or personal property from the United States or any federal agency, the state, or other public or private sources.

Exempts property owned by the Authority from taxation.

Authorizes the issuance of bonds by the Authority as if the Authority was a municipality, with all the powers and protections afforded to municipalities under the State and Local Government Revenue Bond Act. Specifies investment vehicles authorized for use, through contract, by the Authority, including interest rate swap agreements and contracts to exchange cash flows. Specifies provisions for and limitations of entering into such investment contracts. Provides certain obligations of the Authority if the Association requests the issuance of bonds. Provides provisions for and limitations on issued bonds, including that the bonds are not secured by the full faith and credit of the state, that bonds are considered securities in which varied individuals and institutions can invest, and that they are exempt from all state, county, and municipal taxation or assessment.

Amends GS 58-45-47 concerning deficit events, providing that when the Association expects to incur losses and expenses exceeding available surplus or other sources, taking into consideration account sources committed with respect to losses and expenses expected from prior events (previously, did not include clarifying language regarding losses and expenses from prior events), the Association is authorized to issue a nonrecouple assessment on its members. When it is expected that losses incurred will exceed sources of funding, including permissible member assessments, the Association must also immediately give notice to the Authority that a deficit event has incurred. Provides that upon such notice the Association must provide evidence in regards to its estimates of total losses and expenses expected to be incurred within the calendar year and funding amounts available to it. Such evidence and material is required to be available to the Commissioner for review. Provides that upon certification of the deficit event, the Association can determine the appropriate means of financing the deficit, which can include financing from the Authority. Provides and amends permissible actions if it is determined that losses and expenses incurred have risen to the level necessary for the imposition of a catastrophe recovery charge, including the new action that the Association can inform the Authority and the Commission that it will assign specified obligations to pay claims to the Authority and act as agent for the Authority to collect catastrophe recovery charges and direct such amounts to the Authority. Adds new language concerning the Catastrophe Recovery Charge providing that when charged pursuant to this section, it be will a uniform percentage of written premiums as prescribed by the Commissioner, not to exceed an aggregate amount of 10% of the annual policy premium on any one policy of insurance, imposed on policyholders from the Association and the FAIR Plan. Provides for periodic revision of the Catastrophe Recovery Charge as well as provisions concerning the cessation, repayment, and limitations of the Catastrophe Recovery Charge. Makes various technical, organizational, and conforming changes.

Amends GS 120-123 to provide that no member of the General Assembly can serve on the Authority board.

Amends GS 159-81(3) to provide that the financing of deficits by the Authority can be considered a revenue bond project for the purposes pursuant to the section.

Amends GS 159-83 concerning powers associated with revenue bonds, providing that the Authority has the power to contract for the charging of catastrophe recovery charges, including covenanting to make such charged as necessary for the payment of revenue bonds as well as having the power to pledge and assign its rights to the making, revising, receiving, and enforcing such changes for its revenue bonds.

Amends GS 159-89, making conforming changes concerning special covenants of issuers of revenue bonds, providing the Association can enter into agreements to assign obligations to pay claims of amounts in excess of its losses and expenses that exceed available funding to the Authority as well as act as its agent in the recovery of such imposed

charges.

Amends GS 159-90(a)(1) concerning the maturity dates of bonds, providing that maturity dates for bonds issued by the Authority will be related to the structuring of the repayment of proceeds rather than the facilities paid for, with an overall limit of 40 years.

Amends GS 159-93, updating the agreement of the state to not limit or alter the rights vested in the state or any municipality, at the time of issuance of bonds or notes, to include the collection of catastrophe recovery charges.

Amends GS 159-95 concerning the approval of state agencies for certain revenue bond projects, providing that bonds issued by the Authority do not require the approval of the Department of Insurance except to the extent catastrophe recovery charges require action pursuant to GS 58-45-47.

Amends GS 159-96 concerning geographical limitations for enterprises financed by revenue bonds, providing that no such geographical or territorial limitation exists on the use of proceeds of bonds issued by the Authority other than for payment of a deficit related to a catastrophic event affecting property covered under insurance policies issued by the NC Insurance Guaranty Association.

Part IV.

Amends GS 58-36-30 concerning deviations in certain rates established by the Rate Bureau (Bureau), providing that the provisions of subsection (b) only apply to insurance against theft for physical damage to nonfleet private passenger motor vehicles and for loss costs and residual market rate filings for workers' compensation and employers' liability insurance written in connection with those loss costs and rate filings. Enacts new subsection (b1), which applies only to insurance against loss to residential real property with not more than four housing units and provides that a rate in excess of that established by the Bureau can be charged by an insurer on any specific risk if the higher rate is charged pursuant to rules adopted by the Commissioner and is based on sound actuarial principles as well as is charged with the knowledge and written consent of the insured. Includes other provisions concerning this permissible higher rate.

Part V.

Amends GS 58-36-10, concerning the method of rate making and the factors considered, providing that if the Bureau presents any modeled losses with a property insurance rate filing, then it must also present data from more than one catastrophe model. Additionally, the models must be based on maximum load designs as contained in the NC State Building Codes.

Part VI.

Creates the Joint Legislative Study Committee on Property Insurance Rate Making (Committee), consisting of 10 members appointed as specified. Provides three areas that the Committee must study, including the structure, function, and operations of the Rate Bureau and the prevalence and geographic distribution of property insurance policies. Includes provisions concerning the appointment of cochairs and filing of vacancies on the Committee and details the Committee's powers and the staffing for the Committee. Requires the Committee to submit an interim report to the 2015 General Assembly when it reconvenes in 2016, with a final report being submitted to the 2017 General Assembly. After submitting the report the Committee is terminated.

Amends GS 58-45-5(2c), making technical deletions and clarifying changes.

Includes a severability clause.

Unless otherwise noted above, effective July 1, 2015.

Intro. by Millis, Lewis, Hager.

[STUDY, GS 56, GS 58, GS 120, GS 159](#)

[View summary](#)

[Business and Commerce, Insurance, Development, Land Use and Housing, Property and Housing](#)

H 183 (2015-2016) [REPEAL MAP ACT](#). Filed Mar 10 2015, *AN ACT TO REPEAL THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT*.

Repeals Article 2E, "Transportation Corridor Official Map Act," of GS Chapter 136. Makes a conforming change to GS 47-30(l), deleting a reference to Article 2E, repealed in this act. Makes conforming changes, repealing GS 105-277.9 (taxation of real property within certain roadway corridors) and GS 105-277.9A (taxation of improved real property inside certain roadway corridors) effective for taxes imposed for taxable years beginning on or after July 1, 2015.

Makes additional conforming changes repealing the following: subsection (m) of GS 105-296 and GS 160A-458.4 and subsection (c) of GS 161-14.

Directs the Department of Transportation (DOT) to study developing a process for acquiring land for future highway construction that is in accordance with the holding in *Kirby v. North Carolina Department of Transportation*, No. COA14-184 (NC Ct. App. 2015). Requires the DOT to report its findings, recommendations, and any legislative proposals to the Joint Legislative Transportation Oversight Committee no later than six months after this act becomes law.

Except as otherwise indicated, this act is effective when it becomes law and applies to maps filed before, on, or after that date.

Intro. by R. Brown, Conrad, Lambeth.

[GS 47](#), [GS 105](#), [GS 136](#), [GS 160A](#), [GS 161](#)

[View summary](#)

[Government](#), [Tax](#), [Local Government](#), [Transportation](#)

H 184 (2015-2016) [CHANGE DCR PROCESS FOR UNCLAIMED PROPERTY.-AB](#) Filed Mar 10 2015, *AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES, OFFICE OF ARCHIVES AND HISTORY, TO USE THE NET PROCEEDS OF THE SALE OF ARTIFACTS FOR MAINTENANCE OR CONSERVATION OF OTHER ARTIFACTS; TO CLARIFY THE PROCESS FOR TRANSFERRING TITLE OF UNCLAIMED OR UNDOCUMENTED PROPERTY LOANED TO MUSEUMS AND HISTORICAL REPOSITORIES TO THOSE MUSEUMS AND HISTORICAL REPOSITORIES; AND TO SET A TIME LIMITATION ON CONFIDENTIALITY OF RECORDS*.

Amends GS 121-7 (Historical museums) to allow the proceeds of an artifact sale to also be used for the maintenance or conservation of other artifacts in addition to the purchase of artifacts. Requires Department of Cultural Resources (DCR) to maintain and administer historic sites and museums (was, attractions). Allows DCR to place artifacts on loan (was, permanent loan) with approval of the North Carolina Historical Commission.

Deletes GS 121-7(c) and (d), concerning title of an artifact whose owner is unknown or cannot be found and filing a claim of title.

Creates new Article 5 (Museum and Archives Repository Property) in GS Chapter 121. Enacts new GS 121-50 (Legislative findings and declaration), declaring that the constant management of loaned and titled property is a hindrance to the operation of museums and archives. States that the purpose of new Article 5 is to terminate stale claims and fairly and reasonably allocate the determination of title and financial responsibility.

Creates new GS 121-51 (Definitions), providing the terms and definitions to be used in this article, including *address*, *archives repository*, *loan*, *museum*, *property*, and *valid claim*.

Creates new GS 121-52 (Acquisition of title to loaned property), providing that loaned property where the term has expired and at least seven years have passed without written or other contact or the term of the loan did not have an expiration date but at least seven years have passed without contact, the museum or archive may acquire title.

Provides the notice requirements and the process by which the museum or archive may acquire title under this section after seven years of no contact between the lender and the museum or archives repository since the loan was made.

Creates new GS 121-53 (Disputed ownership), which provides that in cases where disputed ownership of loaned property arises, a museum or archive may retain possession of the loaned property and not be held liable for refusing to surrender the loaned property except in reliance on a court order or judgment to release the property. Provides for appeals by a claimant. Prohibits construing that the provisions in this Article convert a loan into a bailment. Provides that all equitable and legal defenses are available to museums and archives repositories in the event of a dispute over ownership.

Enacts new GS 121-54 (Responsibilities of owners of loaned property; representation of ownership) providing that it is the responsibility of the owner of loaned property to notify, in writing, the museum or archives of the owner's identity and current address. Also requires all claimed owners to present evidence of ownership to the museum or archives after all changes in ownership, whether by sale, gift, devise, operation of law, or any other means. Provides additional requirements regarding the responsibilities of owners to provide notice of name and address to a museum or archive repository holding loaned property. Declares that a museum or archives repository is not liable for actions taken in reasonable reliance on the representation of the person who first transfers an item to the museum or archives that he or she is the true owner.

Creates new GS 121-55 (Museum or archives repository's lien for expenses), providing that when the lender of loaned property is known, a museum or archive may charge expenses relating to the reasonable care of the loaned property. If the lender of loaned property is not known, a lien against the value of the property can be placed for reasonable expenses to protect the property.

Creates new GS 121-56 (Acquisition of undocumented property), providing that when a museum or archive is in possession of property and it does not know who the owner is and no one has claimed it within seven years, after the museum or archive follows the notification policy in GS 121-52, it is free and clear from all claims. However, if a museum or archive wishes to do this they still must provide public notice in the manner described in GS 121-52. Provides that the requirements of GS 121-52 and GS 121-53 apply to valid and disputed claims of ownership to undocumented property.

Enacts new GS 121-57 to provide that the provisions of this Article exclusively control the procedure and disposition of any property to which they apply.

Enacts new GS 132-11 to set a time limitation on the confidentiality of records. Provides that regardless of any other provision of law, all restrictions on access to public records expire 100 years after the creation of the record. However, also directs that nothing in this section is to be construed to authorize or require the opening of any record (1) ordered sealed by a state or federal court, except as provided by that court; (2) prohibited from being disclosed under deferral law; or (3) containing detailed plans and drawings of public buildings and infrastructure facilities.

Intro. by R. Brown, Cleveland, Floyd, Riddell.

[GS 121, GS 132](#)

[View summary](#)

[Government, Cultural Resources and Museums, State Agencies, Department of Cultural Resources](#)

H 185 (2015-2016) [REPEAL DCR'S OBSOLETE COMMS & LANGUAGE.-AB](#) Filed Mar 10 2015, *AN ACT TO REPEAL COMMISSIONS WITHIN THE DEPARTMENT OF CULTURAL RESOURCES THAT HAVE SERVED THEIR PURPOSE AND TO REPEAL THE STATUTORY LANGUAGE RELATING TO THE USE OF ALKALINE PAPER FOR PUBLIC DOCUMENTS AND PREVIOUSLY REPEALED COMMISSIONS.*

Makes changes to GS Chapters 125, 143, and 143B as the title indicates.

Intro. by R. Brown, Cleveland, Floyd, Riddell.

GS 125, GS 143, GS 143B

[View summary](#)

Government, State Agencies, Department of Cultural Resources

H 186 (2015-2016) **CAPE FEAR WATER RESOURCES AVAILABILITY STUDY**. Filed Mar 10 2015, *AN ACT TO REQUIRE THE ENVIRONMENTAL RESOURCES COMMISSION TO CONDUCT A STUDY OF WATER RESOURCES AVAILABILITY IN THE CAPE FEAR RIVER BASIN.*

Requires the Environmental Review Commission (ERC), with assistance from the Department of Environment and Natural Resources' (DENR) assistance, to study the aggregate uses of groundwater and surface water in or affecting the Cape Fear River Basin by all users, including, but not limited to, public water systems, industrial facilities, and agricultural operations. Requires the study to include: (1) a summary of the current and 50-year projected water use demands and the available water supplies for those portions of 25 specified counties within the Cape Fear River Basin; (2) an evaluation of the adequacy of currently available supplies to meet the expected long-range needs for all water demands; (3) the identification of potential conflicts among the various users and recommendations for developing and enhancing coordination among users to avoid or minimize those conflicts; and (4) an enhanced review of the portions of the Cape Fear River Basin within Brunswick, New Hanover, and Pender counties addressing the increased demands on groundwater and limited surface water options in that area. Requires the study findings to be included within DENR's Cape Fear River Basin Plan and requires all of the information and any analytical tools used in conducting the study to be made available electronically for public review and use from the Division of Water Resources website. Allows ERC to submit an interim report to the 2016 Regular Session of the 2015 General Assembly and requires a final report of its findings and recommendations to the 2017 General Assembly.

Intro. by Catlin, Szoka, Glazier.

STUDY

[View summary](#)

Environment, Environment/Natural Resources, Government, General Assembly, State Agencies, Department of Environment and Natural Resources

H 187 (2015-2016) **STALKING BY GPS/CRIMINAL OFFENSE**. Filed Mar 10 2015, *AN ACT TO PROVIDE THAT A PERSON COMMITS THE OFFENSE OF CYBERSTALKING IF THE PERSON KNOWINGLY INSTALLS OR PLACES A TRACKING DEVICE WITHOUT CONSENT AND USES THE DEVICE TO TRACK THE LOCATION OF AN INDIVIDUAL.*

Amends GS 14-196.3, as the title indicates. Adds definitions for the following terms as they apply in this statute: *electronic tracking device* and *fleet vehicle*.

Makes it unlawful to knowingly install or place an electronic tracking device without consent, or to cause an electronic tracking device to be installed without consent, and use the electronic device to track the location of any person. Specifies that these provisions do not apply to the installment, placement, or use of an electronic tracking device by any of the following: (1) law enforcement, judicial officer, probation or parole officer, employee of the Division of Corrections, Department of Public Safety when the person is engaged in the performance of official duties in accordance with state or federal law; (2) the parent or legal guardian of a minor, or any person authorized by the parent or legal guardian as a caretaker of the minor; (3) a legally authorized representative of a disabled adult as defined in GS 108A-101(d); (4) the owner of a fleet of vehicles when tracking those vehicles; (5) a licensed private investigator but provides that this exception does not apply if the investigator is working on behalf of a client subject to a domestic violence protective

order under GS Chapter 50B or if the investigator knows or should reasonably know that the client is seeking services to aid in the commission of a crime; and (6) an order issued by a state or federal court.

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

Intro. by Glazier, Horn, Fairecloth, McGrady.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 190 (2015-2016) [STATE HEALTH PLAN MODIFICATIONS.-AB](#) Filed Mar 10 2015, *AN ACT TO MAKE MODIFICATIONS TO THE STATE HEALTH PLAN FOR PUBLIC EMPLOYEES.*

Amends GS 135-48.42 to allow retirees and surviving spouses to disenroll themselves or their dependents from the State Health Plan (Plan) during the Plan year without a qualifying event.

Amends GS 135-48.44 to provide that coverage under the Plan ceases on the earliest of one of the specified eight events. Amends one of those eight events to be the last day of the month, or as soon thereafter as administratively feasible, in which the Plan approves cancellation of coverage for an employee or retired employee (was, the last day of the month in which an employee or retired employee requested cancellation of coverage).

Amends GS 135-48.40 by amending the list of persons eligible for coverage under the Plan on a partially contributory basis to include employees formerly covered by the statute, other than retired employees eligible for coverage on a contributory basis (was, other than retired employees) who have been employed for 12 or more months by an employing unit or who have completed a contract term of employment of 10 or 11 months and whose employing unit is a local school administrative unit and whose jobs are eliminated because of a reduction in the funds used to support the job or its responsibilities, provided the employees were covered by the Plan at the time of separation from service resulting from a job elimination.

Amends GS 135-48.40 by amending the list of persons eligible for coverage on a fully contributory basis to include Disability Income Plan beneficiaries if the death of the former Plan member occurred after September 30, 1986, and the surviving spouse was covered under the Plan at the time of death.

Amends GS 135-48.41 to remove the waiting period for preexisting conditions for eligible surviving spouses and eligible surviving dependent children who are eligible for group benefits and are electing coverage later than 90 days after the death of the former Plan member.

Effective July 1, 2015.

Intro. by Pendleton.

GS 135

[View summary](#)

Government, State Government, State Personnel, Health and Human Services, Health, Health Insurance

H 191 (2015-2016) [OCC. LIC./AMEND FEE LIST BARBER EXAMINERS BD.](#) Filed Mar 10 2015, *AN ACT TO AMEND THE FEE SCHEDULE AND EXPIRED REGISTRATION RENEWAL PROCEDURES FOR THE BOARD OF BARBER EXAMINERS.*

Amends GS 86A-17 by deleting the provision allowing the State Board of Barber Examiners (Board) to impose civil penalties when a registered barber's certificate of registration has expired for a period greater than six months.

Amends GS 86A-25 to raise the upper limit on all of the listed fees that may be charged by the Board. Also deletes the provision stating there is no charge for the certificate or renewal for barbers 70 years and older.

Applies to applications submitted on or after the date that the act becomes law.

Intro. by Presnell, Setzer.

GS 86A

[View summary](#)

Business and Commerce, Occupational Licensing

H 192 (2015-2016) **COMPLIANCE COURT COSTS**. Filed Mar 10 2015, *AN ACT TO ESTABLISH COMPLIANCE COURT COSTS AND TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO ESTABLISH A SYSTEM FOR THE ELECTRONIC PAYMENT OF COMPLIANCE COURT COSTS*.

Enacts new GS 7A-304.1 for purposes as the title indicates. Lists in subsection (b) of new GS 7A-304.1 the 15 offenses for which voluntary dismissals may be obtained in exchange for the payment of compliance court costs. Such offenses include: no operator's license, an expired license, unsafe tires, inspection violations, child restraint violations, moped and motorcycle helmet violations, and registration violations. Requires the district attorney to provide written notice to any person choosing compliance and payment of court costs that compliance in response to some offenses may constitute a statutory defense to the charge and result in the dismissal of the charge without the payment of any court costs. Effective October 1, 2015, and applies to dismissals granted on or after that date.

Amends subsection (a) of new GS 7A-304.1, effective July 1, 2016, to provide that a person charged for any of the offenses indicated in subsection (b) may choose to provide proof of compliance to the district attorney before or on the scheduled court appearance date, and the district attorney may agree to a voluntary dismissal of the case in exchange for the person's signed waiver of appearance and payment of court costs in the amount of \$50 if paid in person to the clerk of court or \$10 if paid through the electronic payment system established by the Administrative Office of the Courts (AOC) (was, a flat \$50 fee no matter how it was paid).

Directs the AOC, in consultation with specified entities, to develop a procedure for the acceptance of compliance court costs, study the structure for the costs, and establish uniform guidelines as to what constitutes compliance. Specifies additional tasks for the AOC and requires the AOC to report on the development of an electronic payment system to the chairs of the Senate and the House Appropriations committees on Justice and Public Safety, and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by May 1, 2016.

Effective October 1, 2015, unless otherwise indicated.

Intro. by McNeill, Faircloth, Hurley, Glazier.

GS 7A

[View summary](#)

Courts/Judiciary, Court System

H 193 (2015-2016) **PROHIBIT DISCRIMINATORY PROFILING**. Filed Mar 10 2015, *AN ACT TO (1) PROHIBIT THE USE OF DISCRIMINATORY PROFILING BY LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR DUTIES; (2) AMEND THE TYPES OF INFORMATION REQUIRED TO BE REPORTED BY CERTAIN LAW ENFORCEMENT AGENCIES CONCERNING TRAFFIC LAW ENFORCEMENT; (3) REQUIRE CERTAIN LAW ENFORCEMENT AGENCIES TO REPORT CERTAIN INFORMATION CONCERNING HOMICIDES; (4) REQUIRE LAW ENFORCEMENT OFFICERS TO RECEIVE ANNUAL EDUCATION AND TRAINING CONCERNING DISCRIMINATORY PROFILING; (5) AUTHORIZE THE USE OF CITIZEN REVIEW BOARDS TO INVESTIGATE OR REVIEW ALLEGATIONS OF CERTAIN POLICE MISCONDUCT; AND (6)*

REQUIRE THAT CERTAIN TRAINING BE PROVIDED TO MEMBERS OF NEIGHBORHOOD CRIME WATCH PROGRAMS ESTABLISHED BY COUNTIES AND CITIES.

To be summarized.

Intro. by R. Moore.

GS 15A, GS 17C, GS 17E, GS 143B, GS 153A, GS 160A

[View summary](#)

Government, Public Safety, Local Government

H 195 (2015-2016) **ALLOW SUBSTITUTION OF BIOSIMILARS.** Filed Mar 10 2015, *AN ACT AMENDING THE NORTH CAROLINA PHARMACY PRACTICE ACT TO ALLOW FOR THE SUBSTITUTION OF AN INTERCHANGEABLE BIOLOGICAL PRODUCT.*

Identical to [S 197](#), filed 3/5/15.

Amends GS 90-85.27, the definitions section for use in GS 90-85.28 through GS 90-85.31, adding *biological product* and *interchangeable biological product*. Makes technical and organizational changes.

Amends GS 90-85.28 to authorize pharmacists dispensing a prescription for a drug product prescribed by its brand name to select any equivalent or interchangeable biological product which meets specified standards (previously, did not allow the substitution of a brand name drug with an interchangeable biological product). Amends the catchline of GS 90-85.28 to "Selection by pharmacists permissible; prescriber may permit or prohibit selection; price limit on selected drugs; communication of dispensed biological products under specified circumstances." Makes technical and conforming changes. Requires a pharmacist substituting an interchangeable biological product to communicate to the prescriber, within a reasonable time following the dispensing, the manufacturer of the specific biological product prescriber. Sets out authorized means of communication between the pharmacist and the prescriber as well as instances when such communication is not needed. Provides that the interchangeable biological product can only be selected if it is lower in price than the prescribed drug.

Amends GS 90-85.31, providing that no greater liability is extended to pharmacists for selecting an interchangeable biological product as would be for selecting the prescribed drug. Makes conforming changes.

Makes technical changes to GS 58-3-178(c)(4).

Effective October 1, 2015.

Intro. by Dollar, S. Martin, Avila, Lambeth.

GS 90

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers

H 196 (2015-2016) **DOI LICENSE PROCESSING FEES.** Filed Mar 10 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.*

Substantively identical to [S 120](#), filed 2/25/15.

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 Dollar, Lucas.

GS 58

[View summary](#)

Government, State Agencies, Department of Insurance

H 200 (2015-2016) [AMEND CERTIFICATE OF NEED LAWS](#). Filed Mar 10 2015, *AN ACT EXEMPTING DIAGNOSTIC CENTERS, AMBULATORY SURGICAL FACILITIES, GASTROINTESTINAL ENDOSCOPY ROOMS, AND PSYCHIATRIC HOSPITALS FROM CERTIFICATE OF NEED REVIEW; PROHIBITING THE STATE MEDICAL FACILITIES PLAN FROM LIMITING THE NUMBER OF OPERATING ROOMS AND GASTROINTESTINAL ENDOSCOPY ROOMS; AND ENHANCING LICENSING REQUIREMENTS FOR THE DEVELOPMENT, ACQUISITION, OR REPLACEMENT OF AMBULATORY SURGICAL FACILITIES.*

Amends GS 131E-176(9b) to delete the following from the definition of *health service facility*: a psychiatric facility, a diagnostic center, and an ambulatory surgical facility. Also amends GS 131E-176(16) to provide that "new institutional health services" no longer includes the conversion of special ambulatory surgical programs to a multi-specialty ambulatory surgical program; the construction, development, establishment, or increase in the number of operating rooms or gastrointestinal endoscopy rooms; or changes in the designations for use and type of rooms.

Amends GS 131E-177 to clarify the powers and duties of the Department of Health and Human Services (DHHS) as the State Health Planning and Development Agency for North Carolina. Authorizes DHHS to develop a State Medical Facilities Plan (Plan), providing that the Plan does not include policies or need determinations that limit the number of operating rooms or gastrointestinal endoscopy rooms. Makes technical changes.

Amends GS 131E-183 to no longer require the proposed project applying for a certificate of need to be consistent with policies and need determinations in the State Medical Facilities Plan constituting a limitation on operating rooms.

Amends GS 131E-184(a) to exempt diagnostic centers, ambulatory surgical facilities, gastrointestinal endoscopy rooms, and psychiatric hospitals from certificate of need review if a certificate of need approval was obtained before the act becomes effective.

Adds a new subsection (f) to GS 131E-147 to specify the required content for an application for a license or renewal of a license to operate an ambulatory surgical facility developed, acquired, or replaced on or after this act becomes effective.

Repeals GS 131E-175(11) and (12). Makes conforming changes to GS 131E-178(a) and GS 131E-184(a).

Intro. by Avila, Collins, Michaux.

GS 131E

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers

H 201 (2015-2016) [ZONING CHANGES/CITIZEN INPUT](#). Filed Mar 10 2015, *AN ACT TO AMEND THE PROCESS BY WHICH THE CITY COUNCILS RECEIVE CITIZEN INPUT IN ZONING ORDINANCE AMENDMENTS.*

Amends GS 160A-385, concerning changes to zoning ordinances, renaming subsection (a) "qualified protests" as Citizen Comments. Deletes language that referred to qualified protests against a zoning map amendment and that specified that that amendment did not become effective unless by a favorable vote of 3/4 of members of the city council. Replaces the protest petition language with new language providing that if any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk

at least two business days prior to the proposed vote, then the clerk must deliver the written statement to the city council. Deletes GS 160A-385(a)(2) and (3) also concerning qualified protest petitions.

Repeals GS 160A-386, Protest petition; form; requirements; time for filing.

Amends GS 122C-403(3) making conforming changes, deleting language referring to protest petitions.

Provides that this act repeals any local act authority for submission, review, or action by a municipality on any zoning protest petition.

Amends GS 160A-75 to provide that votes taken under GS 160A-385 where a member is physically present but does not vote or has withdrawn without being excused by a majority vote of the members do not require an affirmative vote to be recorded.

Effective May 1, 2015, applying to zoning ordinances adopted on or after that date.

Intro. by Stam, Goodman, Jackson.

[GS 122C, GS 160A](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Local Government](#)

H 202 (2015-2016) [SUPT. PUBLIC INSTRUCTION MEMBER OF SBE](#). Filed Mar 10 2015, *AN ACT TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF THE STATE BOARD OF EDUCATION AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES*.

Subject to approval by voters at the statewide election on November 8, 2016, amends Section 4 to Article IX of the North Carolina Constitution to make the Superintendent of Public Instruction a member of the State Board of Education (Board) instead of the Board's secretary. Retains the provision naming the Superintendent of Public Instruction as the chief administrative officer of the Board. Decreases the number of Board members to be appointed by the Governor from 11 to 10 and reduces the number of those members that must be appointed from the state at large from 3 to 2. If approved, effective April 1, 2017.

The following changes are effective only if the constitutional amendment is approved.

Amends GS 115C-10 to make conforming changes by adding the Superintendent of Public Instruction (Superintendent) as a member of the Board, reducing the number of appointments that are to be made by the Governor and the number of appointments that are members at large. Effective April 1, 2017.

Amends GS 104-12, GS 104-19, and GS 143A-44.3 to remove the reference to the Superintendent as the Secretary of the Board and instead refer to the role of chief administrative officer. Amends GS 115C-11 to require the Board to elect a secretary from its membership and specifies the secretary's duties. Makes language gender-neutral. Makes conforming changes to GS 115C-19 and GS 115C-21. Modifies the membership of various entities in GS 7B-1402, GS 115C-64.15, GS 115C-296.6, GS 116C-1, and GS 143B-426.9 to allow service by the vice-chair if the Superintendent is the chair of the Board. Amends GS 115C-102.5 to require the Commission on School Technology (was, the Chair of the State Board of Education) to select the member serving as chair of the Commission. Effective April 1, 2017.

Amends GS Chapter 115C to make language gender-neutral. Amends the General Statutes by replacing the word "chairman" with "chair" when it refers to the chairman of the State Board of Education. Effective April 1, 2017.

Provides that to make the reduction in the number of appointments made by the Governor to the Board, when the term of an at-large member appointed by the Governor expires on March 31, 2017, the vacancy must not be filled. Effective

January 1, 2017.

Intro. by Holloway, Elmore, Cotham, Glazier.

[CONST, GS 104, GS 116C, GS 143A, GS 143B](#)

[View summary](#)

[Constitution, Education, Government, State Agencies, State Board of Education](#)

H 203 (2015-2016) [PHASEOUT OF FUEL TAX](#). Filed Mar 10 2015, *AN ACT TO REPLACE THE MOTOR FUELS TAX WITH A TRANSPORTATION USAGE FEE*.

Amends GS 105-449.80, deleting all language of the statute except introductory and adds new language which provides that the motor fuel excise tax rate is a flat rate of 18 1/2 cents a gallon.

Repeals GS Chapter 105, Article 36C, Gasoline, Diesel, and Blends. Instructs the Codifier of Statutes to remove or correct cross references and to make conforming changes to the General Statutes to effectuate the change. Effective July 1, 2016.

Enacts new GS 20-97.1, Transportation Usage Fee, which provides that a fee of \$89 must be paid annually to the Division of Motor Vehicles (DMV) at the same time as and in addition to vehicle registration fees. Provides that \$22.25 of the proceeds from the fee must be credited to the NC Highway Trust Fund, with the remainder credited to the NC Highway Fund.

Amends GS 20-97.1, as enacted by the above provisions, to provide that a fee of \$201 (was, \$89) must be paid annually to the Division of Motor Vehicles at the same time as and in addition to vehicle registration fees. Provides that \$50.25 of the fee must be credited to the NC Highway Trust Fund (was, \$22.25). Effective July 1, 2016.

Requires the DMV to issue rules to implement the act, including providing for electronic billing and payment and for a monthly or quarterly payment plan for the fee.

Unless otherwise noted above, effective July 1, 2015.

Intro. by Jeter, Dobson, B. Brown, Szoka.

[GS 20, GS 105](#)

[View summary](#)

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

H 205 (2015-2016) [INCREASE RETIREMENT AGE FOR JUDGES](#). Filed Mar 10 2015, *AN ACT TO INCREASE THE MANDATORY RETIREMENT AGE FOR JUDGES AND JUSTICES OF THE GENERAL COURT OF JUSTICE*.

Amends GS 7A-4.20 to increase the mandatory retirement age for justices and judges of the General Court of Justice from 72 to 75 years of age.

Makes conforming changes to GS 135-57, concerning service retirement under the Consolidated Judicial Retirement Act.

Applies to justice and judges holding office or elected on or after December 1, 2015.

Intro. by Schaffer, Daughtry.

[GS 7A, GS 135](#)

[View summary](#)

Courts/Judiciary, Court System, Employment and Retirement

PUBLIC/SENATE BILLS

S 7 (2015-2016) [ALLOW SEATING FOR FOOD STAND CUSTOMERS](#). Filed Jan 28 2015, *AN ACT ALLOWING FOOD STANDS TO PROVIDE TABLES AND CHAIRS FOR CUSTOMERS TO USE WHILE CONSUMING DRINKS OR FOOD UPON THE PREMISES.*

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

Amends GS 13A-248 by deleting the definition of the term *food stand*.

Intro. by Tillman.

GS 130A

[View summary](#)

Business and Commerce, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Public Health

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

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

Adds that prosecutions for offenses committed before the December 1, 2015, effective date are not abated or affected by the act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Intro. by Randleman, Daniel, Newton.

GS 14

[View summary](#)

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

S 82 (2015-2016) [VITAL RECORDS INTEGRITY ACT](#). Filed Feb 12 2015, *AN ACT TO ENSURE THE INTEGRITY OF BIRTH RECORDS PRESENTED FOR REGISTRATION.*

Senate amendment #1 makes the following changes to the 2nd edition:

Makes technical changes.

Enacts new GS 161-14.02(b) to provide that the provisions of the statute created in the act do not apply to documents or instruments that are attached to real estate documents as exhibits.

Intro. by Bingham.

GS 161

[View summary](#)

Courts/Judiciary

S 89 (2015-2016) [DISQUALIFICATION NOTICE/PISTOL SALE PERMIT](#). Filed Feb 18 2015, *AN ACT TO AMEND THE LAW DIRECTING THE CLERK OF COURT TO TRANSMIT CERTAIN DATA RELEVANT TO THE FACTORS THAT DISQUALIFY A PERSON FROM OBTAINING A PERMIT TO PURCHASE OR TRANSFER A HANDGUN.*

Senate committee substitute to the 1st edition makes the following changes. Amends G.S. 14-404(c1) to clarify what information the clerk of court must transmit to the National Instant Criminal Background Check System (NICS). Directs the clerk of court to transmit to NICS those judicial findings and determinations (was, data) that can be used to confirm (was, impacts) a disqualifying factor as outlined in GS 14-404(c) within 48 hours of the entry of such data.

Directs the Administrative Office of the Courts (AOC), in consultation with the State Bureau of Investigation (SBI), to work with NICS to determine the feasibility of reporting additional information from the state's court and law enforcement records relevant to persons disqualified for purchase or possession under GS 14-404(c)(1), (c)(2), (c)(3), and (c)(8). Directs the AOC and the SBI to report to the Joint Legislative Oversight Committee on Justice and Public Safety on or before March 1, 2016 (was, directed the AOC to make a report by October 1, 2015, on information that could practicably be transmitted to the NICS). Specifies what must be contained in the report.

Provides that this act is effective when it becomes law (was, GS 14-404(c1) became effective January 1, 2016, and the remainder of the act was effective when it became law).

Intro. by Randleman.

[GS 14](#)

[View summary](#)

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

S 208 (2015-2016) [PROPERTY INSURANCE FAIRNESS](#). Filed Mar 10 2015, *AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF PROPERTY INSURANCE RATE MAKING IN NORTH CAROLINA BY REQUIRING THAT CERTAIN PROPERTY INSURANCE DATA BE MADE AVAILABLE TO THE PUBLIC; BY PROVIDING THE COMMISSIONER WITH THE AUTHORITY TO ORDER A DECREASE IN RATES IN A PROPERTY INSURANCE RATE-MAKING PROCEEDING; BY PROVIDING THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION THE AUTHORITY TO HAVE ISSUED TAX-EXEMPT BONDS TO COVER LOSS-RELATED LIABILITIES; BY REFORMING CONSENT TO RATE PRACTICES; BY REQUIRING THAT CATASTROPHE MODELING USED FOR PROPERTY RATE-MAKING PURPOSES MORE ACCURATELY REFLECT POTENTIAL IMPACTS IN NORTH CAROLINA; AND BY CREATING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PROPERTY INSURANCE RATE MAKING.*

Identical to [H 182](#), filed 3/10/15.

Part I.

Amends GS Chapter 58 by creating new Part 10 (Property Insurance Rate Clarity). Provides that each insurer authorized to conduct property insurance business in North Carolina, the NC Insurance Underwriting Association, and the NC Joint Underwriting Association must annually submit to the Department of Insurance (Department) computations of the total amount of direct incurred losses, the number of policies in force, and the direct earned premiums for the prior calendar year, including policies written or serviced under GS Chapter 58, Articles 45 and 46. This information will be reported by rate territory and by type of property insurance policy. Provides that for this Part, property insurance also includes condo insurance, dwelling fire policies, renter's or tenant's insurance, and mobile home and manufactured housing property insurance.

Also requires each insurer authorized to conduct homeowners insurance in North Carolina to annually submit to the Department the total amount of direct incurred losses and the number of policies in force, by rate territory, for the prior calendar year for perils including fire, wind and hail, and all other perils.

Requires each insurer authorized to transact property insurance in North Carolina to provide information required

pursuant to GS 58-10-705(a) for calendar years 2009 through 2014. Based on this information, the Department will compile aggregate totals and post such totals to the Department website no later than December 1, 2015.

Allows the Commissioner of Insurance (Commissioner) to waive, modify, or extend for an additional time period for good cause the reporting requirements imposed by this act when the waiver is requested in writing. Describes what constitutes good cause and how to demonstrate it. Failing to timely comply with the reporting requirements triggers a notice by the Department and any delay in complying past the 90th day after notice and hearing will require an insurer to pay a civil penalty of \$2,500 per month to the Commissioner until the date of compliance. Establishes that information reported to the Department pursuant to this act is considered a trade secret, as found in GS 66-152, and will be treated as confidential information.

The above changes are effective when the act becomes law, with any any current year requirements applying to the 2015 and subsequent calendar years.

Part II.

Amends GS 58-36-20, establishing that in the event the Commissioner finds that the proposed rates are excessive, the Commissioner will issue an order disapproving the filing and will specify the appropriate rate level that may be used (was, will specify the overall rates that may be used by the members of the Bureau instead of the rates proposed by the Bureau filing).

Part III.

Amends GS Chapter 58 to enact a new Article 45A (Recovery Finance Authority). Provides legislative findings establishing reasons for the Recovery Finance Authority, including the likelihood that one or more hurricanes or catastrophic events could surpass the financial abilities of the NC Insurance Underwriting Association (Association). Provides eight definitions for use in this Article, including *assessment*, *bonds*, and *catastrophe recovery charge*.

Creates the North Carolina Recovery Finance Authority (Authority), constituted as a public agency, located in the Department, with specified powers related to the financing of deficits of the Association due to catastrophic events. Provides for a nine-member board with two members each appointed by the Speaker of the House and the Senate President Pro Tempore, two members appointed by the Governor, two members appointed by the Association, and one is the Commissioner of Insurance, with the Chair of the Authority to be appointed by the Board. Provides for staggered terms of the initial members and the members thereafter. Provides further requirements for the Authority regarding removal of board members, conflicts of interest and ethics, and compensation. Requires the Authority to create bylaws concerning organizational and administrative matters of the board.

Specifies 18 powers of the Authority, including to invest the proceeds of bonds of the Authority that are pending disbursement or other idle funds and to apply for, accept, and administer loans and grants of money or real or personal property from the United States or any federal agency, the state, or other public or private sources.

Exempts property owned by the Authority from taxation.

Authorizes the issuance of bonds by the Authority as if the Authority was a municipality, with all the powers and protections afforded to municipalities under the State and Local Government Revenue Bond Act. Specifies investment vehicles authorized for use, through contract, by the Authority, including interest rate swap agreements and contracts to exchange cash flows. Specifies provisions for and limitations of entering into such investment contracts. Provides certain obligations of the Authority if the Association requests the issuance of bonds. Provides provisions for and limitations on issued bonds, including that the bonds are not secured by the full faith and credit of the state, that bonds are considered securities in which varied individuals and institutions can invest, and that they are exempt from all state, county, and municipal taxation or assessment.

Amends GS 58-45-47 concerning deficit events, providing that when the Association expects to incur losses and expenses exceeding available surplus or other sources, taking into consideration account sources committed with respect to losses and expenses expected from prior events (previously, did not include clarifying language regarding losses and

expenses from prior events), the Association is authorized to issue a nonrecouple assessment on its members. When it is expected that losses incurred will exceed sources of funding, including permissible member assessments, the Association must also immediately give notice to the Authority that a deficit event has incurred. Provides that upon such notice the Association must provide evidence in regards to its estimates of total losses and expenses expected to be incurred within the calendar year and funding amounts available to it. Such evidence and material is required to be available to the Commissioner for review. Provides that upon certification of the deficit event, the Association can determine the appropriate means of financing the deficit, which can include financing from the Authority. Provides and amends permissible actions if it is determined that losses and expenses incurred have risen to the level necessary for the imposition of a catastrophe recovery charge, including the new action that the Association can inform the Authority and the Commission that it will assign specified obligations to pay claims to the Authority and act as agent for the Authority to collect catastrophe recovery charges and direct such amounts to the Authority. Adds new language concerning the Catastrophe Recovery Charge providing that when charged pursuant to this section, it be will a uniform percentage of written premiums as prescribed by the Commissioner, not to exceed an aggregate amount of 10% of the annual policy premium on any one policy of insurance, imposed on policyholders from the Association and the FAIR Plan. Provides for periodic revision of the Catastrophe Recovery Charge as well as provisions concerning the cessation, repayment, and limitations of the Catastrophe Recovery Charge. Makes various technical, organizational, and conforming changes.

Amends GS 120-123 to provide that no member of the General Assembly can serve on the Authority board.

Amends GS 159-81(3) to provide that the financing of deficits by the Authority can be considered a revenue bond project for the purposes pursuant to the section.

Amends GS 159-83 concerning powers associated with revenue bonds, providing that the Authority has the power to contract for the charging of catastrophe recovery charges, including covenanting to make such charged as necessary for the payment of revenue bonds as well as having the power to pledge and assign its rights to the making, revising, receiving, and enforcing such changes for its revenue bonds.

Amends GS 159-89, making conforming changes concerning special covenants of issuers of revenue bonds, providing the Association can enter into agreements to assign obligations to pay claims of amounts in excess of its losses and expenses that exceed available funding to the Authority as well as act as its agent in the recovery of such imposed charges.

Amends GS 159-90(a)(1) concerning the maturity dates of bonds, providing that maturity dates for bonds issued by the Authority will be related to the structuring of the repayment of proceeds rather than the facilities paid for, with an overall limit of 40 years.

Amends GS 159-93, updating the agreement of the state to not limit or alter the rights vested in the state or any municipality, at the time of issuance of bonds or notes, to include the collection of catastrophe recovery charges.

Amends GS 159-95 concerning the approval of state agencies for certain revenue bond projects, providing that bonds issued by the Authority do not require the approval of the Department of Insurance except to the extent catastrophe recovery charges require action pursuant to GS 58-45-47.

Amends GS 159-96 concerning geographical limitations for enterprises financed by revenue bonds, providing that no such geographical or territorial limitation exists on the use of proceeds of bonds issued by the Authority other than for payment of a deficit related to a catastrophic event affecting property covered under insurance policies issued by the NC Insurance Guaranty Association.

Part IV.

Amends GS 58-36-30 concerning deviations in certain rates established by the Rate Bureau (Bureau), providing that the provisions of subsection (b) only apply to insurance against theft for physical damage to nonfleet private passenger motor vehicles and for loss costs and residual market rate filings for workers' compensation and employers' liability insurance written in connection with those loss costs and rate filings. Enacts new subsection (b1), which applies only to

insurance against loss to residential real property with not more than four housing units and provides that a rate in excess of that established by the Bureau can be charged by an insurer on any specific risk if the higher rate is charged pursuant to rules adopted by the Commissioner and is based on sound actuarial principles as well as is charged with the knowledge and written consent of the insured. Includes other provisions concerning this permissible higher rate.

Part V.

Amends GS 58-36-10, concerning the method of rate making and the factors considered, providing that if the Bureau presents any modeled losses with a property insurance rate filing, then it must also present data from more than one catastrophe model. Additionally, the models must be based on maximum load designs as contained in the NC State Building Codes.

Part VI.

Creates the Joint Legislative Study Committee on Property Insurance Rate Making (Committee), consisting of 10 members appointed as specified. Provides three areas that the Committee must study, including the structure, function, and operations of the Rate Bureau and the prevalence and geographic distribution of property insurance policies. Includes provisions concerning the appointment of cochairs and filing of vacancies on the Committee and details the Committee's powers and the staffing for the Committee. Requires the Committee to submit an interim report to the 2015 General Assembly when it reconvenes in 2016, with a final report being submitted to the 2017 General Assembly. After submitting the report the Committee is terminated.

Amends GS 58-45-5(2c), making technical deletions and clarifying changes.

Includes a severability clause.

Unless otherwise noted above, effective July 1, 2015.

Intro. by Cook, Brown, Hartsell.

[GS 56, GS 58, GS 120, GS 159](#)

[View summary](#)

[Business and Commerce, Insurance, Development, Land Use and Housing, Property and Housing](#)

S 209 (2015-2016) [RESPONSIBLE BREEDING/PREVENT CRUELTY](#). Filed Mar 10 2015, *AN ACT TO ESTABLISH AN ANIMAL WELFARE HOTLINE AND WEB SITE WITHIN THE ATTORNEY GENERAL'S OFFICE AND TO ESTABLISH A COURT FEE TO SUPPORT THE INVESTIGATION OF ANIMAL CRUELTY VIOLATIONS.*

Enacts new GS 114-8.7 requiring the Attorney General to establish the "NC Pets We Care Hotline" (hotline) to receive reports of allegations of animal cruelty or violations of the Animal Welfare Act submitted by telephone, e-mail, and Internet. Requires the Attorney General to publicize the hotline contact information. Makes reporting individuals anonymous unless they consent to having their identity disclosed. Requires allegations that are determined to possibly involve cruelty to animals to be referred to local law enforcement and allegations that may involve violations of the Animal Welfare Act to be referred to the Department of Agriculture and Consumer Services. Requires the Attorney General to record the total number of reports received and the number of reports received against any individual.

Amends GS 7A-304 to add a \$250 court fee for support in the investigation of violations of Article 47 (Cruelty to Animals) of GS Chapter 14 and Animal Welfare act violations, to be remitted to the general fund of the local governmental that investigated the crime to be used for local law enforcement. Effective January 1, 2016, and applies to fees assessed or collected on or after that date.

Intro. by Wade, Rabon, Brock.

[GS 7A, GS 114](#)

S 210 (2015-2016) [NOTICE PUBLICATION BY COUNTIES AND CITIES](#). Filed Mar 10 2015, *AN ACT TO PERMIT THE GOVERNING BOARDS OF COUNTIES AND CITIES TO OPT TO PROVIDE FOR PUBLIC NOTICES TO BE GIVEN ELECTRONICALLY*.

Enacts new GS 153A-52.2, Electronic notice, allowing governing boards of local governments to adopt an ordinance that will allow them to electronically publish any notice they are otherwise required to publish by law. The ordinance may cover all notices required to be published or certain selected classes of notices. Any notice published under the above ordinance must comply with the following conditions:

- (1) The notice is published on the website of the governing board no later than the time required for publication under applicable law or act.
- (2) The website contains, on its main page or index, links to all notices or a link to another page with links to all notices.
- (3) Notices and links must be maintained on the website for at least one year after publication.
- (4) A copy of the notice must be filed in a notice book, separately maintained and apart from the ordinance book or minutes of the governing board. The notice books must also be indexed and maintained for public inspection.
- (5) A copy of the notice must be mailed or emailed to a person that has filed a written request for notice with the clerk or secretary of the governing board.

Such ordinances that allow electronic publication can not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property. The ordinance may control notice requirements for any board appointed by the governing board of the county, including the board of social services and the board of health.

Amends GS 160A-1(7), 153A-1(6), and 159-1(b)(5) to include the following: (1) electronic notice, as provided in GS 153A-52.2, if an ordinance has been adopted by the governing board and (2) insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons in each section's description and definition of *publish*.

Amends GS 163-33, Powers and duties of county boards of elections, stating the county board can adopt a policy to provide for notices, advertisements, and publications to be given electronically.

Effective October 1, 2015, applying to notices given on or after that date by a county or city.

Intro. by Wade, Brock, Tarte.

[GS 153A, GS 159, GS 160A, GS 163](#)

S 211 (2015-2016) [PENALTY FOR LATE PAYMENT OF MONIES/CHARTERS](#). Filed Mar 10 2015, *AN ACT TO PROVIDE FOR A MONETARY PENALTY WHEN FUNDS ARE NOT TRANSFERRED WITHIN REQUIRED TIME LINES BETWEEN LOCAL SCHOOL ADMINISTRATIVE UNITS AND CHARTER SCHOOLS*.

Current law provides for state and local funds for charter schools and directs the local school administrative unit in which a child resides to transfer an amount that is equal to the per-pupil share allocated to the local unit for that child to the charter school that the child attends, within 30 days of receipt of the money by the local unit into the local current expense fund.

Amends GS 115C-218.105 to provide for a 5 percent penalty paid to the prevailing party in a dispute as to the timeline under which the funds should have been transferred. Applies to any actions filed on or after the date this act becomes law.

Intro. by Tillman.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 212 (2015-2016) **HANDGUN STANDARDS FOR RETIRED SWORN LEO**. Filed Mar 10 2015, *AN ACT TO ALLOW SUCCESSFUL COMPLETION BY A RETIRED SWORN LAW ENFORCEMENT OFFICER OF THE HANDGUN QUALIFICATIONS FOR ACTIVE SWORN LAW ENFORCEMENT OFFICERS TO BE SUFFICIENT FOR PURPOSES OF A CONCEALED HANDGUN PERMIT.*

Amends GS 14-415.12A to deem a qualified former sworn law enforcement officer who has met the standards for handgun qualification for active law enforcement officers within the last 12 months to have satisfied the requirement that an applicant for a concealed handgun permit successfully complete an approved firearms safety and training course.

Effective October 1, 2015.

Intro. by Tillman.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

S 217 (2015-2016) **DISTRIBUTION OF HIGHWAY USE TAX AND FEES**. Filed Mar 10 2015, *AN ACT TO ADJUST THE RATE OF THE HIGHWAY USE TAX FOR THE SHORT-TERM LEASE OR RENTAL OF A MOTOR VEHICLE, TO ADJUST THE DISTRIBUTION OF THE HIGHWAY USE TAXES COLLECTED ON THE SHORT-TERM LEASE OR RENTAL OF A MOTOR VEHICLE, TO ADJUST THE DISTRIBUTION OF THE PROCEEDS FROM CERTAIN FEES COLLECTED BY THE DIVISION OF MOTOR VEHICLES, AND TO APPROPRIATE FUNDS ON AN ANNUAL BASIS FROM THE HIGHWAY FUND TO THE NORTH CAROLINA STATE PORTS AUTHORITY AND THE DIVISION OF AVIATION OF THE DEPARTMENT OF TRANSPORTATION.*

Amends GS 105-187.5(b) to provide that the tax rate on the gross receipts from the short-term lease or rental of a motor vehicle is 9% (was, 8%).

Amends GS 105-187.9(a) to provide that all taxes collected pursuant to GS 105-187.5(b) are to be credited to the NC Highway Trust Fund (previously, subsection provided that taxes collected under the Article at the rate of 8% were credited to the General Fund and those collected at 3% credit to the NC Highway Trust Fund).

Amends GS 20-85(b) to provide that the fees collected pursuant to GS 20-85(a)(1) through (a)(10) are to be credited to the Highway Fund (was, (a)(1) through (a)(9)) were credited to the Highway Trust Fund).

Appropriates \$8 million for 2015-16 from the Highway Fund to the reserve fund for use by the NC State Ports Authority for prioritized capital improvements and to the Division of Aviation of the Department of Transportation for airport development.

Effective July 1, 2015, applying to taxes and fees collected on or after that date.

Intro. by Rabon, Meredith.

GS 105

[View summary](#)

[Government, Tax, Transportation](#)

S 220 (2015-2016) [INCLUDE MORGANTON IN STATE HEALTH PLAN](#). Filed Mar 10 2015, *AN ACT TO AUTHORIZE THE CITY OF MORGANTON TO ENROLL ITS EMPLOYEES AND DEPENDENTS IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES*.

Amends GS 135-48.47, as the title indicates. Effective July 1, 2015.

Intro. by Daniel.

[Burke, GS 135](#)

[View summary](#)

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

S 221 (2015-2016) [ADD FONTA FLORA TRAIL TO STATE PARKS SYSTEM](#). Filed Mar 10 2015, *AN ACT TO AUTHORIZE THE ADDITION OF THE FONTA FLORA LOOP TRAIL IN BURKE COUNTY TO THE STATE PARKS SYSTEM*.

Authorizes the Department of Environment and Natural Resources (DENR) to add the Fonta Flora Loop Trail in Burke County to the State Parks System. Requires DENR to support, promote, encourage, and facilitate the establishment of trail segments on state park lands and on lands of other federal, state, local, and private landowners. Provides that on segments of the Fonta Flora Loop Trail that cross property controlled by agencies or owners other than DENR's Division of Parks and Recreation, the laws, rules, and policies of those agencies or owners govern the use of the property. Includes findings about the benefits and interest in the trail.

Intro. by Daniel.

[UNCODIFIED](#)

[View summary](#)

[Environment, Environment/Natural Resources, Government, Cultural Resources and Museums, State Agencies, Department of Environment and Natural Resources](#)

S 222 (2015-2016) [ENERGY POLICY COUNCIL AMENDMENTS](#). Filed Mar 10 2015, *AN ACT TO MODIFY PROVISIONS APPLICABLE TO MEMBERSHIP ON THE ENERGY POLICY COUNCIL*.

Amends GS 113B-3 to provide that the membership of the Energy Policy Council (Council) may include: (1) the Secretary of Environment and Natural Resources designee instead of the Secretary; (2) the Secretary of Commerce designee instead of the Secretary; and (3) the Lieutenant Governor's designee instead of the Lieutenant Governor. Requires a Council member to be automatically removed for failing to attend three successive Council meetings without just cause. Gives the Governor the power to remove any member of the Council from office for misfeasance, malfeasance, or nonfeasance.

Intro. by Brock, Rucho.

[GS 113B](#)

[View summary](#)

[Environment, Energy](#)

S 225 (2015-2016) [THE BIRDS AND THE BEES ACT](#). Filed Mar 10 2015, *AN ACT TO CLARIFY THE AUTHORITY OF*

LOCAL GOVERNMENTS TO ADOPT ORDINANCES RELATED TO BEE HIVES AND TO REQUIRE THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY STRATEGIES FOR PROTECTING AND SUPPORTING POLLINATORS.

Enacts new GS 106-645 prohibiting local governments from adopting or continuing in effect any ordinance or resolution prohibiting any person or entity from owning or possessing five or fewer bee hives.

Requires the Department of Agriculture and Consumer Services to study five specified issues including how the state can increase habitat for pollinators on Department of Transportation rights-of-way and other state property, whether it is appropriate to require planting pollinator-friendly vegetation on easements on state owned lands as a condition on the easement, and other strategies for increasing protection of and supporting existing populations of pollinators. Requires a report to the Environmental Review Commission by March 1, 2016, and specifies items that must be included in the report.

Intro. by Meredith, B. Jackson, Barringer.

[STUDY, GS 106](#)

[View summary](#)

[Government, State Agencies, Department of Agriculture and Consumer Services, Local Government](#)

S 226 (2015-2016) [STUDY JUDICIAL DISTRICTS](#). Filed Mar 10 2015, *AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CURRENT CONFIGURATION OF THE SUPERIOR AND DISTRICT COURT DISTRICTS IN THE STATE.*

Requires the Legislative Research Commission (LRC) to study the current configuration of the superior and district court districts in this state and make recommendations for adjusting those districts in order to improve the efficiency of the court system, provide for improved administration, and better balance the caseloads in the various districts. Allows the LRC to make an interim report to the 2015 General Assembly when it reconvenes in 2016 and requires a final report to the 2017 General Assembly when it convenes.

Intro. by Meredith.

[STUDY](#)

[View summary](#)

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

S 227 (2015-2016) [REPEAL AUTO ADJUST/CAMPAIGN CONTRIBUTIONS](#). Filed Mar 10 2015, *AN ACT TO REPEAL THE REQUIREMENT THAT LIMITATIONS ON CAMPAIGN CONTRIBUTIONS AUTOMATICALLY ADJUST PURSUANT TO AN AVERAGE OVER A CALENDAR YEAR OF THE CONSUMER PRICE INDEX.*

Repeals GS 163-278.13(a1), as the title indicates.

Intro. by D. Davis, Van Duyn.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

S 230 (2015-2016) [ELECTRONIC CAMPAIGN FINANCE REPORTS](#). Filed Mar 10 2015, *AN ACT TO REQUIRE ALL CAMPAIGN FINANCE REPORTS TO BE FILED ELECTRONICALLY.*

Amends GS 163-278.9(j), as amended by SL 2014-111 to require all campaign finance reports to be filed electronically if the cumulative total for the election cycle is in excess of the amount in contributions indicated in subdivisions (1) through (4) in GS 163-278.9(j) (was, required electronic filing for candidates for a statewide office or for political entities making contributions in excess of the stated amounts in contests for statewide office).

Amends GS 163-278.9 to add a new subsection (l) providing that all reports filed electronically under subsection (j) are to be posted on the website maintained by the State Board of Elections.

Effective January 1, 2017, and applies to elections held on or after that date.

Intro. by Bingham.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

S 231 (2015-2016) [STUDY UNIFIED PUBLIC HEALTH SYSTEM](#). Filed Mar 10 2015, *AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE CONCEPT OF A UNIFIED PUBLIC HEALTH SYSTEM AND THE FEASIBILITY OF ESTABLISHING A UNIFIED PUBLIC HEALTH SYSTEM WITHIN THE STATE OF NORTH CAROLINA.*

Requires the Department of Health and Human Services to study, by May 1, 2015, the concept of a unified public health system for the state and report on the feasibility of establishing such a system to the Joint Legislative Oversight Committee on Health and Human Services and the Program Evaluation Division. Requires that the report include at least six specified elements including an evaluation of the state's publicly financed health services compared to at least 12 other states, an evaluation of the publicly financed health service delivery structure in the state, and an evaluation of the governance structure of public health and mental health.

Intro. by Hartsell.

[STUDY](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Public Health](#)

S 232 (2015-2016) [HONOR GIRL SCOUTS](#). Filed Mar 10 2015, *A SENATE RESOLUTION HONORING THE GIRL SCOUTS OF THE USA.*

As title indicates.

Intro. by Barringer.

[SENATE RES](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

S 233 (2015-2016) [AUTOMATIC EXPUNCTION/MISTAKEN IDENTITY](#). Filed Mar 10 2015, *AN ACT TO PROVIDE FOR THE AUTOMATIC EXPUNCTION OF CERTAIN RECORDS OF A PERSON WHEN THE CHARGE OR CHARGES AGAINST THE PERSON ARE DISMISSED AS A RESULT OF IDENTITY THEFT OR MISTAKEN IDENTITY.*

Amends the catchline of GS 15A-147 to "Expunction of records when charges are dismissed or there are findings of not guilty as a result of identity theft or mistaken identity". Provides that persons named in a charge for an infraction or a

crime, as a result of another person using the named person's identifying information or mistaken identity and a finding of not guilty is entered or the conviction is set aside, can apply by petition or written motion to the court where the charge was last pending for an order of expunction. Deletes current language that provided for expunctions in cases where the charge against the named person was dismissed and instead requires when charges are dismissed that the person ordering the dismissal notify the court and requires the court to order the expunction. Makes conforming changes. Defines "mistaken identity", for the purposes of this statute, to mean the erroneous arrest of a person for a crime as a result of misidentification, confusion as to the identity of the person, or misinformation provided to law enforcement regarding identity.

Effective December 1, 2015, applying to charges filed on or after that date.

Intro. by McKissick, Bingham, Daniel.

[GS 15A](#)

[View summary](#)

[Business and Commerce, Consumer Protection, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

S 234 (2015-2016) [REQUIRE LETTER GRADE RATING ON GENERIC DRUGS](#). Filed Mar 10 2015, *AN ACT ENHANCING STANDARDS FOR PRESCRIBING EQUIVALENT DRUG PRODUCTS BY REQUIRING THESE PRODUCTS TO BE LABELED WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION THERAPEUTIC EQUIVALENCE CODE*.

Amends GS 90-85.28(a) concerning the prescription of equivalent drug products, requiring that an equivalent drug must have the US Food and Drug Administration's therapeutic equivalence code on the label of the stock package in order to be dispensed. Makes technical and organizational changes.

Effective October 1, 2015.

Intro. by Bingham.

[GS 90](#)

[View summary](#)

[Health and Human Services, Health](#)

S 235 (2015-2016) [ESTABLISH STATE PUBLIC HEALTH AUTHORITY](#). Filed Mar 10 2015, *AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM, TO REORGANIZE THE DIVISION OF PUBLIC HEALTH, AND TO STRENGTHEN THE PUBLIC HEALTH INFRASTRUCTURE BY THE DEVELOPMENT AND IMPLEMENTATION OF REGIONAL PUBLIC HEALTH AUTHORITIES*.

Creates the North Carolina Public Health Authority, with administrative direction over the Division of Public Health and the Institute for Public Improvement. Abolishes all programs in the Division of Public Health in the Department of Health and Human Services except the following four programs, to be administered by the State Health Director: (1) State Lab, (2) Vital Records, (3) Medical Examiner, and (4) Public Health Emergency Response. Transfers all functions, powers, duties, and obligations previously vested in the Division of Environmental Health in the Department of Environment and Natural Resources to the Division of Public Health as a Type I transfer.

Enacts new Article 1C, State Public Health Authority, in GS Chapter 130A to create the State Public Health Authority (Authority) as a state agency to perform essential governmental and public functions under supervision of the Authority Board. Creates a 13-member Authority Board (Board) to govern the Authority, with membership as specified. Specifies that each appointing authority will appoint members who reside in one of the four regional public health authorities in the state. Details additional membership provisions, including terms, removal, ethics, compensation, and the Board's duty to adopt bylaws. Enumerates 17 powers and duties of the Authority Board, including the power to construct and maintain

public health facilities and the power to adopt and enforce a professional reimbursement policy, as detailed.

Provides that the Authority has the power to establish and operate health care networks and may contract with other public health authorities or local health departments to provide public health services, provided the Authority complies with the Health Maintenance Organization Act (Article 67 of GS Chapter 58) as required, for the purposes of this provision.

Permits the Authority to lease any public health facility to a nonprofit association or to any corporation authorized to do business in the state, as specified. Prohibits the Authority from selling or conveying any rights in any public health facility to any corporation or business entity operated for profit, except when the Authority sells surplus buildings, land, or equipment. Permits the Authority to purchase insurance and specifies that the purchase waives the Authority's governmental immunity, to the extent of the coverage, for any act or omission that occurs in the exercise of a governmental function. Sets forth additional provisions related to insurance and governmental immunity.

Specifies that the Institute for Public Health Improvement executive director is an employee of the Authority Board, to perform public health duties under the Board's supervision, with five specified powers and duties.

Enacts new GS 130A-46 to establish the Institute for Public Health Improvement (Institute), tasked with administering all state and federal public health appropriations and grants and providing public health administration through four regional authorities. Establishes four regional public health authorities, located in Asheville, Kannapolis, Greenville, and Wilmington, to administer public health services in North Carolina. Describes the coverage areas for each respective regional authority. Authorizes a county to select a regional public health authority to serve as the public health department for the county.

Directs the Office of State Budget and Management to transfer any funds appropriated to the Department of Health and Human Services for 2015-16 or 2016-17 for public health programs abolished by this act to the Authority for allocation to the Institute. Specifies that only health departments accredited by the Local Health Department Accreditation Board or operating as a regional public health authority are eligible to receive state or federal funds as pass-through grants administered by the state and local agencies, unless otherwise provided by federal law.

Effective July 1, 2015.

Intro. by Hartsell.

[GS 130A](#)

[View summary](#)

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

S 236 (2015-2016) [SPIRITUOUS LIQUOR TASTINGS/ABC STORES](#). Filed Mar 10 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 Gunn, Tarte.

GS 18B

[View summary](#)

S 237 (2015-2016) **EDUCATION-BASED SALARY SUPPLEMENTS**. Filed Mar 10 2015, *AN ACT TO PROVIDE EDUCATION-BASED SALARY SUPPLEMENTS FOR CERTAIN SCHOOL EMPLOYEES*.

Repeals Section 8.22 of SL 2013-360, as amended, which phased out specified teacher salary supplements.

Specifies that only the following teachers and instructional support personnel will be paid on the "M" salary schedule or receive a salary supplement for academic preparation at the six-year degree level or at the doctoral degree level for the 2015-16 and subsequent school years: (1) certified school nurses and instructional support personnel in positions for which a master's degree is required for licensure; (2) teachers and instructional support personnel who were paid on that salary schedule or received that salary supplement before the 2014-15 school year; (3) teachers and instructional support personnel who complete a degree at the master's, six-year, or doctoral degree level for which they completed at least one course prior to August 1, 2013, and would have qualified for the salary supplement pursuant to State Board of Education policy, TCP-A-006, as it was in effect on June 30, 2013; and (4) teachers and instructional support personnel who do not qualify under subdivisions (1), (2), and (3) of this section but who spend at least 70% of their work time in either classroom instruction related to their graduate academic preparation in their field or subject area within their area of licensure or work within the employee's area of graduate academic preparation.

Requires, beginning with the 2015-16 fiscal year and subsequent fiscal years, for teachers who are paid on the "M" salary schedule under subdivision (4) above, annual determination of whether teachers and instructional support personnel will be paid on the "M" salary schedule or receive a salary supplement for academic preparation. Allows teachers and instructional support personnel to be moved off of the "M" salary schedule or discontinue receiving salary supplements if they are not meeting the specified requirements.

Provides that unless an individual otherwise qualifies under subdivision (2) or (3) above, teachers and instructional support personnel who earn an advanced degree in school administration must not be paid on the "M" salary schedule or receive a salary supplement for academic preparation unless they serve as an assistant principal or principal.

Effective July 1, 2015.

Intro. by Stein.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education

S 238 (2015-2016) **STALKING BY GPS/CRIMINAL OFFENSE**. Filed Mar 10 2015, *AN ACT TO PROVIDE THAT A PERSON COMMITS THE OFFENSE OF CYBERSTALKING IF THE PERSON KNOWINGLY INSTALLS OR PLACES A TRACKING*

DEVICE WITHOUT CONSENT AND USES THE DEVICE TO TRACK THE LOCATION OF AN INDIVIDUAL.

Identical to [H 187](#) filed on 3/10/15.

Amends GS 14-196.3, as the title indicates. Adds definitions for the following terms as they apply in this statute: electronic tracking device and fleet vehicle.

Makes it unlawful to knowingly install or place an electronic tracking device without consent, or to cause an electronic tracking device to be installed without consent, and use the electronic device to track the location of any person. Specifies that these provisions do not apply to the installation, placement, or use of an electronic tracking device by any of the following: (1) law enforcement, judicial officer, probation or parole officer, employee of the Division of Corrections, Department of Public Safety when the person is engaged in the performance of official duties in accordance with state or federal law; (2) the parent or legal guardian of a minor, or any person authorized by the parent or legal guardian as a caretaker of the minor; (3) a legally authorized representative of a disabled adult as defined in GS 108A-101(d); (4) the owner of a fleet of vehicles when tracking those vehicles; (5) a licensed private investigator but provides that this exception does not apply if the investigator is working on behalf of a client subject to a domestic violence protective order under GS Chapter 50B or if the investigator knows or should reasonably know that the client is seeking services to aid in the commission of a crime; and (6) an order issued by a state or federal court.

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

Intro. by Stein, Hartsell.

[GS 14](#)

[View summary](#)

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

LOCAL/HOUSE BILLS

H 58 (2015-2016) [ALAMANCE COUNTY SHERIFF/FOOD PURCHASES](#). Filed Feb 5 2015, *AN ACT PROVIDING THAT A 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.*

Amendment #1 makes the following changes to the 2nd edition.

Changes the long title.

Amends language to provide that a county sheriff's office can contract for the purchase of food and food services supplies for that county's detention facility without being subject to the requirements of GS 143-129 and 143-131 (previously, provided that the Alamance County Sheriff's Office could contract as such).

Provides that this act applies to the counties of Alamance, Cumberland, Davidson, Guilford, Onslow, Randolph, and Wake (previously, act only applied to Alamance).

Amendment #2 makes the following changes to the 2nd edition.

Adds the following counties to the bill: Anson, Caswell, Craven, Pamlico, and Rockingham.

Amendment #3 makes the following changes to the 2nd edition.

Makes a clarifying change, replacing the statutory reference to GS 143-131 with GS 143-131(a) to continue to require compliance with the statute's minority participation requirements.

Intro. by Riddell, S. Ross.

Alamance, Anson, Caswell, Craven, Cumberland, Davidson, Guilford, Onslow, Pamlico, Randolph, Rockingham, Wake

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation)**

H 188 (2015-2016) [TRUSTEE APPOINTMENTS/ISOTHERMAL COMM. COLL.](#) Filed Mar 10 2015, *AN ACT TO CHANGE THE MANNER OF SELECTION OF CERTAIN MEMBERS OF THE BOARD OF TRUSTEES OF ISOTHERMAL COMMUNITY COLLEGE.*

Amends GS 115D-12(a) as the title indicates. Provides for 4 trustees of the 13-member board of trustees for Isothermal Community College to be appointed by the General Assembly and specifies the schedule for the appointments and the filling of vacancies as necessary. Previously, 4 trustees were elected by the board of education for the public school administrative unit located in the administrative area of a community college. Provisions of this act apply only to Isothermal Community College. Applies to appointments to terms beginning on or after July 1, 2015.

Intro. by Hager.

Rutherford

[View summary](#)

Education, Higher Education

H 189 (2015-2016) [ROCKINGHAM CO. SCHOOL BD.](#) Filed Mar 10 2015, *AN ACT TO PROVIDE FOR A REFERENDUM TO REDUCE THE SIZE OF THE ROCKINGHAM COUNTY BOARD OF EDUCATION OVER FOUR YEARS FROM ELEVEN MEMBERS TO SEVEN BY REDRAWING THE ELECTION DISTRICTS TO REDUCE THE NUMBER OF DISTRICTS FROM SIX TO FOUR SO THAT FOUR MEMBERS ARE ELECTED BY DISTRICT AND BY REDUCING THE NUMBER OF MEMBERS ELECTED AT LARGE FROM FIVE TO THREE; TO CHANGE THE METHOD OF ELECTION OF THE BOARD TO PARTISAN; AND TO CLARIFY THE APPOINTMENT OF VACANCIES TO THE BOARD.*

Provides for changes to the Rockingham County Board of Education as the title indicates, regardless of the plan for merging the public school systems in Rockingham County into one school system as approved by the State Board of Education on July 2, 1992, under GS 115C-67. Repeals Sections 2 through 4 of SL 2005-307, replacing the provisions with provisions that reduce the number of board members over a four-year period from eleven members to seven members. Reduces the number of election districts from six to four. Provides that there is to be a "for or against" question on the May 3, 2016, ballot as to reducing the membership of the school board from eleven members to seven members over a four-year period. Makes the above changes effective only if approved by a majority of qualified voters in the referendum held on May 3, 2016.

Repeals Section 1 of SL 2005-307. Repeals Section 2 of SL 1995-651, and Section 2 of Chapter 15 of the 1993 Session Laws, as amended by Section 5 of SL 2005-307, effective January 1, 2018. Provides that beginning in 2018, the election of members of the Rockingham Consolidated Board of Education is to be on a partisan basis in the general election in each even-numbered year as terms expire. Provides that this section does not affect the terms of office of any person elected in 2014 and 2016 to the Rockingham County Board of Education.

Amends Section 3 of SL 2005-307 regarding the criteria for submitting nominations to fill board vacancies.

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

Intro. by Jones, Holloway.

Rockingham

[View summary](#)

Education

H 194 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/ROANOKE RAPIDS](#). Filed Mar 10 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE ROANOKE RAPIDS 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 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. This act applies only to the Roanoke Rapids Graded School District beginning with the 2015-16 school year.

Intro. by Wray.

[Halifax](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 197 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/2014-2015](#). Filed Mar 10 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR FOR THE 2014-2015 SCHOOL YEAR*.

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. This act applies only to the Avery and Mitchell county school administrative units for the 2014-15 school year.

Intro. by Dobson.

[Avery, Mitchell](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 198 (2015-2016) [RALEIGH/CONVEYANCE OF REAL PROPERTY](#). Filed Mar 10 2015, *AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH TO AUTHORIZE THE CITY TO SELL, EXCHANGE, OR OTHERWISE TRANSFER REAL PROPERTY SUBJECT TO RESTRICTIONS*.

Amends Section 22 of the City of Raleigh Charter (SL 1949-1184), as the title indicates. Provides that a conveyance of real property under this section may be made only under a resolution of the city council that authorizes the sale. Requires at least 10 days' public notice of the proposed transaction and specifies the required content of the notice.

Intro. by D. Hall.

[Wake](#)

[Development, Land Use and Housing, Property and](#)

[View summary](#)

[Housing](#)

H 199 (2015-2016) [RALEIGH/DONATE SERVICE ANIMALS TO OFFICERS](#). Filed Mar 10 2015, *AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH TO ALLOW THE CITY TO DONATE RETIRED ANIMALS USED BY THE POLICE DEPARTMENT OR ANY OTHER CITY AGENCY TO THE POLICE OFFICER OR EMPLOYEE WHO HAD NORMAL CUSTODY AND CONTROL OF THE ANIMAL.*

As title indicates.

Intro. by D. Hall.

[Wake](#)

[View summary](#)

[Animals, Government, Public Safety](#)

H 204 (2015-2016) [CASWELL BEACH/QUICK TAKE EMINENT DOMAIN](#). Filed Mar 10 2015, *AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR A PUBLIC SERVICES FACILITY.*

Identical to [S 216](#) filed on 3/10/14.

Amends GS 40A-42(a)(2) to add that when the Town of Caswell Beach acquires property by condemnation for constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails, and other buildings for use by any department, board, commission, or agency, title to the property and the right to immediate possession vests under this subsection. Applies only to the Town of Caswell Beach for the taking of property for a public service facility where a fire department or other emergency services provider will be located.

Intro. by Iler.

[Brunswick](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, Public Safety](#)

H 206 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/WAKE COUNTY](#). Filed Mar 10 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE WAKE 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 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.

This act applies only to the Wake County Public School System beginning with the 2015-16 school year.

Intro. by Gill, Holley, Pendleton.

[Wake](#)

LOCAL/SENATE BILLS

S 36 (2015-2016) [GREENSBORO CITY COUNCIL CHANGES](#). Filed Feb 4 2015, *AN ACT TO CLARIFY THE FORM OF GOVERNMENT, METHOD OF ELECTION, AND DETERMINATION OF ELECTION RESULTS IN THE CITY OF GREENSBORO.*

Senate committee substitute to the 1st edition makes the following changes. Clarifies that regardless of Part 4 of Article 5 of GS Chapter 160A and GS 153A-22, which permit modifications of the form of government, the City of Greensboro is prohibited from altering or amending its form of government.

Amends Section 3.23(b) of the Charter to provide that the city of Greensboro's mayor has a vote in the consideration of the employment, discipline, or dismissal of the city manager and the city attorney. Deletes provisions in the 1st edition which gave the Mayor the power of veto over actions of the city council.

Amends Section 3.81 of the charter to clarify that except in accordance with Section 3.23(b) of the charter, the mayor has no vote and no veto over matters coming before the Council.

Makes clarifying and technical changes.

Effective when the act becomes law and applies to elections held on or after that date and to acts of the mayor on or after that date.

Intro. by Wade.

[Guilford](#)

[View summary](#)

S 181 (2015-2016) [WAKE COUNTY COMMISSIONER DISTRICTS](#). Filed Mar 4 2015, *AN ACT TO INCREASE THE SIZE OF THE WAKE COUNTY BOARD OF COMMISSIONERS AND TO ALTER THE DISTRICTS TO COINCIDE WITH THE DISTRICTS OF THE WAKE COUNTY BOARD OF EDUCATION.*

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

Makes clarifying changes to refer to additional Session Laws concerning the Wake County Board of Commissioners and correct Session Law references.

Intro. by Barefoot.

[Wake](#)

[View summary](#)

S 213 (2015-2016) [26TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 10 2015, *AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Berger.

Guilford, Rockingham

[View summary](#)

S 214 (2015-2016) [VILLAGE OF WESLEY CHAPEL/DEANNEXATION](#). Filed Mar 10 2015, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF WESLEY CHAPEL.*

Removes the described property from the Village of Wesley Chapel's corporate limits. Provides that the act has no effect on the validity of any liens of the Village of Wesley Chapel for ad valorem taxes or special assessments outstanding before the effective date of the act; allows the liens to be collected or foreclosed upon after the effective date of the act as though the property were within the Village's corporate limits.

Effective June 30, 2105.

Intro. by Tucker.

Union

[View summary](#)

S 215 (2015-2016) [ABOLISH BRUNSWICK COUNTY CORONER](#). Filed Mar 10 2015, *AN ACT TO ABOLISH THE OFFICE OF CORONER IN BRUNSWICK COUNTY.*

Abolishes the office of coroner in Brunswick County. States that GS Chapter 152 (Coroners) does not apply to Brunswick County.

Effective on the earlier of a vacancy in the office of coroner in Brunswick County or the expiration of the current term in 2016.

Intro. by Rabon.

Brunswick

[View summary](#)

S 216 (2015-2016) [CASWELL BEACH/QUICK TAKE EMINENT DOMAIN](#). Filed Mar 10 2015, *AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR A PUBLIC SERVICES FACILITY.*

Amends GS 40A-42(a)(2) to add that when the Town of Caswell Beach acquires property by condemnation for constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails, and other buildings for use by any department, board, commission, or agency, title to the property and the right to immediate possession vests under this subsection. Applies only to the Town of Caswell Beach for the taking of property for a public service facility where a fire department or other emergency services provider will be located.

Intro. by Rabon.

Brunswick

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, Public Safety](#)

S 218 (2015-2016) [TOWN OF FRANKLIN/SATELLITE ANNEXATIONS](#). Filed Mar 10 2015, *AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF FRANKLIN*.

Amends GS 160A-58.1, petition for annexation; standards, deleting a requirement that all of a subdivision be annexed if the noncontiguous area proposed to be annexed included any or all of the subdivision.

Applies to the town of Franklin only.

Intro. by J. Davis.

[Macon](#)

[View summary](#)

S 219 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES](#). Filed Mar 10 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 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. Requires all first-semester exams to be given before winter break.

This act applies only to the Burke County and Cleveland County school administrative units beginning with the 2015-16 school year.

Intro. by Daniel.

[Burke, Cleveland](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 223 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES](#). Filed Mar 10 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 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. Requires all first-semester exams to be given before winter break.

This act applies only to the Anson, Richmond, Rowan, Scotland, and Stanly county school administrative units beginning with the 2015-16 school year.

Intro. by

[Anson, Richmond, Rowan, Scotland, Stanly](#)

[View summary](#)

Education, Elementary and Secondary Education

S 224 (2015-2016) [40TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 10 2015, *AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by

[Mecklenburg](#)

[View summary](#)

S 228 (2015-2016) [SCHOOLS CLOSED DUE TO INCLEMENT WEATHER](#). Filed Mar 10 2015, *AN ACT TO GIVE QUALIFYING LOCAL BOARDS OF EDUCATION IN CERTAIN COUNTIES THE ABILITY TO BETTER MANAGE INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER OR OTHER EMERGENCY SITUATIONS.*

Under current law, the school calendar consists of a minimum of 185 instructional days for students or 1,025 instructional hours. Amends GS 115C-84.2(a) (School calendar) and GS 115C-281.85(a)(1) (Course of study requirements) to provide that when a school is closed because of inclement weather, a natural disaster, damage to a school facility, or a state of emergency, the school is required to make up a maximum of the average days or hours made up for the last five years. Makes this provision applicable only to the Madison, Mitchell, and Yancey County school administrative units. Applies beginning with the 2015-16 school year.

Intro. by Hise.

[Madison, Mitchell, Yancey](#)

[View summary](#)

Education, Elementary and Secondary Education

S 229 (2015-2016) [47TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 10 2015, *AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Hise.

[Madison, McDowell, Mitchell, Polk, Rutherford, Yancey](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 19: [WAIVE TUITION/FALLEN OFFICER WAS GUARDIAN.](#)

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 31: 0.00 ALCOHOL RESTRICTION-ALL DWI.

House: Regular Message Sent To Senate

H 32: AMEND HABITUAL DWI.

House: Regular Message Sent To Senate

H 41: REVENUE LAWS TECHNICAL CHANGES.

House: Passed 3rd Reading

H 55: PUBLIC EXHIBIT OF FIREWORKS/NCSU.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 59: CLARIFY REPORT ADMISSIBILITY.

House: Regular Message Sent To Senate

H 71: CLARIFY COUNTY COMM OATH FILING.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 102: UTILITY VEHICLES/LAW ENFORCEMENT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/11/2015

H 157: AMEND ENVIRONMENTAL LAWS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 172: FRACKING-PROTECTING THE PUBLIC.

House: Passed 1st Reading

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

H 173: OMNIBUS CRIMINAL LAW BILL.

House: Passed 1st Reading

House: RefTo Com On Judiciary II

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

House: Passed 1st Reading

House: RefTo Com On Judiciary IV

H 176: CITIZENSHIP TEST.

House: Passed 1st Reading

House: RefTo Com On Education - K-12

H 178: SPIRITUOUS LIQUOR TASTINGS/ABC STORES.

House: Passed 1st Reading

House: RefTo Com On Alcoholic Beverage Control

H 179: FORM OF GOVT. CHANGES BY REFERENDUM ONLY.

House: Passed 1st Reading

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

H 180: LEGISLATIVE 4-YEAR TERMS.

House: Passed 1st Reading

House: Ref to the Com on Elections, if favorable, Judiciary I

H 181: CHARTER SCHOOL GRADE LEVEL EXPANSION.

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 182: PROPERTY INSURANCE FAIRNESS.

House: Filed

H 183: REPEAL MAP ACT.

House: Filed

H 184: CHANGE DCR PROCESS FOR UNCLAIMED PROPERTY.-AB

House: Filed

H 185: REPEAL DCR'S OBSOLETE COMMS & LANGUAGE.-AB

House: Filed

H 186: CAPE FEAR WATER RESOURCES AVAILABILITY STUDY.

House: Filed

H 187: STALKING BY GPS/CRIMINAL OFFENSE.

House: Filed

H 190: STATE HEALTH PLAN MODIFICATIONS.-AB

House: Filed

H 191: OCC. LIC./AMEND FEE LIST BARBER EXAMINERS BD.

House: Filed

H 192: COMPLIANCE COURT COSTS.

House: Filed

H 193: PROHIBIT DISCRIMINATORY PROFILING.

House: Filed

H 195: ALLOW SUBSTITUTION OF BIOSIMILARS.

House: Filed

H 196: DOI LICENSE PROCESSING FEES.

House: Filed

H 200: AMEND CERTIFICATE OF NEED LAWS.

House: Filed

H 201: ZONING CHANGES/CITIZEN INPUT.

House: Filed

H 202: SUPT. PUBLIC INSTRUCTION MEMBER OF SBE.

House: Filed

H 203: PHASEOUT OF FUEL TAX.

House: Filed

H 205: INCREASE RETIREMENT AGE FOR JUDGES.

House: Filed

S 7: ALLOW SEATING FOR FOOD STAND CUSTOMERS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Commerce

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

Senate: Conf Com Appointed

S 37: WAIVE TUITION/FALLEN OFFICER WAS GUARDIAN.

House: Passed 1st Reading

House: Ref to the Com on Education - Universities, if favorable, Appropriations

S 53: CITIES/OVERGROWN VEGETATION NOTICE.

Senate: Reptd Fav

S 60: NO CONTACT ORDER/NO EXPIRATION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

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

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 82: VITAL RECORDS INTEGRITY ACT.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

S 89: DISQUALIFICATION NOTICE/PISTOL SALE PERMIT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary I

S 199: FUNDS DEPOSITED WITH CLERK OF COURT.

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

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

S 202: REENACT PRESERVATION REHAB TAX CREDITS.

Senate: Passed 1st Reading

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

S 204: REENACT FILM CREDIT.

Senate: Passed 1st Reading

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

S 205: WC/TRUCK DRIVERS' STATUS.

Senate: Passed 1st Reading

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

S 206: APPROPRIATIONS ACT OF 2015.

Senate: Passed 1st Reading

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

S 207: AGGRAVATING FACTOR/VIOLENT ACT BEFORE MINOR.

Senate: Passed 1st Reading

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

S 208: PROPERTY INSURANCE FAIRNESS.

Senate: Filed

S 209: RESPONSIBLE BREEDING/PREVENT CRUELTY.

Senate: Filed

S 210: NOTICE PUBLICATION BY COUNTIES AND CITIES.

Senate: Filed

S 211: PENALTY FOR LATE PAYMENT OF MONIES/CHARTERS.

Senate: Filed

S 212: HANDGUN STANDARDS FOR RETIRED SWORN LEO.

Senate: Filed

S 217: DISTRIBUTION OF HIGHWAY USE TAX AND FEES.

Senate: Filed

S 220: INCLUDE MORGANTON IN STATE HEALTH PLAN.

Senate: Filed

S 221: ADD FONTA FLORA TRAIL TO STATE PARKS SYSTEM.

Senate: Filed

S 222: ENERGY POLICY COUNCIL AMENDMENTS.

Senate: Filed

S 225: THE BIRDS AND THE BEES ACT.

Senate: Filed

S 226: STUDY JUDICIAL DISTRICTS.

Senate: Filed

S 227: REPEAL AUTO ADJUST/CAMPAIGN CONTRIBUTIONS.

Senate: Filed

S 230: ELECTRONIC CAMPAIGN FINANCE REPORTS.

Senate: Filed

S 231: STUDY UNIFIED PUBLIC HEALTH SYSTEM.

Senate: Filed

S 232: HONOR GIRL SCOUTS.

Senate: Filed

S 233: AUTOMATIC EXPUNCTION/MISTAKEN IDENTITY.

Senate: Filed

S 234: REQUIRE LETTER GRADE RATING ON GENERIC DRUGS.

Senate: Filed

S 235: ESTABLISH STATE PUBLIC HEALTH AUTHORITY.

Senate: Filed

S 236: SPIRITUOUS LIQUOR TASTINGS/ABC STORES.

Senate: Filed

S 237: EDUCATION-BASED SALARY SUPPLEMENTS.

Senate: Filed

S 238: STALKING BY GPS/CRIMINAL OFFENSE.

Senate: Filed

LOCAL BILLS

H 43: WINSTON-SALEM/PARKING METERS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 58: ALAMANCE COUNTY SHERIFF/FOOD PURCHASES.

House: Amend Adopted A1

House: Amend Adopted A2

House: Amend Adopted A3

House: Passed 2nd Reading

House: Ordered Engrossed

House: Amend Adopted A1

House: Amend Adopted A2

House: Amend Adopted A3

House: Passed 2nd Reading

House: Ordered Engrossed

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

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 177: SCHOOL CALENDAR FLEXIBILITY/CERTAIN LEAS.

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 188: TRUSTEE APPOINTMENTS/ISOTHERMAL COMM. COLL.

House: Filed

H 189: ROCKINGHAM CO. SCHOOL BD.

House: Filed

H 194: SCHOOL CALENDAR FLEXIBILITY/ROANOKE RAPIDS.

House: Filed

H 197: SCHOOL CALENDAR FLEXIBILITY/2014-2015.

House: Filed

H 198: RALEIGH/CONVEYANCE OF REAL PROPERTY.

House: Filed

H 199: RALEIGH/DONATE SERVICE ANIMALS TO OFFICERS.

House: Filed

H 204: CASWELL BEACH/QUICK TAKE EMINENT DOMAIN.

House: Filed

H 206: SCHOOL CALENDAR FLEXIBILITY/WAKE COUNTY.

House: Filed

S 36: GREENSBORO CITY COUNCIL CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 181: WAKE COUNTY COMMISSIONER DISTRICTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

Senate: Passed 1st Reading

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

S 203: WINSTON-SALEM/SIMULTANEOUS COMMUNICATIONS.

Senate: Passed 1st Reading

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

S 213: 26TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 214: VILLAGE OF WESLEY CHAPEL/DEANNEXATION.

Senate: Filed

S 215: ABOLISH BRUNSWICK COUNTY CORONER.

Senate: Filed

S 216: CASWELL BEACH/QUICK TAKE EMINENT DOMAIN.

Senate: Filed

S 218: TOWN OF FRANKLIN/SATELLITE ANNEXATIONS.

Senate: Filed

S 219: SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES.

Senate: Filed

S 223: SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES.

Senate: Filed

S 224: 40TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 228: SCHOOLS CLOSED DUE TO INCLEMENT WEATHER.

Senate: Filed

S 229: 47TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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