

The Daily Bulletin: Monday, March 16, 2015

PUBLIC/HOUSE BILLS

H 237 (2015-2016) [REPEAL PERSONAL ED PLANS/TRANS TEAMS & PLANS](#). Filed Mar 16 2015, *AN ACT TO REPEAL PERSONAL EDUCATION PLANS AND TRANSITION TEAMS AND PLANS*.

Repeals GS 115C-105.41, concerning students at risk of academic failure and the requirement to develop personal education plans for those students, as well as the creation of transition teams and transition plans for students at risk.

Amends GS 115C-83.7(c) and GS 115C-83.9(a) making conforming changes, deleting references to personal education plans.

Effective when the act becomes law and applies beginning with the 2015-16 school year.

Intro. by Elmore, Holloway.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 238 (2015-2016) [DUTY-FREE TIME/LUNCH FOR TEACHERS](#). Filed Mar 16 2015, *AN ACT TO PROVIDE THAT ALL TEACHERS HAVE DUTY-FREE INSTRUCTIONAL PLANNING TIME AND DUTY-FREE LUNCH*.

Current law provides that all full-time assigned classroom teachers (classroom teachers) have duty-free instructional time during the regular school day when students are at school. Amends GS 115C-301.1 to specify that all classroom teachers be provided "daily" duty-free instructional time during regular student contact hours. Makes an exception to the provision of daily duty-free instructional time in emergency situations that require the immediate and temporary suspension of the planning time as the only reasonable means of protecting the safety of the students. Also provides that teachers are to have a duty-free lunch to the maximum extent that the safety and proper supervision of the students may allow during regular student contact hours. Prohibits principals from requiring a teacher to give up his or her duty-free lunch or duty-free instructional time on an ongoing, regular basis without the teacher's consent. Deletes provisions regarding any funds from the General Assembly for providing duty-free instructional planning time.

Makes conforming and technical changes to GS 115C-105.27(b) regarding the school improvement plan to improve student performance. Requires that the school improvement plan include a plan to provide at least five hours of duty-free planning time per week for every teacher and a plan to provide a duty-free lunch period on a daily basis.

Applies beginning with the 2015-16 school year.

Intro. by Elmore, Holloway.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 239 (2015-2016) [RESTORE EARLY VOTING DAYS](#). Filed Mar 16 2015, *AN ACT THAT RESTORES THE NUMBER OF*

EARLY VOTING DAYS TO THE NUMBER OF DAYS PRIOR TO THE ENACTMENT OF THE VOTER INFORMATION VERIFICATION ACT.

Amends GS 163-227.2(b), effective *until* January 1, 2016, to provide that no earlier than the third (was, second) Thursday before an election in which absentee ballots are authorized and in which a voter seeks to vote, and no later than 1 p.m. on the last Saturday before that election, the voter must appear in person at the office of the county board of elections, except as provided in subsection (g) of GS 163-227.2. Under subsection (b), current law directs the county board of elections to conduct one-stop voting on the last Saturday before the election until 1 p.m. As amended in this act, subsection (b) provides that the county board of elections *may* conduct one-stop voting until 5 p.m. on that Saturday.

Again amends GS 163-227.2(b), effective January 1, 2016, to provide that no earlier than the third (was, second) Thursday before an election in which absentee ballots are authorized and in which a voter seeks to vote, and no later than 1 p.m. on the last Saturday before that election, the voter must appear in person at the office of the county board of elections, except as provided in subsection (g) of GS 163-227.2. Under subsection (b), current law directs the county board of elections to conduct one-stop voting on the last Saturday before the election until 1 p.m. As amended in this act, subsection (b) provides that the county board of elections *may* conduct one-stop voting until 5 p.m. on that Saturday.

Under current law, subsection (g) of GS 163-227.2 provides that regardless of other provisions of GS 163-227.2, by a unanimous vote of all of its members, a county board of elections may provide one or more sites in that county where voters can apply for and cast absentee ballots under this statute. Amends subsection (g) to delete language that requires any voting plan adopted under this subsection to provide for the same number of hours of operation on the same days of operation for all election sites in that county. Also deletes all provisions of subsection (g2), which enumerates specific information requirements regarding the cumulative total number of scheduled voting hours from county boards of elections that provided for one or more sites during the 2010 or 2012 general election. Deletes subsection (g3), which permitted a county board of elections, by unanimous vote, to submit a request to the State Board to reduce the number of hours established in subsection (g2) for the primary or general election.

Applies to elections held on or after September 1, 2015.

Intro. by L. Hall.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

H 240 (2015-2016) [ALLOW NC COLLEGE ID TO MEET VOTER ID REQ.](#) Filed Mar 16 2015, *AN ACT TO ALLOW A STUDENT PHOTO IDENTIFICATION CARD ISSUED BY A NORTH CAROLINA COLLEGE OR UNIVERSITY TO BE USED TO IDENTIFY A VOTER IF THE IDENTIFICATION CARD HAS A PRINTED EXPIRATION DATE AND HAS NOT EXPIRED.*

Amends GS 163-166.13(e) to expand the list of approved photo identification used for the verification of voter identification to include: (1) student identification cards issued by the University of North Carolina or one of its constituent institutions, (2) student identification cards issued by any accredited private college or university located in North Carolina, and (3) student identification cards issued by a North Carolina community college. Provides that the exception allowing expired photo identification cards for voters 70 years old and older does not apply to the above student identification cards.

Intro. by L. Hall.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

H 241 (2015-2016) [DESTROY FIREARM/CRIME OF ASSAULT OR MURDER.](#) Filed Mar 16 2015, *AN ACT TO PROVIDE*

THAT A FIREARM USED TO ASSAULT A LAW ENFORCEMENT OFFICER OR TO CAUSE SERIOUS BODILY INJURY OR DEATH THAT IS SEIZED AS EVIDENCE SHALL BE DISPOSED OF BY ORDERING THE DESTRUCTION OF THE FIREARM UNLESS THE COURT DETERMINES THAT IT IS APPROPRIATE TO RETURN THE FIREARM TO ITS RIGHTFUL OWNER.

Enacts new GS 15-11.1(b2) concerning the disposition of firearms that were used as evidence in a criminal trial, providing that if the firearm was used in an assault on a law enforcement officer or to cause serious bodily injury or death to any person then, after proper and required notice is given by the district attorney, the district attorney must petition the court to dispose of the firearm. After petition and hearing the judge must order the firearm to be turned over to be destroyed by the sheriff of the county in which it was seized, unless the judge finds it appropriate to return the firearm to its rightful owner, as provided for in GS 15-11.1(b1). Requires the sheriff to maintain a record of the destruction of the firearm.

Makes clarifying and conforming changes.

Effective December 1, 2015, applying to petitions of firearms submitted on or after that date.

Intro. by Davis, Daughtry.

[GS 15](#)

[View summary](#)

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

H 242 (2015-2016) [WHITE COLLAR INVESTIGATION](#). Filed Mar 16 2015, *AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE GRAND JURY MAY BE CONVENED.*

Amends GS 15A-622(i) to expand the list of violations for which an investigative grand jury can be convened to also include allegations of the commission of, attempt to commit or solicitation to commit, or a conspiracy to commit a violation of GS 90-95(h) (specified crimes involving controlled substances), GS 90-95.1 (continuing criminal enterprise), GS Chapter 14, Article 29 or 30 (concerning bribery and obstructing justice), GS 14-228 (buying and selling of offices), GS 14-230 (failing to discharge duties), or GS 14-234 (public officers or employees benefiting from public contracts). Amends GS 15A-622 providing that a grand jury will be convened if a three-judge panel determines that a submitted written petition for the convening of a grand jury alleges the commission or a conspiracy to commit any of the crimes listed above and found in GS 15A-622(i) [was, if the petition alleges the commission or a conspiracy to commit a violation of GS 90-95(h) (specified crimes involving controlled substances) and GS 90-95.1 (continuing criminal enterprise)].

Makes conforming and technical changes.

Effective October 1, 2015.

Intro. by Faircloth, Stam.

[GS 15A](#)

[View summary](#)

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

H 244 (2015-2016) [COMMUNITY CORR./INTERSTATE COMPACT/FUND.-AB](#) Filed Mar 16 2015, *AN ACT TO ALLOW THE SECTION OF COMMUNITY CORRECTIONS TO IMPOSE ADDITIONAL CONDITIONS OF SUPERVISION ON OFFENDERS BEING SUPERVISED UNDER THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, TO EXPAND THE USE OF THE INTERSTATE COMPACT FUND TO INCLUDE OPERATIONAL COSTS OF COMMUNITY*

CORRECTIONS, TO PROVIDE THAT WHEN A SEX OFFENDER IS TRANSFERRED FROM ANOTHER STATE TO NORTH CAROLINA UNDER THE INTERSTATE COMPACT A DETERMINATION SHALL BE MADE BY A NORTH CAROLINA COURT AS TO WHETHER THE OFFENDER MUST ENROLL IN SATELLITE-BASED MONITORING, AND TO ESTABLISH THE PROCEDURE FOR MAKING THAT DETERMINATION.

Enacts new GS 15A-1343.2(g1) concerning supervision under the Interstate Compact for adult offender supervision providing that in all cases where an offender in North Carolina is under supervision pursuant to the Interstate Compact for Adult Offender Supervision, the Section of Community Corrections can require an offender to perform and meet nine specified requirements, including performing up to 20 hours of community service and pay the fee prescribed by law for this supervision, and submit to substance abuse assessments, monitoring, or treatment. Provides that such conditions can only be imposed if it is determined that the offender has failed to comply with one or more of the conditions of supervision or the offender is determined to be high risk, based upon the specified risk assessment. Further provides that the condition which requires the offender to submit to a period or periods of confinement in a local confinement facility for a specified time can only be imposed if it is determined that the offender failed to comply with one or more of the conditions of supervision.

Amends GS 148-65.7(a) concerning fees collected pursuant to the Interstate Compact Fund providing any such fees collected can be used for operational costs incurred by the Section of Community Corrections in addition to being used for the administration of the Interstate Compact.

Enacts new GS 14-208.40B(d) to provide that in cases where an offender from another state is transferred to North Carolina under the Interstate Compact and the crime which requires supervision of the offender in North Carolina equates to a reportable conviction under GS 14-208.6(4), but the court of the state transferring the offender did not order or consider satellite-based monitoring, then a court in North Carolina must determine whether the conviction requires such monitoring. Sets out the procedure for making such a determination, including notification requirements and hearing scheduling. Effective December 1, 2015, applying to transfers of offenders that occur on or after that date.

Unless otherwise noted above, effective July 1, 2015, applying to persons being supervised under the Interstate Compact for Adult Supervision on or after that date.

Intro. by Stevens.

[GS 14, GS 15A, GS 148](#)

[View summary](#)

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

H 245 (2015-2016) [UTILITIES/THE ENERGY FREEDOM ACT](#). Filed Mar 16 2015, *AN ACT PROVIDING THAT A PERSON WHO CONSTRUCTS OR OPERATES AN ELECTRIC GENERATING FACILITY ON A CUSTOMER'S PROPERTY FOR THE PRIMARY PURPOSE OF PRODUCING ELECTRICITY, HEAT, OR STEAM FOR SALE TO OR FOR THE USE BY THE CUSTOMER IS NOT A PUBLIC UTILITY AND IS NOT SUBJECT TO REGULATION BY THE UTILITIES COMMISSION SO LONG AS THE FACILITY IS SIZED TO SUPPLY NO MORE THAN ONE HUNDRED TWENTY-FIVE PERCENT OF THE AVERAGE ANNUAL ENERGY CONSUMPTION OF THE CUSTOMER AT THAT SITE.*

Designates this as as "The Energy Freedom Act of 2015." Provides a sequence of "whereas clauses" setting forth the policy reasons for this act.

Under current law, the term "public utility" does not include persons who construct or operate an electric generating facility for the primary purpose of that person's own use. Amends the definition for "public utility" as provided in GS 62-3(23) to provide that "public utility" also does not mean a person who constructs or operates a renewable energy facility on the site of a customer's property and sells the electricity produced by that facility to the customer who owns the property, as provided by and subject to the limitations of GS 62-119 as enacted in this act.

Enacts new GS 62-119, Third-party sales of electricity from on-site renewable energy facilities, to Article 6 of GS

Chapter 62. Provides that third-party sales of electricity from renewable energy facilities on the customer's property where the electricity will be used does not subject the third party owner or operator of the on-site renewable energy equipment to any sales restrictions under GS 62-110.2 or to regulation as a public utility under GS Chapter 62 provided that (1) the facility supplies no more than 125% of the average annual consumption of electricity by the consumer at that site, and (2) the third-party owner reports the proposed construction of the facility to the Utilities Commission (Commission) before beginning construction on the facility. Defines the property that constitutes the customer's site for purposes of this statute. Provides that renewable energy facilities owned or operated by third parties under this statute are eligible to participate in net metering arrangements with applicable public utilities. Authorizes the Commission to approve a new schedule of fees or credits for customers who elect to use distributed energy resources.

Amends GS 62-300(a) to add a new subdivision authorizing the Commission to collect a \$25 fee for each proposed construction report filed by a person who constructs or operates a renewable energy facility on the site of the customer's property and sells the electricity produced by the facility to the customer under the limitations of GS 62-119 as created in this act.

Effective July 1, 2015.

Intro. by Szoka, Dollar, McGrady, Johnson.

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

H 246 (2015-2016) [ADD MEMBER/CRIM. JUST. STANDARDS COMM.](#) Filed Mar 16 2015, *AN ACT TO ADD ONE MEMBER CHOSEN BY THE NORTH CAROLINA CHAPTER OF THE FBI NATIONAL ACADEMY ASSOCIATES TO THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.*

As title indicates; the new member is to serve a one-year term. Also amends GS 17C-5 to provide that when the North Carolina Criminal Justice Education and Training Standards Commission has a tie vote, the chair has the deciding vote. Effective July 1, 2015.

Intro. by Horn, Faircloth, McNeill.

[GS 17C](#)

[View summary](#)

[Government, Public Safety](#)

H 248 (2015-2016) [ELIMINATE NC FINAL EXAM.](#) Filed Mar 16 2015, *AN ACT TO ELIMINATE THE NC FINAL EXAM AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO POPULATE STANDARD SIX OF THE TEACHER EVALUATION INSTRUMENT USING SCHOOL-WIDE GROWTH VALUES.*

Requires the State Board of Education (Board) to eliminate the use of the NC Final Exam to assess teachers' performance in relation to Standard 6 of the North Carolina Teacher Evaluation System and requires the Board to adopt a policy requiring each local school administrative unit to use school-wide growth values to determine Standard 6 ratings. Requires the End-of-Grade assessments and End-of-Course assessments to be used for determining student growth values for teachers administering those assessments. Effective upon the approval by the US Department of Education of the amendment required by Section 2 of this act.

Section 2 of the act requires the Board, within 60 days of the date this act becomes law, to submit for approval by the US Department of Education an amendment to its flexibility waiver under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq.

Intro. by Holloway, Elmore.

[UNCODIFIED](#)

H 249 (2015-2016) [REAFFIRMING SUPPORT FOR PUBLIC SCHOOLS](#). Filed Mar 16 2015, *A HOUSE RESOLUTION REAFFIRMING THE GENERAL ASSEMBLY'S CONTINUED SUPPORT AND ADVOCACY FOR STRONG, INNOVATIVE, AND HIGH-ACHIEVING PUBLIC SCHOOLS DURING THE OBSERVANCE OF THE ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY OF THE FIRST PUBLIC SCHOOL IN NORTH CAROLINA.*

Reaffirms the House of Representatives' continued support and advocacy for strong, innovative, and high-achieving public schools. Honors the memory of George W. Garrett and expresses appreciation for his contributions to education.

Intro. by Horn, Johnson, Gill, Holloway.

[HOUSE RES](#)

[View summary](#)

[Education](#)

H 250 (2015-2016) [HEALTHY FOOD SMALL RETAILER/CORNER STORE ACT](#). Filed Mar 16 2015, *AN ACT TO ENACT THE CORNER STORE INITIATIVE ACT TO ASSIST HEALTHY FOOD SMALL RETAILERS.*

Renames Part 2J of Article 10 of GS Chapter 143B as the Healthy Food Small Retailer Act (was, Wine and Grape Growers Council).

Enacts new GS 143B-437.92 providing the following. Sets out six General Assembly findings. States that the program established in the statute is intended to provide a source of funding and assistance for small food retailers operating in the state with the goal of increasing availability and sales of fresh fruits, vegetables, and other nutrient-dense foods at affordable prices to local residents and improving the diet and health of local residents, especially in food desert zones. Creates the Healthy Food Small Retailer Fund (Fund) as a restricted reserve in the Department of Commerce (Department) and specifies that funds in the Fund do not revert but remain available to the Department for food desert relief purposes. Sets out and defines terms as they are used in the statute, including *business* and *food desert relief* and *zone*. Defines a *small food retailer* as a business that is a small retail outlet of no more than 3,000 heated square feet that sells a limited selection of foods and other products.

Requires the Secretary of Commerce, upon application by a county, to make a written determination as to whether an area is a food desert zone; the determination is effective until December 31 of the year 10 years following the year in which the determination is made. Requires the Department to annually publish a list of all food desert zones with a description of their boundaries. Specifies items that must be included in the application. Requires the Department to develop guidelines providing for the administration of the program and selection of recipients of food desert relief. Allows the Department to use up to 12% of the funds appropriated to the Fund to administer the Fund. Specifies provisions that must be included in the guidelines. Limits the use of funds in the Fund to (1) amounts to a county or regional public health department to purchase and install at a small food retailer refrigeration equipment, display shelving, and other equipment necessary for stocking nutrient-dense foods; total funding may not exceed \$5,000 per small food retailer; (2) amounts to a county or regional public health department to be given to a small food retailer to offset initial expenses related to participating in food desert relief efforts; total funding may not exceed \$100 per small food retailer; or (3) amounts to a county or regional public health department to cover salaries and associated costs of either employees or contractors providing technical assistance to small food retailers on nutrient-dense food safety and handling, nutrition education, and business operations and promotion related to nutrient-dense food inventory; total funding may not exceed \$1,500 per small food retailer.

Provides that funds may be disbursed from the Fund only in accordance with agreements entered into between the state

and one or more county or regional public health departments and between the county or regional public health department and a small food retailer. Specifies provisions that must be included in the agreement.

Allows funds to be disbursed to the county or regional public health department only after the county or regional public health department has demonstrated that the retailer has complied with the terms of the retailer performance agreement. Requires that funds be disbursed according to the disbursement schedule established in the local food desert relief agreement.

Requires the Department to publish a report on the use of funds in the Fund on or before April 30 of each year. Requires the report to be submitted electronically to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Economic Development and Global Engagement Oversight Committee, and the Fiscal Research Division. Specifies items to be included in the report.

Requires the Department to develop guidelines related to the administration of the Fund and to the selection of projects to receive allocations from the Fund. Requires the Department to publish the proposed guidelines on its website and provide notice to those requesting notice at least 20 days before the effective date of any guidelines or nontechnical amendments to guidelines. Also requires the Department to accept comments on the proposed guidelines during the 15 business days beginning on the first day that the Department has completed these notifications. Defines a technical amendment.

Appropriates \$1 million from the General Fund to the Department of Commerce for the 2015-16 fiscal year to be allocated to the Fund to be used for purposes consistent with this act.

Intro. by Holley, Whitmire, B. Brown, Lambeth.

[APPROP, GS 143B](#)

[View summary](#)

[Business and Commerce, Government, Budget/Appropriations, State Agencies, Department of Commerce](#)

PUBLIC/SENATE BILLS

S 290 (2015-2016) [ALLOW EARLY REFILLS OF PRESCRIPTION EYE DROPS](#). Filed Mar 16 2015, *AN ACT AMENDING THE PHARMACY PRACTICE ACT TO AUTHORIZE PHARMACISTS TO DISPENSE EARLY REFILLS OF TOPICAL OPHTHALMIC PRODUCTS (EYE DROPS)*.

Amends the Pharmacy Practice Act by amending GS 90-85.32 to allow the dispensing of topical ophthalmic products to prevent interruptions in drug therapy in the following specified ways, if there are authorized refills remaining: (1) filling or refilling a prescription at 70% of the predicted number of days of use without obtaining subsequent authorization or a new authorization and (2) for patients having difficulty using the topical ophthalmic product and with authorization from the prescriber, filling or refilling a prescription earlier than 70% of the predicted number of days in use. Makes technical and clarifying changes.

Effective October 1, 2015.

Intro. by Curtis.

[GS 90](#)

[View summary](#)

S 291 (2015-2016) [EXTEND OVERNIGHT RESPITE PILOT PROGRAM](#). Filed Mar 16 2015, *AN ACT EXTENDING THE*

DURATION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OVERNIGHT RESPITE PILOT PROGRAM.

Amends SL 2011-104 as the title indicates. Extends the repeal of the program from June 1, 2015, to June 30, 2016.

Intro. by Hartsell.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Adult Services

S 292 (2015-2016) [MUNICIPAL INCORPORATIONS/STUDY](#). Filed Mar 16 2015, *AN ACT AUTHORIZING THE JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT TO STUDY THE PROCEDURE FOR INCORPORATING MUNICIPALITIES.*

As title provides. Allows the Joint Legislative Committee on Local Government to designate the Committee's Municipal Incorporation Subcommittee to study the act. Committee may make an interim report to the 2016 Regular Session of the General Assembly, with a final report to the 2017 Regular Session of the General Assembly.

Intro. by Hartsell.

STUDY

[View summary](#)

Government, General Assembly, Local Government

S 293 (2015-2016) [OK TO ALIGN SCHOOL AND COMM. COLL. CALENDAR](#). Filed Mar 16 2015, *AN ACT PERMITTING LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL CALENDARS WITH THOSE OF COMMUNITY COLLEGES SERVING THEIR COMMUNITIES.*

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 (d) by deleting the provision that included exemptions from the dates for schools with a modified calendar for 2003-04 or that were part of a planned program in 2003-04. Adds new language that provides that regardless of the required opening and closing dates under subsection (d), a local school board may align the school calendar for schools in the local administrative unit to align with the opening and closing dates of a community college that serves the city or county in which the school unit is located.

Intro. by Hartsell.

GS 115

[View summary](#)

Education, Elementary and Secondary Education

S 294 (2015-2016) [CHANGES TO REAL ESTATE BROKER LICENSE FEES](#). Filed Mar 16 2015, *AN ACT TO INCREASE THE FEE FOR REAL ESTATE BROKER LICENSE APPLICATIONS AND REINSTATEMENTS AND TO INCREASE THE CAP FOR RENEWAL FEES.*

Amends GS 93A-4 as the title indicates. Sets the real estate broker license application fee at \$100 (was, not to exceed \$30) unless the North Carolina Real Estate Commission (Commission) sets the fee at a higher amount by rule; however, prohibits the Commission from setting an application fee that is more than \$200 and prohibits increasing the application

fee by more than \$10 during a 12-month period.

Sets the license renewal fee at \$45 (was, \$30) unless the Commission sets the renewal fee at a higher amount by rule; however, prohibits the Commission from setting the renewal fee at more than \$200 (was, \$50) and prohibits increasing the renewal fee by more than \$10 (was, \$5) during a 12-month period.

Sets the fee for reinstatement of an expired, revoked, or suspended license at an amount that is equal to two times the license renewal fee at the time the reinstatement application is submitted.

No longer requires the pre and post licensing education program hours to consist of in classroom instruction.

Effective January 1, 2016.

Intro. by Gunn.

[GS 93A](#)

[View summary](#)

[Business and Commerce, Occupational Licensing](#)

S 295 (2015-2016) [MOVE OVER/WASTE & RECYCLING TRUCKS](#). Filed Mar 16 2015, *AN ACT TO MODIFY THE MOVE OVER LAW TO INCLUDE VEHICLES BEING USED IN THE COLLECTION OF REFUSE, SOLID WASTE, OR RECYCLING*.

Amends GS 20-157 as the title indicates. Applies to offenses committed on or after October 1, 2015.

Intro. by Wade.

[GS 20](#)

[View summary](#)

[Public Enterprises and Utilities, Transportation](#)

LOCAL/HOUSE BILLS

H 12 (2015-2016) [REMOVE SUNSET/FOSTER CARE OMBUDSMAN PROG](#). Filed Jan 28 2015, *AN ACT TO REMOVE THE SUNSET ON THE FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY*.

Amends Section 1(c) of SL 2013-111, regarding the Foster Care Ombudsman Pilot Program in Gaston County, providing that the foster care ombudsman must, when a juvenile is placed in foster care following a disposition order under GS 7B-905, be a party in all actions under GS 7B-906.1 (previously required to be a party in all actions under GS 7B-906 and GS 7B-907). Provides that Gaston County can designate an attorney to assist the ombudsman, if requested by the ombudsman (previously, Gaston County was required to designate an attorney if requested as specified). Adds language that allows the ombudsman to be allowed to participate in any meeting or court hearing regarding the juvenile prior to disposition, if requested by the parent or juvenile. Provides that the ombudsman must have access to case files regarding any juvenile in the care of the Department of Social Services who has been placed in foster care. Makes a technical change. Provides that an ombudsman can assist pre-adoptive parents or a relative of the juvenile with matters concerning the case if so requested by the pre-adoptive parent or relative.

Intro. by Torbett.

[Gaston](#)

[View summary](#)

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

H 243 (2015-2016) [LOCAL MOD: ECONOMIC DEVELOPMENT COMMISSIONS](#). Filed Mar 16 2015, *AN ACT TO*

MODIFY THE COMPOSITION OF THE ECONOMIC DEVELOPMENT COMMISSION FOR MACON COUNTY.

Amends GS 158-8 to allow the Macon County economic development commission to consist of three to twelve (was, three to nine) members.

Intro. by West.

Macon

[View summary](#)

Development, Land Use and Housing, Community and Economic Development

H 247 (2015-2016) **HOKE COUNTY LOCAL OPTION SALES TAX.** Filed Mar 16 2015, *AN ACT TO AUTHORIZE HOKE COUNTY TO LEVY AN ADDITIONAL ONE-HALF CENT SALES AND USE TAX.*

Enacts new Article 47 of GS Chapter 105 authorizing Hoke County to levy a third one-half percent sales tax, subject to approval by the voters, to be used for school construction and renovation, including to retire indebtedness incurred by the county for these purposes. Only applies if the county has already levied the first 1 cent local sales and use tax, the first 1/2 cent local sales and use tax, and the second 1/2 cent local sales and use tax.

The new sales tax is administered in the same way as other local sales taxes except that (1) it does not apply to food; (2) it does not apply to the sales price of a bundled transaction, pursuant to GS 105-467(a)(5a); and (3) it is not shared with municipalities.

Does not apply to construction materials purchased for a lump-sum or unit-price contract awarded or entered into before the effective date of the levy when the materials would otherwise be subject to tax under Article 47.

Effective when the act becomes law.

Applies only to Hoke County.

Intro. by Pierce, Goodman.

Hoke

[View summary](#)

Government, Tax

H 251 (2015-2016) **SCHOOL CALENDAR FLEXIBILITY/TRANSYLVANIA CO.** Filed Mar 16 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE TRANSYLVANIA COUNTY BOARD OF EDUCATION IN ADOPTING THE SCHOOL CALENDARS.*

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the dates for the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided in GS 115C-84.2(d). Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) to require that except for year-round schools, local boards of education must set the school opening date for students to be no earlier than August 10 (was, no earlier than the Monday closest to August 26). Also requires that first-semester examinations must be given before winter break. Provides that regardless of the required opening date under subsection (d), a local school board may choose to schedule the opening and closing dates for any school in the local administrative unit to align with the opening and closing dates of a community college that serves the city or county in which the school unit is located.

Deletes all other provisions of subsection (d), including the requirement that the school closing date for students be no

later the Friday closest to June 11.

Limits application of this act to the Transylvania County school administrative unit, beginning with the 2015-16 school year.

Intro. by Whitmire.

Transylvania

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[Education, Elementary and Secondary Education](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 237: REPEAL PERSONAL ED PLANS/TRANS TEAMS & PLANS.

House: Filed

H 238: DUTY-FREE TIME/LUNCH FOR TEACHERS.

House: Filed

H 239: RESTORE EARLY VOTING DAYS.

House: Filed

H 240: ALLOW NC COLLEGE ID TO MEET VOTER ID REQ.

House: Filed

H 241: DESTROY FIREARM/CRIME OF ASSAULT OR MURDER.

House: Filed

H 242: WHITE COLLAR INVESTIGATION.

House: Filed

S 290: ALLOW EARLY REFILLS OF PRESCRIPTION EYE DROPS.

Senate: Filed

S 291: EXTEND OVERNIGHT RESPITE PILOT PROGRAM.

Senate: Filed

S 292: MUNICIPAL INCORPORATIONS/STUDY.

Senate: Filed

S 293: OK TO ALIGN SCHOOL AND COMM. COLL. CALENDAR.

Senate: Filed

S 294: CHANGES TO REAL ESTATE BROKER LICENSE FEES.

Senate: Filed

LOCAL BILLS

H 243: LOCAL MOD: ECONOMIC DEVELOPMENT COMMISSIONS.

House: Filed

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