

The Daily Bulletin: Tuesday, March 17, 2015

PUBLIC/HOUSE BILLS

H 5 (2015-2016) [MILITARY VETERANS SPECIAL PLATE](#). Filed Jan 28 2015, *AN ACT TO REAUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR MILITARY VETERANS AND REMOVE THE REQUIREMENT THAT THE DIVISION MUST RECEIVE A MINIMUM NUMBER OF APPLICATIONS BEFORE ISSUING THE PLATE.*

House amendment makes the following changes to the 1st edition.

Amends the effective date so that the act is effective 90 days after it becomes law (was, effective when the act became law).

Intro. by Torbett.

GS 20

[View summary](#)

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

H 13 (2015-2016) [AMEND SCHOOL HEALTH ASSESSMENT REQUIREMENT](#). Filed Jan 28 2015, *AN ACT REQUIRING EACH CHILD PRESENTED FOR ADMISSION INTO THE PUBLIC SCHOOLS FOR THE FIRST TIME TO SUBMIT PROOF OF A RECENT HEALTH ASSESSMENT AND REQUIRING THE HEALTH ASSESSMENT TRANSMITTAL FORM TO BE PERMANENTLY MAINTAINED IN THE CHILD'S OFFICIAL SCHOOL RECORD.*

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

Makes a conforming change to the title of Article 18 of Chapter 130A of the General Statutes, rewriting it as "Health Assessments for Children in the Public Schools," (was, specified kindergarten children).

Amends GS 130A-440 to require the health assessment to be made not more than 12 months prior to the date the child would have first been eligible for initial entry into public schools.

Makes conforming changes to GS 130A-441 to comply with the new requirement that the health assessment transmittal forms be permanently maintained in the student's official record.

Intro. by Torbett.

GS 115C, GS 130A

[View summary](#)

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

H 18 (2015-2016) [PLANNING YEAR FOR CIHSS](#). Filed Jan 28 2015, *AN ACT TO PROVIDE FOR A PLANNING YEAR FOR ESTABLISHMENT OF COOPERATIVE INNOVATIVE HIGH SCHOOLS.*

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

Deletes the \$750,000 appropriation for the 2015-16 fiscal year from the General Fund to the Department of Public

Instruction which was to be allocated for planning year funding in the amount of \$75,000 per approved Cooperative Innovative High School.

Amends the long title of this act.

Provides that this act remains effective as of July 1, 2015, and adds that it applies to applications submitted for approval in the 2014-15 school year and each subsequent school year.

Intro. by S. Martin, Horn, Shepard, Hanes.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of Public Instruction](#)

H 29 (2015-2016) [TECHNICAL CHANGES TO COURSES OF STUDY STATUTE](#). Filed Jan 29 2015, *AN ACT TO MAKE ORGANIZATIONAL AND TECHNICAL CHANGES TO THE COURSES OF STUDY STATUTES*.

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

Makes additional technical changes to the courses of study statutes including technical changes to capitalization of catch phrases, revisions to punctuation, re-lettering and renumbering of subsections and subdivisions, and recodifying of the substantive content of some of the repealed statutes. Makes conforming changes to clarify statutory references.

Removes references to the Basic Education Plan (BEP) and replaces it with the term "standard course of study," and makes conforming changes to other statutes. Adds reference in GS 115C-81.5 to adoption of a plan of education by the State Board of Education. Deletes the term "English language" in GS 115C-81.5 to remain consistent with text from repealed GS 115C-81. Clarifies in GS 115C-81.20 that an alcohol and drug use prevention education program must be approved, consistent with text in repealed GS 115C-81. Amends GS 115C-81.70 to clarify that the types of instruction required for Disability and Health Awareness Month instruction may include any of the indicated measures.'

Intro. by Johnson, Glazier, Holloway, Horn.

[GS 115, GS 120](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 129 (2015-2016) [HIGH ACHIEVING TUITION SCHOLARSHIPS](#). Filed Mar 3 2015, *AN ACT TO CREATE THE HIGH ACHIEVING TUITION SCHOLARSHIP PROGRAM FOR SCHOLARSHIPS FOR TOP PERFORMING HIGH SCHOOL STUDENTS ATTENDING NORTH CAROLINA COMMUNITY COLLEGES*.

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

Deletes from the purposes of the the High Achieving Tuition Scholarship Program (scholarship award) decreasing the strain on the state's universities from serving an increasing number of students, and decreasing the drop of enrollment of students in their sophomore year.

Provides that an eligible student must graduate with at least a 3.5 unweighted grade point average in the academic semester prior to enrolling in a community college (was, required graduation with unweighted an 3.5 grade point average within seven months prior to applying for the scholarship).

Clarifies that the State Education Assistance Authority (SEAA) must reduce the amount of the scholarship award by the amount of grants or scholarships the student receives from other state or federal sources.

Deletes requirement that the State Board of Community Colleges must adopt rules to ensure that scholarship award recipients are provided counseling and assistance in selecting coursework; instead places the responsibility with the community colleges to ensure that such measures are in place.

Requires the SEAA to annually report on or before September 1, beginning in 2017 (was, on or before March 1, beginning in 2017) to the Joint Legislative Education Oversight Committee on the implementation of the scholarship program.

Intro. by Elmore, Dobson, Holloway, McNeill.

APPROP

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, State Agencies, State Board of Education

H 138 (2015-2016) **ARTS EDUCATION REQUIREMENT**. Filed Mar 3 2015, *AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT PRIOR TO GRADUATION FROM HIGH SCHOOL.*

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

Directs the State Board of Education to modify the state graduation requirements (was, curriculum requirements) to include one credit in arts education to be completed by each student at any time in grades 6 through 12. Requires the State Board of Education to include an exemption from the arts education requirement for students who transfer to a North Carolina public school beginning in the ninth grade or later if adhering to the requirement would result in a student being unable to graduate with the graduation class to which the student was assigned when transferring to North Carolina's public school system.

Clarifies that the report, required by December 15, 2018, to the Joint Legislative Education Oversight Committee is to cover the statewide implementation of the three interdependent components of comprehensive arts education--arts education, arts integration, and arts exposure.

Intro. by Carney, Johnson, Elmore, Glazier.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education

H 157 (2015-2016) **AMEND ENVIRONMENTAL LAWS**. Filed Mar 4 2015, *AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.*

AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS. Enacted March 16, 2015. Effective March 16, 2015, except as otherwise provided.

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, Department of Health and Human Services, Health and Human Services, Health, Public Health

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

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

Deletes proposed changes to GS 143B-426.38A (Government Data Analytics Center; State data-sharing requirements).

Amends GS 20-38.7(c) providing three exceptions to the vacating of a sentence imposed by the district court and the required holding of a new sentencing hearing when an appeal is withdrawn or a case is remanded back to district court, including if the appeal is withdrawn pursuant to GS 15A-1431(c) and the prosecutor has certified to the clerk, in writing, that the prosecutor has no new sentencing factors to offer the court. Effective October 1, 2015.

Amends the effective date for changes in Section 6 of the act, providing that the changes are effective December 1, 2015 and apply to offenses committed on or after that date (was, applies to sentences imposed).

Deletes changes made to GS 14-269.1 and GS 15-11.1(b1), concerning the confiscation and disposition of deadly weapons.

Changes the statutory location for proposed GS 122C-295 (Electronic and facsimile transmission of custody orders), now providing that the proposed section is to be GS 122C-210.3.

Deletes proposed changes to GS 15A-534(d1).

Amends GS 15A-534(d3) to provide that after conditions for pretrial release are determined for a defendant who is charged with an offense and the defendant is currently on pretrial release for a prior offense, the judicial official can require (was, must require) the execution of a secured or unsecured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond.

Makes technical changes.

Deletes proposed changes to GS 15A-268(a6)(4) and new (a6)(7).

Makes clarifying changes to GS 15A-268(a6)(6).

Intro. by Stam, Faircloth, Glazier, Turner.

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

[View summary](#)

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

H 252 (2015-2016) [CONFLICT OF INTEREST/CERTAIN RELATIONSHIPS](#). Filed Mar 17 2015, *AN ACT TO CLARIFY THAT CERTAIN RELATIONSHIPS REQUIRE RECUSAL IN THE CONFLICT OF INTEREST ANALYSIS UNDER THE STATE GOVERNMENT ETHICS ACT*.

Enacts new GS 138A-31(d) in the State Government Ethics Act to require covered persons (legislators, public servants, or judicial officers) to recuse themselves from any legislative, executive, or official action if that action might result in a reasonably foreseeable financial benefit to a registered lobbyist or liaison personnel, or that lobbyist's principal, or that liaison personnel's state agency or governmental body, if that covered person is married to or has a current dating relationship or sexual relationship with the lobbyist or liaison personnel. Sets out and defines *dating relationship*.

Effective July 1, 2015, applying to legislative, executive, and official actions taken on or after that date.

Intro. by Glazier, Faircloth, G. Martin, Daughtry.

GS 138A

[View summary](#)

**Government, Ethics and Lobbying, General Assembly,
State Government, Executive**

H 253 (2015-2016) [JUSTICE REINVESTMENT ACT CHANGES.-AB](#) Filed Mar 17 2015, *AN ACT TO AMEND PROVISIONS OF THE JUSTICE REINVESTMENT ACT.*

Part I.

Amends GS 15A-1343 to add as a regular condition of probation that a defendant must waive all rights relating to extradition proceedings if taken into custody outside of this state for failing to comply with the conditions imposed by the court. Adds the requirement that when the court orders supervised probation, a person must submit a signed document to the Division of Adult Correction for filing with the clerk of superior court, stating that (1) the person will comply with the court's conditions and (2) if the person fails to comply with the conditions and is taken into custody outside of this state, then the person waives all rights related to extradition proceedings.

Part II.

Amends GS 15A-1343.2 to make the statute, concerning special probation rules, also applicable to persons convicted of impaired driving under GS 20-138.1. Adds to the conditions in (e) that may be placed on an offender sentenced to community punishment, or placed on supervised probation for impaired driving, that the offender obtain (1) a specific sex offender assessment and follow all recommended treatment or (2) a mental health assessment and follow all recommended treatment.

Adds new (e1) as follows. Provides that unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Section of Community Corrections (Section) of the Division of Adult Correction of the Department of Public Safety is allowed to require an offender placed on supervised probation for a conditional discharge for a first offense for specified offenses of the Controlled Substance Act under GS 90-96, and conditional discharge for those pleading guilty to or found guilty of a Class H or I felony or a misdemeanor when specified findings are made according to GS 15A-1341(a4), or deferred prosecution for a person who has been charged with a Class H or I felony or a misdemeanor when specified findings of fact are made under GS 15A-1341(a1), to comply with the conditions of (e), except the condition requiring confinement in a local confinement facility for a specified time. If any of these requirements are imposed, then the Section may later reduce or remove those requirements. Allows the probation officer to exercise authority delegated to him or her by the court after administrative review and approval by a chief probation officer. Allows the offender to file a motion with the court to review the action taken by the probation officer and requires that the offender be given notice of the right to seek the review. Allows the Section to exercise any authority delegated to it under (e1) only after determining that the offender has failed to comply with one or more of the conditions of probation or the offender is determined to be high risk.

Amends (f) to add to the conditions that may be placed on an offender sentenced to intermediate punishment that the offender obtain (1) a specific sex offender assessment and follow all recommended treatment or (2) a mental health assessment and follow all recommended treatment.

Part III.

Requires that the authorization to require a supervisee to meet any of nine newly specified conditions be delegated by the Post-Release Supervision and Parole Commission (Commission) to the Section (was, allowed the Commission in consultation with the Section to impose conditions it believed were reasonably necessary to ensure that the supervisee would lead a law-abiding life or assist the supervisee in doing so, without specifying the conditions). Sets out the

following conditions: (1) perform up to 50 hours of community service and pay the fee for that supervision; (2) submit to a curfew requiring the offender to remain in a specified place for a specified period each day and wear a device that allows compliance to be monitored electronically; (3) submit to substance abuse assessment, monitoring, or treatment; (4) participate in an educational or vocational skills development program, including an evidence-based program; (5) submit to satellite-based monitoring, if the defendant is described by G.S. 14-208.40(a)(2); (6) submit to house arrest with electronic monitoring; (7) report to the offender's probation officer on a frequency determined by the officer; (8) obtain a specific sex offender assessment and follow all recommended treatment; and (9) obtain a mental health assessment and follow all recommended treatment. Provides that if any of these requirements are imposed, then the Section may later reduce or remove those requirements. Allows the probation officer to exercise authority delegated to him or her by the Commission after administrative review and approval by a chief probation officer. Allows the offender to request the Commission review the action taken by the probation officer and requires that the offender be given notice of the right to seek the review. Allows the Section to exercise any authority delegated to it under this new (c) only after determining that the offender has failed to comply with one or more of the conditions of probation or the offender is determined to be high risk. Enacts the same provisions in new GS 15A-1374 concerning conditions of parole.

Part IV.

Amends GS 15A-1368.3(c) to provide that if post-release supervision is revoked and a supervisee is reimprisoned for violation of a condition, the Division of Adult Correction must award a prisoner credit against any term of reimprisonment for all time spent in custody as a result of revocation proceedings unless as a result of a violation of the conditions the supervisee is returned to prison for a three-month period. Prohibits reducing the three-month period by credit for time already served and requires any such credit to be applied toward the maximum prison term.

Part V.

Repeals GS 143B-1157 and GS 143B-1158, which concern the State Community Corrections Advisory Board.

Enacts new GS 143-1161 creating the 13-member Justice Reinvestment Council (Council). Specifies Council membership. Sets out membership terms in order to create staggered terms. States that the Council's purpose is to (1) recommend policy enhancements to the Justice Reinvestment Act of 2011, (2) assist in the continued education of criminal justice system stakeholders, (3) support implementation of the Justice Reinvestment Act of 2011, and (4) identify new initiatives that further implementation of the Justice Reinvestment Act of 2011 and the Adult Corrections Recidivism Reduction Plan. Effective July 1, 2015.

Part VI.

Amends GS 143B-720 to allow the Post-Release Supervision and Parole Commission to conduct all hearings regarding violations of conditions of post-release supervision (was, hearings regarding the revocation or termination of post-release supervision) and all hearings regarding violation of conditions of parole (was, regarding revocation, termination, or suspension of parole) by video conference. Adds that a hearing office may conduct the following by video conference: (1) preliminary hearings regarding violation of conditions of post-release supervision and (2) preliminary hearings regarding violations of conditions of parole. Makes conforming changes to GS 15A-1368.6 and GS 15A-1376.

Part VII.

Amends GS 15-196.2 to provide that when two or more consecutive sentences are revoked because of a probation violation, credit for time served on concurrent confinements in response to violation under GS 15A-1344(d2) must be credited to only one sentence.

Part VIII.

Amends GS 15A-743 to expand the categories of individuals for whom a requisition for return to the state may be sought to include persons who have broken the terms of post-release supervision. Modifies the individuals who may

apply for the requisition by including the Post-Release Supervision and Parole Commission (was, the parole board) and the Director of Community Corrections.

Part IX.

Effective December 1, 2015, applying to person placed on probation or post-release supervision on or after that date.

Intro. by Faircloth, Daughtry, Boles, Hurley.

[GS 15A, GS 143B](#)

[View summary](#)

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

H 254 (2015-2016) [PROTECT NATIONAL GUARD REEMPLOYMENT RIGHTS](#). Filed Mar 17 2015, *AN ACT TO EXTEND NATIONAL GUARD REEMPLOYMENT RIGHTS TO MEMBERS OF THE NATIONAL GUARDS OF OTHER STATES*.

Identical to [S 280](#), filed 3/12/15.

Amends GS 127A-201 and 127A-202.1, concerning employment rights and protections for members of the NC National Guard, to extend those same protections to members of the National Guard of other states. Makes technical and conforming changes.

Effective October 1, 2015, applying to denials of initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on or after that date.

Intro. by G. Martin, Whitmire, Pendleton.

[GS 127A](#)

[View summary](#)

[Employment and Retirement, Military and Veteran's Affairs](#)

H 255 (2015-2016) [BUILDING CODE REG. REFORM](#). Filed Mar 17 2015, *AN ACT TO REFORM BUILDING CODE ENFORCEMENT TO PROMOTE ECONOMIC GROWTH BY CONFORMING WORK IN PROGRESS INSPECTION AUTHORITY TO RECENTLY ENACTED INSPECTION LIMITATIONS, BY REQUIRING THE BUILDING CODE COUNCIL TO STUDY THE ALTERNATE METHODS APPROVAL PROCESS, BY CLARIFYING THE DEFINITION OF OFFICIAL MISCONDUCT FOR CODE OFFICIALS, BY ELIMINATING MANDATORY PLAN REVIEW FOR RESIDENTIAL STRUCTURES, BY RAISING THE THRESHOLD FOR REQUIREMENT OF A BUILDING PERMIT, BY CREATING THE BUILDING CODE COUNCIL RESIDENTIAL CODE COMMITTEE, BY REQUIRING INTERNET POSTING OF CERTAIN COUNCIL DECISIONS AND INTERPRETATIONS, BY CLARIFYING THAT INSPECTION FEES COLLECTED BY CITIES AND COUNTIES MAY ONLY BE USED TO SUPPORT THE INSPECTION DEPARTMENT, AND BY REQUIRING THAT INSPECTIONS BE PERFORMED IN FULL AND IN A TIMELY MANNER AND INSPECTION REPORTS TO INCLUDE ALL ITEMS FAILING TO MEET CODE REQUIREMENTS*.

Amends GS 153A-360 and GS 160A-420 to provide language that ensures compliance with requirements that the North Carolina Building Code Council (Council) must approve or disapprove requests from a county or city for additional inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings.

Directs the Council to study procedures and policies for the approval of alternative materials, designs, or methods. Sets out three elements that must be covered in the study, including the alternate methods application process. Provides for staff support to come from the Engineering Division of the Department of Insurance. Requires the Council to submit findings and recommendations to the 2016 Regular Session of the 2015 General Assembly.

Enacts new GS 143-151.8(c) in the definitions section for Article 9C, North Carolina Code Officials Qualification Board, setting out and defining the terms *willful misconduct* and *gross negligence or gross incompetence*, setting out conduct or actions that are included, such as the habitual failure to provide requested inspections in a timely manner. Requires the North Carolina Code Officials Qualification Board, no later than October 1, 2015, to notify all Code enforcement officials in the state of the clarification to the grounds for disciplinary action enacted by this act.

Amends GS 143-138(b5) to provide that no building permit is required under the NC Building Code (Code) or any local variance approved under subsection (e) for construction, installation, repair, replacement, or alteration costing \$10,000 (was, \$5,000) or less in any single family residence or farm building unless specified work is performed.

Recodifies GS 153-357(a2), concerning permits, as GS 153-357(a3) (appears to intend GS 153A-357).

Amends GS 153A-357 concerning permits, making organizational and technical changes and providing that counties must review and approve building plans submitted for any nonresidential structure pursuant to the Code (previously, did not require but allowed a county to review and approve residential building plans submitted). Adds new language that provides that a county cannot require that it review and approve plans for the construction of structures subject to the Code for One- and Two-Family Dwellings, except that the county can require building plans to be available on site during the inspection process. Further provides that no building permit is required under the Code for construction, installation, repair, replacement, or alterations costing \$10,000 (was, \$5,000) or less in any single-family residence or farm building unless specified work is performed.

Recodifies GS 160-417(a2), concerning permits, as GS 160-417(a3) (appears to intend GS 160A-417).

Amends GS 160A-417, concerning permits, making organizational and technical changes and providing that cities must review and approve building plans submitted for any nonresidential structure pursuant to the Code (previously, did not require but allowed a county to review and approve residential building plans submitted). Adds new language that provides that a city cannot require that it review and approve plans for the construction of structures subject to the Code for One- and Two-Family Dwellings, except that the city can require building plans to be available on site during the inspection process. Further provides that no building permit is required under the Code for construction, installation, repair, replacement, or alterations costing \$10,000 (was, \$5,000) or less in any single-family residence or farm building unless specified work is performed.

Enacts new GS 143-136(c) to create a Residential Code for One- and Two-Family Dwellings Committee (Committee) within the Building Code Council. Provides that the membership will be five specific members of the Council and that the licensed general contractor specializing in residential construction will serve as chair of the committee. Provides that the Committee is tasked with reviewing revisions or amendments to the Residential Code for One- and Two-Family Dwellings and that such changes can only be considered by the Council after recommendation by the Committee. Provides further responsibilities of the Committee, including considering appeals or interpretations arising under GS 143-141 and overseeing the process by which the Council conducts revisions pursuant to GS 143-138(d).

Amends GS 143-138(d) making a conforming change and deleting language that required the Council to post appeal decisions and formal opinions on the Council's website.

Enacts new GS 143-141(c1) requiring the Department of Insurance to post and maintain on its website, in the areas devoted to the Council, all appeal decisions, interpretations, and variations of the Code issued by the Council within three business days of issuance. Amends GS 143-138.1(b) to establish that the Department of Insurance must post and maintain, on its website in the areas devoted to the Council, written commentaries and interpretations made and given by Council staff and the Department for each section of the Code within three business days of issuance.

Amends GS 153A-354 and GS 160A-414, concerning financial support of county and city inspection departments, to provide that all fees collected pursuant to the provisions of the respective sections must be used for supporting activities of the inspection department.

Amends GS 153A-352 and GS 160A-412 concerning the duties and responsibilities of county and city inspectors and

inspection departments, clarifying that they include making necessary inspections in a timely manner. Adds new language that requires inspectors to conduct full inspections and provide permit holders with complete lists of all items that fail to meet the requirements of the Code for One- and Two-Family Dwellings.

Effective July 1, 2015.

Intro. by Brody, Riddell, Cotham.

[STUDY, GS 143, GS 153, GS 153A, GS 160, GS 160A](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Government, Local Government](#)

H 256 (2015-2016) [HANDICAPPED PARKING/VETERANS PLATE](#). Filed Mar 17 2015, *AN ACT TO ALLOW PARTIALLY DISABLED VETERANS TO PARK IN A HANDICAPPED PARKING SPACE WHEN DISPLAYING THE PARTIALLY DISABLED VETERAN SPECIAL PLATE.*

Amends GS 20-37(e)(1), as title indicates, to provide that partially disabled veterans can park in a handicapped parking space when displaying the partially disabled veteran registration plate.

Intro. by Floyd.

[GS 20](#)

[View summary](#)

[Military and Veteran's Affairs, Transportation](#)

H 257 (2015-2016) [CLEAN FUEL TAX REDUCTION](#). Filed Mar 17 2015, *AN ACT TO ENCOURAGE THE USE OF CLEAN, UNADULTERATED FUELS BY REDUCING THE TAX RATE ON MOTOR FUEL THAT IS ETHANOL-FREE.*

Amends GS 105-449.60 to provide that the definition of *motor fuel* is gasoline containing ethanol, diesel fuel, and blended fuel (previously, defined *motor fuel* as gasoline, diesel fuel and blended fuel), exempting gasoline that does not contain any ethanol from the tax rate imposed on motor fuels in GS 105-449.80.

Effective July 1, 2015.

Intro. by Bumgardner.

[GS 105](#)

[View summary](#)

[Government, Tax](#)

H 259 (2015-2016) [GENERAL GOVERNMENT TECHNICAL CORRECTIONS.-AB](#) Filed Mar 17 2015, *AN ACT TO MAKE TWO TECHNICAL CORRECTIONS RELATED TO GENERAL GOVERNMENT.*

Repeals GS 143B-131.7, which required the Attorney General to assign counsel to the Roanoke Island Commission.

Amends Section 36.10 of SL 2014-100 to provide that repairs are authorized to the USS North Carolina Battleship hull and cofferdam (was, hull only) at a maximum cost of \$13 million.

Intro. by Cleveland.

[GS 143B](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

H 261 (2015-2016) [REQUIRE TYPED DEATH CERTIFICATES](#). Filed Mar 17 2015, *AN ACT TO REQUIRE DEATH CERTIFICATES TO BE TYPED RATHER THAN HANDWRITTEN*.

As title indicates. Effective October 1, 2015.

Intro. by Setzer.

GS 130A

[View summary](#)

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

H 262 (2015-2016) [SURPLUS LINES AMENDMENTS](#). Filed Mar 17 2015, *AN ACT TO MODERNIZE THE SURPLUS LINES ACT BY INCLUDING ALIEN INSURERS IN THE DEFINITION OF AN ELIGIBLE SURPLUS LINES INSURER, BY REPEALING COUNTERSIGNING REQUIREMENTS, AND BY PROVIDING GREATER FLEXIBILITY FOR THE MANNER OF COLLECTION AND REFUND OF THE SURPLUS LINES TAX*.

Modernizes the Surplus Lines Acts by amending GS 58-21-10(3), 58-21-40, 58-21-70, and 58-21-85 as the title indicates.

Intro. by Pendleton, Tine, Setzer.

GS 58

[View summary](#)

[Business and Commerce, Insurance, Government, Tax](#)

H 264 (2015-2016) [COMMUNITY COLLEGES 403\(B\) PLAN.-AB](#) Filed Mar 17 2015, *AN ACT TO ALLOW COMMUNITY COLLEGES TO PARTICIPATE IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN*.

Amends GS 115D-25 to provide that, in lieu of annuity or related contracts, interests in specified custodial accounts can be purchased by local boards of trustees for the benefit of qualified employees with the funds derived pursuant to the reduction in salaries of such employees. Makes conforming changes to the section catchline.

Enacts new GS 115D-25.4, Department of State Treasurer-sponsored 403(b) option, allowing local boards of trustees to offer the "North Carolina Public School Teachers' and Professional Educators' Investment Plan" (Plan). Sets out seven criteria for the offering of the Plan, including requiring that annuity contracts, trust accounts, and/or custodial accounts are administered by a qualified third-party administrator to provide custodial, record-keeping, and administrative services. Further provides nine requirements of the third-party, including maintaining a written plan document, monitoring maximum contributions, and keeping an updated schedule of vendor fees and commissions as to the Department of State Treasurer's statewide plan. Provides that oversight of the Plan will be performed by the Department of State Treasurer and the Board of Trustees for the NC Supplemental Retirement Plans, also provides that they will solely determine the investment options for the Plan. Sets out additional requirements concerning investment recommendations, payment and disbursement procedures, contributions by the local board of trustees to an employee's account, and design and administration of annuity contracts, trust accounts, and custodial accounts.

Effective October 1, 2015.

Intro. by McNeill.

GS 115D

[View summary](#)

[Education, Higher Education, Employment and Retirement, Government, State Agencies, Department of State Treasurer](#)

H 265 (2015-2016) **NCEMPA ASSET SALE**. Filed Mar 17 2015, *AN ACT TO PROVIDE COST RECOVERY FOR ACQUISITION OF JOINT MUNICIPAL POWER AGENCY OWNERSHIP INTEREST IN GENERATING FACILITIES, TO AUTHORIZE MUNICIPALITIES THAT ARE MEMBERS OF JOINT MUNICIPAL POWER AGENCIES TO ENTER INTO SUPPORT CONTRACTS, AND TO ISSUE BONDS TO PAY THE COSTS OF PROJECTS THAT ARE SOLD.*

Enacts new GS 62-133.14 to allow the North Carolina Utilities Commission (Commission), upon petition of an electric public utility and after hearing, to approve an annual rider to the electric public utility's rates to recover the North Carolina retail portion of the costs incurred in acquiring, operating, and maintaining the proportional interest in electric generating facilities purchased from a joint agency. Defines *acquisition costs*. Requires the Commission to adopt rules to implement the statute. Sets out provisions that the Commission must follow in determining the amount of the rider. Requires the Commission to require that an electric public utility file the specified proposed annual adjustment to the rider. Specifies that any rider established under the statute expires after the end of the useful life of the acquired facilities at the time of acquisition, with any remaining uncovered costs deferred until the electric public utility's next general rate proceeding.

Amends the legislative findings and purposes in GS 159B-2 for the Joint Municipal Electric Power and Energy Act to add findings concerning debt by municipal electric systems that have jointly planned, developed, acquired, owned, and financed electric generation and transmission facilities through joint agencies.

Amends GS 159B-12 to provide that if any municipality which is a member of the joint agency has contracted to buy the capacity and output of one or more specified projects from the joint agency, and if the joint agency has acquired one or more projects and financed the acquisition of any project by issuing bonds under GS Chapter 159B, and if the joint agency disposes of any project, and if the proceeds of the disposition of any project, together with other moneys available to the joint agency for paying the bonds, are not sufficient to pay the principal of, premium, and interest on all of such bonds for the acquisition of the existing project or projects, then the municipality may enter into a support contract with the joint agency to pay a proportionate share of the principal of, premium, and interest on bonds issued by the joint agency to (1) refinance the bonds issued to finance the acquisition of any existing project being sold or otherwise disposed of that are not defeased from other sources, (2) finance any collateral posting requirements of replacement power supply arrangements entered into by the joint agency, and (3) finance any required reserves and other costs associated with the support contracts and the issuance of the bonds authorized by GS 159B-14. Allows any support contract to provide that the contracting municipality is obligated to make the payments required by the support contract unconditionally and without offset, counterclaim, or otherwise, and notwithstanding the performance or nonperformance of the joint agency under the support contract, or of any other municipality entering into a similar support contract with the joint agency, or the delivery of or failure to deliver power or energy or the performance or nonperformance by any party under any related power supply contract. Allows any support contract entered into between a joint agency and its member municipalities to also provide that if any municipality defaults in the payment of its obligations, the remaining members subject to the contract must pay a proportionate share of the defaulted payments. Sets out provisions concerning the duration of the municipality's obligations. Prohibits obligations under a support contract from being taken into account in computing any debt or other limitation that may be imposed by law. Provides that the obligations of the municipality under any support contract constitute an operating expense of its municipal electric system. Adds that a municipality's willful or negligent failure to comply with its obligations constitute a failure or refusal to comply with GS Chapter 159B's provisions and the financial powers of the municipality's governing board that may be vested in the Local Government Commission include the powers incident to carrying out the requirements and obligations specified in this statute.

Amends GS 159B-11 to make conforming and technical changes.

Amends GS 159B-14 to allow a joint agency to issue bonds for refinancing bonds issued to pay the cost of a project, including paying the principal of, premium, and interest on bonds issued by a joint agency for the purpose of paying the cost of a project which is being disposed of by the joint agency, and for the purpose of financing any

collateral posting requirements of replacement power supply arrangements authorized in GS 159B-12, and secure the principal of, premium, and interest on the bonds by a pledge of the revenues derived from all or any of its projects, and any additions and improvements or extensions, or from the sale of power and energy and services and facilities related to the utilization of power and energy, or from other activities or facilities permitted in GS Chapter 159B, or by a pledge of payments derived from support contracts, or from contributions or advances from its members. Requires bonds of a joint agency to be authorized by a resolution adopted by its governing board.

Makes conforming changes to GS 159B-16.

Amends GS 159B-16.1 (concerning members of the North Carolina Eastern Municipal Power Agency) and GS 159B-17 (concerning other municipalities), stating that the rents, rates, fees and charges for electric power and energy and other services supplied through the municipality's electric system or interest in a joint project are fixed in order to meet specified needs, so long as any amounts payable by a municipality to a joint agency are unpaid, or the payment is not fully provided. Provides that any payments derived by support contracts are valid and binding from the date the pledge is made. Makes conforming changes.

Intro. by Collins, S. Martin, Stam, Pierce.

GS 62, GS 159B

[View summary](#)

Government, Local Government, Public Enterprises and Utilities

H 267 (2015-2016) **AMEND RESPIRATORY CARE PRACTICE ACT.-AB** Filed Mar 17 2015, *AN ACT AMENDING THE RESPIRATORY CARE PRACTICE ACT.*

Section 1

Amends GS 90-648, definitions section of the Respiratory Care Practice Act, adding "the therapeutic effectiveness of medical equipment used in respiratory care treatment for an individual patient" to the definition for *practice of respiratory care*. Makes technical changes. Clarifies that the term also means any act by which an individual holds himself or herself out to the public or represents that the individual is authorized to practice respiratory care in this state.

Amends the definition of support activities clarifying that the term does not include evaluation or assessment of the therapeutic effectiveness of any respiratory care treatment or respiratory care equipment for an individual patient. Makes technical and conforming changes.

Section 2

Amends GS 90-652 (Powers and duties of the Board), eliminating the requirement that applicants must submit a form consenting to a criminal record check and the use of their fingerprints (GS 90-652(1)). Expands the power of the board to include the investigation of activities of persons not licensed under this Article whom the NC Respiratory Care Board (Board) has reasonable cause to believe is engaged in the practice of respiratory care. Also authorizes the Board to designate one or more employees to issue and serve subpoenas and other papers on its behalf. Service is permitted in accordance with any other methods of service allowed by law.

Makes technical changes.

Section 3

Amends GS 90-653 (Licensure requirements; examination) to require that a form signed by the applicant consenting to a criminal record check and the use of fingerprints and other identifying information must be sent in with a completed application in order to meet licensure requirements.

Requires that applicants submit to the Board written, verified evidence that the applicant has successfully completed the

minimal requirements of an associate's degree respiratory care program approved by the Commission for Accreditation for Respiratory Care or its successor and the program must submit a verified transcript directly to the Board.

Requires that applicants submit to the Board evidence that they have earned the advanced level credential or its successor awarded by the National Board for Respiratory Care, Inc. Deletes a requirement that the Board administers the specified examination for applicants at least three times a year. Provides that the Board will state the terms and conditions of use for the respiratory therapist license.

Makes technical and conforming changes.

Section 4

Amends GS 90-656, Provisional license, providing that the Board can grant such license to any applicant who has completed three specified requirements, including successful completion of the minimal requirements of an associate's degree program in respiratory care, approved as specified, and that applicants have submitted written evidence that they have earned entry level credentials or its successor awarded by the National Board for Respiratory Care, Inc. Provides that the provisional licenses issued are effective for up to one year and can be renewed annually as specified for a total period not to exceed five years from the initial effective date (previously, could only issue such licenses for 12 months).

Section 5

Amends GS 90-659 (Suspension, revocation, and refusal to renew a license), giving the Board authority to impose probationary conditions on a license, which can include placing limitations on the practice of respiratory care, reprimand, assessing monetary redress, or requiring satisfactory completion of treatment or educational programs.

Expands the instances in which the Board has authority to impose restrictions concerning (1) conduct that employs fraud, deceit, bribery, or misrepresentation to obtain or renew a license; (2) a licensee or applicant that has developed a physical or mental impairment that renders the licensee or applicant unfit to practice respiratory care with reasonable skill and competence and in a manner not harmful to the public; (3) a licensee or applicant that has failed to respond within a reasonable period of time and in a reasonable manner, as determined by the Board, to inquiries from the Board concerning any matter affecting a license to practice respiratory care; (4) a licensee or applicant that has developed an impairment caused by the licensee or applicant's use of alcohol, drugs, or controlled substances that interfere with the ability of the licensee or applicant to practice respiratory care with reasonable skill, competence, and in a manner not harmful to the public; (5) a licensee or applicant that has practiced respiratory care outside the boundaries of demonstrated competence or the limitations of education, training, or supervised experience; (6) a licensee or applicant that has had a license for the practice of respiratory care, in any other jurisdiction, suspended or revoked or has been disciplined by any licensing or certification board in any other jurisdiction for conduct that would subject the licensee or applicant to disciplinary action under this Article; and (7) a licensee or applicant that is a hazard to the public health by reason of having a serious communicable disease.

Gives the Board authority to deny an initial application for a license as a respiratory care practitioner without a hearing for not submitting a complete application. Additionally, if, after notice is issued, a licensee or applicant fails to appear for a scheduled hearing, the Board may hear the evidence of those present and dispose of the matter on the basis of the evidence present. Provides that the Board and its members or staff are not civilly or criminally liable for exercising, in good faith, the powers and duties authorized by law and given to the Board.

Provides protection from liability for persons, partnerships, firms, associations, authorities or other entities acting in good faith for reporting, assessing, monitoring, or providing expert medical opinion to the Board in regards to violations of this section and requirements. Protection from liability is also extended for initiating or conducting proceedings against a licensee or applicant if a complaint is filed or action taken is in good faith, testifying before the Board in good faith, and making a recommendation to the Board in the nature of peer review.

Allows a licensee to, with consent of the Board, voluntarily relinquish a license. However, the Board may delay or refuse to grant consent in order to investigate pending complaints or allegations against the licensee.

Section 6

Makes conforming and clarifying changes. Provides that it is unlawful for any person to employ or solicit for employment unlicensed persons to practice respiratory care. Adds additional language that provides protection from liability for persons, partnerships, firms, associations, authorities or other entities acting in good faith for reporting, assessing, monitoring, or providing expert medical opinion to the Board in regards to violations of this section and requirements. Protection from liability is also extended for initiating or conducting proceedings against a licensee or applicant or testifying against such an individual if a complaint is filed, an action is taken, or testimony given is in good faith.

Section 7

Amends GS 90-664(3), exempting respiratory care practitioners that serve in federal agencies, so long as the practitioner limits services to those directly related to work with the employing federal agency, from the requirements of the Respiratory Care Practice Act.

Adds new subsection GS 90-664(5), also exempting persons licensed as respiratory care practitioners in another jurisdiction while providing respiratory care in a declared emergency in this state, while a member of a organ harvesting team, or on board an ambulance as part of an ambulance transport team into or out of this state.

Section 8

Provides language allowing any person licensed by the Board on October 1, 2016, who has passed the entry-level examination administered by the National Board for Respiratory Care, Inc. to be deemed to have complied with the requirements of GS 90-653(a)(5).

Section 9

Repeals GS 90-654 (Temporary license) and GS 90-660(b)(6), concerning fees for provisional or temporary licenses.

Section 10

Effective October 1, 2016, applying to licenses issued or renewed on or after that date.

Intro. by Goodman.

GS 90

[View summary](#)

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

H 268 (2015-2016) [AMEND TRANSPORTATION LAWS.-AB](#) Filed Mar 17 2015, *AN ACT TO AMEND THE TOLLING PROCEDURES OF THE TURNPIKE AUTHORITY BY ALLOWING THE AUTHORITY TO SEND TOLL BILLS BY ELECTRONIC MAIL, AND BY EXTENDING THE TIME FOR PAYMENT OF TOLLS AND CIVIL PENALTIES FOR UNPAID TOLLS, TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO GENERATE CERTAIN RECEIPTS TO FUND RAIL PASSENGER SERVICE, TO PROVIDE AN EXEMPTION FROM THE UMSTEAD ACT FOR SUCH ACTIVITIES, AND TO AMEND AND CLARIFY THE STATUTES GOVERNING THE CLEARANCE OF WRECKED VEHICLES AND OTHER TRAFFIC OBSTACLES FROM PUBLIC HIGHWAYS, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.*

Amends GS 136-89.214(a) to allow the Turnpike Authority to send toll bills by electronic mail after receiving written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle.

Amends GS 136-89.216 to provide that a person has only 45 days (was, 30 days) to pay unpaid tolls if they have received two or more bills for unpaid open road tolls without becoming subject to a \$25 civil penalty. Effective July 1, 2015, applying to tolls incurred for travel in a Turnpike project on or after that date.

Allows the DOT to operate or contract for the following receipt-generating activities and use the proceeds to fund passenger rail operations: (1) operation of concessions on state-funded passenger trains and at passenger rail facilities, (2) the sale of naming rights to any passenger rail equipment or facility, (3) advertising on or within any passenger rail equipment or facility, and (4) any other receipt-generating activity not otherwise forbidden by applicable law.

Amends GS 66-58(c)(21) making clarifying and conforming changes and providing an exemption from the Umstead Act for the above receipt-generating activities.

Amends GS 20-161(f) making clarifying changes regarding which entities can clear wrecked vehicles and other obstacles from highways. Effective when the act becomes law, applying to any obstructions to traffic arising on or after 12:01 a.m. of the day following that date.

Intro. by Iler, Torbett, Shepard, Tine.

GS 20, GS 66, GS 136

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Transportation

H 269 (2015-2016) **CAREGIVER RELIEF ACT**. Filed Mar 17 2015, *AN ACT AMENDING THE LABOR LAWS TO PROVIDE RELIEF FOR CAREGIVERS IN THIS STATE.*

Adds new Article 24, Caregiver Relief Act, to GS Chapter 95. Provides under state law for caregivers who provide direct care to certain family members to take leave time in instances where leave would not be available to the caregivers under federal law. Provides that the following definitions apply under this proposed Article: (1) *Department* is the Department of Labor; (2) *FMLA*--the federal Family and Medical Leave Act of 1993; (3) *eligible employee*--as defined in the FMLA; (4) *grandchild*--the child of a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis to the employee; and (5) *grandparent*--the parent of a parent. Under federal law, the FMLA specifies the family members for which an eligible employee may take leave to provide care; this act provides that an employer required to comply with the FMLA is to provide the same leave to an eligible employee for certain family members in need of care as would be provided under the FMLA. Provides that an eligible employee who takes leave under this provision is entitled to the same protections and rights that an eligible employee is entitled to under the FMLA. Provides that any right or obligation under this proposed Article is enforceable by a civil action in addition to any other remedies at law or equity. Provides that the Article applies to all employers in the state who are subject to the FMLA. Makes a conforming change to GS 95-241(a). Effective July 1, 2015, and applies to covered employers and eligible employees on or after that date.

Intro. by Fisher, Farmer-Butterfield, Cunningham.

GS 95

[View summary](#)

Employment and Retirement, Government, State Agencies, Department of Labor, Health and Human Services, Health

H 270 (2015-2016) **HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS**. Filed Mar 17 2015, *AN ACT PROVIDING FOR HEALTHY FAMILIES AND HEALTHY WORKPLACES BY ENSURING THAT ALL WORKERS HAVE EARNED PAID SICK DAYS TO ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES.*

Enacts new Article 3A of GS Chapter 95, to be cited as the Healthy Families and Healthy Workplaces Act (HFHW Act). Denotes that state public policy in promoting the general welfare of the people of North Carolina requires the

enactment of new Article 3A under the police power of the state.

Provides definitions for the following terms as used in the HFHW Act: (1) child, (2) domestic violence, (3) employee, (4) employ, (5) employer, (6) federal act, (7) health care provider, (8) immediate family member, (9) parent, (10) paid sick time or paid sick days, (11) sexual assault, (12) stalking, and (13) small business.

Provides that the proposed HFHW Act does not apply to (1) bona fide volunteers in an organization where an employer-employee relationship does not exist or (2) any person who is exempt from the Wage and Hour Act under GS 95-25.14(a)(2) through (8), GS 95-25.14(b), GS 95-25.14 (b1), GS 95-25.14(c), and GS 95-25.14(e). Makes an exception regarding domestic workers, providing that they are exempt only if they are employed in the place of residence of their employer.

Provides that paid sick time begins to accrue at the start of employment at a rate of one hour of paid sick time for every 30 hours worked. Provides additional guidelines regarding discretionary advancement of sick time by the employer, limits on the amount of paid sick time accrued, and the accrual of paid sick time when there is a separation of employment followed by a rehiring by the same employer. Provides that with the exception of the specified exemptions to the proposed HFHW Act, any employee who works in North Carolina and who must be absent from work for the reasons delineated in proposed new GS 95-31.5(a) is entitled to paid sick time.

Directs that paid sick time is to be provided by an employer to an employee who meets any of the following reasons listed in proposed new GS 95-31.5: (1) to care for a member of the employee's immediate family suffering from health issues or to care for the employee's own health, unless the care is covered under federal law or (2) to allow an employee to address the psychological, physical, or legal effects on himself or herself or an immediate family member of domestic violence, sexual assault, or stalking. Permits the employer to require certification of the qualifying health issue or event when a paid sick time period covers more than three consecutive work days. Provides guidelines for determining what may be deemed acceptable certification. Provides that an employer may not require certification from a health care provider that is employed by the employer. Prohibits an employer from requiring the disclosure of details relating to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing paid sick time to an employee. Directs an employer to treat as confidential any information that the employer acquires about the employee or the employee's immediate family regarding domestic violence, sexual assault, stalking, or health conditions. Prohibits the employer from requiring an employee to secure a replacement worker as a condition of providing sick time under the proposed HFHW Act. Directs the employee to make a good faith effort, when the use of sick time is foreseeable, to provide the employer with advance notice. States that this act provides minimum requirements regarding paid sick time and should not be construed to limit, preempt, or otherwise affect other applicability of law, regulation, or policy that extends additional or greater protections to employees, nor should this proposed act be construed to discourage employers from adopting more generous paid sick time policies. Provides that employers already offering a paid sick time policy do not have to modify that policy providing that the paid sick time policy currently in place offers an employee, at his or her discretion, the option to take paid sick time that is equivalent to the amount and for the same purposes offered under the proposed HFHW Act.

Requires employers to provide notice to employees, in Spanish and English, of their entitlement to paid sick time as well as other related information. Notice may be provided by supplying each employee with a notice in Spanish and English or by conspicuously displaying a poster in the place of employment in both languages. Prohibits employers from retaliating against employees who request or use paid sick time. Provides that an employee has a right to file a complaint with the Commissioner of Labor (Commissioner) or in the General Court of Justice if an employer (1) denies an employee paid sick time or (2) retaliates against an employee for requesting or taking paid sick time.

Authorizes the Commissioner to enforce and administer the provisions of the proposed HFHW Act. Provides criteria regarding employer's liability for a violation under the proposed HFHW Act, including provisions for the potential awarding of liquidated damages for a violation of the act. Directs that actions under the proposed HFHW Act must be brought within two years pursuant to GS 1-53. Also provides that the rights and remedies created under the HFHW Act are supplementary to all existing common law and statutory rights and remedies. Directs the Commissioner to adopt rules to implement the proposed act. Provides that the provisions of the proposed act are severable.

Makes conforming changes to GS 95-241(a).

Contains a number of whereas clauses.

Effective July 1, 2015, and applies only to covered employment on or after that date and does not apply to any collective bargaining agreement entered into before July 1, 2015, still in effect on that date.

Intro. by Fisher, Farmer-Butterfield.

GS 95

[View summary](#)

Employment and Retirement, Health and Human Services, Health

H 271 (2015-2016) [AMEND DANGEROUS DOG LAW](#). Filed Mar 17 2015, *AN ACT TO AMEND THE LAW REGULATING THE OWNERSHIP OF DANGEROUS DOGS.*

To be summarized.

Intro. by R. Moore, Alexander, Lucas, Tine.

GS 67

[View summary](#)

Animals

H 272 (2015-2016) [SAVE THE HONEY BEES SPECIAL PLATE](#). Filed Mar 17 2015, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A "SAVE THE HONEY BEE" SPECIAL REGISTRATION PLATE.*

Amends GS 20-79.4(b) to add a special registration plate that bears the phrase "Save the Honey Bee" and includes a picture of a honey bee and the letters "HB" on the right side of the plate. Amends GS 20-79.7 to establish a special plate fee of \$15. Distributes \$10 of the fee amount to the Special Registration Plate Account and \$5 to the Collegiate and Cultural Attraction Plate Account (CCAPA). Amends GS 20-81.12 to direct the Division of Motor Vehicles to make a quarterly transfer of the money in the CCAPA earned from the sale of the "Save the Honey Bee" plates to the North Carolina Agricultural Foundation Inc. to be used to support the North Carolina State University Agricultural Program. Provides that the development of the plate is contingent on receiving at least 300 plate applications and meeting the additional requirements set out in GS 20-79.3A.

Authorizes the Revisor of Statutes to alphabetize, number, and renumber the special registration plates listed in GS 20-79.4(b) to maintain the listing of all the special registration plates in alphabetical order and numbered accordingly.

Effective July 1, 2015.

Intro. by Richardson.

GS 20

[View summary](#)

Government, State Agencies, Department of Transportation, Transportation

H 273 (2015-2016) [CLARIFY CONDITIONAL DISCHARGE LAW](#). Filed Mar 17 2015, *AN ACT TO CLARIFY THAT THE PROVISIONS REGARDING DEFERRED PROSECUTION AND CONDITIONAL DISCHARGE FOR CONVICTIONS OF H AND I FELONIES AND MISDEMEANORS UNDER STRUCTURED SENTENCING DO NOT APPLY TO CONVICTIONS OF IMPAIRED DRIVING OR OTHER IMPLIED CONSENT OFFENSES.*

Amends GS 15A-134(a), as title indicates, adding language that clarifies that the provisions in GS 15A-1341(a1), (a2), (a4), and (a5) regarding deferred prosecution and conditional discharge for convictions of H and I felonies and misdemeanors under structured sentencing do not apply to individuals being placed on probation for convictions of impaired driving under GS 20-138.1

Effective December 1, 2015, applying to any order placing a person on probation on or after that date.

Intro. by Jackson, Glazier.

[GS 15A](#)

[View summary](#)

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

H 274 (2015-2016) [RETIREMENT TECHNICAL CORRECTIONS ACT OF 2015.-AB](#) Filed Mar 17 2015, *AN ACT TO ENACT THE RETIREMENT TECHNICAL CORRECTIONS ACT OF 2015.*

Amends GS 135-1(10) to identify as an employee covered under the provisions of this subdivision an employee of a North Carolina state agency, department, institution, board, or commission who (1) is employed in a permanent job position on a recurring basis and (2) must work at least 30 hours per week (was, works 30 or more hours per week) for nine or more months per calendar year.

Amends GS 135-106(b) to provide that a beneficiary's long-term disability benefits are reduced during the first 36 months of the long-term disability period by an amount, determined by the Board of Trustees, equal to a primary Social Security retirement benefit to which the beneficiary might be entitled, effective as of the first of the month following the month of initial entitlement to the long-term disability benefit.

Amends GS 135-151(e) and GS 128-38.10(f) to consistently replace "fiscal year" with "calendar year" in reference to the treatment of unused assets.

Repeals GS 128-29.1, which authorized the Board of Trustees to invest Retirement System funds in certain common and preferred stocks.

Amends GS 114-2.4A(c) to expand the exception providing that certain prohibitions regarding disposition of funds from a final order or judgment of a court or expenditures of overrealized receipts do not apply to funds received by the Escheat Fund and benefit plans administered by the Department of the State Treasurer.

Effective July 1, 2015.

Intro. by Gill, L. Bell, Elmore, Waddell.

[GS 114, GS 128, GS 135](#)

[View summary](#)

[Employment and Retirement](#)

PUBLIC/SENATE BILLS

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

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

Amends GS 39-23.8, correcting a statutory reference.

Amends GS 39-23.11, making a technical correction.

Intro. by Hartsell.

[GS 39, GS 50](#)

[View summary](#)

[Banking and Finance, Business and Commerce](#)

S 296 (2015-2016) [HEALTHY FOOD SMALL RETAILER/CORNER STORE ACT](#). Filed Mar 17 2015, *AN ACT TO ENACT THE CORNER STORE INITIATIVE ACT TO ASSIST HEALTHY FOOD SMALL RETAILERS*.

Identical to [H 250](#), filed 3/16/15.

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 D. Davis, Pate.

[APPROP, GS 143B](#)

[View summary](#)

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

S 297 (2015-2016) [PRENATAL NARCOTIC DRUG USE/CRIMINAL OFFENSE](#). Filed Mar 17 2015, *AN ACT TO CREATE THE CRIMINAL OFFENSE OF PRENATAL NARCOTIC DRUG USE*.

Enacts new GS 14-34.11, criminal prenatal narcotic drug use, providing that a woman can be prosecuted for assault under GS 14-33(a) for illegal use of a narcotic drug while pregnant if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.

Provides that active enrollment in an addiction recovery program before the child was born, continued participation in the program after delivery, and successful completion of the program is an affirmative defense to the prosecution for assault.

Provides limitations on the application of the new provisions, including that it does not apply to any lawful act or omission by a pregnant woman in regards to an unborn child or any lawful medical or surgical procedure performed by a health care professional licensed to perform such procedures.

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

Intro. by B. Jackson, Pate.

[GS 14](#)

[View summary](#)

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

S 298 (2015-2016) [SCHOOL BUS CAMERAS/CIVIL PENALTIES](#). Filed Mar 17 2015, *AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL BUS*.

Under current law, GS 20-217 specifies certain instances in which motorists are required to come to a complete stop for a properly marked and stopped school bus displaying its mechanical stop signal or flashing red lights and stopped for the purpose of receiving or discharging passengers and imposes criminal penalties, from misdemeanor to felony, for violations of GS 20-217.

Enacts new GS 153A-246 in Article 12 of GS Chapter 153A to authorize a county to adopt an ordinance for the civil enforcement of GS 20-217 through use of photographs or videos recorded by automatic school bus safety cameras. Defines *automated school bus safety camera* the same as the term is defined in GS 115C-242.1, *school bus* the same as the term is used in GS 20-217, and *officials or agents* to include a local board of education located within the county or private vendor contracted with under GS 115C-242.1. Provides that regardless of the provisions of GS 14-4, if a county adopts an ordinance under this statute, a violation of that ordinance is not an infraction.

Provides that the owner of a vehicle is responsible for a violation unless the owner can provide evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person.

Provides that a violation of the county ordinance is not a criminal violation and a civil penalty will be assessed with no points assessed under GS 20-16(c) and GS 58-36-65 to the driver or the owner of the vehicle. Requires that there be appropriate signage conspicuously posted on the school bus warning that an automated school bus safety camera is installed. Requires that all the warning signs be consistent with a statewide standard adopted by the Department of Public Instruction (DPI) in conjunction with local boards of education that install and operate automated school bus safety cameras on their school buses.

Declares that the provisions of new GS 153A-246 are not to be construed (1) to require that school bus safety cameras be installed and operated on school buses; (2) to prohibit the use and admissibility of any photograph or video recorded by an automated school bus safety camera in any criminal proceeding alleging a violation of GS 20-217; or (3) to prohibit the imposition of penalties, including the assignment of points to any owner or driver of a vehicle convicted of a misdemeanor or felony violation of GS 20-217.

Enacts new GS 115C-242.1 to provide governance regarding the installation and operation of automated school bus safety cameras via a local county board of education or a private vendor contracted with in accordance to subsections (c) or (d) of this statute. Authorizes DPI to enter into a contract for statewide service or regional services to install and operate automated school bus safety cameras and provides further regulation of those contracts.

Makes technical and conforming changes to GS 20-54 and GS 20-217.

Becomes effective July 1, 2015, and applies to violations and offenses committed on or after that date.

Intro. by

[GS 20, GS 115C, GS 153A](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Education, Transportation](#)

S 299 (2015-2016) [PORT USAGE CONTRACTS/PUBLIC RECORDS](#). Filed Mar 17 2015, *AN ACT TO PROVIDE THAT A USAGE CONTRACT ENTERED INTO BETWEEN THE STATE PORTS AUTHORITY AND A CARRIER IS NOT A PUBLIC RECORD*.

Identical to [S 194](#), filed 3/5/15.

Enacts new GS 136-276 as the title indicates. Defines *usage contract*.

Intro. by Lee, Sanderson.

[GS 136](#)

[View summary](#)

[Transportation](#)

S 300 (2015-2016) [ZONING CHANGES/MAJORITY RULE](#). Filed Mar 17 2015, *AN ACT TO RESTORE MAJORITY RULE*

TO MUNICIPAL ZONING ORDINANCE AMENDMENTS BY REPEAL OF THE QUALIFIED PROTEST PETITION PROCESS.

Repeals GS 160A-385(a) and GS 160A-386, which provided for a qualified protest petition process of zoning map amendments. Makes conforming changes to GS 122C-403(3). Provides that this act also repeals any act providing local authority for submission, review, or action by any municipality on any zoning protest petition, whether or not enacted as a provision in a municipal charter.

Effective July 1, 2015, and applies to zoning ordinance changes adopted on or after that date.

Intro. by Lee.

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

[View summary](#)

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

S 301 (2015-2016) [DOT/PURCHASE OF CONTAMINATED LAND.-AB](#) Filed Mar 17 2015, *AN ACT TO EXEMPT THE DEPARTMENT OF TRANSPORTATION FROM THE PROHIBITION ON PURCHASE OF CONTAMINATED PROPERTY BY PUBLIC ENTITIES, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.*

Amends GS 133-40(a) to provide that the Department of Transportation is not considered a public entity for the purposes of purchasing known contaminated land, which state agencies are strictly prohibited from doing without permission from the Governor and Council of State by GS 133-40(a).

Intro. by Meredith.

[GS 133](#)

[View summary](#)

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

S 302 (2015-2016) [ESTABLISH MATERNAL DEATH REVIEW COMMITTEE.](#) Filed Mar 17 2015, *AN ACT ESTABLISHING A MATERNAL MORTALITY REVIEW COMMITTEE WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW MATERNAL DEATHS AND MAKE RECOMMENDATIONS TO DECREASE MATERNAL MORTALITY IN THE FUTURE.*

Enacts new Part 5 in Article 1B of GS Chapter 130A, establishing the Maternal Mortality Review Committee (Committee) in the Department of Health and Human Services (DHHS), the purpose of which is to reduce maternal mortality in the state by conducting multidisciplinary maternal death reviews and developing recommendations for the prevention of future maternal deaths. Requires the Secretary of Health and Human Services (Secretary) to appoint the nine members. Specifies the duties of the Committee, including identifying maternal death castes, reviewing medical records and other relevant data, and making determinations regarding the preventability of maternal deaths.

Requires licensed health care providers, health care facilities, and pharmacies to provide the Committee with reasonable access to all relevant medical records associated with a case under review by the committee. Provides that a health care provider, health care facility, or pharmacy providing access to medical records will not be held liable for civil damages or be subject to any criminal or disciplinary action for good faith efforts to provide the records.

Provides that information, records, reports, statements, notes, memoranda, or other data collected under this Part is not permissible as evidence in any action in any court or before any other tribunal, board, agency, or person, and they may not be exhibited nor their contents disclosed, except as necessary to further the Committee's review of the case.

Makes the information, records of interviews, written reports, statements, memoranda, or other data obtained by DHHS, the Committee, and other persons, agencies, or organizations authorized by DHHS confidential. Also makes all

Committee proceedings and activities, member opinions formed as a result of such proceedings and activities, and records obtained, created, or maintained pursuant to this Part confidential and exempt from statutes relating to open meetings and open records or subpoena, discovery, or introduction into evidence in any civil or criminal proceeding.

Prohibits Committee members from being questioned in any civil or criminal proceeding regarding the information presented or opinions formed as a result of a meeting or communication of the Committee but does not prevent a Committee member testifying as to information obtained independently of the committee or which is public information.

Effective December 1, 2015.

Intro. by Barefoot, D. Davis, Tarte.

GS 130A

[View summary](#)

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

S 303 (2015-2016) **PROTECT SAFETY/WELL-BEING OF NC CITIZENS**. Filed Mar 17 2015, *AN ACT TO PROTECT THE SAFETY AND WELL-BEING OF CITIZENS FROM REGULATORY OVERREACH BY PROHIBITING THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM ISSUING RULES IMPLEMENTING FEDERAL STANDARDS FOR WOOD HEATERS OR ENFORCING SUCH RULES, AND BY FORBIDDING THE COMMISSION AND THE DEPARTMENT FROM ENFORCING AIR EMISSIONS STANDARDS LIMITING FUEL SOURCES PROVIDING HEAT OR HOT WATER TO A RESIDENCE OR BUSINESS.*

Amends GS 143-215.107 concerning air quality and classifications to provide that neither the Environmental Management Commission (Commission) nor the Department of Environment and Natural Resources (Department) can issue rules limiting emissions from wood heaters to implement federal regulations or enforce federal regulations against a manufacturer, distributor, or consumer with respect to US EPA regulations concerning wood heater emissions adopted after May 1, 2014. Further prevents the Commission or the Department from enforcing any federal air emissions standard adopted after May 1, 2014, which would jeopardize the health, safety, or economic well-being of a citizen of North Carolina through the regulation of fuel combustion used to provide hot water or heating or comfort heating to a residence or comfort heating to a business.

Amends GS 143-213 to define *wood heater*.

Intro. by Barefoot, J. Davis, Hise.

GS 143

[View summary](#)

Development, Land Use and Housing, Property and Housing, Environment

S 304 (2015-2016) **ADMINISTRATION OF LOGO SIGN PROGRAM**. Filed Mar 17 2015, *AN ACT TO CLARIFY THAT LOGO SIGNS MAY BE PLACED ON THE RIGHT-OF-WAY OF FULLY AND PARTIALLY CONTROLLED-ACCESS HIGHWAYS AND TO PROVIDE THAT THE TRANSPORTATION MOBILITY AND SAFETY DIVISION OF THE DEPARTMENT OF TRANSPORTATION SHALL ADMINISTER THE LOGO SIGN PROGRAM.*

Amends GS 138-89.56 to provide that logo signs can be placed within the right-of-way of fully and partially controlled-access highways by the Department of Transportation. Provides that the Transportation Mobility and Safety Division of the Department of Transportation will administer the logo sign program, which includes receiving requests for information concerning the program. Effective July 1, 2015.

Directs the Department of Transportation to adopt temporary rules to implement the above provisions.

[View summary](#)**Transportation**

S 305 (2015-2016) [NCEMPA ASSET SALE](#). Filed Mar 17 2015, *AN ACT TO PROVIDE COST RECOVERY FOR ACQUISITION OF JOINT MUNICIPAL POWER AGENCY OWNERSHIP INTEREST IN GENERATING FACILITIES, TO AUTHORIZE MUNICIPALITIES THAT ARE MEMBERS OF JOINT MUNICIPAL POWER AGENCIES TO ENTER INTO SUPPORT CONTRACTS, AND TO ISSUE BONDS TO PAY THE COSTS OF PROJECTS THAT ARE SOLD.*

Identical to [H 265](#), filed 3/17/15.

Enacts new GS 62-133.14 to allow the North Carolina Utilities Commission (Commission), upon petition of an electric public utility and after hearing, to approve an annual rider to the electric public utility's rates to recover the North Carolina retail portion of the costs incurred in acquiring, operating, and maintaining the proportional interest in electric generating facilities purchased from a joint agency. Defines *acquisition costs*. Requires the Commission to adopt rules to implement the statute. Sets out provisions that the Commission must follow in determining the amount of the rider. Requires the Commission to require that an electric public utility file the specified proposed annual adjustment to the rider. Specifies that any rider established under the statute expires after the end of the useful life of the acquired facilities at the time of acquisition, with any remaining uncovered costs deferred until the electric public utility's next general rate proceeding.

Amends the legislative findings and purposes in GS 159B-2 for the Joint Municipal Electric Power and Energy Act to add findings concerning debt by municipal electric systems that have jointly planned, developed, acquired, owned, and financed electric generation and transmission facilities through joint agencies.

Amends GS 159B-12 to provide that if any municipality which is a member of the joint agency has contracted to buy the capacity and output of one or more specified projects from the joint agency, and if the joint agency has acquired one or more projects and financed the acquisition of any project by issuing bonds under GS Chapter 159B, and if the joint agency disposes of any project, and if the proceeds of the disposition of any project, together with other moneys available to the joint agency for paying the bonds, are not sufficient to pay the principal of, premium, and interest on all of such bonds for the acquisition of the existing project or projects, then the municipality may enter into a support contract with the joint agency to pay a proportionate share of the principal of, premium, and interest on bonds issued by the joint agency to (1) refinance the bonds issued to finance the acquisition of any existing project being sold or otherwise disposed of that are not defeased from other sources, (2) finance any collateral posting requirements of replacement power supply arrangements entered into by the joint agency, and (3) finance any required reserves and other costs associated with the support contracts and the issuance of the bonds authorized by GS 159B-14. Allows any support contract to provide that the contracting municipality is obligated to make the payments required by the support contract unconditionally and without offset, counterclaim, or otherwise, and notwithstanding the performance or nonperformance of the joint agency under the support contract, or of any other municipality entering into a similar support contract with the joint agency, or the delivery of or failure to deliver power or energy or the performance or nonperformance by any party under any related power supply contract. Allows any support contract entered into between a joint agency and its member municipalities to also provide that if any municipality defaults in the payment of its obligations, the remaining members subject to the contract must pay a proportionate share of the defaulted payments. Sets out provisions concerning the duration of the municipality's obligations. Prohibits obligations under a support contract from being taken into account in computing any debt or other limitation that may be imposed by law. Provides that the obligations of the municipality under any support contract constitute an operating expense of its municipal electric system. Adds that a municipality's willful or negligent failure to comply with its obligations constitute a failure or refusal to comply with GS Chapter 159B's provisions and the financial powers of the municipality's governing board that may be vested in the Local Government Commission include the powers incident to carrying out the requirements and obligations specified in this statute.

Amends GS 159B-11 to make conforming and technical changes.

Amends GS 159B-14 to allow a joint agency to issue bonds for refinancing bonds issued to pay the cost of a project, including paying the principal of, premium, and interest on bonds issued by a joint agency for the purpose of paying the cost of a project which is being disposed of by the joint agency, and for the purpose of financing any collateral posting requirements of replacement power supply arrangements authorized in GS 159B-12, and secure the principal of, premium, and interest on the bonds by a pledge of the revenues derived from all or any of its projects, and any additions and improvements or extensions, or from the sale of power and energy and services and facilities related to the utilization of power and energy, or from other activities or facilities permitted in GS Chapter 159B, or by a pledge of payments derived from support contracts, or from contributions or advances from its members. Requires bonds of a joint agency to be authorized by a resolution adopted by its governing board.

Makes conforming changes to GS 159B-16.

Amends GS 159B-16.1 (concerning members of the North Carolina Eastern Municipal Power Agency) and GS 159B-17 (concerning other municipalities), stating that the rents, rates, fees and charges for electric power and energy and other services supplied through the municipality's electric system or interest in a joint project are fixed in order to meet specified needs, so long as any amounts payable by a municipality to a joint agency are unpaid, or the payment is not fully provided. Provides that any payments derived by support contracts are valid and binding from the date the pledge is made. Makes conforming changes.

Intro. by Newton, Pate, Bryant.

[GS 62, GS 159B](#)

[View summary](#)

[Government, Local Government, Public Enterprises and Utilities](#)

S 306 (2015-2016) [EXPAND 1%/\\$80 RATE FOR MILL MACHINERY](#). Filed Mar 17 2015, *AN ACT TO CLARIFY THE SCOPE OF TAX IMPOSED ON MILL MACHINERY*.

Amends GS 105-187.51B(a) adding subdivision (6) imposing a privilege tax at a rate of 1 percent of the sales price of the equipment or personal property, up to \$80 per item, on a company that is primarily a secondary metals recycler that purchases equipment or attachments or repair parts that are (1) capitalized by the company for tax purposes, (2) used by the company at the establishment in the secondary metals recycling activities in which it is primarily engaged, and (3) would be considered mill machinery or parts or accessories under GS 105-187.51 if they were purchased by a manufacturing industry or plant and used by the industry or plant to manufacture tangible personal property.

Effective July 1, 2010, applying to purchases made on or after that date.

Intro. by Tucker.

[GS 105](#)

[View summary](#)

[Government, Tax](#)

S 307 (2015-2016) [ELIMINATE TOLLING ON FERRIES/APPROPRIATION](#). Filed Mar 17 2015, *AN ACT TO ELIMINATE THE ESTABLISHMENT OF TOLLS ON FERRY ROUTES AND TO ANNUALLY APPROPRIATE FIVE MILLION DOLLARS FROM THE HIGHWAY FUND TO THE FERRY CAPITAL IMPROVEMENT ACCOUNT*.

Amends GS 136-82(a) through (d) deleting any language referring to the establishment, collection, and use of tolls on ferries by the Board of Transportation. Establishes the Ferry Capital Improvement Account as a reserve account in the Highway Fund. Provides that the following funds will be credited to the account: (1) net receipts generated from the

approved receipt-generating activities in GS 136-82(f), (2) any unallotted and unencumbered balances on the last day of the fiscal year of the funds appropriated from the Highway Fund to the Ferry Division, and (3) any other funds from General Assembly appropriations or any contributions and grants from public or private sources. Requires such funds to be used for prioritized improvements to the vessels and facilities of the NC Ferry System, including ferry passenger vessel replacement projects.

Makes technical and conforming changes.

Amends GS 136-44.2(f1)(2) excluding funds appropriated to the Ferry Capital Improvement Account from being counted towards the credit reserve for the Highway Fund.

Directs the Board of Transportation to stop collecting ferry tolls on the effective date of this bill and to take action as fast as possible to repeal its regulations implementing ferry tolls. Requires funds or commuter pass payments received after the effective date of this bill to be refunded.

Appropriates \$5 million in recurring funds from the Highway Fund, beginning with 2015-16 fiscal year, to be used for purposes consistent with GS 136-82(f1), the operations of concessions on ferries and at ferry facilities.

Effective July 1, 2015.

Intro. by Sanderson, Cook.

APPROP, GS 136

[View summary](#)

Government, Budget/Appropriations, Transportation

S 308 (2015-2016) **0.00 ALCOHOL RESTRICTION-ALL DWI**. Filed Mar 17 2015, *AN ACT TO REQUIRE A 0.00 ALCOHOL CONCENTRATION RESTRICTION ON ALL RESTORATION OF LICENSES REVOKED FOR AN IMPAIRED DRIVING OFFENSE.*

Identical to [H 31](#) filed on 1/29/15.

Amends GS 20-17.8(b), requiring, as a condition of restoration of a driver's license to a person convicted of driving while impaired, the installation of an approved ignition interlock system to prohibit the person from driving with an alcohol concentration of 0.00 or greater (was, 0.04 or greater) providing that the interlock ignition system was required because the convicted person had an alcohol concentration of 0.15.

Amends GS 20-19(c3), requiring, as a condition for the first restoration of a driver's license for a person convicted of driving while impaired or a license revoked under GS 20-23 or GS 20-23.2, that the person not operate a vehicle if the person has an alcohol concentration of 0.00 or more (was, 0.04) at any relevant time after the driving.

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

Intro. by Stein.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle

S 309 (2015-2016) **AMEND HABITUAL DWI**. Filed Mar 17 2015, *AN ACT TO AMEND THE OFFENSE OF HABITUAL IMPAIRED DRIVING.*

Identical to [H 32](#) filed on 1/29/15.

Amends GS 20-138.5(a) to provide that a person commits habitual impaired driving if the person drives while impaired

and has been convicted of two (rather than three) or more offenses involving impaired driving within 10 years of the offense. Applies to offenses committed on or after December 1, 2015.

Intro. by Stein.

[GS 20](#)

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[Courts/Judiciary, Motor Vehicle](#)

S 310 (2015-2016) [DOMESTIC VIOLENCE/BAIL & AGGRAVATING FACTOR](#). Filed Mar 17 2015, *AN ACT TO PROVIDE THAT A JUDGE SHALL DETERMINE THE CONDITIONS OF PRETRIAL RELEASE FOR A DEFENDANT CHARGED WITH A DOMESTIC VIOLENCE OFFENSE WHEN THE DEFENDANT IS OR HAS BEEN IN A DATING RELATIONSHIP WITH THE VICTIM, AND TO INCLUDE IN THE LIST OF AGGRAVATING FACTORS THAT THE DEFENDANT KNEW OR SHOULD HAVE KNOWN THAT A MINOR WAS WITNESSING THE CRIME BY SIGHT OR HEARING.*

Amends GS 15A-534.1 to provide that when a defendant has been charged with a specific domestic violence offense against a person with whom the defendant is or has been in a dating relationship, as defined in GS 50B-1(b)(6), with domestic criminal trespass, or with violation of an order entered pursuant to GS Chapter 50B, Domestic Violence, a judge will determine the conditions of pretrial release (previously, did not include persons with whom the defendant is or has been dating in the list).

Amends GS 15A-1340.16 to add to the list of aggravating factors that can be considered in determining whether to impose an aggravated sentence, that it is an aggravating factor when a defendant knew or reasonably should have known that a person under the age of 18 who was not involved in the commission of the offense witnessed the offense by sight or hearing.

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

Intro. by Daniel, Stein.

[GS 15A](#)

[View summary](#)

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

S 311 (2015-2016) [REGISTER OF DEEDS/FILING FALSE MARRIAGE DOCS](#). Filed Mar 17 2015, *AN ACT TO ENSURE THE INTEGRITY OF MARRIAGE RECORDS PRESENTED FOR REGISTRATION.*

Enacts new GS 161-14.03 to require the register of deeds to mark the first page of a document with specified language indicating that it is not an official marriage document before recording a document if it (1) purports to impact an official record of marriage and (2) is not a marriage license, a return, or an amendment or correction of a marriage license. Specifies documents or instruments that are excluded from this statute.

Intro. by Bingham.

[GS 161](#)

[View summary](#)

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

S 312 (2015-2016) [MOTOR FLEET TELEMATICS PILOT PROJECT](#). Filed Mar 17 2015, *AN ACT TO REQUIRE THE DIVISION OF MOTOR FLEET MANAGEMENT OF THE DEPARTMENT OF ADMINISTRATION TO CONTRACT FOR THE DEVELOPMENT AND IMPLEMENTATION OF A PILOT PROJECT TO TEST THE EFFECTIVENESS AND EFFICIENCY OF USING TELEMATICS IN STATE-OWNED MOTOR VEHICLES.*

Requires the Department of Administration's Division of Motor Fleet Management (Division), in consultation with the School of Government and in collaboration with any state agency deemed necessary, to contract with a third party to implement a pilot project to test the effectiveness and efficiency of telematics, by October 1, 2015. *Telematics* is defined as the integrated use of telecommunications and information technology in motor vehicles to allow monitoring of motor vehicles within a motor fleet. Specifies requirements that must be met by the pilot project, including specifications for the vehicles included in the sample, that the project last for two years, and that the Department of Administration (Department) inform all state agencies with vehicles included in the pilot program of the general requirements and goals of the pilot project. Requires the Division to submit an interim report on the status of the pilot project to the Joint Legislative Committee on Governmental Operations and to the Program Evaluation Division of the General Assembly by December 1, 2016, and submit to those same entities a final report on the project by December 1, 2017. Specifies items that must be included in the report.

Requires the Department, upon selection of a vehicle for inclusion in the pilot program, to notify the agency to which the vehicle is assigned that the vehicle will be participating in the pilot program and requires agencies to cooperate with the Division in implementing the pilot program, abide by any policies developed as part of the pilot program, and not tamper or interfere with the pilot program.

Requires the Division to provide all data generated under the pilot program to the Program Evaluation Division of the General Assembly. Requires the Program Evaluation Division to conduct a return on investment analysis of the pilot program and present the analysis results to the Joint Legislative Program Evaluation Oversight Committee by December 1, 2017.

Requires that \$68,000 of the funds appropriated to the Motor Fleet Management Fund for 2015-16 be used to enter into the required contract.

Effective July 1, 2015.

Intro. by Bingham.

STUDY

[View summary](#)

**Government, General Assembly, State Agencies,
Department of Administration, Transportation**

S 313 (2015-2016) **LICENSE PLATE/RETIRED REGISTER OF DEEDS**. Filed Mar 17 2015, *AN ACT TO DEFINE WHO IS ELIGIBLE TO RECEIVE A RETIRED REGISTER OF DEEDS SPECIAL REGISTRATION PLATE*.

Amends GS 20-79.4(b)(190) concerning special registration plate for registers of deeds, clarifying that they are issuable to a register of deeds of counties of North Carolina. Includes additional language for who is considered a "retired register of deeds" for the purposes of receiving the special registration plate, providing that a person is a "retired register of deeds" if they (1) have at least 10 years of service as a register of deeds of a county of this state and (2) no longer hold office for any reason other than removal under GS 161-27.

Intro. by Bingham.

GS 20

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Transportation

S 314 (2015-2016) **REFORM ABANDONED LIVESTOCK PROCEDURES**. Filed Mar 17 2015, *AN ACT AMENDING THE HOLDING AND ADVERTISING PERIOD FOR UNCLAIMED LIVESTOCK*.

Amends GS 68-20 concerning the holding and advertising period for unclaimed livestock, impounded for running at

large, providing that if the owner of livestock remains unknown, then 3 days (was, 30 days) after the publication of the notice required by GS 68-18.1, the livestock impounder must post on the courthouse door and in three public spaces a full written description of the livestock, and include other specified details. Further provides that after 10 days (was, 20 days) from the above posting, the impounder must sell the livestock at public auction.

Effective when the act becomes law and applies to livestock impounded on or after that date.

Intro. by Woodard, McKissick.

GS 68

[View summary](#)

Agriculture

S 315 (2015-2016) **SCHOOL PLAYGROUNDS AVAILABLE TO PUBLIC**. Filed Mar 17 2015, *AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO MAKE OUTDOOR SCHOOL PROPERTY AVAILABLE TO THE PUBLIC FOR RECREATIONAL PURPOSES.*

Amends GS 115C-524 as the title indicates. Provides that the use of outdoor school property must be consistent with the proper preservation and care of the outdoor school property and provides that the school board incurs no liability, individually or collectively, for personal injury suffered as a result of use of the school property under agreement with a local school board.

Intro. by Pate, Tillman, Van Duyn.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 316 (2015-2016) **REAFFIRMING SUPPORT FOR PUBLIC SCHOOLS**. Filed Mar 17 2015, *A SENATE RESOLUTION REAFFIRMING THE SENATE'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 Senate's continued support and advocacy for strong, innovative, and high-achieving public schools.

Intro. by Berger.

SENATE RES

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Education

S 317 (2015-2016) **STRENGTHEN CONTROLLED SUBSTANCES MONITORING**. Filed Mar 17 2015, *AN ACT TO STRENGTHEN THE MONITORING OF CONTROLLED SUBSTANCES.*

Identical to [H 165](#), filed 3/5/15.

Requires the following entities to adopt the NC Medical Board's Policy for the Use of Opiates for the Treatment of Pain by July 1, 2016: (1) director of the Division of Public Health of the Department of Health and Human Services; (2) director of the Division of Medical Assistance; (3) director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; (4) directors of medical, dental, and mental health services within the Department of Public Safety; (5) NC Board of Dental Examiners; (6) NC Board of Nursing; and (7) NC Board of Podiatry Examiners. Directs the following licensing boards to require continuing education on the abuse of controlled substances as a condition of license renewal for those that prescribe controlled substances: (1) NC Board of Dental

Examiners; (2) NC Board of Nursing, (3) NC Board of Podiatry Examiners, and (4) NC Medical Board. Requires that at least one hour be a course specifically addressing prescribing practices.

Amends GS 90-113.74 to expand upon the permitted uses of prescription information to include informing medical records or clinical care. Allows the release of data in the controlled substances reporting system to the federal Drug Enforcement Administration's Office of Diversion Control and the NC Health Information Exchange. Requires the Department of Health and Human Services (DHHS) to adopt policies and procedures documenting and supporting the additional functionality and expanded access for the NC Controlled Substances Reporting System (System) and for the added entities, and amend its contract with the vendor operating the System to support the added functionality and expanded access.

Requires DHHS to modify the contract for the System to improve performance, establish user access controls, establish data security protocols, and ensure availability of data for advanced analytics. Specifies modifications to be made. The contract modifications must be complete by December 31, 2015, and DHHS must report by November 15, 2015, to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on progress in modifying the contract.

Requires DHHS to apply for grant funding from the National Association of Boards of Pharmacy to establish the connection to PMP InterConnect. Directs DHHS to request funding in the amount of \$40,035 to establish the initial interface for PMP InterConnect and \$30,000 for two years of ongoing service, maintenance, and support in order to create interstate connectivity for the drug monitoring program. Makes additional appropriations from the General Fund in the amounts of \$5,100, \$15,000, \$40,035, and \$15,000 for activities related to the System and drug monitoring program for fiscal year 2015-16.

Requires the System to expand its monitoring capacity by establishing data use agreements with the Prescription Behavior Surveillance System. Requires the System to establish a data use agreement with the Center of Excellence at Brandeis University by January 1, 2016.

Requires the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to report every two years, beginning September 1, 2016, on its participation with the Prescription Behavior Surveillance System to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety.

Requires the Division of Medical Assistance to take six specified steps to improve the effectiveness and efficiency of the Medicaid lock-in program, including establishing written procedures for the operation of the program and increasing program capacity. Requires a report to the Joint Legislative Program Evaluation Oversight Committee by September 30, 2015, on its progress.

Creates the Prescription Drug Abuse Advisory Committee (Committee) and requires it to implement a statewide strategic plan to combat the problem of prescription drug abuse. Requires that the Committee include representatives from specified entities as well as others designated by the Secretary of Health and Human Services. After developing the plan, the Committee will be the state's steering committee to monitor achievement and receive regular progress reports. Specifies steps that must be completed in developing the plan. Requires the plan to include three to five strategic goals that are outcome-oriented and measurable. The goals must be connected with objectives supported by five specified system mechanisms. Requires DHHS, in consultation with the Committee, to implement a performance management system that connects the goals and objectives identified in the plan to operations of the Controlled Substances Reporting System and Medicaid lock-in program, law enforcement activities, and oversight of prescribers and dispensers. Requires DHHS to submit an annual report, beginning December 1, 2016, on the performance of the system for monitoring prescription drug abuse to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety.

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**Government, Budget/Appropriations, State Agencies,
Department of Health and Human Services, Health and
Human Services, Health, Health Care Facilities and
Providers**

S 318 (2015-2016) **PED RECS/PUBLICLY FUNDED SUBSTANCE ABUSE SVCS**. Filed Mar 17 2015, *AN ACT INTEGRATING STATE-OPERATED ALCOHOL AND DRUG ABUSE TREATMENT CENTERS (ADATCS) INTO THE ARRAY OF PUBLICLY FUNDED SUBSTANCE ABUSE SERVICES MANAGED BY LOCAL MANAGEMENT ENTITIES/MANAGED CARE ORGANIZATIONS, REALLOCATING DIRECT STATE APPROPRIATIONS FOR ADATCS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR MANAGEMENT BY THE LME/MCOS, AND STRENGTHENING THE PERFORMANCE MANAGEMENT SYSTEM FOR PUBLICLY FUNDED SUBSTANCE ABUSE SERVICES.*

Substantively identical to [H 119](#), filed 2/27/15.

States the General Assembly's intent to integrate all of the Alcohol and Drug Abuse Treatment Centers (ADATCs) under the jurisdiction of the Department of Health and Human Services (DHHS) Secretary, as identified in GS 122C-181 into the array of publicly funded substance abuse services managed by the Local Management Entity/Managed Care Organizations (LME/MCOs) over a three-year period, beginning no earlier than July 1, 2016, and ending with full integration by June 30, 2019.

Requires that DHHS, by April 1, 2016, submit a three-year transition business plan for integrating all ADATCs into the array of publicly funded substance abuse services managed by the LME/MCOs to the Joint Legislative Oversight Committee on Health and Human Services. Specifies the five components that must be in the plan, including: (1) the projected demand by LME/MCOs for substance abuse services provided by the ADATCs during (i) each fiscal year of the transition period and (ii) the first three fiscal years subsequent to full integration of the ADATCs into the array of publicly funded substance abuse services managed by the LME/MCOs, (2) procedures for making operational adjustments at each of the ADATCs during the transition period based upon the demand for services and the availability of funding to provide these services, and (3) a method for establishing and updating the rates paid by LME/MCOs for substance abuse services provided by ADATCs to individuals receiving these services under the management of the LME/MCOs.

States the General Assembly's intent to gradually terminate all direct state appropriations for ADATCs by the beginning of the 2019-20 fiscal year and instead reallocate this funding to the DHHS Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) for community services in order to allow the LME/MCOs to assume responsibility for managing the full array of publicly funded substance abuse services, including those delivered through the ADATCs. Terminates all direct state appropriations for ADATCs effective July 1, 2019, and reallocates those appropriations to DMH/DD/SAS for allocation to the LME/MCOs. Requires the LME/MCOs to use these reallocated funds to manage and pay for the utilization of substance abuse treatment and services for individuals within their catchment areas.

Requires DMH/DD/SAS to: (1) calculate and notify each LME/MCO by August 1, 2015, of its estimated share of these fund allocations for each fiscal year of the transition period and specifies how the estimated share is determined and (2) as a condition of receiving its share of reallocated ADATC funds, require each LME/MCO to submit by February 1, 2016, a written transition plan describing how the LME/MCO plans to use these reallocated ADATC funds to build capacity for community-based substance abuse services, reduce gaps in substance abuse services, purchase substance abuse services from the ADATCs, or do any combination thereof. Requires DMH/DD/SAS to review the written transition plans to ensure each LME/MCO proposes using these reallocated ADATC funds to purchase substance abuse services.

Requires each LME/MCO to: (1) submit a written transition plan to DMH/DD/SAS by February 1, 2016, describing

how it plans to use reallocated ADATC funds to build capacity for community-based substance abuse services, reduce gaps in substance abuse services, purchase substance abuse services from the ADATCs, or any combination thereof; (2) submit to DHHS Division of State Operated Healthcare Facilities (DSOHF) annually by February 1 its projected demand for ADATC services for the upcoming fiscal year; (3) enter into a contract, by April 1 of each year, with DSOHF for the ADATC services it intends to utilize during the next fiscal year; specifies terms that must be included in the contract; and (4) implement and enforce the prior authorization process established by DHHS, in consultation with the LME/MCOs, pursuant to this act.

States the General Assembly's intent that at the end of the transition period, each of the ADATCs be wholly receipt-supported. Requires each ADATC to, during the transition period, annually evaluate and adjust their operations based upon the projected demand for services and the availability of funding to meet the demand for services from direct state appropriations and estimated receipts from Medicare, Medicaid, insurance, self-pay, and the LME/MCOs.

Requires DMH/DD/SAS, during the transition period, to monitor each of the following with respect to integration of the ADATCs into the array of publicly funded substance abuse services managed by the LME/MCOs: (1) expenditures by LME/MCOs and by ADATCs to ensure that North Carolina continues to meet the maintenance of effort requirements of the federal Substance Abuse Prevention and Treatment Block Grant, (2) efforts by each of the LME/MCOs to increase capacity for substance abuse treatment to ensure the development of community-based services to meet the needs of individuals formerly served by the ADATCs, and (3) utilization by LME/MCOs of substance abuse services provided by the ADATCs.

Requires DHHS, beginning October 1, 2016, and annually thereafter until October 1, 2020, to report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Program Evaluation Oversight Committee on: (1) the status of fully integrating the ADATCs into the array of publicly funded substance abuse services managed by the LME/MCOs and (2) a breakdown of how direct state appropriations reallocated from the ADATCs to the LME/MCOs have been used to purchase substance abuse services.

Requires DMH/DD/SAS, in consultation with the LME/MCOs, to develop and submit to the Joint Legislative Oversight Committee on Health and Human Services, by January 15, 2016, a plan to strengthen performance management for the state's publicly funded substance abuse services. Encourages DHHS to consult with other divisions and specified agencies and entities in developing the plan. Specifies issues that must be addressed in the plan.

Intro. by Hise.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Mental Health

S 319 (2015-2016) **CHIROPRACTOR CO-PAY PARITY**. Filed Mar 17 2015, *AN ACT TO REENACT A LAW CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES*.

Amends GS 58-50-30 to prohibit an insurer from imposing as a limitation on treatment or level of coverage a co-payment amount charged to the insured for chiropractic services that is higher than the one charged for the services of a licensed primary care physician for a comparable medically necessary treatment or condition.

Applies to insurance policies issued, renewed, or amended on or after January 1, 2016.

Intro. by Hise.

[View summary](#)

S 320 (2015-2016) [REVISIONS TO OUTDOOR ADVERTISING LAWS](#). Filed Mar 17 2015, *AN ACT TO INCREASE PERMIT FEES FOR OUTDOOR ADVERTISING, TO ESTABLISH A REASONABLE TIMEFRAME FOR MAKING AGENCY DECISIONS REGARDING PERMITS AND APPEALS, TO CLARIFY THE STANDARDS FOR DETERMINING JUST COMPENSATION IN STATE AND LOCAL GOVERNMENT EMINENT DOMAIN ACTIONS THAT CAUSE THE REMOVAL OF LAWFULLY ERECTED OUTDOOR ADVERTISING, TO CLARIFY PROVISIONS OF THE OUTDOOR ADVERTISING CONTROL ACT, AND TO PROMOTE UNIFORMITY OF REGULATION AND MODERNIZATION OF OUTDOOR ADVERTISING.*

To be summarized.

Intro. by Brown, Rabon, Tarte.

[GS 136, GS 153A, GS 160A](#)

[View summary](#)

[Business and Commerce, Government, Local Government](#)

S 321 (2015-2016) [EXEMPT BUILDERS' INVENTORY](#). Filed Mar 17 2015, *AN ACT TO EXEMPT FROM PROPERTY TAX THE INCREASE IN VALUE OF REAL PROPERTY HELD FOR SALE BY A BUILDER, TO THE EXTENT THE INCREASE IS ATTRIBUTABLE TO SUBDIVISION OR IMPROVEMENTS BY THE BUILDER.*

Identical to [H 168](#) filed on 3/5/15.

Enacts new GS 105-277.02, certain real property held for sale classified for taxation at reduced valuation, providing that real property held for sale by a builder is designated a special class of property pursuant to Article V of the NC Constitution. Provides that increases in value of such property attributable to subdivision or other improvements made by the builder are excluded from property taxation as long as the builder continues to hold the property for sale. Further provides that this exclusion cannot exceed five years from the time the improved property was first subject to taxation. Provides that to receive this exclusion, a builder must apply annually as provided in GS 105-282.1. Directs tax assessors to specify what portion of the value is an increase attributable to subdivision or other builder improvements.

Amends GS 105-287(d) to require tax assessors to appraise unsold portions of land as land acreage instead of lots if a tract of land has been subdivided into lots yet more than five acres of the tract remain unsold (previously, a tax assessor could appraise the land acreage but was not required to do so).

Amends the definition of builder in GS 105-273 to no longer require licensing as a general contractor.

Effective for taxes imposed for taxable years beginning on or after July 1, 2015.

Intro. by Brown, Tucker, Gunn.

[GS 150](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Government, Tax](#)

S 322 (2015-2016) [LRC/STUDY TRANSFER OF WFD CENTERS TO CCS](#). Filed Mar 17 2015, *AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY AND EFFECTIVENESS OF RELOCATING AND TRANSFERRING OVERSIGHT OF THE NCWORKS CAREER CENTERS FROM THE DEPARTMENT OF COMMERCE TO THE COMMUNITY COLLEGE SYSTEM.*

Requires the Legislative Research Commission (LRC) to study the feasibility and effectiveness of (1) relocating this state's NCWorks Career Centers to community college campuses under the jurisdiction and control of the State Board of

Community Colleges and (2) transferring responsibility for overseeing the administration of the NCWorks Career Centers from the Department of Commerce to the State Board of Community Colleges. Specifies items that must be examined as a part of the study, including whether the State Board of Community Colleges is better equipped than the Department of Commerce to oversee administration of the NCWorks Career Centers and whether existing federal laws, state laws, or memorandums of understanding would support the proposed relocation and transfer of the state's NCWorks Career Centers to the Community College System. Requires the LRC to report its findings and any proposed legislation to the 2016 Regular Session of the 2015 General Assembly upon its convening.

Intro. by Tillman.

[STUDY](#)

[View summary](#)

[Employment and Retirement, Government, General Assembly, State Agencies, Community Colleges System Office, Department of Commerce](#)

LOCAL/HOUSE BILLS

H 258 (2015-2016) [SCHOOL CALENDAR FLEXIBILITY/CHATHAM COUNTY](#). Filed Mar 17 2015, *AN ACT TO PROVIDE FLEXIBILITY FOR CHATHAM 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. Adds requirement that regardless of the opening date for students, all first-semester examinations must be given before winter break.

This act applies only to the Chatham County school administrative unit beginning with the 2015-16 school year.

Intro. by Reives.

[Chatham](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 260 (2015-2016) [SCHOOL CALENDAR FLEX./GATES CO. SCHOOLS](#). Filed Mar 17 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE GATES 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. Adds requirement that

regardless of the opening date for students, all first-semester examinations must be given before winter break.

This act applies only to the Gates County school administrative unit beginning with the 2015-16 school year.

Intro. by

[Gates](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 263 (2015-2016) [CITY OF TRINITY TERMS OF ELECTION](#). Filed Mar 17 2015, *AN ACT TO MODIFY THE FORM OF GOVERNMENT IN THE CITY OF TRINITY*.

Amends Chapter III of the Charter of the City of Trinity, as enacted by SL 1997-44, as the title indicates. Changes the number of members of the City Council to five (was, eight). Provides for one member (was, two) elected by the qualified voters of the entire city from each of the four wards of the city, and an additional member who resides in the city elected at large. Elects members of the Council to two-year (was four-year) terms. Beginning in 2017 and biennially thereafter, provides that the Mayor is to be selected by the qualified voters of the city for a two-year (was, four-year) term. Prohibits electing members from any ward in the 2015 election; however, provides that in the 2015 election, the member to be elected at-large by all the qualified voters of Trinity, as established in this act, is to be elected.

Applies to elections held on or after that date and to vacancies occurring on or after that date.

Intro. by Hurley.

[Randolph](#)

[View summary](#)

H 266 (2015-2016) [CITY OF LENOIR/SATELLITE ANNEXATION](#). Filed Mar 17 2015, *AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LENOIR*.

As the title indicates. Effective June 30, 2015.

Intro. by

[Caldwell](#)

[View summary](#)

H 275 (2015-2016) [SCHOOL CALENDAR FLEX./CHARLOTTE-MECK SCHOOLS](#). Filed Mar 17 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO INCREASE STUDENT PROFICIENCY FOR STUDENTS AND TO EXPAND PROFESSIONAL DEVELOPMENT OPPORTUNITIES FOR TEACHERS IN ADOPTING THEIR 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 Charlotte-Mecklenburg Schools beginning with the 2015-16 school year.

Intro. by Bryan, Cotham.

[Mecklenburg](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

LOCAL/SENATE BILLS

S 142 (2015-2016) [CUMBERLAND COUNTY CIVIC CENTER COMMISSION](#). Filed Mar 3 2015, *AN ACT TO REDUCE THE NUMBER OF MEMBERS SERVING ON THE CUMBERLAND COUNTY CIVIC CENTER COMMISSION.*

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

Amends Section 1 of Chapter 360 of the 1965 Session Laws regarding membership of the Cumberland County Civic Center Commission (Commission) clarifying that, in regards to regular meetings of the Commission, the attendance of five voting members will constitute a quorum for the purpose of transacting business (was, five members).

Intro. by Meredith, Clark.

[Cumberland](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 5: MILITARY VETERANS SPECIAL PLATE.

House: Amend Adopted Al

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 7: AMEND FIREARM RESTORATION LAW.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 13: AMEND SCHOOL HEALTH ASSESSMENT REQUIREMENT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/18/2015

H 18: PLANNING YEAR FOR CIHSS.

House: Reptd Fav Com Substitute

House: Serial Referral To Appropriations Stricken

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/18/2015

H 29: TECHNICAL CHANGES TO COURSES OF STUDY STATUTE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

H 35: EDUCATION INNOVATION TASK FORCE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/18/2015

H 102: UTILITY VEHICLES/LAW ENFORCEMENT.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 113: PROTECT OUR STUDENTS ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 129: HIGH ACHIEVING TUITION SCHOLARSHIPS.

House: Reptd Fav Com Substitute

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

H 138: ARTS EDUCATION REQUIREMENT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/18/2015

H 173: OMNIBUS CRIMINAL LAW BILL.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/18/2015

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

House: Passed 1st Reading

House: Ref To Com On Education - K-12

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

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 239: RESTORE EARLY VOTING DAYS.

House: Passed 1st Reading

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

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

House: Passed 1st Reading

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

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

House: Passed 1st Reading

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

H 242: WHITE COLLAR INVESTIGATION.

House: Passed 1st Reading

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

H 244: COMMUNITY CORR./INTERSTATE COMPACT/FUND.-AB

House: Passed 1st Reading

House: Ref to the Com on Judiciary III, if favorable, Appropriations

H 245: UTILITIES/THE ENERGY FREEDOM ACT.

House: Passed 1st Reading

House: Ref to the Com on Public Utilities, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 246: ADD MEMBER/CRIM. JUST. STANDARDS COMM.

House: Passed 1st Reading

House: Ref To Com On Judiciary II

H 248: ELIMINATE NC FINAL EXAM.

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 249: REAFFIRMING SUPPORT FOR PUBLIC SCHOOLS.

House: Passed 1st Reading

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

House: Withdrawn From Com

House: Placed On Cal For 03/18/2015

House: Withdrawn From Cal

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

H 250: HEALTHY FOOD SMALL RETAILER/CORNER STORE ACT.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 252: CONFLICT OF INTEREST/CERTAIN RELATIONSHIPS.

House: Filed

H 253: JUSTICE REINVESTMENT ACT CHANGES.-AB

House: Filed

H 254: PROTECT NATIONAL GUARD REEMPLOYMENT RIGHTS.

House: Filed

H 255: BUILDING CODE REG. REFORM.

House: Filed

H 256: HANDICAPPED PARKING/VETERANS PLATE.

House: Filed

H 257: CLEAN FUEL TAX REDUCTION.

House: Filed

H 259: GENERAL GOVERNMENT TECHNICAL CORRECTIONS.-AB

House: Filed

H 261: REQUIRE TYPED DEATH CERTIFICATES.

House: Filed

H 262: SURPLUS LINES AMENDMENTS.

House: Filed

H 264: COMMUNITY COLLEGES 403(B) PLAN.-AB

House: Filed

H 265: NCEMPA ASSET SALE.

House: Filed

H 267: AMEND RESPIRATORY CARE PRACTICE ACT.-AB

House: Filed

H 268: AMEND TRANSPORTATION LAWS.-AB

House: Filed

H 269: CAREGIVER RELIEF ACT.

House: Filed

H 270: HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS.

House: Filed

H 271: AMEND DANGEROUS DOG LAW.

House: Filed

H 272: SAVE THE HONEY BEES SPECIAL PLATE.

House: Filed

H 273: CLARIFY CONDITIONAL DISCHARGE LAW.

House: Filed

H 274: RETIREMENT TECHNICAL CORRECTIONS ACT OF 2015.-AB

House: Filed

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

Senate: Reptd Fav

S 123: UNIFORM FRAUDULENT TRANSFER ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 124: MODERNIZE ASSUMED BUSINESS NAME STATUTES.

Senate: Reptd Fav

Senate: Re-ref Com On Appropriations/Base Budget

S 161: SUPREME COURT SESSIONS IN MORGANTON.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 185: CLARIFY CREDIT FOR TIME SERVED.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 290: ALLOW EARLY REFILLS OF PRESCRIPTION EYE DROPS.

Senate: Passed 1st Reading

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

S 291: EXTEND OVERNIGHT RESPITE PILOT PROGRAM.

Senate: Passed 1st Reading

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

S 292: MUNICIPAL INCORPORATIONS/STUDY.

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

Senate: Ref To Com On Ways & Means

S 294: CHANGES TO REAL ESTATE BROKER LICENSE FEES.

Senate: Passed 1st Reading

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

S 295: MOVE OVER/WASTE & RECYCLING TRUCKS.

Senate: Passed 1st Reading

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

S 296: HEALTHY FOOD SMALL RETAILER/CORNER STORE ACT.

Senate: Filed

S 297: PRENATAL NARCOTIC DRUG USE/CRIMINAL OFFENSE.

Senate: Filed

S 298: SCHOOL BUS CAMERAS/CIVIL PENALTIES.

Senate: Filed

S 299: PORT USAGE CONTRACTS/PUBLIC RECORDS.

Senate: Filed

S 300: ZONING CHANGES/MAJORITY RULE.

Senate: Filed

S 301: DOT/PURCHASE OF CONTAMINATED LAND.-AB

Senate: Filed

S 302: ESTABLISH MATERNAL DEATH REVIEW COMMITTEE.

Senate: Filed

S 303: PROTECT SAFETY/WELL-BEING OF NC CITIZENS.

Senate: Filed

S 304: ADMINISTRATION OF LOGO SIGN PROGRAM.

Senate: Filed

S 305: NCEMPA ASSET SALE.

Senate: Filed

S 306: EXPAND 1%/\$80 RATE FOR MILL MACHINERY.

Senate: Filed

S 307: ELIMINATE TOLLING ON FERRIES/APPROPRIATION.

Senate: Filed

S 308: 0.00 ALCOHOL RESTRICTION-ALL DWI.

Senate: Filed

S 309: AMEND HABITUAL DWI.

Senate: Filed

S 310: DOMESTIC VIOLENCE/BAIL & AGGRAVATING FACTOR.

Senate: Filed

S 311: REGISTER OF DEEDS/FILING FALSE MARRIAGE DOCS.

Senate: Filed

S 312: MOTOR FLEET TELEMATICS PILOT PROJECT.

Senate: Filed

S 313: LICENSE PLATE/RETIRED REGISTER OF DEEDS.

Senate: Filed

S 314: REFORM ABANDONED LIVESTOCK PROCEDURES.

Senate: Filed

S 315: SCHOOL PLAYGROUNDS AVAILABLE TO PUBLIC.

Senate: Filed

S 316: REAFFIRMING SUPPORT FOR PUBLIC SCHOOLS.

Senate: Filed

S 317: STRENGTHEN CONTROLLED SUBSTANCES MONITORING.

Senate: Filed

S 318: PED RECS/PUBLICLY FUNDED SUBSTANCE ABUSE SVCS.

Senate: Filed

S 319: CHIROPRACTOR CO-PAY PARITY.

Senate: Filed

S 320: REVISIONS TO OUTDOOR ADVERTISING LAWS.

Senate: Filed

S 321: EXEMPT BUILDERS' INVENTORY.

Senate: Filed

S 322: LRC/STUDY TRANSFER OF WFD CENTERS TO CCS.

Senate: Filed

LOCAL BILLS

H 58: ALAMANCE COUNTY SHERIFF/FOOD PURCHASES.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 73: CARY ANNEXATION.

House: Passed 2nd Reading

H 243: LOCAL MOD: ECONOMIC DEVELOPMENT COMMISSIONS.

House: Passed 1st Reading

House: Ref To Com On Local Government

H 247: HOKE COUNTY LOCAL OPTION SALES TAX.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Finance

H 251: SCHOOL CALENDAR FLEXIBILITY/TRANSYLVANIA CO.

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 258: SCHOOL CALENDAR FLEXIBILITY/CHATHAM COUNTY.

House: Filed

H 260: SCHOOL CALENDAR FLEX./GATES CO. SCHOOLS.

House: Filed

H 263: CITY OF TRINITY TERMS OF ELECTION.

House: Filed

H 266: CITY OF LENOIR/SATELLITE ANNEXATION.

House: Filed

H 275: SCHOOL CALENDAR FLEX./CHARLOTTE-MECK SCHOOLS.

House: Filed

S 5: UNION COUNTY LOCAL ACT.

Senate: Reptd Fav

S 36: GREENSBORO CITY COUNCIL CHANGES.

House: Passed 1st Reading

House: Ref To Com On Elections

S 139: TOWN OF SYLVA/PARKING ORDINANCES.

Senate: Reptd Fav

S 142: CUMBERLAND COUNTY CIVIC CENTER COMMISSION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 181: WAKE COUNTY COMMISSIONER DISTRICTS.

House: Passed 1st Reading

House: Ref To Com On Elections

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