

The Daily Bulletin: Thursday, March 19, 2015

PUBLIC/HOUSE BILLS

H 106 (2015-2016) [AMEND BANKING COMMISSION MEMBERSHIP \(NEW\)](#). Filed Feb 24 2015, *AN ACT TO AMEND THE MEMBERSHIP OF THE BANKING COMMISSION*.

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

Changes the short and long titles.

Amends GS 53C-2-1 concerning the membership of the Banking Commission (Commission), deleting changes to the number of members that constitute the Commission in the previous edition, restoring the Commission to consisting of 15 members (was, 17). Further provides that 12 members of the Commission will be appointed by the Governor (was, 14 members). Further provides that the Governor will appoint seven public members (was, nine).

Adds language to the act providing that when the changes to GS 53C-2-1 become effective, the position on the Commission held by Donald Fader will convert to a position assigned for a licensee under GS Chapter 53, Article 19B, after which he will continue on the Commission in such role for his remaining term, expiring on April 1, 2017, or until he resigns or does not fit the definition of licensee for his position.

Intro. by J. Bell, Jordan.

[GS 53C](#)

[View summary](#)

[Banking and Finance](#)

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

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

Amends GS 160A-385(a)(1) concerning citizen comments about proposed zoning changes adding language that provides that if the proposed change is the subject of a quasi-judicial hearing, then the clerk can provide only the names and addresses of the individuals providing written comment. Provides that the provision of such information to members of the board does not disqualify any member from voting.

Intro. by Stam, Goodman, Jackson.

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

[View summary](#)

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

H 296 (2015-2016) [OCC.LIC./AMEND FUNERAL SERVICE PRACTICE LAWS.-AB](#) Filed Mar 18 2015, *AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE*.

Repeals (d) of GS 58-58-97 (Provision of life insurance information upon notification of insured's death), which deemed a licensee or employee of a licensed funeral establishment unfit for practice for making a false request for

information under this section or failing to do actions required by the statute.

Amends GS 90-210.23 to provide that the reinspection fee for funeral establishments or embalming facilities that fail to meet the article's requirements is to be based on the actual costs of reinspection after considering the salary of any employees involved and any expenses incurred during the reinspection, with a maximum fee of \$300 per reinspection. Allows charging a reinspection fee of no more than \$25 per submission if after an inspection a funeral establishment is found to have any required documents out of compliance.

Amends GS 90-210.25 to require applicants for licensure for the practice of funeral directing, for the practice of embalming, and for the practice of funeral services to have passed an exam that also includes the standards set forth in the most recent version of the Funeral Industry Practices. Allows resident trainees granted an extension of time under GS 105-249.2 to file a tax return to be given an extension of time for renewing a certificate of resident traineeship equal to the number of days that the trainee engaged in active service in the US Armed Forces is on active deployment. Allows charging a late fee of up to \$50 for each work report filed after the due date. Allows the North Carolina Board of Funeral Services (Board) to revoke, suspend, or refuse to issue or renew a certificate of resident traineeship or place a trainee on probation for violations of the article or Board rules. Requires renewal of Board-issued licenses before January 1 (was, February 1) of the calendar year for which the license is to be renewed. Adds new criteria to established criteria that allows a licensee to practice funeral directing or funeral service without owning, being employed by, or being an agent of a licensed funeral establishment, to include (1) obtaining and maintaining professional liability insurance with limits of at least \$1 million, with specified requirements for submitting proof of the insurance and notifying the Board of any change to such insurance and (2) providing funeral directing services to no more than two funeral establishments, with a requirement to submit identifying information of the establishments to the Board annually, with any changes due to the Board within 30 days of change. Allows the Board to suspend, revoke, or refuse to issue or renew the permit, place the permittee on a term of probation, or accept a civil penalty not to exceed \$5,000 in conjunction with a term of probation or in lieu of other disciplinary action when it finds that any person permitted to transport dead bodies has engaged in any of the 11 acts, including false or misleading advertising, failing to treat a dead body with respect, and practicing funeral directing, funeral services, or embalming without a license. Deletes the timing requirement for filing applications for funeral establishment permits. Also requires the renewal application and fee for funeral establishment permits be submitted by January 1 (was, February 1). Prohibits issuing more than one funeral establishment permit to the same building or property. Provides that a funeral establishment cannot contract or affiliate with more than two licensees which are permitted under GS 90-210.25(a2)(2). Also requires any funeral establishment that contracts with such a licensee to report specified information to the Board, with any changes to the submitted information due to the Board within 30 days of the change occurring. Adds to the offenses for which the Board may deem an applicant for licensure or a licensee unfit to practice to include (1) failure to refund any insurance proceeds received as consideration in excess of the funeral contract purchase price within 60 days, (2) failure to provide the purchased funeral goods and services or a refund of the purchase price within a reasonable time, and (3) violation of GS 58-58-97 (Provision of life insurance information upon notification of insured's death). Makes it a Class 2 misdemeanor for any person to knowingly or willfully abuse, mutilate, or fail to treat with reasonable care and concern a dead body in a person's custody. Gives the Board the authority to determine the length and conditions of any period of revocation, suspension, refusal to issue or renew, or probation for resident traineeship for those allowed to transport human bodies, funeral establishment permittees, and licensees. Makes clarifying and conforming changes.

Amends GS 90-210.27A to allow suspending the requirements for preparation rooms in funeral establishments if the preparation room is damaged by fire, weather, or other natural disaster. Allows suspension for a period not to exceed 180 days, provided the establishment complies with other specified requirements and laws. Sets a chapel registration to expire on December 31 of each year, after which a late fee is also required. Allows the Board to suspend, revoke, refuse to issue or renew, or place on probation any funeral chapel registration for violations of the Article or Board rules and allows the board to determine the length and conditions of the punishment. Provides that to receive a suspension of more than 90 days, the applicant must show good cause for additional time. Also establishes liability insurance requirements for funeral establishments, which must have limits of at least \$1 million. Sets out other requirements regarding the maintaining of liability insurance. Establishes that human remains must be stored in a licensed funeral establishment or licensed crematory when the remains are not in transit for visitation or funeral service.

Amends GS 90-210.28 to make a conforming change by deleting the \$100 establishment and embalming facility reinspection fee. Adds in the \$25 Funeral Industry Practices document reinspection fee.

Amends GS 90-210.29B to provide that documents containing information collected or compiled by the Board or its inspectors or employees as a result of a complaint, investigation, audit, or interview in connection with a license application is not considered public record until the Board has taken final action.

Amends GS 90-210.61 to provide that the preneed funeral fund requirements in (a)(2), allowing up to 10% of any payments to be retained, apply to those contracts executed before January 1, 2015.

Amends GS 90-210.63(a) to provide that for preneed funeral contracts executed on or after January 1, 2015, the licensee may retain an administrative fee not to exceed 10% of the funds on deposit at the time of transfer, if the amount is agreed upon in writing. Requires any funeral establishment holding a permit that accepts the transfer of a preneed funeral contract after the death of the contract beneficiary to file the certificate of performance with the Board and mail a copy to the contracting preneed license. Specifies requirements if the preneed funeral contract is performed by an establishment in another state.

Enacts new GS 90-210.63B allowing cancellation of a preneed funeral contract by a preneed licensee if specified conditions apply, including that the value of all insurance policies does not exceed \$500.

Amends GS 90-210.64(d) to increase the reference preneed funeral fund balances to \$1,000 or less (was, \$100 or less).

Amends GS 90-210.67 to allow preneed licensees to sell preneed funeral contracts, prearrangement insurance policies and make funded funeral prearrangements only on behalf of one preneed funeral establishment licensee, provided that the preneed sales licensee may also see contracts or policies at any preneed establishment owned by the same corporation or at two more more establishments owned by different individual or entities located within a 30 mile radius. Requires obtaining a preneed sales license at each establishment at which the licensee sells preneed funeral contracts, preneed insurance policies, or makes funded funeral arrangements. Makes clarifying changes. Allows funeral establishments to purchase the required bond from any company authorized to sell bonds in this state or deposit \$50,000 with the clerk of superior court in the county where the preneed funeral establishment maintains its facility that is licensed or applying for licensure. Provides that the bond requirement does not apply for failure to timely renew the license. Requires licenses to be renewed before January 1 (was, on or before the first day of February).

Amends GS 90-210.68 to base the reinspection fee for preneed licensees on the actual cost of the reinspection after considering the salary of any employees involved and any expenses incurred. Requires that in January 2015, and each subsequent January, preneed licensees must prepare and submit an annual report to the Board on its preneed funeral contract sales and performance of preneed funeral contracts.

Amends GS 90-210.69 to allow the Board to determine the length of and conditions of any period of probation, revocation, suspension, or refusal to issue or renew a preneed license. Deletes GS 90-210.69(c)(3), which previously established that a conviction involving a crime of fraud or moral turpitude could be used by the Board as a basis to refuse to issue or renew a license, or to suspend or revoke a license.

Amends GS 90-210.73 providing that financial information used to demonstrate solvency in connection with a required bond are not public records.

Repeals GS 90-210.80 through GS 90-210.107 (Article 13E concerning Mutual Burial Associations). Effective January 1, 2015.

Amends GS 90-210.81 deleting the provision making it the duty of the Board of Funeral Services to take charge of the books of the association that fails to comply with the specified requirements.

Enacts GS 90-210.108 prohibiting, on or after January 1, 2016, owing or operating a burial association unless the association complies with the requirements imposed on an insurance company or insurer. Violations are a Class 1 misdemeanor.

Amends GS 90-210.123 to require crematory licenses to be renewed before January 1 (was, on or before the first day of February). Allows the suspension, revocation, refusal to issue or renew a crematory license for violating the most recent version of the Funeral Industry Practices. Allows the Board to determine the length and conditions of punishment. Requires reinspection fees to take into consideration the salary of any employees involved and expenses incurred during the reinspection. Allows Board inspectors (was, Board members) to serve notice, subpoenas, and papers. Requires that an owner of a cremation facility must be a licensed funeral director or funeral service licensee. Establishes that any crematory inspected and found to not meet all of the requirements of this Article must pay a reinspection fee for each additional inspection. Reinspection fee cannot exceed \$300 per reinspection.

Enacts new GS 90-210.123(f1), providing that a crematory must sell or offer only cremation services, including the making of preneed cremation arrangements, or sell or offer containers, urns, and other cremation merchandise through a person licensed by the Board to practice funeral directing or funeral service who is an owner, employee, or agent of the crematory.

Amends GS 90-210.124(b), providing in what circumstances the director of social services becomes vested with all interests and rights to a dead body. Establishes that the director must authorize and arrange for disposition, including cremation, of the body.

Amends GS 90-210.129 providing that for any death occurring in North Carolina certified by the attending physician or other person authorized by law to sign a death certificate under the supervision of a physician, the body will not be cremated before the crematory licensee receives a death certificate signed by the person authorized to sign the death certificate. Specifies that (a) applies to deaths occurring in the state. Provides that for deaths occurring outside of the state, a crematory licensee may not cremate a body without first obtaining a copy of a burial-transit permit issued by the jurisdiction where the death occurred and either (1) a death certificate from the other jurisdiction that meets the same requirements as in (a) or (2) any document or certificate required to authorize cremation in the jurisdiction where the death occurred that is signed by a physician, medical examiner, or other authorized person that contains all of the required information. Provides exceptions to the prohibitions on cremating more than one person in the same cremation chamber.

Amends GS 90-210.132 to add hydrolysis to the crematory fee schedule and removes the \$100 reinspection fee.

Makes a clarifying change in GS 90-210.133(c).

Enacts new GS 90-210.136 to require licensure before hydrolyzing human remains. Provides that except as otherwise provided, the license for the hydrolysis of human remains has the same requirements and fees as licensing of crematories, and the Board has the same powers over hydrolysis licensees as over the practice of cremation. Provides for the disposal of remaining residue or remains, and for the containment of remains.

Amends GS 130A-415 exempting licensed funeral directors or funeral service licensees in North Carolina from the provisions of this subsection. Enacts new GS 130A-415(j), requiring funeral directors or funeral service licensees in North Carolina, with physical possession of a dead body, to make reasonable efforts to contact relatives of the deceased or other persons who might wish to claim the body for final disposition. Sets out procedures and responsibilities to follow if the body remains unclaimed. Set out procedures for when the Commissioner of Anatomy fails to request delivery of the abandoned dead body within two days of receiving notification. Makes conforming and clarifying changes.

Amends GS 130A-420 to provide that the guardian of the person has the authority to direct the final disposition of the remains of the ward through authorized methods, if executed before the death of the ward, unless expressly prohibited by the order of appointment. Establishes in the statute that a person who does not exercise his or her right to dispose of the decedent's body under subsection (b) of this section within five days' notice or 10 days from the date of death, whichever is earlier, is deemed to have waived his or her right to authorize disposition of the decedent's body or to contest disposition. Sets out who retains authority of decedent's body in the case of a waiver occurring. Provides that once the burial of an individual is completed, the method and location of disposition may not be changed unless otherwise authorized by law or by a court order showing good cause.

Includes a severability clause.

Effective December 1, 2015.

Intro. by Boles, Alexander.

GS 58, GS 90, GS 130A

[View summary](#)

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

H 297 (2015-2016) [DHHS CHILD SUPPORT RECOMMENDATIONS.-AB](#) Filed Mar 18 2015, *AN ACT TO MAKE CHANGES TO THE ADMINISTRATION OF CHILD SUPPORT SERVICES THAT WILL RESULT IN MORE EFFECTIVE AND EFFICIENT COLLECTION AND PAYMENT OF CHILD SUPPORT TO FAMILIES.*

Amends GS 110-130.1 to add that any fee imposed by the Department of Revenue or the Secretary of the Treasury to cover the costs of withholdings for administrative offsets are to be borne by the client.

Amends GS 110-136.4, concerning child support withholdings in IV-D cases, to allow the obligee to serve the payor with the required notice of obligation to withhold by electronic transmission in compliance with specified procedures; allows for this type of notice whether or not the withholding was contested. Also allows the IV-D agency to serve the payor with a notice of obligation to withhold, and service of notices to subsequent payors of their obligation to withhold when the obligor changes jobs, by electronic transmission in compliance with specified procedures.

Amends GS 110-139.2 to require only reference to the applicable law (instead of providing a copy of the law) in the notice to the obligor of levy on an account with a financial institution.

Intro. by Burr, Stevens.

GS 110

[View summary](#)

[Courts/Judiciary, Civil, Family Law, Health and Human Services, Social Services, Child Welfare](#)

H 298 (2015-2016) [AMEND UNIFORM INTERSTATE FAMILY SUPPORT ACT.-AB](#) Filed Mar 18 2015, *AN ACT TO AMEND THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).*

Amends GS 52C-1-101 to provide that the defined terms apply throughout GS Chapter 52C (Uniform Interstate Family Support Act) and not just Article 1 of the Chapter (General Provisions). Adds and defines *convention, Department, foreign country, foreign support order, foreign tribunal, issuing foreign country, outside the state, person, and record*. Amends the following terms to include reference to a foreign country: *child support order, home state, initiating tribunal* (which is also amended to encompass the term *initiating state*), and *obligee*. Amends the following terms: *income-withholding order, obligee, registering tribunal, responding state, support enforcement agency, support order, and tribunal*. Makes additional clarifying and technical changes to the definitions.

Amends GS 52C-1-102 to clarify that the General Court of Justice, District Court Division, is the tribunal of the state and adds that the Department of Health and Human Services, Division of Social Services (Department) and the county support agencies are the state's support enforcement agencies.

Amends GS 52C-1-103 to provide that the remedies provided under the Chapter do not affect the recognition of a foreign support order on the basis of comity. Adds that the Chapter does not (1) provide the exclusive method of establishing or enforcing a support order under the law of this state or (2) grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this Chapter.

Enacts new GS 52C-1-104 to require a tribunal of the state to apply Articles 1 through 6, as applicable, and Article 7 to

support proceedings involving a foreign support order; a foreign tribunal; or an obligee, obligor, or child residing in a foreign country. Specifies the applicability of those chapters is specified circumstances.

Amends GS 52C-2-201 to allow a tribunal of the state to exercise personal jurisdiction over a nonresident in a proceeding to establish or enforce (was, establish, enforce, or modify) a support order or to determine parentage if the specified conditions are met. Modifies those conditions to no longer require the individual to have asserted paternity in an affidavit with the superior court. Adds that the bases of personal jurisdiction may not be used to acquire personal jurisdiction for a tribunal of the state to modify a child support order of another state unless the requirements of GS 52C-6-611 (modifications of child support order of another state) are met, or, in the case of a foreign support order, unless the requirements of new GS 52C-6-615 (jurisdiction to modify child support order of foreign country) are met.

Amends GS 52C-2-202 by deleting the current content of the statute and providing instead that personal jurisdiction acquired by a tribunal of this state in a proceeding under this Chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order.

Amends GS 52C-2-203 and GS 52C-2-204 to include foreign countries as they relate to the statute.

Amends GS 52C-2-205 to provide that a tribunal of this state that has issued a child support order consistent with state law has continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and: (1) at the time of the filing of a request for modification, this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued or (2) even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order. Provides that a tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if: (1) all of the parties who are individuals file consent in a record with the tribunal that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify that order and assume continuing, exclusive jurisdiction; or (2) its order is not the controlling order. Provides that if a tribunal of another state has issued a child support order under the Uniform Interstate Family Support Act or a substantially similar law that modifies a child support order of a tribunal of this state, tribunals of this state must recognize the continuing, exclusive jurisdiction of the tribunal of the other state. Adds that a tribunal of this state that does not have continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

Amends GS 52C-2-206 to allow a tribunal of this state that has issued a child support order to serve as an initiating tribunal to request a tribunal of another state to enforce: (1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction or (2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order. Makes conforming and clarifying changes.

Amends GS 52C-2-207 to amend the information that must be included in a request to determine which order controls when multiple child support orders have been issued for the same obligor and child. Amends the information that must be included in the order when the tribunal determines which order controls or issues a new controlling order. Requires that an order that has been determined to be the controlling order or a judgment for consolidated arrears of support and inters made under the statute must be recognized in proceedings under this Chapter. Makes additional conforming and clarifying changes.

Amends GS 52C-2-209 to require a tribunal of the state to credit amounts collected for a particular period under a child support order against the amounts owed for the same period under any other child support order for support of the same child that was issued by a tribunal of this state, another state, or a foreign country.

Enacts new GS 52C-2-210 to set out powers a tribunal of this state has when exercising personal jurisdiction over a nonresident in a proceeding under the Chapter, under other laws of this state relating to a support order, or recognizing a

foreign support order.

Enacts new GS 52C-2-211 giving a tribunal of this state issuing a spousal support order continuing, exclusive jurisdiction to modify the order throughout the existence of the obligation; prohibiting the tribunal from modifying a spousal support order issued by another state or foreign country with exclusive jurisdiction over that order; and setting out powers of a tribunal with continuing, exclusive jurisdiction over a spousal support order.

Amends GS 52C-3-304 to no longer require an initiating tribunal to provide three copies of the petition. Further amends the duties of an initiating tribunal.

Amends GS 52C-3-305 to modify the powers of a responding tribunal of this state to allow determining the controlling child support order and allows ordering an obligor to keep the tribunal informed of the obligor's current email address. Adds the requirement that a responding tribunal, if requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, to convert the amount to dollars.

Amends GS 52C-3-307 to require a support enforcement agency, upon request, to provide services to a petitioner requesting services through a central authority of a foreign country. Also allows a support enforcement agency to provide services to a petitioner who does not live in the state. Requires a support enforcement agency requesting registration of a child support order in this state for enforcement or for modification to make reasonable efforts to: (1) ensure that the order to be registered is the controlling order or (2) if two or more child support orders exist and the identity of the controlling order has not been determined, ensure that a request for such a determination is made. Requires a support enforcement agency requesting registration and enforcement of a support order, arrears, or judgment stated in a foreign currency to convert the amounts to dollars. Requires a support enforcement agency of this state to request a tribunal of this state to issue a child support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested by a support enforcement agency of another state. Makes additional conforming and clarifying changes.

Amends GS 52C-3-308 by deleting the current provisions stating the district attorney's duty. Adds that the Department may order the agency to perform its duties or may provide those services directly if the Department determines that the support enforcement agency is neglecting or refusing to provide services. Allows the Department to determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

Amends GS 52C-3-309 to clarify the Department's duties as the state information agency under the Chapter.

Amends GS 52C-3-310 to make clarifying changes and include reference to orders from another state or foreign country.

Amends GS 52C-3-311 to amend the procedure for protecting identifying information of a child. Allows the tribunal to order disclosure of information that the tribunal determines to be in the best interest of justice after a hearing that takes into consideration the party's or child's health, safety, or liberty.

Amends GS 52C-3-315 to require (was, allow) a tribunal of the state to permit a party or witness residing outside of the state to be deposed or testify by phone, audiovisual means, or other electronic means. Adds that a voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage. Makes additional clarifying and conforming changes.

Amends GS 52C-3-316 to allow communication between tribunals via email.

Amends GS 52C-3-318 to specify duties of the support enforcement agency or tribunal of this state when neither the obligor, the obligee, nor the child reside in the state. Requires the support enforcement agency of this state receiving redirected payments from another state to give a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Makes additional clarifying, technical, and organizational changes to Article 3 of the Chapter.

Amends GS 52C-4-401 to modify the circumstances under which a tribunal may issue a temporary child support order.

Enacts new GS 52C-4-402 allowing a tribunal of this state authorized to determine parentage of a child to serve as a responding tribunal in a proceeding to determine parentage of a child.

Amends GS 52C-5-501 to allow an income withholding order issued in another state to be sent by or on behalf of the obligee, or by the support enforcement agency, to the obligor's employer or payor without first filing a petition or registering the order with a tribunal. Deletes the provisions concerning obligors receiving unemployment.

Amends GS 52C-5-506 by specifying how an obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state. Makes other clarifying changes.

Amends GS 52C-6-602 to set out actions a person requesting registration of an order of enforcement must take when there are two or more orders in effect. Allows a request for a determination of which order is controlling to be filed separately or with a request for registration and enforcement or for registration and modification. Makes conforming and clarifying changes.

Amends GS 52C-6-604 to provide that the law of the issuing state or county governs the existence and satisfaction of other obligations under the support order. Requires a responding tribunal of this state to apply this state's procedures and remedies to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state. Adds that after a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, a tribunal of this state must prospectively apply the law of the state or foreign country issuing the controlling order on current and future support and on consolidated arrears.

Amends GS 52C-6-605 to set out notice requirements for the registration of an order when the registering party asserts that two or more orders are in effect.

Amends GS 52C-6-607 to add to the defenses that a party contesting the validity of enforcement of a support order must prove to include that the alleged controlling order is not the controlling order.

Amends GS 52C-6-611 to provide that in a proceeding to modify a child support order, the law of the state that issued the initial controlling order governs the duration of the obligation. The obligor's fulfillment of the duty of support precludes imposition of a further obligation of a support by a tribunal in this state. Specifies that a tribunal of this state retains jurisdiction to modify an order issued by this state if one party resides in another state and the other party resides outside the United States.

Amends GS 52C-6-612 to provide that if a child support order issued by a tribunal of this state is modified by another state which assumed jurisdiction under the Uniform Interstate Family Support Act, the tribunal may perform specified acts and must recognize the modifying order of the other state upon registration.

Adds new Part 4, Registration and Modification of Foreign Child Support Order. Enacts statutes concerning the jurisdiction to modify child support orders of foreign countries and the procedure for registering a child support order of a foreign country in order to modify and enforce the order.

Amends Article 7 of the Chapter as follows. Deletes the content of GS 52C-7-701 and replaces it with terms and their definitions, as used in the article. Specifies that the Article applies only to a support proceeding under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). Recognizes the Department as the agency designated to perform specific functions under the Convention. Specifies the Department's responsibilities in support proceedings under the Article. Sets out six support proceedings that are available to an obligee and three that are available to an obligor under the Convention. Sets out provisions governing a petitioner's direct request seeking establishment or modification of a support order or determination of parentage of a child. Requires a party seeking recognition of a Convention support order to register the order in this state and sets out what must be included with the request. Specifies when a tribunal of the state may vacate the registration of a Convention support order. Sets out the procedure for contesting a registered Convention support order. Requires a tribunal of this state to recognize and enforce a registered Convention support order unless one of the ten grounds are met for refusing recognition and

enforcement. Requires a tribunal of this state to recognize and enforce a foreign support agreement registered in this state unless specified circumstances exist. Sets out items that must be included with an application or direct request for recognition and enforcement of a foreign support agreement. Prohibits a tribunal of this state from modifying a Convention support order if the obligee remains a resident of the foreign country where the order was issued unless specified circumstances exist.

Amends Article 8 to make clarifying and conforming changes.

Amends GS 52C-9-901 to provide that in applying and construing this uniform action, consideration must be given to the need to promote uniformity of the law among states enacting it.

Enacts new GS 52C-9-901.1 to provide that the Chapter applies to proceedings begun on or after the effective date of this Chapter to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

Makes changes throughout by adding reference to orders from foreign countries.

Intro. by Burr, Stevens.

GS 52C

[View summary](#)

Courts/Judiciary, Civil, Family Law, Health and Human Services, Social Services, Child Welfare

H 300 (2015-2016) **MODIFY SCHOOL PERFORMANCE GRADES.** Filed Mar 18 2015, *AN ACT TO MODIFY SCHOOL PERFORMANCE GRADES TO PROVIDE THAT ALL SCHOOLS RECEIVE A SCHOOL PERFORMANCE GRADE FOR SCHOOL ACHIEVEMENT AND A SCHOOL PERFORMANCE GRADE FOR SCHOOL GROWTH.*

Amends GS 115C-12(9)c1 to provide that the State Board of Education (Board) must award numerical school achievement and school growth scores on a scale of zero to 100 and separate corresponding performance letter grades for each score (previously, required an overall numerical school achievement, growth, and performance score on a zero to 100 scale, with a corresponding letter grade) as part of the annual report card for each local school administrative unit.

Amends GS 115C-47(58), making conforming changes.

Amends GS 115C-83.15, making conforming changes and deleting provisions which established the procedure and formula for calculating the previously required school performance score and grade. Adds language that provides that the school achievement score and the school growth score will each be converted by the Board to a 100-point scale and used to determine two separate school performance grades based on the specified scale. Makes technical deletions.

Amends GS 115C-218.65 and GS 115C-238.66(11), making conforming changes.

Requires the Board, only for the 2014-15 school year, to convert each school achievement score and school growth score to a 100-point scale for all schools and use the scores to determine two separate school performance grades, one for school achievement and one for school growth. Sets out scale to be used to convert numerical score to a school performance letter grade.

Intro. by Riddell, Whitmire, L. Bell, S. Ross.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

H 301 (2015-2016) **ESCHEAT FUND MODIFICATIONS.-AB** Filed Mar 18 2015, *AN ACT TO MODIFY INVESTMENT*

Amends GS 147-69.2(b)(12) concerning the Escheat Fund (Fund), setting out the intent of the General Assembly that the Fund (1) provide a perpetual and sustainable source of funding for purposes authorized by the State Constitution, and (2) retain monies as corpus to allow the State Treasurer to invest in long-term illiquid investments, including those with a NC Nexus, with the end of growing the amount of earnings available for scholarships. Sets out new provisions that apply in achieving the above, including requiring the State Treasurer to engage a third-party professional actuary or consultant to conduct a valuation and projection of the financial status of the Fund. Establishes an annual reporting requirement for the State Treasurer to report to specified members of the General Assembly, no later than December 31, about the Fund and valuations. Sets out required components of the report. Permits the State Treasurer to invest, in addition to other authorized investments, up to 10% of the net assets of the Fund in businesses with a material nexus with the State, with certain limitations. Requires the State Treasurer to discharge investment duties in regards to the Fund consistent with the provisions of GS 36E-3.

Intro. by Collins, S. Ross, Tine, Warren.

[GS 147](#)

[View summary](#)

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

H 302 (2015-2016) [STRENGTHEN OYSTER INDUSTRY](#). Filed Mar 18 2015, *AN ACT TO STRENGTHEN AND PROTECT THE OYSTER INDUSTRY IN NORTH CAROLINA*.

Requires the Division of Marine Fisheries (Division) of the Department of Environment and Natural Resources to study North Carolina's shellfish lease and franchise program, including four specified issues. Requires a report on the Division's findings and recommendations, along with an update on the implementation of Section 3 of the act (concerning the Jean Preston Marine Shellfish Sanctuary) by April 1, 2016, to the chairs of the Environmental Review Commission, the chairs of the House of Representatives Appropriations Subcommittee on Agriculture and Natural and Economic Resources, the chairs of the Senate Appropriations Committee on Natural and Economic Resources, and the Fiscal Research Division.

Enacts new GS 113-211 allowing a civil penalty of no more than \$10,000 against any person who (1) takes or attempts to take shellfish in violation of GS 113-208 or who takes, destroys, or damages equipment or structures used for the cultivation of shellfish pursuant to and within the confines of a lease or franchise granted under the provisions of this Article; (2) takes or attempts to take shellfish in violation of GS 113-209 from areas closed to harvest by statute, rule, or proclamation; or (3) takes or attempts to take shellfish from an area designated as an oyster sanctuary by the Division of Marine Resources of the Department. Sets out considerations to be taken in setting the penalty amount. Allows requests for the remission of civil penalties to be filed and sets out the procedure for submitting and resolving the request. Allows instituting a civil action in superior court if any civil penalty is not paid within 30 days after notice of the assessment has been served.

Amends Section 44 of SL 2014-120, establishing the Senator Jean Preston Marine Shellfish Sanctuary as follows. Changes the name of the program to the Senator Jean Preston Marine Oyster Sanctuary Program. Modifies and adds to the General Assembly's intent. Requires the Division to develop a plan to construct and manage additional oyster habitat and requires that the new sanctuaries along with existing oyster sanctuaries be included in the Senator Jean Preston Oyster Sanctuary Network (was, required the Division to designate an area within the Pamlico Sound as a recommendation to the Environmental Review Commission for establishment of the shellfish sanctuary and create a plan for managing sanctuary). Modifies the required components of the plan to now include provisions concerning the location and delineation of oyster sanctuaries, enhancement of oyster habitat restoration, waiver of application and yearly rental fees for new shellfish leases, outreach, monitoring, funding, and recommendations for changes. Deletes the reporting requirement.

Requires the Division, in consultation with representatives of the commercial fishing industry, representatives of the shellfish aquaculture industry, and relevant federal agencies, to create a proposal to open certain areas of Core Sound to shellfish cultivation leasing. Requires the Division to report on the plan by May 1, 2016, to the Joint Legislative Commission on Government Operations.

Repeals Subdivisions 1.2(a)(5) and 1.2(b)(3) of SL 2011-291, which transferred the duties of the Joint Legislative Commission on Seafood and Aquaculture to the the Joint Legislative Commission on Governmental Operations and repealed Article 12F, pertaining to the Joint Legislative Commission on Seafood and Aquaculture; also repeals conforming changes that were made in the act. Reenacts Article 12F of GS Chapter 120, as it existed prior to its repeal. Repeals GS 120-76(15) concerning the Joint Legislative Commission on Governmental Operation's powers over seafood and aquaculture. Amends the powers of the Joint Legislative Oversight Committee on Seafood and Aquaculture to remove the power to make recommendations regarding regulatory matters relating to the seafood and aquaculture industry, including increasing the state's representation and decision-making ability by dividing the state between the Atlantic and South Atlantic regions of the National Division of Marine Fisheries; retains the power to evaluate the adequacy of penalties for trespass and theft of shellfish and other aquaculture products. Makes technical changes.

Intro. by Tine, McElraft, Millis, Harrison.

[STUDY, GS 113](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Environment, Aquaculture and Fisheries, Government, State Agencies, Department of Environment and Natural Resources](#)

H 303 (2015-2016) [DISPUTE RESOLUTION AMENDMENTS](#). Filed Mar 18 2015, *AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, TO ESTABLISH A DISPUTE RESOLUTION FUND FOR MONIES COLLECTED THROUGH THE EXISTING ADMINISTRATIVE FEE FOR THE CERTIFICATION OF MEDIATORS AND MEDIATION TRAINING PROGRAMS, AND TO MAKE IT UNLAWFUL TO FALSELY REPRESENT ONESELF AS A CERTIFIED MEDIATOR OR TO FALSELY REPRESENT A MEDIATOR TRAINING PROGRAM AS CERTIFIED.*

Amends GS 7A-38.1(1), 7A-38.4A(j), 7A-38.3B, and 7A-38.3D(k) making technical changes and conveying all powers and duties previously delineated to agencies established to enforce standards of conduct for mediators or other neutrals to the Dispute Resolution Commission (Commission).

Amends GS 7A-38.2 to provide that the fees charged for certification and annual renewal of certification for mediators and mediation training will be deposited in the Dispute Resolution Fund (Fund). Establishes the Fund in the Judicial Department as a non-reverting, interest-bearing special revenue account. Provides that the monies in the Fund must be used to support the operations of the Commission.

Enacts new GS 7A-38.2(l) and (m) concerning the regulation of mediators, providing that the Commission can issue cease and desist letters to individuals falsely representing themselves to the public as a certified mediator, whether such communication is made through words, letters, titles, signs, cards, web postings, or similar. Provides that such individuals or firms making such misrepresentation are guilty of a Class 2 misdemeanor and subject to a civil penalty not to exceed \$500 each day of the violation. Provides that each day is considered a separate and distinct violation. Requires proceeds from violations to be remitted to the Civil Penalty and Forfeiture Fund. Provides that the Commission can petition the court on its own accord to apply for an injunction to prevent violations. Effective December 1, 2015.

Unless otherwise provided, effective July 1, 2015, applying to mediations commenced after that date.

Intro. by Horn, Daughtry, Davis, Stevens.

[GS 7A](#)

[View summary](#)

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

H 308 (2015-2016) [CLARIFY REASONABLE HEALTH INSUR./CHILD SUPP.](#) Filed Mar 18 2015, *AN ACT TO AMEND THE LAWS PERTAINING TO THE MEDICAL SUPPORT AND HEALTH INSURANCE COVERAGE RELATING TO CHILD SUPPORT TO ALIGN STATE LAW WITH FEDERAL GUIDELINES THAT NO LONGER INCLUDE THE PROVISION THAT EMPLOYER-PROVIDED GROUP HEALTH INSURANCE IS AUTOMATICALLY CONSIDERED "REASONABLE."*

Amends GS 50-13.11(a1) concerning orders and agreements regarding medical support and health insurance coverage for minor children, making a clarifying change and adding language establishing that health insurance for the benefit of a child is considered reasonable if, in addition to being employment related or some other type of group health insurance, coverage of the child is available to the parent at a cost that does not exceed 7% of the parent's gross income (previously, only provided that such insurance was considered reasonable if it was employment related or other group health insurance).

Effective when the bill becomes law, applying to orders issued or agreements entered into on or after that date.

Intro. by Stevens, Glazier, Davis.

GS 50

[View summary](#)

Health and Human Services, Health, Health Insurance, Social Services, Child Welfare

H 314 (2015-2016) [PILOT/SPORTS FOR STUDENTS W/ DISABILITIES.](#) Filed Mar 19 2015, *AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO USE FUNDS TO CONDUCT A PILOT PROGRAM ON INTEGRATED COMMUNITY-BASED ADAPTED SPORTS PROGRAMS FOR STUDENTS WITH DISABILITIES.*

Allows the Department of Public Instruction (Department) to use up to \$300,000 each fiscal year, from the funds appropriated to the Department or State Aid for Public Schools for the 2015-17 fiscal biennium, to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades K-12. Requires the pilot program to be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the US Department of Education, Office for Civil Rights, on January 25, 2013. Sets out further requirements for the program. Effective July 1, 2015.

Intro. by Bryan, Stam, Lambeth.

STUDY

[View summary](#)

Education, Government, State Agencies, Department of Public Instruction

H 315 (2015-2016) [SHERIFF & LANDLORD/TENANT-WRITS OF POSS. CHG.](#) Filed Mar 19 2015, *AN ACT TO MAKE TECHNICAL CORRECTIONS TO LANDLORD/TENANT LAW AND TO PROVIDE FOR PROPER COLLECTION OF FEES AND COSTS FOR SHERIFFS EXECUTING WRITS OF POSSESSION.*

Amends GS 42-25.9 concerning remedies for landlords in regards to removal of a tenant, making technical changes, providing that the provisions of subsection (d), (g), and (h) also apply when the sheriff locks the premises pursuant to GS 42-36.2(a)(1).

Amends GS 7A-311 concerning Uniform civil process fees, providing that the specified fees are to be collected in advance except in suits in forma pauperis (previously, also excluded those fees contingent on expenses or sales prices from advance collection).

Amends GS 1-474 concerning fee deposits for orders of seizure and delivery to plaintiff, providing that after such orders are issued the clerk of court must collect an amount from the plaintiff not to exceed \$100. The amount is determined based on the value of the property based on the specified evidence and sources. The deposit must be given to the sheriff with the order and must be used to offset the fees and expenses for the taking and caring of seized property.

Amends GS 1-476 making conforming changes reflecting the newly established fee deposit described above.

Amends GS 1-481, concerning costs associated with the care and delivery of seized property providing provisions for the sheriff to reconcile expenses with the required fee deposit pursuant to GS 1-474(c).

Effective October 1, 2015.

Intro. by Stevens.

[GS 1, GS 7A, GS 42](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Development, Land Use and Housing, Property and Housing, Government, Public Safety](#)

H 316 (2015-2016) [GIVE STUDENT BOG MEMBER THE VOTE](#). Filed Mar 19 2015, *AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.*

As the title indicates.

Intro. by R. Johnson, Pierce.

[GS 116](#)

[View summary](#)

[Education, Higher Education](#)

H 317 (2015-2016) [MEDICAL MARIJUANA FOR TERMINALLY ILL PATIENTS](#). Filed Mar 19 2015, *AN ACT TO ALLOW PATIENTS WITH A TERMINAL OR DEBILITATING ILLNESS TO LAWFULLY USE MARIJUANA AND TETRAHYDROCANNABINOLS.*

Enacts new GS 90-94.2 to allow an individual to possess or use marijuana or tetrahydrocannabinols without being subject to penalties under this Chapter, if: (1) the individual has been diagnosed with either a terminal illness or a debilitating illness by a licensed physician; (2) the individual has been admitted to hospice or is at home under the care of hospice; and (3) the individual's use or possession of marijuana or tetrahydrocannabinols occurs pursuant to a valid prescription or written recommendation issued by a licensed physician who, in the course of treating the terminal or debilitating illness, has determined that marijuana or tetrahydrocannabinols alleviates the illness or associated symptoms.

Defines debilitating illness. Effective December 1, 2015.

Intro. by Alexander, Carney, Harrison, Cunningham.

[GS 90](#)

[View summary](#)

[Health and Human Services, Health](#)

H 318 (2015-2016) [PROTECT NORTH CAROLINA WORKERS ACT](#). Filed Mar 19 2015, *AN ACT TO INCREASE THE NUMBER OF EMPLOYERS WHO ARE REQUIRED TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM; TO UNDO THE E-VERIFY CHANGES ENACTED IN S.L. 2014-119; TO REPEAL THE E-VERIFY EXEMPTION FOR TEMPORARY*

EMPLOYEES; TO EXCLUDE FARM WORKERS FROM THE DEFINITION OF EMPLOYEE UNDER ARTICLE 2 OF CHAPTER 64 OF THE GENERAL STATUTES; TO AUTHORIZE THE DEPARTMENT OF LABOR TO ENFORCE E-VERIFY REQUIREMENTS PERTAINING TO COUNTY AND CITY CONTRACTORS AND SUBCONTRACTORS; AND TO PROVIDE THAT CERTAIN CONSULATE OR EMBASSY DOCUMENTS MAY NOT BE USED TO DETERMINE A PERSON'S IDENTIFICATION OR RESIDENCE FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.

Amends the definitions in GS 64-25 as follows. Amends the definition of employee to remove the exclusion from the term for individuals whose term of employment is less than nine months in a calendar year; adds that the term does not include a farm worker, an independent contractor, or an individual who provides domestic service in a private home that is sporadic irregular, or intermittent. Adds and defines the terms farm worker and independent contractor.

Amends GS 160A-20.1(b) (cities) and GS 153A-449(b) (counties) to prohibit a city/county from entering into a contract unless the contractor and subcontractors under the contract comply with the requirements of Article 2, Verification to Work Authorization. Adds that the requirements are satisfied if the city/county includes a term in all contracts it enters into that requires contractors and the contractor's subcontractors to use E-Verify. Amends GS 64-27 to require the Commissioner of Labor (Commissioner) to prescribe complaint forms for violations of these statutes and amends GS 64-28 to update the statute to provide guidelines for filing a complaint for violations of these statutes. Amends GS 64-29 to govern the investigation of complaints that a city or county is violating the statutes. Amends GS 64-30 to require the Commissioner to hold a hearing to determine if GS 153A-449(b) or GS 160A-20.1(b) has been violated and take appropriate action under new GS 64-33.1. Enacts new GS 64-33.1 to notify the city or county found to have committed the violation of GS 153A-449(b) or GS 160A-20.1(b) that it is in violation of the statute. Requires the Department of Labor to keep a list of counties and cities issued notices and post it on its website. Makes conforming changes.

Enacts new Article 18 of GS Chapter 15A, Identification Documents. Enacts new GS 15A-306 providing that the following documents are not acceptable for use in determining a person's actual identity or residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government official: (1) a matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country; (2) an identity document issued or created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for this purpose by the General Assembly. Prohibits a local government or law enforcement agency from establishing the acceptability of any of those documents as a form of identification to be used to determine the identity or residency of any person. Repeals any local government policy or ordinance that contradicts this statute. Makes conforming changes to GS 20-7, which provides examples of documents considered to be reasonably reliable indicators of residency; to GS 58-2-164, which provides examples of documents considered to be reliable proof of residency or eligible risk; and GS 108A-55.3 listing documents that can be used to meet the proof of residency when applying for medical assistance benefits.

Effective October 1, 2015.

Intro. by Cleveland, Millis, Whitmire, Conrad.

[GS 15A, GS 20, GS 58, GS 64, GS 108A, GS 153A, GS 160A](#)

[View summary](#)

[Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle, Employment and Retirement, Government, Public Safety, Local Government](#)

H 319 (2015-2016) [CDLS FOR VETERANS REVISIONS](#). Filed Mar 19 2015, *AN ACT TO EXTEND THE PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION FROM 90 DAYS TO ONE YEAR IN WHICH A MILITARY VETERAN SEEKING A WAIVER OF THE COMMERCIAL SKILLS TEST MUST HAVE BEEN REGULARLY EMPLOYED AND TO PROVIDE A MILITARY VETERAN WITH AN ADDITIONAL METHOD FOR SATISFYING THE CERTIFICATION REQUIREMENT IN G.S. 20-37.13.*

Identical to [S 43](#) filed on 2/5/15.

Amends GS 20-37.13(c1), providing that the DMV may waive the commercial driver's license skills test for any qualified military applicant if the applicant is currently licensed at the time of application and meets several qualifications, including, but not limited to, providing evidence that the applicant is a retired, discharged, or current member of an active or reserve component of the Armed Forces of the United States and is regularly employed or was regularly employed in a military position that required operation of a commercial vehicle within the one-year period (was, 90-day period) immediately preceding the date of application. Makes conforming changes.

Enacts new GS 20-37.13(c2) providing clarifying language and establishing that the above one-year period applies unless a different period is provided by federal law. Specifies what forms and documents are acceptable to prove and certify that the applicant is a retired, discharged, or current member of an active or reserve component.

Intro. by Szoka, Jeter, Pendleton.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Military and Veteran's Affairs, Transportation

H 320 (2015-2016) [SMALL BUSINESS NEW JOB CREATION INCENTIVE](#). Filed Mar 19 2015, *AN ACT TO CREATE A TAX CREDIT FOR NEW JOBS CREATED BY SMALL BUSINESSES*.

Reenacts Article 3J, "Tax Credits for Growing Businesses," of Subchapter I of GS Chapter 105, as it existed immediately before its repeal (Article 3J sunset effective for business activities that occurred on or after January 1, 2014). This act rewrites Article 3J and amends the sunset date, repealing Article 3J effective for business activities that occur on or after January 1, 2020.

Amends GS 105-129.81, adding a definition for "small business," meaning a taxpayer that employs no more than 50 eligible employees during the taxable year and that is engaged in a business other than retail trade, as specified, or food services and drinking places, as specified. Substantially deletes the number of terms defined in GS 105-129.81, providing definitions only for the following terms in addition to "small business:" (1) agrarian growth zone, (2) development tier, (3) long-term unemployed worker, and (4) urban progress zone.

Amends GS 105-129.83 to provide that a taxpayer is eligible for a credit under Article 3J with respect to company headquarters only if the taxpayer creates at minimum 75 new jobs at the company headquarters within a 24-month period. Provides that meeting this job creation requirement makes the taxpayer eligible for credits under this Article with respect to company headquarters for three taxable years beginning with the year in which the job creation requirement is satisfied. Deletes all other provisions of GS 105-129.83 regarding eligibility for a credit under Article 3J.

Amends GS 105-129.84 to provide that any unused portion of a credit allowed under GS 105-129.87 may be carried forward for the succeeding five years, unless a longer carry-forward period applies.

Amends GS 105-129.85(b) to delete requirements that the economic incentives report contain provisions regarding the cost and development tier area of business property and real property investment regarding which credits were generated and which credits were taken. Deletes provisions regarding credits for investments in business property (GS 105-129.88) and investment in real property (GS 105-129.89).

Amends GS 105-129.87, which lists credits allowed to a qualifying businesses, to add that a taxpayer that is a small business, meets the eligibility requirements in GS 105-129.83, as amended in this act, and satisfies the threshold requirement for new job creation in GS 105-129.87(b) is allowed a credit for creating jobs. Clarifies that jobs located in

an urban progress zone or agrarian growth zone, created by a taxpayer other than a small business, are allowed a credit increased by an additional \$1,000 per job. Specifies that if the job is located in an urban progress zone or agrarian growth zone and filled by a resident of that zone or by a long-term unemployed worker or is created by a small business, then the credit is increased by an additional \$2,000 per job.

Effective for taxable years beginning on or after January 1, 2015.

Intro. by Goodman, Waddell, Wray.

GS 105

[View summary](#)

Government, Tax

H 321 (2015-2016) [CONVENTION OF STATES](#). Filed Mar 19 2015, *AN ACT APPLYING TO CONGRESS FOR AN ARTICLE V CONVENTION OF THE STATES WITH THE PURPOSE OF PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION.*

Applies to Congress for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that (1) impose fiscal restraints on the federal government, (2) limit the power and jurisdiction of the federal government, and (3) limit the terms of office for its officials and for members of Congress. Specifies that this application is a continuing application until the legislatures of at least two-thirds of the states have made identical or substantially similar applications. The application expires September 30, 2015, if the legislatures of at least two-thirds of the several states have not made identical or substantially similar applications. Requires the Secretary of State to transmit copies of this act to specified entities.

Intro. by Jones, Millis, Riddell, Pendleton.

UNCODIFIED

[View summary](#)

Constitution

H 323 (2015-2016) [REINSTATE SETOFF DEBT COLLECTION/UNC HEALTH](#). Filed Mar 19 2015, *AN ACT TO REINSTATE THE SETOFF DEBT COLLECTION PROCEDURES FOR THE UNIVERSITY OF NORTH CAROLINA SCHOOLS OF MEDICINE, CLINICAL PROGRAMS, AND THE UNC HEALTH CARE SYSTEM.*

Repeals GS 105A-2(2)f which provided that for any school of medicine, clinical program, facility, or practice affiliated with one of the constituent institutions of The University of North Carolina that provides medical care to the general public and for the UNC Health Care System and other persons or entities affiliated with or under the control of the UNC Health Care System, the term "debt" is limited to the sum owed to one of these entities by law or by contract following adjudication of a claim resulting from an individual's receipt of hospital or medical services at a time when the individual was covered by commercial insurance, Medicaid, Health Choice, Medicare, Medicare Advantage, a Medicare supplement plan, or any other government insurance.

Intro. by B. Brown, S. Martin, Farmer-Butterfield.

GS 105A

[View summary](#)

Government, State Agencies, UNC System

PUBLIC/SENATE BILLS

S 333 (2015-2016) [TEACHER ATTRITION DATA](#). Filed Mar 18 2015, *AN ACT TO REQUIRE THAT THE STATE BOARD OF*

EDUCATION INCLUDE SPECIFIC DATA IN ITS ANNUAL REPORT ON THE TEACHING PROFESSION.

Amends GS 115C-12(22) to declare that it is the duty of the State Board of Education (SBE) to monitor the State of the Teaching Profession in North Carolina (was, to monitor the Decision of Teachers to Leave the Teaching Profession). Requires the SBE to include, in its annual report on the state of the teaching profession in North Carolina, data on the decisions of teachers to leave the teaching profession.

Specifies that the teacher attrition data must include annual data on the following: (1) the number of teachers who left the profession without remaining in the field of education, (2) the reasons for teachers leaving the profession, (3) the number of teachers who left to teach in another state, (4) the number of teachers who left their current employment to work in another North Carolina school, including nonpublic and charter schools, and (5) the number of teachers who left a classroom position for another type of educational position.

Intro. by Soucek.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 334 (2015-2016) **SBCC ELECTION**. Filed Mar 18 2015, *A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.*

As the title indicates. Sets April 16, 2015, as the date for the House of Representatives and the Senate to elect two members each to the State Board of Community Colleges. Directs each chamber to follow the procedure in GS 115D-2.1 for the nomination and election process.

Effective upon ratification.

Intro. by Soucek, Tillman.

JOINT RES

[View summary](#)

Education, Higher Education

S 335 (2015-2016) **ADD BLENDSTOCK TO MOTOR FUEL MARKETING ACT**. Filed Mar 18 2015, *AN ACT TO ADD REQUIREMENTS PERTAINING TO BLENDSTOCKS TO THE MOTOR FUELS MARKETING ACT.*

Recodifies GS 75-90(a)(1) as GS 75-90(a)(1a).

Amends GS 75-90 concerning the availability of gasoline suitable for blending with fuel alcohol, adding new definitions for the section, including blended fuel and blendstock. Provides that suppliers that import gasoline or blendstock (previously just gasoline) into one or more terminals must comply with specified requirements, including that they must offer each grade of gasoline imported to the terminal for sale to a distributor or retailer at that terminal without preblending it with fuel alcohol. Also adds new requirement that each grade of blendstock imported to the terminal be offered for sale by the supplier to a distributor or retailer at that terminal. Adds clarifying language in regards to above requirements.

Enacts new GS 75-90(d), providing that the Attorney General is authorized to investigate all allegations of a violation of GS 75-90 made by a supplier or any allegations of unfair competition by a supplier concerning the sale of the products regulated by this statute. If a violation is disclosed, the Attorney General can exercise any powers contained in GS 75-85.

Effective October 1, 2015.

[View summary](#)[Business and Commerce, Environment, Energy](#)

S 336 (2015-2016) [ESTATE PLANNING/UNIFORM TRUST CODE](#). Filed Mar 18 2015, *AN ACT TO AMEND THE LAW GOVERNING ESTATE PLANNING AND FIDUCIARIES, TO AMEND THE UNIFORM TRUST CODE, AND TO ESTABLISH A UNIFORM POWERS OF APPOINTMENT ACT.*

Part I.

Amends GS Chapter 35A, Article 21, Standby Guardian, to provide for the appointment of standby and successor guardians for incompetent adults in addition to minor children. Amends provisions providing for the appointment of a standby guardian by petition, establishing that a proceeding for appointment of a standby guardian in the case of an incompetent adult is commenced by the petitioner filing a petition with the clerk of the superior court in the county where the guardianship is docketed. Amends the definition section, adding *incompetent adult* as a new term. Sets out notice requirements for such petitions and proceedings, requiring a copy of the petition and the time, date, and place set for the hearing be sent to those as a motion in the cause under GS 35A-1207. Requires service of process to be made pursuant to Rule 5 of the Rules of Civil Procedure, unless the clerk directs otherwise, for petitions concerning incompetent adults. Amends the provisions for appointing a standby guardian by written designation, properly signed and witnessed, providing that the designated standby guardian must commence a proceeding to be appointed for a case involving an incompetent adult by filing a petition with the clerk of superior court in the county where the guardianship is docketed. Sets out same notice procedures for appointment of a designated standby guardian as above in the case of appointment commenced by a petitioner. Makes organizational changes to the termination provisions for any standby guardianship created under this Article. Makes further conforming, clarifying, and technical changes to the Article reflecting the new application to appointments of standby guardians for incompetent adults, including changes to the following sections, GS 35A-1376 and GS 35A-1379.

Part II.

Amends GS 105-160.2 clarifying that the tax imposed by this Part is computed on the amount of taxable income of an estate or trust in regards to the following: (1) on a nonresident estate/trust to the extent income is attributable to ownership of real or tangible property in the state or income is derived from a business, trade, occupation, or similar carried out in the State; (2) on a resident estate/trust that is for the benefit of a resident current beneficiary; or (3) on a resident trust or estate for the benefit of a nonresident current beneficiary to the extent income is attributable to ownership of real or tangible property in the state or income is derived from a business, trade, occupation or similar carried out in the state. Provides for the apportionment of taxable income of resident estates/trusts between resident and nonresident beneficiaries to be made on a rational basis. Provides for rebuttable presumptions to be made and rebutted in regards to equal apportionment of taxable income as well as procedures for having an alternative apportionment considered. Sets out new definitions to be used in this section, including *current beneficiary*, *nonresident estate*, and *resident trust*.

This Part is effective for taxable years beginning on or after January 1, 2015.

Part III.

Amends GS Chapter 28A adding a new article providing for certain living probate procedures, including allowing certain individuals to petition the court for a judicial declaration of validity of a will/codicil executed by a resident of North Carolina, including the individual him/herself, an individual's attorney-in-fact under a valid power of attorney, or a general guardian or guardian of the estate. Sets out procedures for the filing of such petitions as well as challenging the validity by an interested party. Establishes venue for the petitions as the county where the individual whose will or codicil is subject of the petition resides. Sets out the information a petition must contain to be filed and verified, including

statements as to the testamentary capacity of the individual and that the individual was free from undue influence and duress during execution. Provides provisions concerning a will/codicil after a judicial declaration has been made. Provides that in cases where the will or codicil is deemed valid, the judgment will be binding on all parties to the proceeding. Allows for, upon motion of any party or the court, deeming the will/codicil to be irrevocable. In cases where it is revoked or modified by the court, provides that nothing prevents an interested party from contesting the validity of the instrument(s). Requires the clerk of court to keep and maintain complete records of the cases filed pursuant to these provisions and maintain them as confidential. Sets out what the record must include. Provides for the inspection of the records by certain individuals, including the named petitioner, testator of the will, certain interested persons, attorney for the petitioner, the reviewing judge, and members of the staff of the court. Provides that certain documents concerning notices, summaries of proceedings, and other documents related to the official proceedings are available for public inspection. Provides for costs and attorneys' fees to be assessed at the discretion of the court in certain circumstances.

Part IV.

Enacts new GS Chapter 31D, North Carolina Uniform Powers of Appointment Act, comprised of six Articles, providing for the disposition of a donor's property to specified eligible recipients by a properly authorized and appointed third party.

Article 1, General Provisions and Definitions, provides definitions for use in the new Article and defines key roles concerning the power of appointment, including *donor*, as the person who creates a power of appointment; the *powerholder*, meaning the person in whom a donor creates the power of appointment; and *permissible appointee*, as a person who can receive appointments or property. Additionally, the act defines *power of appointment* as a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. Remaining definitions describe different types of powers and different methods of exercising a power. Establishes provisions concerning the governing law for the creation, revocation, or amendment of the power of appointment, including that the law of the jurisdiction designated in the instrument governs or, in specified cases, the law of the jurisdiction at the relevant time. Also provides the same in regards to the exercise, release, or disclaimer of power or revocation or amendment of the power. Provides that the law and principles of common law and equity supplement but do not supplant this act.

Article 2, Creation, Revocation, and Amendment of Power of Appointment, provides for the creation of the powers of appointment, requiring that the power must be in a valid instrument, the instrument that creates the powers must also transfer the appointive property, and the instrument must use terms showing the donor's intent to create a power to appoint property. Sets out limitations on the creation of such powers, such as the powers cannot be created in a deceased person. Other provisions state that a power is nontransferable and provide rules and presumptions as to the extent of the power. Provides that a power may not be revoked or amended unless either (1) the instrument creating the power is revocable by the donor or (2) the donor reserves a power of revocation or amendment in the instrument.

Article 3, Exercise of Power of Appointment, sets out the rules for exercising a power of appointment. Sets out provisions and requirements if the powerholder's intent is unclear in the instrument. Provides that a powerholder can, if permitted, make an appointment in any form, including in trust or by creating a general power of appointment. Sets out provisions governing the use of a general or nongeneral power of appointment. Enacts provisions that govern appointments to deceased impermissible appointees and the disposition of unappointed property under varying powers of appointment. Provides that if the instrument does not prohibit revocation or amendment, the powerholder can revoke or amend an exercise of power in specified circumstances.

Article 4, Disclaimer or Release; Contract to Appoint or Not to Appoint, provides certain disclaimers, applying to powerholders, permissible appointees, appointees, and takers in default. Provides a powerholder authority to release a power unless prohibited by the terms of the instrument. Sets out the methods for releasing powers of appointment, including by substantial compliance with any release method provided for in the instrument. Provides provisions and procedures concerning the revoking or amending of a release, including that such can only be revoked or released to the extent the instrument of release is revocable or the powerholder reserves a power of revocation or amendment. Provides provisions concerning the ability of a powerholder to contract to exercise, or not to exercise, a power of appointment.

Establishes remedies for breach of contract regarding appointing and not appointing, limiting any remedies to damages payable out of the appointive property or, if appropriate, specific performance of the contract.

Article 5, Rights of Powerholder's Creditors in Appointive Property, provides provisions concerning creditor claims on appointive property. Sets out provisions concerning creditor claims and the powerholder's ability to withdraw property from a trust in regards to whether the powerholder created a general power of appointment. Provides that appointive property subject to a nongeneral power of appointment is exempt from creditor claims unless said property has been transferred in a specified fraudulent manner.

Article 6, Miscellaneous Provisions, provides that consideration must be given to promoting uniformity of law regarding the subject matter and state law. Provides that the provisions modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, except for the specified portions of that law. Sets out provisions which govern how the new provisions apply to existing relationships, powers of appointment, and proceedings enacted or in existence before this act became law.

Part V.

Current law provides that a personal representative or fiduciary has the authority to take possession, custody, or control of the (1) personal property and the (2) real property of the decedent, except as subject to express limitations in a will and the provisions of GS 28A-13-6, regarding the powers of joint personal representatives.

Amends GS 28A-13-3(a), adding a new subdivision (1a) specifying that a personal representative or fiduciary's powers to take possession, custody, or control of a decedent's real property is subject to the provisions of GS 28A-13-3(c), as amended in this act, or the provisions of new GS 28A-13-3.1, as enacted in this act. Provides that if the personal representative determines that such custody, possession, or control of the real property is not necessary (standard was, not in the best interest) to administer the estate, then the real property may be left with or surrendered to the heir or devisee presumptively entitled to the real property.

Amends GS 28A-13-3(c) to require the personal representative to petition the clerk of court for an order authorizing possession, custody, or control of the real property, unless the authority to take possession, custody, or control of real property is granted to the personal representative under new GS 28A-13-3.1.

Makes conforming and clarifying changes.

Amends Article 13 of GS Chapter 28A by adding three new statutes: (1) GS 28A-13-3.1, Power of personal representative to deal with real property without a court order; (2) GS 28A-13-3.2, Notice of exercise of power with respect to real property not devised to personal representative; and (3) GS 28A-13-3.3, Reimbursement of devisees for payment of carrying costs.

Amends GS 28A-15-1(c) to delete the requirement for the personal representative to institute a special proceeding before the clerk of court for a sale, option, exchange, partition, lease, mortgage, or other disposition of any real property under GS 28A-13-3.1. Amends subsection (b) of GS 28A-15-2 to delineate factors and procedure regarding the vesting of title to real property of a decedent. Sets out new provisions governing options, leases, or mortgages on the decedent's property, and docketed judgments or other liens against heirs or devisees.

Amends GS 28A-22-1 to provide that the assets that remain from the sale of real property by the personal representative retain the character of real property for purposes of distributing those assets to the devisee or heir, or persons having liens against the devisee or heir only.

Amends GS 28A-23-3(c) to provide that when real property is sold for reasons other than to pay debts or devisees, the proceeds from the sale are not to be considered in computing the commission for the personal representative.

Part V becomes effective October 1, 2015 and applies to estates of persons dying on or after that date.

Part VI.

Amends GS 39-13.7 to provide that real property held by a husband and wife as a tenancy by the entireties and conveyed to a joint trust or in equal shares to two separate trusts, is no longer held by the couple as tenants by the entirety but retains the same immunities from the claims of separate creditors as would exist if the husband and wife had continued to hold the property as tenants by the entireties. Specifies the facts and conditions that must continue to apply in order to maintain the immunity. Identifies the role of the trustee acting under the express provisions of a trust instrument or the written consent of the husband and wife. Defines terms for the purposes of this section.

Part VII.

Amends GS 36C-10-1005 to make changes to the tolling of statute of limitations against a trustee.

Part VIII.

Makes clarifying changes regarding the applicability of default and mandatory rules governing the powers and duties of a trustee and a power holder under Article 8A of GS Chapter 36C.

Part IX.

Amends GS 36C-8-816.1, regarding a trustee's discretionary power to appoint a second trust. Provides that the second trust may have a duration that is longer than the duration of the first trust. Adds additional provisions governing the appointing of the second trust and defines terms as they apply in this section.

Part X.

Makes organizational and clarifying changes to GS 36C-5-505(c), subject to the Uniform Fraudulent Transfer Act, regarding permissible beneficiaries for certain irrevocable inter vivos trusts.

Part XI.

Amends GS 36C-7-703 regarding the standard of liability of co-trustees. Deletes all of subsection (e1) which provided for the duty and liability of the excluded trustee when the terms of a trust conferred upon a co-trustee the power to take certain actions regarding the trust, including the authority to direct or prevent certain actions of the trustees. Identifies the co-trustee upon whom the power is conferred to the exclusion of other co-trustees as a directed co-trustee. Enacts a new subsection (g1) and amends subsection (h) to clarify the fiduciary responsibilities of the directed co-trustee and provides for the limitations in liability on the part of the excluded co-trustee.

Directs the Revisor of Statutes to have printed, as annotations to the published General Statutes, all relevant portions of the Official Commentary to the Uniform Powers of Appointment Act and of the Official Commentary to the Uniform Trust Code and all explanatory comments of the drafters of those acts, as the Revisor deems appropriate.

Parts VII, VIII, IX, X, and XI become effective October 1, 2015, and apply to all (1) trusts created before, on, or after that date; (2) all judicial proceedings concerning trusts or transfers to or by trusts commenced on or after that date; and (3) all judicial proceedings concerning trusts or transfers or by trusts begun before that date, unless the court finds that application of a particular provision of these sections would substantially interfere with the effective conduct of the judicial proceedings or prejudice the rights of the parties, in which case the law as it existed on September 30, 2015 applies. Except as otherwise indicated, the remainder of this act is effective when it becomes law.

Intro. by Hartsell, Barringer.

[GS 28A](#), [GS 31D](#), [GS 35A](#), [GS 36C](#), [GS 39](#), [GS 105](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Government](#), [Tax](#), [Health and Human Services](#), [Social Services](#), [Adult Services](#)

Part I.

Amends GS 105-130.4(i) to require that all apportionable income of corporations (was, excluded the apportionable income of public utilities, excluded corporations, and qualified capital intensive corporations) must be apportioned to this state by multiplying the income by the sales factor as determined under subsection (l) of GS 105-130.4 (was, required multiplying the income by a fraction with the property factor as the numerator, plus the payroll factor, plus twice the sales factor, and a denominator of four). Subsection (l) provides that the sales factor is a fraction, the numerator of which is the total sales of the corporation in this state during the income year, and the denominator of which is the total sales of the corporation everywhere during the income year.

Makes conforming changes, repealing GS 104-130.4(a)(4), (r), and (s1).

Effective for taxable years beginning on or after January 1, 2016.

Part II.

Amends GS 105-130.3 to make the tax rate imposed on the state net income of every C Corporation doing business in this state 4% (was, 5%). Effective for taxable years beginning on or after January 1, 2016.

Effective for taxable years beginning on or after January 1, 2017, additionally amends GS 105-130.3 to make the tax rate imposed on the state net income of every C Corporation doing business in this state 3%.

Repeals GS 105-130.3C, which triggered a tax rate reduction under GS 105-130.2 when certain, specified conditions were met.

Except as otherwise indicated, Part II is effective for taxable years beginning on or after January 1, 2015.

Part III.

Amends GS 143B-437.51, adding definitions for (1) high-yield project and (2) major market community to those that apply to the Job Development Investment Grant Program (JDIG).

Amends GS 143B-437.52, which established the JDIG Program, to specify limitations that apply to grant amounts awarded via the JDIG Program. Sets out factors determining the maximum amount for total annual liability for grants awarded in a single calendar year, the quarterly commitment limitations, and the maximum percentage of the amount authorized for grants awarded in a major market community.

Amends GS 143B-437.53 regarding determining the eligibility of grant applicants. Adds the requirement that wage standards be met and increases the minimum number of eligible positions. Also amends GS 143B-437.56, providing that the grant amount awarded will be a percentage of the withholding of eligible positions for a period of years and sets out further guidelines for determining the maximum percentage. Amends the criteria for determining the duration of the grant.

Provides that the authority of the Economic Investment Committee to award new grants expires January 1, 2018 (was, January 1, 2016).

Part III is effective when it becomes law and applies to awards made under Part 2G of Article 10 of GS Chapter 143B on or after that date.

Intro. by Berger, Brown, Tillman.

[GS 105, GS 143B](#)

[View summary](#)

[Community and Economic Development, Government, Tax](#)

S 339 (2015-2016) **HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS**. Filed Mar 19 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.*

Identical to [H 270](#) filed on 3/17/15.

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 Bryant, Woodard, Foushee.

[GS 95](#)

[View summary](#)

[Employment and Retirement, Health and Human Services, Health](#)

S 340 (2015-2016) [ECON. DEV./JOB CATALYST FUND](#). Filed Mar 19 2015, *AN ACT TO CREATE THE NORTH CAROLINA JOB CATALYST FUND*.

Enacts new Subpart B, Job Catalyst Fund, to Part 2G of Article 10 of GS Chapter 143B. Enacts new GS 143B-437.67, Job Catalyst Fund, creating a special, non-reverting account in the Department of Commerce that provides funds to local governmental units for certain projects that result in the creation of jobs. Directs the Secretary of Commerce to adopt guidelines for the administration of the program. Specifies ten provisions that must be included in the guidelines.

Examples of the guidelines include that the project be for a business that agrees, for the greater of ten years or the term of the grant plus five years, to create and maintain 250, 400, or 600 full-time jobs depending on the corresponding development tier; and that the funds are used to acquire or improve land or infrastructure, for facility development, or for capital investment and used for manufacturing projects. Also specifies minimum investment amounts that must be made by the business.

Includes a forfeiture and recapture provision which, when a project fails to timely create and maintain the required new jobs, level of investment, or to meet other requirements, requires local governments to provide a means for recapture from the business at a project an amount equal to the amount disbursed from the fund and to reimburse the fund that amount.

Requires businesses located at a project receiving grants to maintain records available for inspection by the Secretary of Commerce. Also requires the Department of Commerce to report annually on or before April 30 of each year on the fund. The report must be submitted to House of Representatives Finance Committee, the Senate Finance Committee, the House of Representatives Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Fiscal Research Division. Sets out eight items of information that must be in the report including an update on the status of projects under grants awarded before the preceding calendar year and the number and development tier area of new worker positions to be created by projects with respect to which grants have been awarded.

Requires the Secretary of Commerce to publish on the Department's website proposed guidelines for the fund at least twenty days before the effective date and allow oral and written public comment during the fifteen business days

beginning on the first day the notice requirement has been completed.

Adds new language in GS 150B-1 that the secretary is exempt from rulemaking requirements of the APA for the purpose of creating guidelines and the administration of the fund.

Makes conforming and organizational changes necessary for the creation and implementation of the Job Catalyst Fund. Provides that any unencumbered cash balance of the Job Catalyst Fund can be used for the purposes of the Job Catalyst Fund.

Intro. by

GS 143B, GS 150B

[View summary](#)

Development, Land Use and Housing, Community and Economic Development, Government, APA/Rule Making, State Agencies, Department of Commerce

S 341 (2015-2016) **REENACT QUALIFIED BUSINESS INVESTMENT CREDIT**. Filed Mar 19 2015, *AN ACT TO REENACT THE TAX CREDIT FOR QUALIFIED BUSINESS INVESTMENTS*.

Amends the sunset date for the Tax Credit for Qualified Business Investments as found in GS Chapter 105, Article 4, Part 5 to be January 1, 2019 (was, January 1, 2014).

Effective for investments for taxable years beginning on or after January 1, 2015.

Intro. by

GS 105

[View summary](#)

Government, Tax

S 342 (2015-2016) **ECON. DEV./JDIG EXTENSION**. Filed Mar 19 2015, *AN ACT TO EXTEND THE AUTHORITY OF THE DEPARTMENT OF COMMERCE TO AWARD NEW GRANTS UNDER THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM*.

Amends GS 143B-437.52 to extend the sunset on the Job Development Investment Grant Program from January 1, 2016, to January 1, 2019.

Intro. by

GS 143B

[View summary](#)

Development, Land Use and Housing, Community and Economic Development

S 343 (2015-2016) **STUDENT ASSAULT ON TEACHER/FELONY OFFENSE**. Filed Mar 19 2015, *AN ACT TO MAKE IT A FELONY OFFENSE FOR A STUDENT WHO IS SIXTEEN YEARS OF AGE OR OLDER TO ASSAULT A SCHOOL EMPLOYEE ON SCHOOL PROPERTY WHEN THE EMPLOYEE IS DISCHARGING OFFICIAL DUTIES OR THE ASSAULT IS COMMITTED AS A RESULT OF THE DISCHARGE OR ATTEMPT TO DISCHARGE THE INDIVIDUAL'S DUTIES AS A SCHOOL EMPLOYEE*.

Enacts new GS 14-33.3 making it a Class I felony for a first offense, and Class G felony for second or subsequent offenses, for a student to assault a school employee if (1) the student is 16 or older; (2) the student assaults the school employee when the employee is discharging or attempting to discharge his or her duties as an employee, or the student

assaults the school employee as a result of the discharge or attempt to discharge that individual's duties as a school employee; and (3) the assault occurs on school property. Defines duties, employee, school property, and student. Applies to offenses committed on or after December 1, 2015.

Intro. by Tillman.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education

S 344 (2015-2016) **ADMINISTRATION/NC EDUCATION ENDOWMENT FUND**. Filed Mar 19 2015, *AN ACT TO ESTABLISH THE NORTH CAROLINA EDUCATION ENDOWMENT COMMITTEE AND TO PROVIDE FOR THE AWARD OF FUNDS TO LOCAL SCHOOL ADMINISTRATIVE UNITS AND CHARTER SCHOOLS FOR PROVIDING BONUSES AND SALARY SUPPLEMENTS FOR TEACHERS.*

Enacts new GS 115C-472.17 concerning the administration of the North Carolina Education Endowment Fund (Fund). Sets out the purpose and intent of the Fund. Establishes the nine member North Carolina Education Endowment Committee (Committee) to oversee the Fund. Sets out Committee membership and conditions on membership appointment. Requires the Lieutenant Governor to serve as chair, and the Superintendent of Public Instruction to serve as an exofficio member and Committee secretary. Sets out provisions governing terms, filling of vacancies, and meeting frequency. Sets out the Committee's six duties, including monitoring and oversight of the Fund, including investment of the Fund's revenues so as to maximize returns on the Fund while taking appropriate measures to ensure the viability of the Fund, making annual recommendations to the General Assembly about appropriations to and from the Fund, and receiving and soliciting proposals from local school administrative units and charter schools for uses of the Fund for teacher compensation related directly to improving student academic outcomes in cooperation with the nonprofit corporation that the Committee enters into a cooperative agreement with under the statute.

Requires the Committee to enter into a cooperative agreement with a nonprofit to administer the provisions of new GS 115C-472.18. Sets out provisions that the nonprofit must adhere to, including specifying the composition of the nonprofit's board. Sets limitations on the amount of state funds that may be used for the annual salary of any one officer or employee of the nonprofit entering into a cooperative agreement with the Committee. Sets out laws governing the nonprofit. Provides that an officer, employee, or member of a governing board of a nonprofit entering into a cooperative agreement with the Commission is not a state employee and not entitled to state funded employee benefits.

Enacts new GS 115C-472.18 setting out the procedure for handling appropriation request. Requires the nonprofit, by August 15 of each year, to submit a request to each local school administrative unit and charter school in the state for nominations of teachers for appropriations or bonuses or supplemental pay from the Fund, and for requests for recruitment funds. Sets out deadlines for submitting nominations, sets limitations on the number of nominations, and describes the nomination and request format. Sets out reporting requirements for the nonprofit and sets out requirements for the Commission to review the report and make recommendations for appropriations from the Fund to specified legislative committees.

Enacts new GS 115C-472.19 requiring matching local funds for appropriations from the Fund. Sets out the amount of matching funds required based on whether the unit or school is located in a tier 1, tier 2, or tier 3 county.

Enacts GS 115C-472.20 setting out requirements for the manner in which the payments from the Fund are distributed.

Intro. by Tillman.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 345 (2015-2016) [LIMIT STORAGE FEES ON DAMAGED VEHICLE](#). Filed Mar 19 2015, *AN ACT TO LIMIT THE AMOUNT OF STORAGE FEES THAT CERTAIN PARTIES ARE RESPONSIBLE FOR WHEN A MOTOR VEHICLE IS IMPOUNDED AFTER A CRASH.*

Enacts new GS 20-166.3 requiring a law enforcement agency that impounds a motor vehicle damaged in a crash to limit the amount of time it stores the vehicle. Caps liability for storage charges at \$500. Allows a law enforcement agency to move such a vehicle from a commercial storage facility to a public storage facility if it is determined the storage fees may exceed the cap. Does not apply to vehicles seized as a result of a violation of the law or abandoned vehicles. Applies to motor vehicles impounded on or after July 1, 2015.

Intro. by Meredith.

[GS 20](#)

[View summary](#)

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

S 346 (2015-2016) [ENACT STRICTER IMMUNIZATION REQUIREMENTS](#). Filed Mar 19 2015, *AN ACT ADDRESSING PUBLIC HEALTH POLICY FOR THE HEALTH, SAFETY, AND WELL-BEING OF OUR CHILDREN BY REVISING IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH THE RECOMMENDATIONS OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES; TO REQUIRE ALL STUDENTS TO BE SCREENED FOR SEVERE COMBINED IMMUNODEFICIENCY PRIOR TO IMMUNIZATION; TO AMEND THE MEDICAL EXEMPTION FOR REQUIRED IMMUNIZATIONS; AND TO REPEAL THE RELIGIOUS EXEMPTION FOR REQUIRED IMMUNIZATIONS.*

Amends GS 130A-152 as follows. States that it is not the General Assembly's intent to require any child in this state to be immunized, as it is the parent, guardian, or custodian of a child who makes the final determination as to whether or not to immunize the child. Requires each student to be immunized in accordance with this statute in order to attend K-12 school in this state. Adds to the types of immunizations that are required. Requires each child to be screened for Severe Combined Immunodeficiency to determine if the child qualifies for a medical exemption prior to receiving any of the required immunizations. Provides that the immunizations required at specified ages is to be based on recommendations by the Advisory Committee on Immunization Practices (ACIP). Provides that when the Commission for Public Health (Commission) requires an additional immunization against a disease or requires an additional vaccine dose based on a new recommendation by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, the requirement for the additional immunizations is effective beginning with the next academic year. Allows the Commission to exempt from the new requirement children who are or who have been enrolled in school on or before the effective date of the new requirement if they are beyond the age at which vaccination is recommended. Makes conforming changes.

Amends GS 130A-156 to require that the medical contraindications to immunizations that the Commission must adopt by rule be consistent with the General Recommendations of the Advisory Committee on Immunization Practices, Public Health Services, United States Department of Health and Human Services. Provides that a person is not required to receive the specified immunization if the person has tested positive for Server Combined Immunodeficiency.

Repeals GS 130A-157, which allowed religious exemptions to the immunization requirements.

Effective August 1, 2015, and applies beginning with the 2015-16 academic year.

Intro. by Tarte, Barringer, Van Duyn.

[GS 130A](#)

S 347 (2015-2016) [UP MINIMUM WAGE WITH COLA/CONST. AMENDMENT](#). Filed Mar 19 2015, *AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO SET THE STATE MINIMUM WAGE*.

Subject to the approval of voters at a statewide general election held on November 8, 2016, enacts new Section 38 of Article I of the state constitution to set the minimum wage six months after enactment at \$8.80 an hour. Provides for automatic adjustment to be made to the hourly wage amount by the NC Department of Labor on September 30 of each year, to take effect on January 1 of the following year. The adjusted wage will be calculated reflecting any increase in the Consumer Price Index. Provides for protection from discrimination for the exercise of any rights protected by this amendment. Provides for a civil action for people aggrieved by violations of this amendment, with specified relief, damages, and penalties. Provides that legislation is not required to enforce these provisions but is permissible. Allows the General Assembly to establish additional remedies and fines for violations. Includes a severability clause. If approved by voters, the amendment becomes effective December 1, 2016.

Amends GS 95-25.3, Minimum wage, making conforming changes reflecting the above constitutional amendment if the constitutional amendment is approved.

Intro. by Bryant.

CONST, GS 95

[View summary](#)

Constitution, Employment and Retirement

S 348 (2015-2016) [EQUAL TAX TREATMENT OF GOVT RETIREES](#). Filed Mar 19 2015, *AN ACT TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS*.

Identical to [H 114](#) filed on 2/24/15.

Amends GS 105-153.3 to add a new subdivision (15a) defining the term "retirement plan," as used in the state Individual Income Tax Act. Defines a "retirement plan," as a written plan established by the employer to make payments to an employee or the beneficiary of an employee after the employee's period of employment ends and where the entitlement to the payments is based upon the employment relationship. Also defines the term as used with respect to a self-employed person or the beneficiary of a self-employed person. Additionally, declares that the term include an individual retirement plan as defined in the Tax Code and any plan treated as an individual retirement plan under the Code. Provides that for the purposes of this new subdivision, the term "employee" includes a volunteer worker.

Adds a new subdivision (5a) to GS 105-153.5(b), which provides that a taxpayer may make other deductions from the taxpayer's adjusted gross income (AGI) for specified items in this section that are included in the taxpayers AGI. Provides a time table for a taxpayer regarding the amount received during the specified taxable year from one or more state, local, or federal government retirement plans subject to the phase-in provided in this new subdivision. This section is effective for taxable years beginning on or after January 1, 2015, and repealed for taxable years beginning on or after January 1, 2024.

Amends GS 10-153.5(b) to add two new subdivisions effective for taxable years beginning on or after January 1, 2024. Provides that a taxpayer may deduct from the taxpayer's AGI any of the following items included in the taxpayer's AGI: (1) the amount received during the taxable year under state and local government retirement plans and under federal government retirement plans, and (2) the amount received during the taxable year under a state or local government retirement plan of a state other than North Carolina, to the extent that the other state would not subject the equivalent amount received under a North Carolina state or local government retirement plan to individual income tax.

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

Intro. by Randleman.

GS 105

[View summary](#)

Employment and Retirement, Government, Tax

S 349 (2015-2016) [RESTORE DRIVING PRIVILEGES/COMPETENCY](#). Filed Mar 19 2015, *AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO RESTORE THE DRIVERS LICENSE OF A PERSON ADJUDICATED TO BE RESTORED TO COMPETENCY.*

Enacts new GS 20-17.1A providing that if otherwise eligible the Division of Motor Vehicles (Division) must restore the drivers license of a person adjudicated to be restored to competency after receiving notice from the clerk of court in which the adjudication is made. This does not require the Division to restore the drivers license of a person if (1) the person's drivers license was revoked because of a conviction or other act requiring revocation and (2) the person has not met the requirements for restoration of the person's drivers license.

Amends GS 35A-1130 add that the clerk of court must send a certified copy of an order adjudicating that the ward is restored to competency to the Division. Makes language gender neutral.

Effective July 1, 2015.

Intro. by Randleman.

GS 20, GS 35A

[View summary](#)

Courts/Judiciary, Motor Vehicle, Health and Human Services, Mental Health

S 350 (2015-2016) [ALLOW SPECIAL ELECTIONS/ODD-NUMBERED YEARS](#). Filed Mar 19 2015, *AN ACT TO ALLOW FOR THE CALLING OF SPECIAL ELECTIONS IN ODD-NUMBERED YEARS.*

Repeals Section 17.5 of SL 2014-111 which amended GS 163-287 to add that, in addition to already specified limitations, special elections may be held only at the same time as any other election requiring all the precincts in the county to be open, and at the same time as a municipal general election, if the special election is within the jurisdiction of the municipality only.

Intro. by Stein.

UNCODIFIED

[View summary](#)

Government, Elections

S 351 (2015-2016) [COLLECT DNA ALL VIOLENT FELONY ARRESTS](#). Filed Mar 19 2015, *AN ACT TO ADD ALL VIOLENT FELONIES TO THE REQUIREMENT THAT A DNA SAMPLE AND TESTING BE OBTAINED UPON ARREST.*

Amends GS 15A-266.3A(f), which specifies offenses for which DNA samples and testing must be obtained adding 35 violent felonies listed in GS Chapter 14 to GS 15A-266.3A(f).

Effective December 1, 2015, and applies to arrests occurring on or after that date.

Intro. by Stein, Barringer, Bingham.

GS 15A

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

S 352 (2015-2016) **STATE CRIME LAB CAPACITY ACT/FUNDS**. Filed Mar 19 2015, *AN ACT TO APPROPRIATE FUNDS TO ENABLE THE STATE CRIME LABORATORY TO MEET LAW ENFORCEMENT DEMANDS AND PROTECT THE PUBLIC*.

Appropriates \$1,023,635 for the 2015-16 fiscal year and \$1,023,635 for the 2016-17 fiscal year from the General Fund to the Department of Justice to provide a 10% salary increase for the following positions in the State Crime Laboratory: (1) forensic scientist I, (2) forensic scientist II, (3) forensic scientist III, (4) forensic scientist supervisor, and (5) forensic scientist manager.

Appropriates \$1,820,782 for the 2015-16 fiscal year and \$716,234 for the 2016-17 fiscal year in nonrecurring funds from the General Fund to the Department of Justice to analyze up to 6,030 pending cases, address the toxicology backlog, and support private laboratory expert testimony costs.

Appropriates \$578,177 in nonrecurring funds for the 2016-17 fiscal year from the General Fund to the Department of Justice to fund start-up equipment for the Western Regional Crime Laboratory.

Appropriates \$251,117 for the 2015-16 fiscal year and \$330,504 for the 2016-17 fiscal year from the General Fund to the Department of Justice to hire six lab technicians.

Appropriates \$250,000 in nonrecurring funds for the 2015-16 fiscal year from the General Fund to the Department of Justice to contract for private training of new uncertified forensic DNA scientists.

Effective July 1, 2015.

Intro. by Stein, Apodaca, Rabon.

APPROP

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Justice

S 353 (2015-2016) **UNAUTHORIZED PRACTICE OF LAW CHANGES**. Filed Mar 19 2015, *AN ACT TO FURTHER DEFINE THE TERM "PRACTICE LAW" FOR THE PURPOSE OF PROTECTING MEMBERS OF THE PUBLIC FROM SERIOUS HARM RESULTING FROM THE UNAUTHORIZED PRACTICE OF LAW BY A PERSON WHO IS NOT A TRAINED AND LICENSED ATTORNEY AND TO ESTABLISH A PROCESS OF REVIEW BY THE ATTORNEY GENERAL PRIOR TO ANY ACTION BY THE STATE BAR TO ENJOIN THE UNAUTHORIZED PRACTICE OF LAW*.

As the title indicates. Amends GS 84-2.1(b), adding to the actions and activities not encompassed in the phrase "practice law." Adds that the practice of law does not include the production, distribution, or sales of materials if the 11 specified conditions are satisfied, including: the production of the materials occurred entirely before any contact between the provider and the consumer; during and after initial contact between the provider and the consumer, the provider's participation in creating or completing any materials is limited to typing, writing, or reproducing exactly the information provided by the consumer or deleting content that is visible to the consumer at the instruction of the consumer; the provider does not provide any individualized legal advice to or exercise any legal judgment for the consumer; and the provider clearly and conspicuously communicates to the consumer that the materials are not a substitute for the advice or services of an attorney.

Amends GS 84-37, adding new subsection (a1) to establish a process of review by the state Attorney General to be undertaken before there is a cease and desist demand issued or the bringing of an action to prevent or prohibit the

unauthorized practice of law. Makes conforming changes.

Intro. by Hartsell.

GS 84

[View summary](#)

Business and Commerce, Occupational Licensing

S 354 (2015-2016) **NORTH CAROLINA HEALTHCARE JOBS INITIATIVE**. Filed Mar 19 2015, *AN ACT TO EXPAND ELIGIBILITY FOR THE MEDICAID PROGRAM TO INCLUDE ALL PEOPLE UNDER AGE SIXTY-FIVE WHO HAVE INCOMES EQUAL TO OR BELOW ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LEVEL, TO APPROPRIATE FUNDS FOR COSTS ASSOCIATED WITH THE EXPANSION, TO ACCOUNT FOR THE SAVINGS TO OTHER STATE PROGRAMS AS A RESULT OF THE EXPANSION, TO APPROPRIATE THE ADDITIONAL FUNDS GENERATED FROM EXPANSION TO THE MEDICAID REBASE, AND TO HAVE THE STATE SHARE OF COSTS OF THE EXPANSION FUNDED BY HOSPITAL PROVIDERS.*

Includes whereas clauses discussing the NC Medicaid program.

Repeals Section 3 of SL 2013-5, provisions prohibiting Medicaid Expansion.

Directs the Department of Health and Human Services, Division of Medical Assistance (DHHS), effective January 1, 2016, to provide Medicaid coverage to all people under age 65 that have incomes equal to or less than 133% of the federal poverty guidelines. Coverage provided will consist of the coverage described in 42 USC 1396(k)(1). Provides that persons in the expansion group with access to employer-sponsored insurance are eligible for assistance with the cost of insurance through the NC Health Insurance Premium Payment program.

Appropriates from the General Fund to DHHS \$6,591,224 for the 2015-16 fiscal year and \$7,008,705 for the 2016-17 fiscal year for administrative costs associated with the expansion. Provides that these State funds are a state match for the estimated \$19,773,673 for the 2015-16 fiscal year and \$21,026,116 for the 2016-17 fiscal year in federal funds that will be received for the expansion which will also be used for administrative costs.

Appropriates from the General Fund to DHHS \$95,264,480 in recurring funds for the 2016-17 fiscal year as part of the Medicaid rebase. Provides that these State funds are a state match to an estimated \$2,445,121,643 in federal funds that will be received to pay for Medicaid services.

Sets out reductions to other State programs that serve the population that will be included in the Medicaid expansion, reflecting the savings generated by the expansion.

Appropriates from the General Fund to DHHS \$24,403,395 for the 2015-16 fiscal year as part of the Medicaid rebase.

Reorganizes the statutory sections of GS Chapter 108A, Article 7, which comprise the Hospital Provide Assessment Act, setting out the changes.

Enacts new GS 108A-131, Additional Assessment amount for Medicaid expansion, establishing an additional assessment for hospitals providers that are not fully exempt from both the equity assessment and UPL assessment under GS 108A-122(c). Sets out how the assessment is to be calculated each year by the Secretary of DHHS. Requires the Secretary to notify each hospital that is assessed of the following: (1) total State share of service and administrative costs of Medicaid expansion for the applicable time period, (2) the hospital's share of all Medicaid services billed, and (3) the amount assessed to the hospital. Includes provisions concerning the priority of an assessment collection as well as appeal provisions whereby the assessment amount determination can be reconsidered. Defines "Medicaid expansion" for the purposes of this section.

Enacts new subsection GS 108A-124(e) setting out provisions concerning the payment of reduced payments of the assessment amounts in the case that any or all of the payment amount cannot be made. Effective July 1, 2016.

Unless otherwise provided, act becomes effective July 1, 2015.

Intro. by Bryant, Clark.

[APPROP, GS 108A](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

S 355 (2015-2016) [INCREASE SAFETY/PROFESSIONAL HOUSEMOVING](#). Filed Mar 19 2015, *AN ACT TO IMPROVE SAFETY ON THE ROADS AND HIGHWAYS OF THIS STATE BY INCREASING THE ACCOUNTABILITY OF CERTAIN PARTIES INVOLVED IN PROFESSIONAL HOUSEMOVING*.

Amends GS 20-362 to provide that, except as otherwise provided, a professional housemover with a permit from the Department of Transportation (Department) for moves on the State Highway System of roads assumes all responsibility for injury to persons or damage to property of any kind resulting from the housemoving. Holds the manufacturer and permittee jointly and severally liable for injury to persons or damage to property resulting from the transport of mobile homes, manufactured homes, or modular homes from the manufacturer to the first retail dealer location. Provides that if the mobile home, manufactured home, or modular home is being transported from the manufacturer directly to the first set-up site, then the manufacturer and permittee are be jointly and severally liable for injury to persons or damage to property resulting from the transport from the manufacturer directly to the first set-up site. Holds the licensed retail dealer and permittee jointly and severally liable for injury to persons or damage to property resulting from the transport of mobile homes, manufactured homes, or modular homes from the retail dealer location to the first set-up site. Holds the Department harmless for any claims arising out of the conduct or actions of a permittee.

Makes conforming changes, to the definition of House in GS 20-356.

Effective October 1, 2015, and applies to injuries to persons or damage to property resulting from housemovings on or after that date.

Intro. by Rabin.

[GS 20](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Motor Vehicle](#)

S 356 (2015-2016) [ELECTRONIC ADS/PROPERTY SEIZED BY POLICE](#). Filed Mar 19 2015, *AN ACT TO AUTHORIZE SHERIFFS AND POLICE DEPARTMENTS TO ADVERTISE SALES OF SEIZED OR CONFISCATED PROPERTY ELECTRONICALLY; AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES*.

Amends GS 15-14 to require that the sheriff or police department disposing of seized or confiscated property under Article 2 of GS Chapter 15 must first advertise the sale or donation (was, sale) of the property by at least one of the following methods: (1) publication of a notice in a newspaper published in the county where the sale or donation is to take place, not less than 10 days before the date of sale or donation; or (2) publication of a notice of the sale or donation electronically on a web site or social media account that is regularly updated by the sheriff, police department, or other government agency and that is electronically accessible by the general public.

Requires that in addition to the publication of notice, the sheriff or police department making the sale or donation, also post a notice of the sale or donation at the county courthouse door, at the sheriff or police department's headquarters or office, and in at least one other area open to the general public.

Specifies the content of what the notice required to be posted and published must contain, including a brief description of the property to be sold or donated, and the time and place of the sale if applicable, or instructions for accessing the property via an electronic or Internet-based auction service.

Makes conforming changes to GS 15-12, GS 15-13, and GS 15-14.1.

Effective October 1, 2015.

Intro. by Rabin.

[GS 15](#)

[View summary](#)

[Government, Public Safety](#)

LOCAL/HOUSE BILLS

H 307 (2015-2016) [ZEBULON CHARTER/USE OF CERTAIN FEES](#). Filed Mar 18 2015, *AN ACT AMENDING THE CHARTER OF THE TOWN OF ZEBULON TO REMOVE RESTRICTIONS ON THE USE OF CERTAIN FEES COLLECTED BY THE TOWN.*

Amends Section 8.30 of the Charter of the Town of Zebulon concerning road or drainage project fees adding language that provides that such fees must be rationally related to and no greater than the amount proportional to any impact reasonably expected to be generated by new construction. Deletes a requirement that expenditures from fee trust funds for any one road or project not exceed 50% of the capital costs of such individual project. Adds language clarifying that all expenditures from such trust funds must be in accordance with the general laws of North Carolina. Deletes provisions requiring specified fees to be spent within certain time periods. Adds language requiring fees to be spent for the authorized reasons within 10 years after collection.

Amend Section 8.31 of the Charter of the Town of Zebulon concerning open space project fees, adding language that provides that such fees must be rationally related to and no greater than the amount proportional to any impact reasonably expected to be generated by new construction. Deletes a requirement that expenditures from fee trust funds for any one open space project not exceed 50% of the capital costs of such individual project. Adds language clarifying that all expenditures from such trust funds must be in accordance with the general laws of North Carolina. Deletes provisions requiring specified fees to be spent within certain time periods. Adds language requiring fees to be spent for the authorized reasons within 10 years after collection.

Amends Section 8.32 of the Charter of the Town of Zebulon concerning recreation project fees, adding language that provides that such fees must be rationally related to and no greater than the amount proportional to any impact reasonably expected to be generated by new construction. Deletes a requirement that expenditures from fee trust funds for any one recreation project not exceed 50% of the capital costs of such individual project. Adds language clarifying that all expenditures from such trust funds must be in accordance with the general laws of North Carolina. Deletes provisions requiring specified fees to be spent within certain time periods. Adds language requiring fees to be spent for the authorized reasons within 10 years after collection.

Intro. by Malone, Jackson.

[Johnston, Wake](#)

[View summary](#)

H 312 (2015-2016) [CERTAIN COUNTIES SHERIFF/FOOD PURCHASES](#). Filed Mar 19 2015, *AN ACT TO ALLOW CERTAIN COUNTY SHERIFF OFFICES TO CONTRACT FOR THE PURCHASE OF FOOD AND SUPPLIES FOR A*

COUNTY'S DETENTION FACILITY WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF CERTAIN STATE PURCHASE AND CONTRACT LAWS.

Provides that a county sheriff's office can contract for food and supplies for the county's detention facility without being subject to the purchase and contract requirements found in GS 143-129 or GS 143-131. Applies only to Haywood, Madison, and Yancey counties.

Intro. by Presnell.

Haywood, Madison, Yancey

[View summary](#)

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

H 313 (2015-2016) [PROMOTION GRIEVANCES/CITY OF STATESVILLE](#). Filed Mar 19 2015, *AN ACT TO CLARIFY THAT THE CIVIL SERVICE BOARD SHALL HEAR GRIEVANCES RELATED TO THE PROMOTION OF MEMBERS OF THE FIRE AND POLICE DEPARTMENTS IN THE CITY OF STATESVILLE.*

As title indicates.

Intro. by Turner.

Iredell

[View summary](#)

Government, Public Safety

H 322 (2015-2016) [ZONING/RECREATIONAL LAND REQ.-MORRISVILLE](#). Filed Mar 19 2015, *AN ACT GRANTING AUTHORITY TO THE TOWN OF MORRISVILLE TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS.*

Identical to [S 249](#) filed on 3/11/15.

Amends SL 2007-321 as the title indicates.

Intro. by Avila, D. Hall.

Wake

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 13: AMEND SCHOOL HEALTH ASSESSMENT REQUIREMENT.

House: Postponed To 03/23/2015

H 18: PLANNING YEAR FOR CIHSS.

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 35: EDUCATION INNOVATION TASK FORCE.

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 41: IRC UPDATE/REV LAWS TECH CHANGES.

Senate: Amend Tabled A1

Senate: Passed 2nd Reading

H 82: EXECUTION/NONSECURE CUSTODY ORDER/CHILD ABUSE.

House: Postponed To 03/24/2015

H 106: AMEND BANKING COMMISSION MEMBERSHIP (NEW).

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/23/2015

H 138: ARTS EDUCATION REQUIREMENT.

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 146: AMEND ADVANCE HEALTH CARE DIRECTIVES LAWS.

House: Placed On Cal For 03/23/2015

H 173: OMNIBUS CRIMINAL LAW BILL.

House: Postponed To 03/23/2015

H 201: ZONING CHANGES/CITIZEN INPUT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/23/2015

H 211: EXPAND USE OF TOXICOLOGY FUNDS.

House: Postponed To 03/24/2015

H 242: WHITE COLLAR INVESTIGATION.

House: Serial Referral To Appropriations Stricken

House: Withdrawn From Com

House: Re-ref Com On Judiciary II

H 272: SAVE THE HONEY BEES SPECIAL PLATE.

House: Passed 1st Reading

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

H 273: CLARIFY CONDITIONAL DISCHARGE LAW.

House: Passed 1st Reading

House: Ref To Com On Judiciary II

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

House: Passed 1st Reading

House: Ref To Com On Pensions and Retirement

H 276: AGENCY PARTICIPATION PROCEDURES ACT OF 2015.-AB

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Pensions and Retirement

H 277: RETIREMENT ADMIN. CHANGES ACT OF 2015.-AB

House: Passed 1st Reading

House: Ref To Com On Pensions and Retirement

H 278: INCREASE SMALL BREWERY LIMITS.

House: Passed 1st Reading

House: Ref To Com On Alcoholic Beverage Control

H 281: RECORDS TO MEDICAL EXAMINER.

House: Passed 1st Reading

House: Ref To Com On Health

H 282: STREAMLINE SEIZED VEHICLE DISPOSAL.-AB

House: Passed 1st Reading

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

H 283: SUPREME COURT SESSIONS IN MORGANTON.

House: Passed 1st Reading

House: Ref To Com On Judiciary IV

H 284: CIVPRO/CIVIL CONTEMPT/NO FINES.

House: Passed 1st Reading

House: Ref To Com On Judiciary II

H 285: FAIR AND LEGAL REDISTRICTING PROCESS.

House: Passed 1st Reading

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

H 286: DENTAL HYGIENISTS/INTRAORAL LOCAL ANESTHETICS.

House: Passed 1st Reading

House: Ref To Com On Health

H 287: AMEND INSURANCE LAWS.-AB

House: Passed 1st Reading

House: Ref To Com On Insurance

H 288: INSURANCE TECHNICAL CHANGES.-AB

House: Passed 1st Reading

House: Ref To Com On Insurance

H 289: NC MONEY TRANSMITTERS ACT.-AB

House: Passed 1st Reading

House: Ref to the Com on Banking, if favorable, Finance

H 290: PROHIBIT POWDERED ALCOHOL.

House: Passed 1st Reading

House: Ref to the Com on Alcoholic Beverage Control, if favorable, Health

H 291: HAZ. MATERIALS IN SAFE DEPOSIT BOX.-AB

House: Passed 1st Reading

House: Ref To Com On Judiciary I

H 292: BEACH BINGO LICENSES.-AB

House: Passed 1st Reading

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

H 293: ADOPTION LAW CHANGES.

House: Passed 1st Reading

House: Ref To Com On Judiciary III

H 294: PROHIBIT CELL PHONE/DELINQUENT JUVENILE.-AB

House: Passed 1st Reading

House: Ref To Com On Judiciary II

H 295: JUVENILE MEDIA RELEASE.-AB

House: Passed 1st Reading

House: Ref To Com On Judiciary II

H 296: OCC.LIC./AMEND FUNERAL SERVICE PRACTICE LAWS.-AB

House: Passed 1st Reading

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

H 297: DHHS CHILD SUPPORT RECOMMENDATIONS.-AB

House: Passed 1st Reading

House: Ref To Com On Judiciary III

H 298: AMEND UNIFORM INTERSTATE FAMILY SUPPORT ACT.-AB

House: Passed 1st Reading

House: Ref To Com On Judiciary III

H 299: OCC.LIC./PRIVATE PROTECTIVE SVCS. ACT CHANGES-AB

House: Passed 1st Reading

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

H 300: MODIFY SCHOOL PERFORMANCE GRADES.

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 301: ESCHEAT FUND MODIFICATIONS.-AB

House: Passed 1st Reading

House: Ref To Com On Pensions and Retirement

H 302: STRENGTHEN OYSTER INDUSTRY.

House: Passed 1st Reading

House: Ref To Com On Agriculture

H 303: DISPUTE RESOLUTION AMENDMENTS.

House: Passed 1st Reading

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

H 304: REVISIONS TO OUTDOOR ADVERTISING LAWS.

House: Passed 1st Reading

House: Ref to the Com on Commerce and Job Development, if favorable, Finance

H 305: JUMP-START BUSINESSES/NEW MARKETS TAX CREDIT.

House: Passed 1st Reading

House: Ref to the Com on Commerce and Job Development, if favorable, Regulatory Reform, if favorable, Finance, if favorable, Appropriations

H 306: NC CANCER TREATMENT FAIRNESS.

House: Passed 1st Reading

House: Ref To Com On Insurance

H 314: PILOT/SPORTS FOR STUDENTS W/ DISABILITIES.

House: Filed

H 315: SHERIFF & LANDLORD/TENANT-WRITS OF POSS. CHG.

House: Filed

H 316: GIVE STUDENT BOG MEMBER THE VOTE.

House: Filed

H 317: MEDICAL MARIJUANA FOR TERMINALLY ILL PATIENTS.

House: Filed

H 318: PROTECT NORTH CAROLINA WORKERS ACT.

House: Filed

H 319: CDLS FOR VETERANS REVISIONS.

House: Filed

H 320: SMALL BUSINESS NEW JOB CREATION INCENTIVE.

House: Filed

H 321: CONVENTION OF STATES.

House: Filed

H 323: REINSTATE SETOFF DEBT COLLECTION/UNC HEALTH.

House: Filed

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

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 123: UNIFORM FRAUDULENT TRANSFER ACT.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 03/24/2015

S 323: JUDICIAL STANDARDS COMMISSION JURISDICTION.

Senate: Passed 1st Reading

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

S 324: BUILDING CODE REG. REFORM.

Senate: Passed 1st Reading

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

S 325: STATE AUDITOR/STATUTORY CHANGES.-AB

Senate: Passed 1st Reading

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

S 326: INCREASE JDIG PROGRAM FUNDING.

Senate: Passed 1st Reading

Senate: Ref to Commerce. If fav, re-ref to Finance. If fav, re-ref to Appropriations/Base Budget

S 327: ALLOW PRIZE-LINKED SAVINGS ACCOUNTS.

Senate: Passed 1st Reading

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

S 328: COMMUNITY COLLEGE AUDITS.

Senate: Passed 1st Reading

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

S 329: ECON. DEV./RENEWABLE ENERGY CREDIT.

Senate: Passed 1st Reading

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

S 330: CHANGE ORDERS ON SCHOOL CONSTRUCTION PROJECTS.

Senate: Passed 1st Reading

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

S 331: JUVENILE CODE REFORM.

Senate: Passed 1st Reading

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

S 332: REGISTER OF DEEDS-POA INDEXING FEES.

Senate: Passed 1st Reading

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

S 333: TEACHER ATTRITION DATA.

Senate: Passed 1st Reading

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

S 334: SBCC ELECTION.

Senate: Passed 1st Reading

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

S 335: ADD BLENDSOCK TO MOTOR FUEL MARKETING ACT.

Senate: Passed 1st Reading

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

S 336: ESTATE PLANNING/UNIFORM TRUST CODE.

Senate: Passed 1st Reading

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

S 337: CAREGIVER RELIEF ACT.

Senate: Passed 1st Reading

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

S 338: ECONOMIC DEVELOPMENT/TAX MODIFICATIONS.

Senate: Passed 1st Reading

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

S 339: HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS.

Senate: Filed

S 340: ECON. DEV./JOB CATALYST FUND.

Senate: Filed

S 341: REENACT QUALIFIED BUSINESS INVESTMENT CREDIT.

Senate: Filed

S 342: ECON. DEV./JDIG EXTENSION.

Senate: Filed

S 343: STUDENT ASSAULT ON TEACHER/FELONY OFFENSE.

Senate: Filed

S 344: ADMINISTRATION/NC EDUCATION ENDOWMENT FUND.

Senate: Filed

S 345: LIMIT STORAGE FEES ON DAMAGED VEHICLE.

Senate: Filed

S 346: ENACT STRICTER IMMUNIZATION REQUIREMENTS.

Senate: Filed

S 347: UP MINIMUM WAGE WITH COLA/CONST. AMENDMENT.

Senate: Filed

S 348: EQUAL TAX TREATMENT OF GOVT RETIREES.

Senate: Filed

S 349: RESTORE DRIVING PRIVILEGES/COMPETENCY.

Senate: Filed

S 350: ALLOW SPECIAL ELECTIONS/ODD-NUMBERED YEARS.

Senate: Filed

S 351: COLLECT DNA ALL VIOLENT FELONY ARRESTS.

Senate: Filed

S 352: STATE CRIME LAB CAPACITY ACT/FUNDS.

Senate: Filed

S 353: UNAUTHORIZED PRACTICE OF LAW CHANGES.

Senate: Filed

S 354: NORTH CAROLINA HEALTHCARE JOBS INITIATIVE.

Senate: Filed

S 355: INCREASE SAFETY/PROFESSIONAL HOUSEMOVING.

Senate: Filed

S 356: ELECTRONIC ADS/PROPERTY SEIZED BY POLICE.

Senate: Filed

LOCAL BILLS

H 73: CARY ANNEXATION.

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 99: TOWN OF POLKTON/DEANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 130: DAVIE COUNTY/FOOD FOR DETENTION FACILITIES.

House: Postponed To 03/23/2015

H 131: TOWN OF MAGGIE VALLEY/DEANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 143: CHARLOTTE/CIVIL SERVICE BOARD.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/23/2015

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

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 279: WAKE CTY LOCAL BOARD OF EQUALIZATION/REVIEW.

House: Passed 1st Reading

House: Ref To Com On Local Government

H 280: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.

House: Passed 1st Reading

House: Ref To Com On Education - K-12

H 312: CERTAIN COUNTIES SHERIFF/FOOD PURCHASES.

House: Filed

H 313: PROMOTION GRIEVANCES/CITY OF STATESVILLE.

House: Filed

H 322: ZONING/RECREATIONAL LAND REQ.-MORRISVILLE.

House: Filed

S 5: UNION COUNTY LOCAL ACT.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 139: TOWN OF SYLVA/PARKING ORDINANCES.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 142: CUMBERLAND COUNTY CIVIC CENTER COMMISSION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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