

The Daily Bulletin: Friday, March 27, 2015

PUBLIC/HOUSE BILLS

H 366 (2015-2016) [COMPACT/BALANCED BUDGET](#). Filed Mar 26 2015, *AN ACT TO ADOPT THE COMPACT FOR A BALANCED BUDGET*.

Enacts new Article 80, Compact for a Balanced Budget, in GS Chapter 80. States that the state of North Carolina enacts, adopts, and agrees to be bound by the specified compact, which provides that every state enacting, adopting, and agreeing to be bound by the compact intends to ensure that its respective legislature's use of the power to originate a Balanced Budget Amendment under Article V of the US Constitution will be exercised conveniently and with reasonable certainty as to the consequences thereof.

Prohibits total outlays of the US government from exceeding total receipts at any point in time unless the excess of outlays over receipts is financed exclusively by debt issued in strict conformity with this article. Also prohibits outstanding debt from exceeding authorized debt. Sets out the procedure under which Congress may increase authorized debt. Requires the President to enforce the debt limit whenever the outstanding debt exceeds 98% of the debt limit and specifies enforcement mechanisms. Prohibits a bill providing for a new or increased general revenue tax from becoming law unless approved by a two-thirds roll call vote.

Sets out provisions governing compact membership and withdrawal from the compact.

Establishes a Compact Commission and sets out the Commission's membership and duties, including encouraging states to join the compact and Congress to call the Convention in accordance with this compact and to coordinate the performance of obligations under the compact. Sets out other provisions related to the business of the Commission. Sets out the Compact Administrator's powers and duties.

Applies to Congress for the calling of a convention for proposing amendments limited to the subject matter of proposing for ratification of the Balanced Budget Amendment and petitions Congress to refer the Balanced Budget Amendment to the States for ratification by three-fourths of their respective legislatures. These provisions do not take effect until at least three-fourths of the several states are member states.

Includes additional provisions for delegate appointments, limitations and instructions, and convention rules.

Sets out the Balanced Budget Amendment.

Intro. by Millis.

[GS 143](#)

[View summary](#)

[Government, APA/Rule Making](#)

H 367 (2015-2016) [NC CONSUMER FIREWORKS SAFETY ACT](#). Filed Mar 26 2015, *AN ACT TO PERMIT THE SALE, POSSESSION, AND DISCHARGE OF CERTAIN CONSUMER FIREWORKS*.

Recodifies GS 58-82A-1 through GS 58-82A-55 as Part 1 of Article 82A of GS Chapter 58, and names it Display Pyrotechnics Training Permitting and enacts new Part 2, Consumer Fireworks, as follows.

Places the following conditions on the possession and use of consumer fireworks: (1) the person possessing or using the consumer fireworks must be at least 18 years old; (2) the use of consumer fireworks may occur only between the

hours of 10 am and 10 pm except for other specified times on July 4th and December 31st and the following January 1st; (3) the discharge of consumer fireworks is prohibited in or on the premises of a public or private primary or secondary school or on the campus of a college or university, unless the person has received written authorization from the college or university and within 500 feet of a hospital, veterinary hospital, licensed child care center, fireworks retailer, fireworks distributor, gas station, or bulk storage facility for petroleum products or other explosive or flammable substances; and (4) the possession or discharge of consumer fireworks is prohibited in or on the premises of any public park or public space, except as otherwise permitted by the person, state agency, or unit of local government owning or otherwise controlling the park, property, or space. Allows a county or city to prohibit the possession or use of consumer fireworks.

Prohibits selling consumer fireworks without a permit from a county or city authorized to issue retail fireworks permits. Sets out conditions that must be included in the retailer or temporary retailer permit and establishes permit fees. Prohibits a county or municipality from restricting or excluding the transportation of consumer fireworks across or through the county or municipality when the transportation is solely for the purpose of supplying consumer fireworks retailers permitted under the statute.

Sets out provisions concerning permit holder financial responsibility, the power of the Commissioner of Insurance to exclude certain categories of pyrotechnics from the definition consumer fireworks, and prohibiting the use of consumer fireworks during hazardous forest fire conditions.

GS 14-415 (violations of the prohibition on the manufacture, sale and use of pyrotechnics) and GS 58-2-70 (Civil penalties or restitution for violations; administrative procedure) apply to violations of this Part.

Enacts new GS 153A-130.1 and GS 160A-190.1 allowing counties and cities to, by ordinance, regulate the possession, use, and, sale of consumer fireworks to the public.

Amends GS 14410 to define consumer fireworks to all consumer fireworks to be advertised, sold, used, transported, handled, or discharged in accordance with new Part 2.

Effective July 1, 2015.

Intro. by Brody, Bumgardner, Hager, Waddell.

[GS 14, GS 58](#)

[View summary](#)

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

H 368 (2015-2016) [IMPROVE THE A-F GRADING SYSTEM](#). Filed Mar 26 2015, *AN ACT TO IMPROVE THE SCHOOL PERFORMANCE GRADE SYSTEM*.

Amends GS 115C-47, GS 115C-218.65, and GS 115C-238.66 to require that the annual school report card include an explanation of the method of calculation and compilation of school performance data and associated school performance grades, with a translation of the explanation into Spanish.

Amends GS 115C-83.15 to require that when calculating the school performance score the school achievement score accounts for 20% and the school growth score accounts for 80% (percentages are switched under current law) of the total sum.

Requires the State Board of Education to create a task force to study the school performance grading system calculation method and distribution of those grades. Requires a report on the study findings by December 15, 2016, to the Joint Legislative Education Oversight Committee.

Establishes the 11-member North Carolina School Performance Improvement Task Force (Task Force) to study the impact on schools that are awarded a grade of F for two or more years and the support and interventions necessary for

those schools to improve performance. Includes provisions for appointing Task Force members and filling vacancies and establishes chairs. Requires the Task Force to study ways to provide local and state support to help transform a school that receives a grade of F for two years or more, focusing on specified issues. Requires the Task Force to submit a final report of the results of its study and recommendations to the Joint Legislative Education Oversight Committee by March 1, 2016. Terminates the Task Force on the earlier of March 1, 2016, or the filing of its final report.

Intro. by Cotham.

[STUDY, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 369 (2015-2016) [WOUNDED WARRIOR MOTORSPORT SCHOLARSHIP/FUNDS](#). Filed Mar 26 2015, *AN ACT TO PROVIDE SCHOLARSHIPS FOR WOUNDED WARRIORS TO ATTEND A UNIVERSITY OR COMMUNITY COLLEGE MOTORSPORTS PROGRAM*.

Identical to [S 527](#), filed 3/26/15.

Appropriates \$20,615 in recurring funds in fiscal year 2015-16 and \$41,854 in fiscal year 2016-17 to provide three scholarships for members of the Wounded Warrior Program in order to complete a motorsports technology, motorsports management, race car technology, or similar program or concentration at a community college in North Carolina or constituent institution of UNC. Allows the State Education Assistance Authority (SEAA) to use up to 3.5 percent to administer the scholarships. Directs the SEAA to select the three recipients of the scholarships. Provides that it is the intent of the General Assembly that the scholarship recipients be North Carolinians with long term, enduring connections to the State. Allows for an individual that meets the residency and connection requirement but is stationed out of the State or country, to receive a scholarship as well.

Sets out five requirements that a student must meet in order to be eligible for the scholarships, including that the student must be seeking to complete a program or concentration in the disciplines described above and that the student must meet specific academic standards and progress.

Provides that \$20,000 of the recurring funds appropriated from the Education Lottery Fund to the SEAA for the 2015-16 fiscal year and \$20,000 for the 2016-17 fiscal year must be used to market the availability of the new scholarships to the members of the Wounded Warrior Program associated with Fort Bragg, Camp Lejeune, other armed forces facilities in North Carolina, and anywhere North Carolinians meeting the requirements are likely to reside.

Effective July 1, 2015.

Intro. by G. Martin, Jeter, Hanes, Whitmire.

[APPROP](#)

[View summary](#)

[Education, Higher Education, Government, Budget/Appropriations, Military and Veteran's Affairs](#)

H 371 (2015-2016) [TERROR CLAIMS/DAMAGES/LIABILITY FOR SUPPORT](#). Filed Mar 26 2015, *AN ACT CREATING A CIVIL CLAIM FOR RELIEF FOR DAMAGES SUSTAINED AS THE RESULT OF TERRORIST ACTS*.

Enacts new GS 1-539.2D allowing a person whose property or person is injured by a terrorist to sue and recover damages from the terrorist. Allows the recovery of damages in the greater of three times the actual damages, or \$1,000, plus court costs and attorneys' fees. Limits the claim period to five years from the date of the injury. Defines *terrorist* and *acts of terror*.

Makes conforming changes to GS 14-10.1.

Applies to acts committed on or after December 1, 2015.

Intro. by Whitmire, Cleveland, Stevens.

[GS 1, GS 14](#)

[View summary](#)

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

H 372 (2015-2016) [2015 MEDICAID MODERNIZATION](#). Filed Mar 26 2015, *AN ACT TO MODERNIZE AND STABILIZE NORTH CAROLINA'S MEDICAID PROGRAM THROUGH PROVIDER-LED CAPITATED HEALTH PLANS*.

States the General Assembly's intent to transform the state's current Medicaid program to a program that provides budget predictability while ensuring quality care. Requires the new Medicaid program to ensure: (1) budget predictability through shared risk and accountability; (2) balanced quality, patient satisfaction, and financial measures; (3) efficient and cost-effective administrative systems and structures; (4) a sustainable delivery system; and (5) a successful health information exchange.

Intro. by Dollar, Lambeth, B. Brown, Jones.

[UNCODIFIED](#)

[View summary](#)

[Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

H 376 (2015-2016) [CIV PRO/MODERNIZE EXPERT DISCOVERY](#). Filed Mar 26 2015, *AN ACT AMENDING THE RULES OF CIVIL PROCEDURE TO MODERNIZE DISCOVERY OF EXPERT WITNESSES AND CLARIFYING EXPERT WITNESS COSTS IN CIVIL ACTIONS*.

Enacts new GS 1A-1, Rule 26(b)(4a), in the Rules of Civil Procedure, concerning trial preparation and the discovery of experts, providing that the discovery of facts known and opinions held by experts that are otherwise discoverable under the specified provisions of this Rule and acquired or developed in anticipation of litigation or for trial can only be obtained as provided in this subdivision including, but not limited to, requiring the disclosure of the identity of any witness that may be used at trial to present evidence, the option of submitting a written report of the opinion that an expert witness will express and the basis and reasons for it, the ability to require through interrogatories the other party to identify those witnesses expected to be called as expert witnesses, and specified information related to their testimony. Also includes provisions concerning depositions of an expert that may testify, setting out procedures and the limitations of deposing the specified expert witnesses.

Establishes that a party seeking discovery under the specified provisions must pay the expert a reasonable fee for the time spent at that expert's deposition. Provides that specified drafts of reports from experts are protected from disclosure and are not discoverable regardless of the form the draft is recorded in. Provides protection for communications between a party's attorney and an expert witness with limited exceptions. Sets out procedures for disclosing expert witness testimony for those parties that have agreed to the submission of written reports pursuant to Rule 26(b)(6)a.2., or those parties seeking disclosure by way of interrogatory, providing for disclosure by scheduling order in accordance with the specified provisions for serving written reports when an agreement on the submission of reports cannot be reached.

Amends GS 7A-314(d), making a clarifying and conforming change.

Effective October 1, 2015, applying to claims or motions for costs pending or filed on or after that date.

Intro. by Jordan, Stam, Glazier.

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

H 378 (2015-2016) [AMD. CRITERIA/CERTAIN AG. COST-SHARE PGMS.](#) Filed Mar 26 2015, *AN ACT TO PROVIDE ALTERNATE FORMS OF DOCUMENTATION FOR PARTICIPATION IN CERTAIN AGRICULTURAL COST-SHARE PROGRAMS.*

As the title indicates.

Under current law, the Agriculture Cost Share Program for Nonpoint Source Pollution Control, created, implemented, and supervised by the Soil and Water Conservation Commission, has as its purpose to reduce the input of agricultural nonpoint source pollution into the watercourses of the state. Amends GS 106-850(b)(10) to provide that to be eligible for cost share funds under this program, each applicant must meet the definition of a *bona fide farm* as described by GS 153A-340(b)(2).

Under current law, the Agricultural Water Resources Assistance Program, implemented by the Soil and Water Conservation Commission, states that its purposes are to: identify opportunities to increase water use efficiency, availability, and storage; implement best management practices to conserve and protect water resources; increase water use efficiency; and increase water storage and availability for agricultural purposes. Amends GS 139-60(c1) to provide that to be eligible for assistance under this program, each applicant must meet the definition of a *bona fide farm* as described by GS 153A-340(b)(2).

Deletes previous provisions requiring additional documentation under each statute for an applicant to establish eligibility to participate in these programs.

Intro. by Whitmire, Holloway, West, Presnell.

GS 106, GS 139

[View summary](#)

Agriculture

H 379 (2015-2016) [SIMPLIFY OT COLLECTION BY INTERMEDIARIES.](#) Filed Mar 26 2015, *AN ACT TO SIMPLIFY THE REPORTING AND REMITTANCE REQUIREMENTS FOR SALES TAX AND OCCUPANCY TAX ON ACCOMMODATIONS RENTED THROUGH INTERMEDIARIES.*

Amends multiple sections of GS Chapter 105 concerning sales taxes and occupancy taxes on accommodations rented through intermediaries. Defines *accommodation intermediary* as a person that charges or facilitates an accommodation charge, including real estate agents and brokers and websites and mobile applications that facilitate short-term listings and rentals. Mandates that sales taxes and occupancy taxes be based on the gross accommodation charge which includes any fee charged by an accommodation intermediary to the accommodation provider. Obligates the accommodation intermediary to collect and pay the applicable sales and occupancy taxes on a rental if the intermediary collects the accommodation charge.

Applies sales and occupancy taxes to the rental of residences for fewer than 15 days per year if the accommodation is listed with an accommodation intermediary (previously rentals of residences for fewer than 15 days per year were taxable only if listed through a real estate agent or broker).

Eliminates liability for taxes for the accommodation provider if the accommodation charge is collected by an accommodation intermediary.

Identifies the revenue produced by local sales taxes and occupancy taxes as local revenue, not a state expenditure, meaning the Governor may not reduce or withhold the distribution of said revenue. Requires local sales and use tax revenues to be distributed in accordance with Subchapter VIII of GS Chapter 105. Requires local occupancy taxes to be

distributed by the state quarterly to the taxing districts.

Requires all local governments that levy occupancy taxes to report their occupancy tax rates to the Secretary of Revenue by October 1 annually and for the Secretary to publish those rates on its website. States that taxpayers who rely on the information provided by the Secretary shall not be liable for underpayments caused by errors in that information.

Amends the uniform provisions for county occupancy taxes (GS 153A-155) and municipalities (GS 160A-215) as follows. Requires delivery to the Secretary a certified copy of a resolution adopting, increasing, repealing, or reducing an occupancy tax within 10 days after adoption. Limits changes in occupancy tax rates to once every two years. Requires accommodation providers to remit occupancy taxes to the taxing local government and requires accommodation intermediaries to remit occupancy taxes to the Department of Revenue. Mandates that any local acts that conflict with certain sections of the uniform occupancy tax provisions are superseded by the uniform occupancy tax provisions.

Creates a new provision, GS 66-450, requiring any business that maintains an Internet website or mobile application that lists and facilitates short-term rentals to obtain a valid North Carolina registration number issued under GS 105-164.29 from the owner or operator of every short-term rental unit listed on that website or mobile application.

Requires all local governments that levy occupancy taxes on the effective date of this act to submit within 90 days of that date a certified copy of the resolution authorizing the local occupancy tax levy.

Makes the act effective January 1, 2016, and requires the Secretary to publish local occupancy tax rates on its website within six months of that date.

Intro. by Howard, Setzer.

[GS 16, GS 105, GS 153A, GS 160A](#)

[View summary](#)

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

H 380 (2015-2016) [STATEWIDE SCHOOL SAFETY MANAGEMENT](#). Filed Mar 26 2015, *AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO IMPLEMENT A STATEWIDE SCHOOL RISK AND RESPONSE MANAGEMENT STRATEGY, MAKE CONFORMING CHANGES TO OTHER SCHOOL SAFETY REQUIREMENTS AND TO PROVIDE FOR GRANTS FOR ADDITIONAL SCHOOL COUNSELORS.*

Under current law, each school administrative unit is encouraged to hold a system wide school safety and school lockdown exercise at least every two years.

Amends GS 115C-105.49, to require that each principal and other applicable school officials annually hold a full school-wide tabletop exercise or drill based on the procedures that are documented in the School Risk Management Plan (SRMP). Encourages each school to hold a tabletop exercise and drill for multiple hazards that are included in its SRMP, including a school lockdown due to an intruder on school grounds. Strongly encourages schools to include local law enforcement agencies and emergency management in its tabletop drills and exercises. Defines a tabletop exercise as one involving key personnel conducting simulated scenarios related to emergency planning. Applies beginning with the 2015-16 school year.

Amends Article 8C of GS Chapter 115C, enacting new GS 115C-105.49A, which directs the Department of Public Safety, Division of Emergency Management, and the Center for Safer Schools to construct and maintain a statewide School Risk and Responsive Management System (SRRMS). Directs all of the school risk and response management system to leverage the existing enterprise risk management database in constructing the SRRMS. Also directs that the Division and Center for Safer Schools collaborate with the Department of Public Instruction and the North Carolina 911 Board in designing, implementing and maintaining SRRMS.

Amends GS 115C-105.51 to provide and implement a system of monitoring and response applications, including the

implementation and maintenance of an anonymous safety tip line to receive anonymous student information on internal or external risks to school buildings and school-related activities and a statewide panic alarm system for displaying that information.

Makes additional conforming and technical changes to reflect changes regarding school safety exercises, plans, and practices.

Specifies a timetable for reporting on the implementation of the school safety plans in this act. Provides that the Department of Public Safety is to have implemented an anonymous safety tip line application and a statewide panic alarm system under GS 115C-105.51 by July 1, 2016. Declares that it is the intent of the General Assembly, subject to the availability of funds, to provide grants to local school administrative units, regional schools, and charter schools for additional school psychologists, guidance counselors, and social workers. Asserts that these funds will be matched on the basis of \$1 in state funds for every \$1 in local funds, used to supplement school funding and not to supplant state, local, and federal funds expended for school psychologists, guidance counselors, and social workers.

Requires the State Board of Education to include need based consideration in setting up its criteria for awarding these grants to local school administrative units. Directs the SBE to give less priority to local school administrative units who have received a grant for school resource officers under Section 8.36 of SL 2013-360.

Intro. by Holloway, Glazier, Blackwell, Faircloth.

[GS 115C](#)

[View summary](#)

[Education](#)

H 381 (2015-2016) [MODERNIZE COLLECTION AGENCY LAWS](#). Filed Mar 26 2015, *AN ACT TO UPDATE AND MODERNIZE THE LAWS RELATED TO COLLECTION AGENCIES*.

Amends GS 58-70-5 to clarify that permits for operation as collection agencies are required for each physical location. Adds that the statute does not require a permit for a remote location from which employees work under the control and monitoring of a collection agency through telecommunications and computer links as long as specified conditions are met.

Amends GS 58-70-20 to reduce the amount of the bond required for an operating permit or permit renewal.

Amends GS 58-70-65 to provide that no refund for overpayment by a debtor in an amount less than \$10 (was, less than \$1) is required.

Enacts new GS 58-70-86 to allow a collection agency to take an assignment of any claim from a creditor and sue on the claim as the real party in interest if specified conditions apply.

Enacts new GS 58-70-87 to allow a collection agency to charge a fee for processing a particular payment method or for initiating a payment method as long as specified conditions are met.

Amends the definition of consumer in GS 58-70-90 to define the term as a natural person obligated or allegedly obligated to pay a debt (was, an individual, aggregation of individuals, corporation, company, association, or partnership that has incurred a debt or alleged debt).

Amends GS 58-70-115 to include as unfair practices collecting or attempting to collect from the consumer any amount unless it is expressly authorized by the agreement creating the debt or permitted by law.

Amends GS 58-70-130 to reduce the cap on penalties that may be imposed for violations by the collection agency. Amends the cap on civil penalties. Requires an action alleging a violation of Part 3 to be commenced within one year after the cause of action arises.

Effective October 1, 2015.

Intro. by B. Brown, Faircloth.

GS 58

[View summary](#)

Banking and Finance

H 383 (2015-2016) [CLARIFY STATUTORY SCHEME/SEX OFFENSES](#). Filed Mar 26 2015, *AN ACT TO REORGANIZE, RENAME, AND RENUMBER VARIOUS SEXUAL OFFENSES TO MAKE THEM MORE EASILY DISTINGUISHABLE FROM ONE ANOTHER AS RECOMMENDED BY THE NORTH CAROLINA COURT OF APPEALS IN "STATE OF NORTH CAROLINA V. SLADE WESTON HICKS, JR."*

Recodifies and renames various sexual offenses. Also makes the following changes.

Separates out offenses for first and second degree statutory rape and forcible rape into their own statutes.

Amends GS 14-27.3 (recodified as GS 14-27.22) to make a person guilty of second degree forcible rape if the person engages in vaginal intercourse with another person: (1) by force and against the will of the other person or (2) who is mentally disabled, mentally incapacitated, or physically helpless and the person knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

Amends GS 14-27.5 (recodified as GS 14-27.27) to make a person guilty of second degree forcible sexual offense if the person engages in vaginal intercourse with another person: (1) by force and against the will of the other person; or (2) who is mentally disabled, mentally incapacitated, or physically helpless and the person knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

Makes additional clarifying, organizational, and conforming changes.

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

Intro. by Glazier, Stam, Jordan, Faircloth.

GS 7B, GS 8, GS 14, GS 15A, GS 48, GS 50, GS 50B, GS 90, GS 143B

[View summary](#)

Courts/Judiciary, Civil, Family Law, Evidence, Juvenile Law, Criminal Justice, Criminal Law and Procedure

PUBLIC/SENATE BILLS

S 510 (2015-2016) [NCVPS/EQUAL ACCESS TO EDUCATION](#). Filed Mar 25 2015, *AN ACT TO APPROPRIATE FUNDS TO PROVIDE EQUAL ACCESS FOR BOTH PUBLIC AND NONPUBLIC NORTH CAROLINA SCHOOL STUDENTS TO NORTH CAROLINA VIRTUAL PUBLIC SCHOOL COURSES*.

Authorizes North Carolina non-public school students and home-schooled students to enroll in courses provided by the North Carolina Virtual Public School (NCVPS) program without being charged tuition. Requires the NCVPS director to report annually on the enrollment of non-public school students and associated costs. Appropriates from the General Fund to the Department of Public Instruction \$6,647,000 for the 2015-16 fiscal year in recurring funds to provide for increased enrollment in the NCVPS program by non-public school students. Makes conforming statutory changes. Effective July 1, 2015.

Intro. by Lee, Krawiec, Clark.

APPROP, GS 115C

[View summary](#)

Government, Budget/Appropriations

S 511 (2015-2016) **PROOF REQUIRED FOR DEBT/FEES**. Filed Mar 25 2015, *AN ACT TO ALLOW COLLECTION ONLY WHERE ADEQUATE PROOF OF INDEBTEDNESS PROVIDED; TO CONFORM TO FEDERAL LAW; TO AID DEBTORS IN IDENTIFYING ACCOUNT OWNERS TO RESOLVE CREDIT ISSUES; TO SPECIFY THAT A CHARGE-OFF STATEMENT SERVE AS PROOF OF DEBT OWED; AND TO MAKE VARIOUS RELATED CHANGES.*

Amends North Carolina's unfair debt collection practices provisions, GS 58-70-115, to require (1) an itemized accounting for debts that have been charged off, including a list of all fees and interest and (2) notice to the debtor if the debt that is being collected is time-barred. Notice for time-barred debts must include the statement that the creditor will not sue the debtor and, if the debt is past the obsolescence date created by the federal Fair Credit Reporting Act, 15 U.S.C. 1681(c), the statement that the creditor will not report the debt to any credit reporting agency. Amends the prerequisites to entering a default or summary judgment against a debtor mandated by GS 58-70-155 to include additional items relating to post charge-off payments, credits, fees, and interest. Effective October 1, 2015.

Intro. by Lee, Brown.

GS 58

[View summary](#)

Banking and Finance

S 512 (2015-2016) **DELAY LAW IMPLEMENTATION/VIVA/PAPER BALLOTS**. Filed Mar 25 2015, *AN ACT TO DELAY THE FULL IMPLEMENTATION OF THE LAWS PERTAINING TO THE VOTER INFORMATION VERIFICATION ACT (VIVA) AND PAPER BALLOTS UNTIL THE COURT HAS RENDERED ITS DECISION IN CURRIE V. NORTH CAROLINA.*

Makes Part 2 and Part 30 of the Voter Information Verification Act (VIVA), SL 2013-381, not effective until after the state courts issue a final decision in Currie v. North Carolina. States that those parts shall have no force or effect if the court in Currie rules those parts to be unconstitutional or invalid for any reason.

Intro. by Van Duyn.

UNCODIFIED

[View summary](#)

Government, Elections

S 513 (2015-2016) **NORTH CAROLINA FARM ACT OF 2015**. Filed Mar 25 2015, *AN ACT TO (1) REVISE THE HORSE INDUSTRY PROMOTION ACT TO INCREASE CAPS ON DURATION AND AMOUNT OF AN ASSESSMENT; (2) EXEMPT COMPENSATION PAID TO AN H-2A AGRICULTURAL WORKER FROM STATE INCOME TAX WITHHOLDING TO THE EXTENT THE COMPENSATION IS EXEMPT FROM FEDERAL INCOME TAX WITHHOLDING; (3) ESTABLISH A POLICY OF SUPPORTING SUSTAINABLE AGRICULTURE IN THE STATE; (4) MODIFY OVERSIZE VEHICLE PERMIT TIME RESTRICTIONS; (5) ALLOW OVERSIZE TRANSPORTATION OF HAY BALES; (6) AMEND RIGHT-OF-CENTER REQUIREMENTS FOR CERTAIN AGRICULTURAL VEHICLES; (7) INCREASE THE PERMISSIBLE SPEED LIMIT FOR AGRICULTURAL SPREADER VEHICLES THAT ARE EXEMPT FROM REGISTRATION AND CERTIFICATE OF TITLE; (8) ESTABLISH MARKING AND NOTICE REQUIREMENTS FOR METEOROLOGICAL TOWERS; (9) ALLOW SHELLFISH CULTIVATION LEASES IN AREAS CONTAINING SUBMERGED AQUATIC VEGETATION; (10) MODIFY THE PRESENT USE VALUE PROGRAM; (11) ESTABLISH A PROCEDURE FOR THE TERMINATION OF CONSERVATION AGREEMENTS; (12) TRANSFER THE WILDLIFE RESOURCES COMMISSION CAPTIVE CERVID PROGRAM TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (13) PROHIBIT THE IMPLEMENTATION AND ENFORCEMENT OF*

FEDERAL STANDARDS FOR WOOD HEATERS AND ENFORCEMENT OF AIR EMISSIONS STANDARDS THAT WOULD LIMIT FUEL SOURCES PROVIDING HEAT OR HOT WATER TO A RESIDENCE OR BUSINESS; (14) MODIFY DEPARTMENT OF AGRICULTURE REPORTING REQUIREMENTS; (15) MODIFY THE PRESCRIBED BURNING ACT; (16) MODIFY THE PENALTY FOR FAILURE TO GUARD A FIRE BY WATCHMAN; (17) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; AND (18) MAKE VARIOUS TECHNICAL CORRECTIONS.

Section 1

Amends GS 106-823(f), concerning the North Carolina Horse Council's authority to levy an assessment on a horse owner, when approved by referendum among horse owners, providing that the North Carolina Horse Council first determines the amount of the proposed assessment, not to exceed \$4 (was, \$2 per ton of horse feed). Further provides that the period for the assessment can not exceed 10 years (was, three years).

Section 2

Amends GS 105-163.3(b) concerning a requirement that employers must withhold state income taxes from wages paid to nonresident contractors or ITIN contractors, adding new language which exempts compensation paid to an alien, described as in 8 USC 1101(a)(15)(h)(ii)(a), from the withholding requirement to the extent that it is not subject to federal income tax withholding.

Section 3

Enacts new GS 106-26.3, establishing that it is policy of state of North Carolina to support and promote sustainable agriculture. Defines sustainable agriculture for the purposes of this section.

Section 4

Provides for the implementation of rules for the Department of Transportation (DOT) concerning the prohibited movement of permitted oversize vehicles, providing that movement must be made between sunrise and sunset Monday through Sunday, with a specified exception for 16 foot-wide mobile or modular homes. Also provides a rule for movement of a permitted oversize vehicle, prohibiting travel during specified hours surrounding the Independence Day, Thanksgiving Day, and Christmas Day holidays. Provides that these temporary rules are to be enacted until the DOT can enact permanent rules that substantively mirror the temporary rules, at which time the temporary rules will expire.

Section 5

Enacts new GS 20-119(g)(1a), which provides that the DOT must issue annual overwidth permits for vehicles, no wider than 12 feet, carrying baled hay from place to place on the same farm, from one farm to another, or from farm to market or vice versa. Specifies the limitations of the permit.

Section 6

Amends GS 20-116(j), conditions for certain farm equipment to be operated on any highway, providing that it must operate to the right of the center line of the road/highway unless the combined width of the traveling lane and the accessible shoulder is less than the width of the equipment (previously, was required to operate right of center when meeting traffic coming from the opposite direction and at all other times when possible and practical).

Section 7

Amends GS 20-51(16), provisions for spreaders to operate on a highway while exempt from registration and certificate of title requirements, providing, in addition to other requirements, that they cannot exceed a speed of 45 miles per hour (was, 35).

Section 8

Enacts new GS Chapter 63, Article 11, Marking and Notice of Meteorological Towers, setting out terms and definitions

for use in the Article, including *height* and *meteorological tower*. Requires the marking and painting of any meteorological tower exceeding 50 feet in height. Also provides that towers must be constructed in a way to be visible in clear air during daylight hours from a distance of at least 2,000 feet. Sets out additional requirements for the construction and maintenance of meteorological towers.

Directs the DOT to adopt rules requiring individuals proposing to construct a tower to register with the DOT. Sets out registration requirements, including a registration fee of \$350. Also requires notification to the DOT upon removal or destruction of a tower. Directs the DOT to establish and maintain a database containing the location of all the towers in North Carolina by January 1, 2016. Provides for civil penalties not to exceed \$10,000 per violation of the Article. Exempts towers constructed prior to the effective date of the Article from complying with the above provisions. Effective January 1, 2017, applying to meteorological towers erected on or after that date.

Section 9

Amends GS 113-202(b), concerning shellfish cultivation leases, providing that the Secretary of the Department of Environment and Natural Resources (DENR) must not exclude any area from leasing solely because the area contains submerged aquatic vegetation. Also requires DENR to make specific finds based on standards provided in GS 113-202(a) before reaching a decision not to grant or renew a lease for shellfish cultivation for any area containing submerged aquatic vegetation. Effective July 1, 2015, applying to any new shellfish cultivation leases or renewals of existing shellfish leases issued on or after that date.

Section 10

Amends GS 105-277.2 concerning definitions for agriculture, horticulture, and forestland, providing that for the purposes of the definition for *agricultural land*, the commercial production or growing of animals includes the rearing, feeding, training, caring, and managing of horses. Also amends the definition for the term *individually owned*, setting out presumptions for determining whether or not a principal business is farming agricultural land, horticultural land, or forestland. Also provides for a rebuttal of the presumption. Effective July 1, 2015, applying to taxes imposed for taxable years beginning on or after that date.

Enacts new GS 105-277.4(f) concerning the appraisal of at use value of agricultural and horticultural land, and forestland, providing that the Department of Revenue must publish a present-use value program guide annually and make it available on the Department's website. Requires assessors to adhere to the Department of Revenue's present-use value program guide when making decisions regarding the qualifications or appraisals of the specified property above.

Section 11

Enacts new GS 121-39A, concerning the termination of a conservation agreement, setting out provisions for petitioning the Council of State for termination of the agreement based on grounds that the agreement is no longer capable of achieving the conservation purposes for which it was executed. Sets out requirements for the termination request.

Requires the Council of State to act on the request within 60 days of receipt. Sets out procedures for the approval of a termination request and provides that either party can appeal the decision in district court no later than the 45th day after notification of the request. Provides for taxes or penalties upon the termination of a conservation agreement. Provides that the above provisions apply to conservation agreements intended to be effective perpetually or that are terminated prior to the period of time stipulated in the agreement and to agreements where at least one party to the agreement is a public body of North Carolina. Effective July 1, 2015, applying to taxes imposed for taxable years beginning on or after that date.

Section 12

Rewrites Article 49H of GS Chapter 106 as Production, Sale, and Transportation of Farmed Cervids (was, Production and Sale of Fallow Deer and Red Deer). Rewrites GS 106-549.97 to provide that Article 49H is about the regulation by the Department of Agriculture and Consumer Services (Department) of farmed cervids (members of the deer family) produced and sold for commercial purposes. Directs the Department to regulate the production, sale, possession,

transportation, importation, and exportation of farmed cervids. Adds subsection (a2), which assigns sole authority for farmed cervids to the Department, including the administration of the NC Captive Cervid Herd Certification Program and directs the Department to allow the sale of farmed cervids, alive or dead, and whole or in part. Specifies that the Department is to follow specified USDA Standards in implementing Article 49H with regards to cervids that are susceptible to Chronic Wasting Disease (CWD). Provides specifically regarding the adoption of rules by the Department to address captivity licenses for farmed cervids susceptible to CWD. Requires that all free-ranging cervids be removed from any new captive cervid facility before stocking the facility with farmed cervids. Prohibits hunting facilities as defined by USDA Standards on the premises of a licensed facility.

Assigns the regulation of the possession, transportation, importation, and exportation of non-farmed cervids under authority of GS 113-272.6 to the NC Wildlife Resources Commission (Commission). Specifies that actions by the Department do not in any way limit the authority of the Commission to regulate non-farmed cervids, as state wildlife resources belong to the people of North Carolina as a whole. Provides that nothing in Article 49H authorizes the Department to regulate hunting or any activity related to hunting.

Repeals subsection (c) of GS 106-549.97, which broadly defined the terms *cervid* and *cervidae* as elk and deer, and defined *farmed cervid* and *white-tailed deer*. Adds new subsection (a1) defining the following terms as they apply in Article 49H: (1) *Commission*--the North Carolina Wildlife Resources Commission; (2) *Department*--the North Carolina Department of Agriculture and Consumer Services; (3) *farmed cervid*--any cervid, as defined by USDA Standards, susceptible to CWD, or not susceptible to CWD, that is held in captivity and produced, bought, or sold for commercial purposes; includes any cervid bred in captivity and continuously maintained within a herd that is enrolled in and complies with a USDA-approved Herd Certification Program; also includes any animal registered or tagged in any captive cervid facility existing within the state as of July 1, 2015; (4) *non-farmed cervid*--all animals in the family Cervidae other than farmed cervids; (5) *USDA*--the United States Department of Agriculture; and (6) *USDA Standards*—the USDA's Chronic Wasting Disease Program Standards, May 2014 edition, and subsequent updates.

Further amends GS 106-549.97 to specify regulations regarding farmed cervids, including the transportation of live farmed cervids. Prohibits any unit of local government, including a county or municipality, from adopting any law that is not consistent with or is more restrictive than the provisions of Article 49H. Authorizes the Commissioner of Agriculture to assess a civil penalty of no more than \$5,000 per animal against any person who violates a provision of Article 49H or any rule adopted under this Article. Deletes GS 106-549.98 regarding establishing inspection fees.

Amends GS 113-272-6 to authorize the Commission to regulate the possession and transportation, including importation and exportation of non-farmed cervids, including game carcasses and parts of game carcasses removed by hunters or imported from hunting facilities as defined by USDA Standards. Assigns the same meaning of *non-farmed cervid* as in GS 106-549.97. Requires the Commission to follow the USDA Standards as defined in GS 106-549.97 and additional provisions set out in federal regulations, and prohibits the Commission from adopting any rule or standard that is more restrictive than the USDA Standards. Prohibits any action on the part of the Commission from limiting the authority of the Department to regulate farmed cervids. Makes additional conforming changes.

Section 13

Amends GS 143-215.107, regarding air quality standards and classifications, to prohibit the NC Environmental Management Commission (EMC) and the Department of Environment and Natural Resources (DENR) from implementing and enforcing federal standards limiting emissions from wood heaters and adopted after May 1, 2014, that would limit fuel resources providing heat or hot water to a residence or business. Amends GS 143-213 to add new subdivision (31) defining *wood heater* as the term applies in this section.

Section 14

Repeals GS 106-815 concerning dairy reporting and amends GS 19A-62(c) to modify the Department of Agriculture reporting requirements, moving the submission deadline for its annual report on the Spay/Neuter Account from February to March of each year.

Section 15

Amends GS 106-967 to make modifications and clarifying changes to the immunity from liability provisions under the Prescribed Burning Act. Amends GS 106-968 to make technical and clarifying changes to the provisions on prescribed burning. Provides that the North Carolina Forest Service may accept prescribed burner certification from another state or other entity for a prescribed burning under this Article.

Section 16

Amends GS 14-140.1 to make the penalty for failure to maintain a careful watchman in charge of a burning an infraction (was, a Class 3 misdemeanor) which may include a fine of no more than \$50 (was, a fine of not less than \$10).

Section 17

Amends GS 106-24.1 to limit the personal identification information that the Department of Agriculture and Consumer Services may disclose about its animal health programs.

Section 18

Makes technical corrections to GS 14-137 and GS 143-166.13.

Section 19

Adds a severability clause to provide that if any provisions of the proposed act or its application are held to be invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provisions or applications.

Intro. by Brock, B. Jackson.

[GS 14, GS 20, GS 63, GS 105, GS 106, GS 113, GS 121, GS 143](#)

[View summary](#)

[Agriculture, Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Tax, Transportation](#)

S 516 (2015-2016) [LEO PRIVACY PROTECTION](#). Filed Mar 25 2015, *AN ACT TO REQUIRE CITIES AND COUNTIES TO REMOVE PERSONAL INFORMATION FROM RECORDS AVAILABLE ON INTERNET WEB SITES MAINTAINED BY COUNTIES AND CITIES WHEN REQUESTED BY CERTAIN LAW ENFORCEMENT PERSONNEL, PROSECUTORS, AND JUDICIAL OFFICERS.*

Creates a new provision, GS 153A-148.2, requiring all counties to comply with requests from certain non-elected local, state and federal law enforcement personnel to remove the law enforcement personnel's personal information, including address and telephone number from any Internet website maintained by the county and available to the general public, including tax records. Creates identical requirements for municipalities in new GS 160A-208.2. The law enforcement personnel authorized to make such requests of local governments are federal, state, or local law enforcement officers, state criminal magistrates, assistant district attorneys, North Carolina Department of Justice prosecutors, United States Attorneys, Assistant United States Attorneys, and federal judges.

Requires that information removed from local government websites under these new provisions remain public records if it would otherwise be subject to disclosure under Chapter 132 of the General Statutes. States that requests from law enforcement personnel under these new provisions are not public records and must be kept confidential. Provides immunity for local governments and their officials, agents, and employees for good faith actions implementing the new provisions but states that such officials, employees, or agents may be subject to liability as permitted by the laws of the state if their actions were outside the scope of their official duties.

Intro. by Tucker.

GS 153A, GS 160A

[View summary](#)

Government, Public Safety, Local Government

S 517 (2015-2016) [TEACHERS/ISOLATED K-12 SCHOOLS](#). Filed Mar 26 2015, *AN ACT TO PROVIDE FOR TEACHER ALLOTMENTS FOR GEOGRAPHICALLY ISOLATED K-12 SCHOOLS*.

Amends GS 115C-301 to direct the State Board of Education to allot additional teachers to K-12 schools that meet at least one of the following criteria for geographic isolation: (1) located in a school administrative unit (LEA) in which average daily membership is less than 1.5 per square mile or (2) located in an LEA for a county with more than 150,000 acres of federally owned National Forest managed by the U.S. Forest Service under GS 104-5. Directs the SBE to allot teachers to geographically isolated schools on the basis of one classroom teacher per grade level and to allot teachers to the rest of the LEA using the regular teacher allotment formula.

Appropriates \$1,527,006 for 2015-16 and \$1,527,006 for 2016-17 from the General Fund to the Department of Public Instruction to implement the provisions of this act.

Effective July 1, 2015.

Intro. by J. Davis.

APPROP, GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, State Board of Education

S 518 (2015-2016) [BROADER PUBLICATION OF LEGAL NOTICES](#). Filed Mar 26 2015, *AN ACT RELATING TO THE REGULATIONS FOR NEWSPAPER PUBLICATION OF LEGAL NOTICES AND ADVERTISEMENTS*.

Amends GS 1-597 to no longer require that legal notice and advertisements be published in a newspaper with a general circulation to paying subscribers, only requiring that there be subscribers to the newspaper.

Intro. by B. Jackson.

GS 1

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Civil Procedure

S 519 (2015-2016) [PRESUMED SHARED PARENTING](#). Filed Mar 26 2015, *AN ACT TO AMEND THE LAWS PERTAINING TO CHILD CUSTODY TO INCORPORATE A PRESUMED SHARED PARENTING STANDARD*.

Amends GS 50-13.2 to change the section heading to Who entitled to custody; presumed shared responsibility; terms of custody; visitation rights of grandparents; taking child out of State; visitation by electronic communication. Deletes current (a) and instead provides the policy and the mission of the state in regards to child custody by highlighting five focus areas, including encouraging focused, good faith, best interest, and child-centered joint parenting agreement development and encouraging both parents to share equitably in the rights and responsibilities of raising their child.

Intro. by B. Jackson.

GS 50

[View summary](#)

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

S 520 (2015-2016) [AMEND INDECENT EXPOSURE LAW](#). Filed Mar 26 2015, *AN ACT TO MAKE INDECENT EXPOSURE THAT OCCURS ON PRIVATE PREMISES A CRIMINAL OFFENSE*.

Amends GS 14-190.9 to make it a Class 2 misdemeanor for a person to willfully expose their private parts in the presence of anyone other than a consenting adult on the other person's private premises (or close enough to be seen from the other person's private premises) for the purpose of arousing or gratifying sexual desire. Applies to offenses committed on or after December 1, 2015.

Intro. by B. Jackson.

[GS 14](#)

[View summary](#)

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

S 521 (2015-2016) [ALT. DISPOSAL OF BIODEGRADABLE AG PLASTICS](#). Filed Mar 26 2015, *AN ACT TO EXCLUDE THE BURNING OF CERTAIN AGRICULTURAL PLASTICS FROM OPEN BURNING PERMITTING REQUIREMENTS*.

As the title indicates.

Intro. by B. Jackson.

[GS 106](#)

[View summary](#)

S 522 (2015-2016) [RAISE AWARENESS OF LUPUS](#). Filed Mar 26 2015, *AN ACT DESIGNATING THE MONTH OF MAY OF EACH YEAR AS LUPUS AWARENESS MONTH AND ESTABLISHING AN ADVISORY COUNCIL ON LUPUS WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES*.

Enacts new GS 103-14 designating May as Lupus Awareness Month.

Enacts new Part 5 in Article 1B of GS Chapter 130A establishing the 15-member Lupus Advisory Council (Council). Sets out the Council's duties, including making recommendations to the Governor and the Secretary of Health and Human Services aimed at improving patient health status, and examining the financing of, and access to, health services. Sets out Council membership and provisions for electing the chairperson, establishing a quorum, paying member expenses, and providing Council support.

Intro. by Robinson, Foushee.

[GS 1B, GS 103](#)

[View summary](#)

[Government, Cultural Resources and Museums, Health and Human Services, Health](#)

S 523 (2015-2016) [AVOID DOUBLE BILLING OF STATE TAXPAYERS](#). Filed Mar 26 2015, *AN ACT TO REQUIRE EACH COUNTY TO PAY THE COST OF COMMUNITY COLLEGE REMEDIATION FOR STUDENTS WHO GRADUATED FROM A HIGH SCHOOL IN THAT COUNTY WITHIN THE PAST TWO YEARS*.

Enacts new GS 115D-32.1 as the title indicates. Effective when the act becomes law and applies to remediation expenses incurred for courses beginning on or after January 1, 2016.

Intro. by Curtis, Tucker, Apodaca.

[GS 115D](#)

[View summary](#)

[Education, Higher Education, Government, State Agencies, Community Colleges System Office, Local Government](#)

S 524 (2015-2016) [FOUNDING PRINCIPLES/GRADUATION REQUIREMENT](#). Filed Mar 26 2015, *AN ACT TO ENHANCE THE RIGOR OF INSTRUCTION OF THE FOUNDING PRINCIPLES*.

Amends GS 115C-81 to require high school students to take a course that includes instruction in the specified "Founding Principles of the United States of America" (was, a take a course entitled "American History I-The Founding Principles"). Sets out the specified principles that must be taught, which consist of those required under current law as well as: constitutional limitations on government power to tax and spend and prompt payment of public debt; money with intrinsic value; strong defense and supremacy of civil authority over military; peace, commerce, and honest friendship with all nations, entangling alliances with none; and eternal vigilance by "We the People." Makes conforming changes. Applies beginning with students entering the ninth grade in the 2015-16 school year.

Intro. by Curtis, Soucek, Tillman.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 525 (2015-2016) [AMEND OPTICIAN LICENSURE FEES & EXAM REQ'S](#). Filed Mar 26 2015, *AN ACT AMENDING DISPENSING OPTICIAN EXAMINATION QUALIFICATIONS AND APPRENTICESHIP REQUIREMENTS AND AUTHORIZING THE STATE BOARD OF OPTICIANS TO INCREASE CERTAIN LICENSURE FEES*.

Amends the qualifications for applicants for the exam for dispensing opticians to reduce the number of required years in an apprenticeship and adds requirements for exam applicants who hold a four-year degree or comparable degree in a health-related field. Requires that the exam (was, allows the exam) to include any nationally prepared and recognized exam and requires the adoption of rules designating the nationally prepared and recognized exam that satisfies and serves as credit for the state exam. Specifies conditions under which the required internship may occur before or after sitting for the exam.

Amends GS 90-245 to allow the North Carolina State Board of Opticians (Board) administrator, instead of the Secretary, to collect fees.

Increases the fees charged by the Board and adds fees for the registration of an optician in charge, a late fee for restoration of an expired license, a late fee for restoration of an expired license within the second year after expiration, and a restoration fee for an inactive license within the second year.

Amends GS 90-249 to add to the Board's duties designating accredited colleges, universities, and coursework that satisfies the qualifications for examination.

Intro. by Curtis, Hartsell, Rabon.

[GS 90](#)

[Business and Commerce, Occupational Licensing, Health](#)

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and Human Services, Health, Health Care Facilities and Providers

S 526 (2015-2016) **JOB CREATION AND TAX RELIEF ACT OF 2015**. Filed Mar 26 2015, *AN ACT TO REDUCE PERSONAL INCOME TAXES; TO MODERNIZE, SIMPLIFY, AND REDUCE BUSINESS TAXES; AND TO ENCOURAGE ECONOMIC DEVELOPMENT THROUGH PHASING IN A SINGLE SALES TAX FACTOR APPORTIONMENT FORMULA AND TARGETING THE DISCRETIONARY INCENTIVE PROGRAMS TO RURAL COUNTIES AND TRANSFORMATIVE INDUSTRIES.*

To be summarized.

Intro. by Rucho, Rabon, Tillman.

[View summary](#)

S 527 (2015-2016) **WOUNDED WARRIOR MOTORSPORT SCHOLARSHIP/FUNDS**. Filed Mar 26 2015, *AN ACT TO PROVIDE SCHOLARSHIPS FOR WOUNDED WARRIORS TO ATTEND A UNIVERSITY OR COMMUNITY COLLEGE MOTORSPORTS PROGRAM.*

Appropriates \$20,615 in recurring funds in fiscal year 2015-16 and \$41,854 in fiscal year 2016-17 to provide three scholarships for members of the Wounded Warrior Program in order to complete a motorsports technology, motorsports management, race car technology, or similar program or concentration at a community college in North Carolina or constituent institution of UNC. Allows the State Education Assistance Authority (SEAA) to use up to 3.5 percent to administer the scholarships. Directs the SEAA to select the three recipients of the scholarships. Provides that it is the intent of the General Assembly that the scholarship recipients be North Carolinians with long-term, enduring connections to the state. Allows for an individual that meets the residency and connection requirement but is stationed out of the state or country to receive a scholarship as well.

Sets out five requirements that a student must meet in order to be eligible for the scholarships, including that the student must be seeking to complete a program or concentration in the disciplines described above and that the student must meet specific academic standards and progress.

Provides that \$20,000 of the recurring funds appropriated from the Education Lottery Fund to the SEAA for the 2015-16 fiscal year and \$20,000 for the 2016-17 fiscal year must be used to market the availability of the new scholarships to the members of the Wounded Warrior Program associated with Fort Bragg, Camp Lejeune, other armed forces facilities in North Carolina, and anywhere North Carolinians meeting the requirements are likely to reside.

Effective July 1, 2015.

Intro. by Tarte.

APPROP

[View summary](#)

Education, Higher Education, Government, Budget/Appropriations, Military and Veteran's Affairs

S 528 (2015-2016) **RESCIND CONSTITUTIONAL CONVENTION REQUESTS**. Filed Mar 26 2015, *AN ACT RESCINDING ALL EXTANT APPLICATIONS BY THE GENERAL ASSEMBLY HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS OF*

ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THAT CONSTITUTION AND DIRECTING THAT COPIES OF THIS ACT BE SENT TO SPECIFIED PERSONS.

As the title indicates, revokes all existing applications made by the North Carolina General Assembly to the United States Congress, which call for a convention to propose amendments to the United States Constitution under Article 5 of the Constitution. Directs the North Carolina Secretary of State to send certified copies of this act to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, to the members of Congress of the United States representing North Carolina, and to the Administrator of the US General Services Administration, Washington, D.C.

Presents two "whereas" clauses setting forth the reasons offered to support the need for this act.

Provides that this act is effective when it becomes law.

Intro. by Soucek.

CONST, UNCODIFIED

[View summary](#)

S 529 (2015-2016) **BILLY GRAHAM/NATIONAL STATUARY HALL**. Filed Mar 26 2015, *AN ACT REQUESTING THE JOINT COMMITTEE ON THE LIBRARY OF CONGRESS TO APPROVE THE REPLACEMENT OF THE STATUE OF CHARLES BRANTLEY AYCOCK IN NATIONAL STATUARY HALL WITH A STATUE OF THE REVEREND WILLIAM FRANKLIN "BILLY" GRAHAM, JR.*

Includes various whereas clauses about Billy Graham.

Provides that the General Assembly request the Joint Committee on the Library of Congress to approve the replacement of the current Charles Brantley Aycock statute on display in the US Capital with a statue of the Reverend Billy Graham Jr.. The General Assembly requests that the Governor extend his approval to the above requested statue replacement.

Creates the Statuary Hall Selection Committee (Committee), comprised of seven members as follows, four members appointed by the President Pro Tempore of the Senate, one of who must be a representative of the Billy Graham Evangelistic Association and three members appointed by the Speaker of the House of Representatives. Sets out other Committee provisions including that membership terms are for four years, there will be two cochairs and that a quorum of the Committee will be a majority of the members. Sets out the duties of the Committee including selecting a sculptor to create a statue of Billy Graham and identifying methods of obtaining funds to pay for the specified costs of the statue replacement. Provides compensation information for the members of the Committee comprised of subsistence and travel allowances as provided. Professional staff for the Committee will come through the Legislative Services Officer.

Requires the Committee to make an interim report to the 2016 Regular Session of the 2015 General Assembly, with an annual report thereafter until the Committee has completed all of the specified duties.

Directs the Secretary of State to transmit a certified copy of this act to the members of the Joint Committee on the Library of Congress and North Carolina's congressional delegation.

Intro. by Soucek, Ford.

[View summary](#)

Government, Cultural Resources and Museums

S 530 (2015-2016) **COMPETENCY-BASED ASSESSMENTS**. Filed Mar 26 2015, *AN ACT TO ESTABLISH THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION TO UTILIZING COMPETENCY-BASED LEARNING ASSESSMENTS FOR ALL*

ELEMENTARY AND SECONDARY STUDENTS IN NORTH CAROLINA.

As the title indicates.

Intro. by Soucek.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education

S 531 (2015-2016) [STUDY NEED FOR PULSE OXIMETERS IN SCHOOLS](#). Filed Mar 26 2015, *AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO ENSURE THAT EVERY PUBLIC SCHOOL HAS A PULSE OXIMETER.*

As the title indicates. The Committee shall report its findings, together with any recommended legislation, to the 2015 General Assembly when it reconvenes in 2016.

Intro. by J. Jackson.

STUDY

[View summary](#)

**Education, Elementary and Secondary Education,
Government, General Assembly, Health and Human
Services, Health**

S 532 (2015-2016) [EUGENICS AMENDMENTS/COUNTY VICTIMS](#). Filed Mar 26 2015, *AN ACT TO MAKE CLAIMANTS INVOLUNTARILY ASEXUALIZED OR INVOLUNTARILY STERILIZED UNDER COUNTY AUTHORITY QUALIFIED RECIPIENTS UNDER THE EUGENICS COMPENSATION PROGRAM.*

As the title indicates.

Amends GS 143B-426.50(5) to amend the definition of a "qualified recipient" under the terms of the Eugenics Compensation Program to provide that the term applies to an individual who was involuntarily asexualized or sterilized in accordance with authority of the Eugenics Board of North Carolina under specified Public Laws or the authority of a North Carolina county.

Amends GS 143B-426.51 to make conforming changes and adjustments to the dispensing of compensation payments to qualified recipients. Provides that a qualified recipient who was involuntarily asexualized or sterilized under a county's authority will not receive the initial payment, but instead receive a single payment, from the funds remaining from the final payment calculation under subsection (a3) of this section.

Makes additional technical and conforming changes.

Intro. by J. Jackson.

GS 105, GS 143B

[View summary](#)

Government, State Government, Tax

S 533 (2015-2016) [NC VOTER EDUCATION ACT](#). Filed Mar 26 2015, *AN ACT TO SIMPLIFY THE STATE BOARD OF ELECTIONS WEB SITE BY ALLOWING A CITIZEN TO USE THE CITIZEN'S RESIDENTIAL ADDRESS TO ACCESS COMPREHENSIVE ELECTION INFORMATION.*

As the title indicates.

Intro. by Foushee.

UNCODIFIED

[View summary](#)

Government, Elections, State Agencies, State Board of Elections

S 534 (2015-2016) **STUDY STUDENT ONLINE DATA PRIVACY**. Filed Mar 26 2015, *AN ACT TO REQUIRE THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON ISSUES RELATED TO ENSURING PRIVACY OF ONLINE STUDENT DATA.*

As the title indicates. The Joint Legislative Education Oversight Committee shall report on its findings, including any recommended legislation, to the 2016 Session of the 2015 General Assembly.

Intro. by Barefoot.

STUDY

[View summary](#)

Education, Elementary and Secondary Education, Government, General Assembly

S 535 (2015-2016) **NC WORKS CAREER COACHES**. Filed Mar 26 2015, *AN ACT TO ESTABLISH THE NC WORKS PROGRAM TO PLACE COMMUNITY COLLEGE CAREER COACHES IN HIGH SCHOOLS TO BUILD AWARENESS OF DUAL ENROLLMENT OPPORTUNITIES, TO CONDUCT ACADEMIC AND CAREER ADVISING WITH STUDENTS, AND TO COORDINATE FACULTY AND STAFF PROFESSIONAL DEVELOPMENT ACTIVITIES.*

Enacts new GS 115D-21.5 in Article 2, GS Chapter 115D, to establish the NC Works Career Coach Program (Coach Program). Identifies the purpose of the Coach Program as to place community college career coaches in high schools to aid students in determining career goals and identifying community college programs to enable them to achieve those goals. Directs the board of trustees of a community college and a local board of education of a school administrative unit within the service area of the community college to enter into a memorandum of understanding for the placement of career coaches, employed by the community college board of trustees in schools within the local administrative unit. Specifies the minimal required content of the memorandum of understanding as to what the community college must provide to the program, and what the local school administrative unit must provide to the program. Also provides specifications regarding applying for Coach Program funding, establishing an advisory committee, application submission requirements, and criteria for making awards under the Coach Program. Includes reporting components and provides guidelines as to the content required in the annual reports.

Appropriates \$500,000 from the General Fund to the Community College System Office for the 2015-16 fiscal year and appropriates the sum of \$1 million for the 2016-17 fiscal year to match non-state funds for the implementation of NC Works Career Coach Program. Restricts use of these appropriated funds for salary and benefits for NC Works Career Coaches.

Effective July 1, 2015.

Intro. by Barefoot.

APPROP

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, State Agencies, Community Colleges System Office

S 536 (2015-2016) [STUDENTS KNOW BEFORE YOU GO](#). Filed Mar 26 2015, *AN ACT TO PROVIDE ACCURATE AND COMPLETE DATA TO STUDENTS ON POSTSECONDARY STUDENT RETENTION, GRADUATION, AND EARNINGS OUTCOMES AT NORTH CAROLINA POSTSECONDARY INSTITUTIONS.*

Enacts new GS 116-209.16A, Information on career and major options, providing that the State Education Assistance Authority (Authority) must provide information on its website so that students and parents can receive information regarding projected employment needs in the labor economy as well as associated salary ranges for that area of employment and related college majors.

Also requires the Authority to provide on its website, information on outcomes of public and private institutions of higher education in North Carolina. Provides that outcome information on the website must include but is not limited to completion rates within the expected numbers of semesters for degree sought, transfer rates of students, percentage of students receiving financial aid, by type, average amount of student debt after graduation, average salary by type of major, and percentage of graduates employed within six months of graduation.

Intro. by Barefoot.

[GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education](#)

S 537 (2015-2016) [STUDY THIRD YEAR LAW STUDENT PRACTICE RULES](#). Filed Mar 26 2015, *AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE EFFICIENCY AND EFFECTIVENESS OF THE THIRD YEAR PRACTICE RULES FOR LAW STUDENTS AS ADOPTED BY THE BOARD OF LAW EXAMINERS.*

As the title indicates. The Legislative Research Commission may make an interim report, including recommended legislation, to the 2015 General Assembly when it reconvenes in 2016 and shall make its final report to the 2017 General Assembly when it convenes.

Intro. by Barefoot.

[STUDY](#)

[View summary](#)

[Education, Higher Education, Government, General Assembly](#)

S 538 (2015-2016) [NCWORKS/ENHANCE WORKFORCE DEVELOPMENT](#). Filed Mar 26 2015, *AN ACT TO ESTABLISH THE NCWORKS COMMISSION TO ENHANCE WORKFORCE DEVELOPMENT IN NORTH CAROLINA.*

Amends GS 143B-438.10 to rename the Commission on Workforce Development as the NC Works Commission (Commission). Adds to the Commission's duties developing (1) performance accountability measures for local workforce development boards consistent with the requirements of Section 116 of the Workforce Innovation and Opportunity Act of 2014 and recommending to the Governor sanctions against local workforce development boards that fail to meet such performance accountability measures and (2) fiscal control and fund accounting procedures for local workforce development boards consistent with the requirements of Section 184 of the Workforce Innovation and Opportunity Act of 2014 and recommending to the Governor sanctions against local workforce development boards that fail to meet such fiscal control and fund accounting procedures. Adds additional members to the Commission and makes changes to the membership. Staggers membership terms and provides for filling vacancies. Makes clarifying changes.

Sets the terms of current Commission members to expire when the act becomes law and requires the new 33-member Commission to be appointed as specified in the act by June 30, 2015.

Amends GS 143B-438.11 to add to the duties of the Local Workforce Development Boards complying with (1) the performance accountability measures established by the NCWorks Commission in accordance with Section 116 of the Workforce Innovation and Opportunity Act of 2014 and (2) the fiscal control and fund accounting procedures established by the NCWorks Commission in accordance with Section 184 of the Workforce Innovation and Opportunity Act of 2014. Makes clarifying and conforming changes.

Makes clarifying changes to GS 143B-438.12 and GS 143B-438.13.

Repeals GS 115C-64.15 (North Carolina Education and Workforce Innovation Commission) and GS 115C-64.16 (The Education and Workforce Innovation Program).

Enacts new GS 143B-438.13A establishing the NCWorks Innovation Program (Program) to award competitive grants to a school, local school administrative unit, or regional partnership. Requires that grant applicants: (1) form a partnership, for the purposes of the grant, with either a public or private university or a community college; (2) form a partnership, for the purposes of the grant, with regional businesses and business leaders; and (3) demonstrate the ability to sustain innovation once grant funding ends. Sets out requirements that applicants must meet and information that must be included in the application. Requires grant applicants to match 50% of all state dollars. Requires grant recipients to submit annual reports.

Provides that funds appropriated to the Office of the Governor in Section 15.20(a) of SL 2014-100 for the 2014-15 fiscal year that are unexpended and unencumbered as of June 30, 2015, do not revert to the General Fund but shall remain available for use consistent with the purposes of that fund. Requires that the unencumbered cash balance of the Education and Workforce Innovation Program funds budget code be transferred to the NCWorks Innovation Program fund budget code.

Requires the funds appropriated to the Office of the Governor for the 2015-16 fiscal year and the 2016-17 fiscal year for the Education and Workforce Innovation Program to be transferred to the NCWorks Innovation Program. Requires the unencumbered cash balance of the Education and Workforce Innovation Program fund budget code to be transferred to the NCWorks Innovation Program fund budget code.

Effective July 1, 2015.

Intro. by Barefoot.

GS 115C, GS 143B

[View summary](#)

Business and Commerce, Education

S 539 (2015-2016) **DOT/WORKFORCE REDUCTION COMPLIANCE**. Filed Mar 26 2015, *AN ACT TO ENSURE THE DEPARTMENT OF TRANSPORTATION COMPLIES WITH THE REDUCTION IN WORKFORCE REQUIRED BY LAW.*

Requires the Secretary of the Department of Transportation to eliminate 81 filled, full-time positions within units and divisions with unmet outsourcing targets. Requires the positions to be eliminated by May 1, 2015.

Intro. by Rabon.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Transportation

S 540 (2015-2016) **PRIORITY PASS/FERRY**. Filed Mar 26 2015, *AN ACT TO ESTABLISH A SET FEE AMOUNT FOR THE ISSUANCE OF AN ANNUAL PASS THAT ENTITLES A PASSENGER TO PRIORITY WHEN BOARDING A FERRY PASSENGER VESSEL.*

Amends GS 136-82 to allow the issuance of annual ferry passes that give passengers priority boarding, with the pass costing \$150. Applies to passes issued on or after July 1, 2015.

Intro. by Rabon, Meredith, Harrington.

GS 136

[View summary](#)

Transportation

S 542 (2015-2016) [DECRIMINALIZE DIRECT ENTRY MIDWIFERY](#). Filed Mar 26 2015, *AN ACT ALLOWING CERTIFIED PROFESSIONAL MIDWIVES TO PROVIDE CERTAIN MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY*.

Enacts new section, GS 90-178.10, allowing an individual that is certified as a Certified Professional Midwife by the North American Registry of Midwives to provide prenatal, intrapartum, and newborn care and postpartum services. Effective July 1, 2015.

Intro. by Rabin, Sanderson.

GS 90

[View summary](#)

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

S 543 (2015-2016) [HOME BIRTH FREEDOM ACT](#). Filed Mar 26 2015, *AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING ACT*.

Enacts new Article 10B, Certified Professional Midwives, to GS Chapter 90. Prohibits any person from practicing or offering to practice midwifery, on or after January 1, 2016, without a license, as provided in new Article 10B. Exempts the following circumstances from the licensure requirement: (1) an individual approved to practice midwifery under Article 10A (Midwifery Practice Act), (2) a physician licensed to practice medicine, (3) the performance of medical acts by a physician assistant or nurse practitioner as specified, (4) the practice of nursing by a registered nurse as allowed under Article 9A (Nursing Practice Act), (5) the rendering of childbirth assistance in emergency situations, and (6) individuals present or assisting the certified professional midwife during the birth process as specified.

Sets forth the General Assembly's findings and includes definitions applicable to Article 10B. Defines *certified professional midwife* as a person with national certification from the North American Registry of Midwives (NARM). Defines midwifery as the act of providing prenatal, intrapartum, postpartum, newborn, and interconceptional care, but not the practice of medicine by a physician licensed to practice medicine, the performance of medical acts by a physician assistant or nurse practitioner when performed in accordance with the rules of the North Carolina Medical Board, the practice of nursing by a registered nurse engaged in the practice of nursing, or the rendering of childbirth assistance in an emergency situation.

Creates a seven-member North Carolina Council of Certified Professional Midwives (Council), with members appointed by the Secretary of Health and Human Services and initial members appointed on or before October 1, 2015. Details Council member requirements and term limits and includes provisions for compensation, meeting procedures, and Council administration. Enumerates 13 powers and duties of the Council, in consultation with the Division of Health Service Regulation, Department of Health and Human Services, and with guidance from the National Association of Certified Professional Midwives Standards of Practice.

Lists the following requirements for licensure as a certified professional midwife: (1) a completed application; (2) certification from NARM and currently holds the title of certified professional midwife; (3) graduated from or completed

a midwifery program or school that is either approved by the Council or a Midwifery Education and Accreditation Council accredited school, on or after December 31, 2018; (4) submits proof to the Council of current cardiopulmonary resuscitation certification and neonatal resuscitation certification; (5) has read, understands, and agrees to practice under Article 10B; and (6) pays required fees. Lists 10 responsibilities of a licensed certified professional midwife, including the responsibility to provide care for the healthy woman who is expected to have a normal pregnancy, labor, birth, and postpartal phase in the setting of the mother's choice and the responsibility to order routine antepartal or postpartal screening or lab analysis at a licensed facility and inform the parents about newborn screening. Directs a midwife licensed under Article 10B to display the license at all times in a conspicuous place where the midwife is practicing. Sets forth provisions for license renewal, periods of lapsed licensure, and granting inactive status. Authorizes the Council to grant a license to a person residing in North Carolina licensed, certified, or registered to practice as a certified professional midwife in another jurisdiction if that jurisdiction's standards are substantially equivalent and the person submits an application and required fees. Directs the Council to set all fees under Article 10B and to pay all expenditures out of funds from the fees or other funds. Allows the Council to discipline applicants or licensees, after a hearing, under seven specified circumstances.

Allows a certified professional midwife licensed under Article 10B to receive third-party reimbursement from private agencies providing coverage for maternity and obstetrical care. Specifies that a managed care organization or insurance company may not require a patient to use a certified professional midwife instead of a licensed physician or nurse practitioner. Authorizes the Council to apply to superior court to enjoin violations of Article 10B. Provides that no health care provider will be liable for an injury to a woman or infant arising during childbirth and resulting from an act or omission by a licensed certified professional midwife.

Intro. by Rabin, Sanderson.

GS 90

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers

S 544 (2015-2016) **REQUIREMENTS-BASED WORKFORCE DEVELOPMENT**. Filed Mar 26 2015, *AN ACT TO INITIATE AND MAINTAIN A REQUIREMENTS-BASED PROCESS THAT WILL SUPPORT A COST-EFFECTIVE APPROACH TO WORKFORCE DEVELOPMENT INITIATIVES BY ENSURING THAT WORKFORCE DEVELOPMENT ISSUES CONCERNING THE DIRECTION AND CONTENT OF NORTH CAROLINA'S EDUCATION AND TRAINING PROGRAMS ARE RESOLVED BASED ON ANALYSIS THAT ACCURATELY FORECAST THE WORKFORCE REQUIREMENTS OF NORTH CAROLINA.*

Requires the Department of Commerce (Department) to analyze the current and future job market in this state and forecast the number and types of in-demand jobs in North Carolina so that the data may guide decisions about the allocation and deployment of the state's educational, vocational, training, and job-creation resources. Requires the Department to: (1) conduct an analysis of the State's current and future job market in increments of two-, five-, and ten-year periods and specifies what is to be included in the analysis. Requires a written report of its forecasts, findings, and any recommendations to be submitted by June 1, 2015, to the Senate Workforce and Economic Development Committee, the chairs of the Senate Base Budget/Appropriations Committee and House of Representatives Committee on Appropriations, and the Fiscal Research Division; and (2) submit an updated and revised state jobs analysis and forecast biannually to the General Assembly each year by June 30 and December 31. Requires for 2015 that the second report be submitted to the General Assembly by December 31, 2015.

Intro. by Rabin, Curtis.

UNCODIFIED

[View summary](#)

Business and Commerce, Education, Government, State Agencies, Department of Commerce

S 545 (2015-2016) [WORKFORCE ENRICHMENT/VETERANS](#). Filed Mar 26 2015, *AN ACT TO ENRICH THE STATE'S WORKFORCE BY REQUIRING OCCUPATIONAL LICENSING BOARDS TO LICENSE MILITARY-TRAINED VETERANS WHO PASS A PROFICIENCY EXAMINATION OFFERED BY THE OCCUPATIONAL LICENSING BOARD FOR VETERANS.*

Amends GS 93B-15.1 as the title indicates.

Intro. by Rabin, Sanderson, J. Jackson.

[GS 93B](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Military and Veteran's Affairs](#)

S 546 (2015-2016) [CREATE INSPECTION PROGRAM/VENISON DONATIONS](#). Filed Mar 26 2015, *AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH REGULATIONS GOVERNING THE SANITATION OF DEER PROCESSING ESTABLISHMENTS THAT MAKE CHARITABLE DONATIONS OF VENISON FOR HUMAN CONSUMPTION TO FOOD BANKS AND OTHER NONPROFIT ORGANIZATIONS.*

Amends provisions of GS Chapter 130A as the title indicates. Requires establishments processing and donating deer to be inspected at least once annually. Also recodifies specified statutes in the chapter and makes conforming changes. Effective October 1, 2015.

Intro. by Hartsell.

[GS 130A](#)

[View summary](#)

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

S 547 (2015-2016) [INTERCONNECTION OF PUBLIC WATER SYSTEMS](#). Filed Mar 26 2015, *AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH DRINKING WATER RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.*

Rewrites GS 130A-317(c) and (d) and GS 143-215.1(b)(4) and (f), as title indicates. Enacts new GS 143-215.1(b)(6) and (7) to provide that no permit for a new or expanded municipal or nonmunicipal human waste treatment system may be issued unless the applicant (1) has adopted a plan to implement a program to reduce demand and manage existing capacity by reducing or eliminating stormwater and groundwater infiltration and intrusion into collection lines, (2) submits an analysis of reasonable alternatives to the proposed new or expanded system that indicates that the proposed new or expanded system is appropriate, and (3) can demonstrate that the proposed new or expanded waste treatment facility will be designed and constructed to accommodate eventual interconnection with adjoining or regional systems located within the same subbasin as set out in GS 143-512.22G. Requires the Commission for Health Services and the Environmental Management Commission to adopt rules implementing the act by October 1, 2015.

Intro. by Hartsell.

S 548 (2015-2016) **REESTABLISH NC PROGRESS BOARD**. Filed Mar 26 2015, *AN ACT TO REESTABLISH THE NORTH CAROLINA PROGRESS BOARD*.

Adds new Article 35, North Carolina Progress Board, to GS Chapter 116. Establishes the North Carolina Progress Board (Board) located administratively in the Board of Governors of the University of North Carolina and housed at North Carolina State University (NCSU). Provides that the Board is to exercise all of its prescribed statutory powers independently of the Board of Governors. Provides for 14 members as follows: (1) the Governor, ex officio, and chair of the Board; (2) seven appointees by the Governor, none of whom may be state employees or officers; (3) three appointees by the Speaker of the House of Representatives; and (4) three appointees by the President Pro Tempore of the Senate. Directs the Governor to appoint a vice-chair from among the Board members and authorizes the Board to elect additional officers as it sees fit.

Requires the Board to meet at minimum twice annually. Designates that a quorum consists of eight members and prohibits members from sending designees to Board meetings and voting by proxy.

Provides for terms of service on the Board, with initial appointments to begin on July 1, 2015. Prohibits appointing a member to more than two consecutive terms. Provides additional guidelines regarding the terms of service for members of the House or Senate who may be appointed to the Board.

Provides that the Commission for a Competitive North Carolina (Commission) adopted a report which established major goals and ways to measure progress towards the goals. Asserts that the General Assembly notes that the Commission has developed goals in the following categories: (1) healthy children and families, (2) quality education for all, (3) A High Performance Workforce, (4) A Prosperous Economy, (5) A sustainable environment, (6) technology and infrastructure development, (7) safe and vibrant communities, and (8) active citizenship/accountable government. Also notes that the General Assembly finds that the Board developed a report that focused on four of the Commission's recommended topics and issued 16 major targets for 2010 with the objectives of driving the state toward (1) a more expansive vision of education and environmental protection, (2) strengthening families, and (3) bringing more people into the economic mainstream. Provides additional findings regarding North Carolina's economy of the future.

Provides the duties and responsibilities of the Board which include (1) encouraging the discussion and understanding of critical global and national social and economic trends that affect the state in the future; (2) examining the Commission's report and the Board's 1997 report; (3) tracking the eight issue areas identified by the Commission; (4) providing opportunities for public participation and making periodic reports to the people of the state on the Board's progress in meeting goals, targets, and milestones; (5) submitting a report to North Carolinians every five years, beginning in 2016, that updates the 20- to 30- year vision for the state; and (6) reporting to the General Assembly prior to its convening the regular session in every odd-numbered year on social and economic trends and issues specific targets and milestones to accomplish its mission.

Authorizes the Board to apply for and accept grants or gifts. Provides that the 2015 and 2017 General Assemblies are to further define the mission of the Board in continuing its work.

Directs the Chancellor of NCSU to appoint an Executive Director (ED) who is to report to the Board and the Chancellor. Provides that the ED may hire or contract for support staff. Directs the Office of State Budget and Management and other executive branch agencies to also provide support, information, reports, and other assistance to the Board as requested.

Effective July 1, 2015.

[View summary](#)

**Business and Commerce, Education, Higher Education,
Government, State Agencies, UNC System**

S 549 (2015-2016) **STUDY REG. HEALTH AUTHORITIES/DATA ANALYTICS**. Filed Mar 26 2015, *AN ACT TO STUDY THE METHODOLOGY BY WHICH TO MOVE THE STATE PUBLIC HEALTH SYSTEM FROM A COUNTY-BASED SYSTEM TO A SYSTEM INVOLVING THREE REGIONAL PUBLIC HEALTH AUTHORITIES AND TO STUDY THE CREATION OF A STATE HEALTH IMPROVEMENT ANALYTICS CENTER.*

Requires the Department of Health and Human Services, the Commission for Public Health, and the Department of Environment and Natural Resources to study how to move the public health system from a county-based system to a system involving three regional public health authorities that are supported by one State agency or board. Specifies information that must be included in the study. Requires a report to the Program Evaluation Division no later than December 1, 2015.

Requires the Department of Insurance, the Division in the Department of the State Treasurer responsible for the State Health Plan for Teachers and State Employees, the Department of Health and Human Services, the Commission for Public Health, and the Department of Environment and Natural Resources to study the creation of a health improvement analytics center to conduct advanced mining of large data sets. Specifies information that must be included in the study. Requires a report to the Program Evaluation Division no later than December 1, 2015.

Intro. by Hartsell.

STUDY

**Government, State Agencies, Department of Environment
and Natural Resources, Department of Health and
Human Services, Department of Insurance, Health and
Human Services, Health, Public Health**

[View summary](#)

S 551 (2015-2016) **OUT OF SCHOOL SERVICES**. Filed Mar 26 2015, *AN ACT TO ESTABLISH THE HEALTHY OUT-OF-SCHOOL TIME (HOST) RECOGNITION PROGRAM; TO REQUIRE THAT THE DEPARTMENT OF PUBLIC INSTRUCTION COMPLIES WITH FEDERAL LAW IN THE ADMINISTRATION OF 21ST CENTURY COMMUNITY LEARNING GRANTS AND DOES NOT EXCEED MINIMUM REQUIREMENTS UNDER FEDERAL LAW IN REGARD TO THE AWARD OF FUNDS TO SUB-GRANTEES; AND TO MODIFY THE AFTER-SCHOOL COMPETITIVE GRANT PROGRAM.*

Specifies General Assembly findings on childhood obesity and physical health.

Enacts new Article 7A, Healthy Out of School Time (HOST) Recognition Program (Program) in GS Chapter 110. Establishes the Program, to be administered by the Department of Health and Human Service's Division of Child Development and Early Education (Department). Requires the Department to develop a process to be administered online for an out of school time program (as defined) to be recognized as a program meeting the Article's standards. Requires the process to give an out of school time program the option to create a certificate that includes a document demonstrating how the out of school time program meets requirements concerning training, parent and caregiver education, physical activity, screen time, food, beverages, fundraising, location, and notification requirements. Requires the Department to maintain a list of programs that qualify under the program and post the list on its website.

Requires the Department of Public Instruction to comply with the requirements of the Elementary and Secondary Education Act and any applicable federal regulations in administering and awarding federal funds to sub-grantees under the 21st Century Community Learning Center Grants federal program. Also prohibits exceeding federal requirements under that program in regard to the regulations and limitations applicable to sub-grantees for receipt of those funds.

Requires the State Board of Education to allow existing after-school learning programs for at-risk students to participate and be eligible to receive two-year grants of up to \$500,000 a year under the After-School Quality Improvement Grant Program established in SL 2014-100. Requires all grant recipients to act as their own fiscal agents in regard to the use and reporting requirements for the funds. Effective July 1, 2015.

Intro. by Daniel, Gunn.

GS 110

[View summary](#)

Education, Government, State Agencies, Department of Public Instruction, Department of Health and Human Services, State Board of Education

S 552 (2015-2016) **SEDIMENTATION CONTROL CIVIL PENALTY REFORMS**. Filed Mar 26 2015, *AN ACT TO ESTABLISH A MAXIMUM CUMULATIVE TOTAL CIVIL PENALTY PER LAND-DISTURBING PROJECT FOR A FIRST-TIME VIOLATION UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO AUTHORIZE THE REMISSION OF CIVIL PENALTIES UNDER THIS ACT, TO REQUIRE THAT A PERSON ASSESSED A CIVIL PENALTY IS NOTIFIED OF THE OPTION TO REQUEST A REMISSION OF THE CIVIL PENALTY AND, FOR FIRST-TIME VIOLATORS, NOTIFIED THAT FIRST-TIME VIOLATORS CANNOT BE ASSESSED MORE THAN A MAXIMUM CIVIL PENALTY WHEN ANY CONTINUING ENVIRONMENTAL DAMAGE IS ABATED WITHIN ONE HUNDRED EIGHTY DAYS, AND TO REQUIRE THAT FIRST-TIME VIOLATORS BE OFFERED ASSISTANCE IN DEVELOPING CORRECTIVE MEASURES.*

As title indicates. Sets the maximum cumulative civil penalty at \$25,000.

Intro. by Daniel.

GS 113A

[View summary](#)

Development, Land Use and Housing, Building and Construction, Environment

S 553 (2015-2016) **PUBLIC RECORDS/ACCESS FOR NC CITIZENS ONLY**. Filed Mar 26 2015, *AN ACT TO LIMIT ACCESS TO PUBLIC RECORDS TO NORTH CAROLINA CITIZENS.*

Amends various provisions in the Public Records Law, Chapter 132 of the General Statutes, to change the right of access to public records from “any person” to any “citizen of this State.” Becomes effective October 1, 2015, and applies to requests to inspect and obtain copies of public records violations made on or after that date.

Intro. by Daniel.

GS 132

[View summary](#)

Government, Public Records and Open Meetings

S 554 (2015-2016) **SCHOOL BUILDING LEASING REFORM**. Filed Mar 26 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASES FOR SCHOOL BUILDINGS AND OTHER FACILITIES.*

Amends GS 115C-530, which authorizes local school units to enter into operational leases. Changes the term “operational” to “operating” throughout the statute. Adds a requirement for the local board of education, before it enters into an operating lease, to adopt a resolution upon 10 days notice of its intent to enter into the lease. Specifies that the resolution must state that the operating lease is in the local school administrative unit’s best interests under all the

circumstances, and that the private developer is qualified to provide the products and services called for under the lease and any related agreements. Provides that an operating lease entered into under GS 115C-530 is not subject to the requirements for "Design-build bridging" contracts under GS 143-128.1B.

Removes the July 1, 2015, expiration of GS 115C-531 and GS 115C-532, which authorize capital leases of school buildings and facilities.

Amends GS 105-164.14, which authorizes annual refunds of sales and use taxes indirectly incurred by a government entity on public construction projects. New language extends the refund to "a private developer of a school leased to a county or a local board of education under an operating, capital, or build-to-suit lease" with a term of 10 or more years. Amends GS 115C-426(f) to specify that the capital outlay fund includes appropriations for lease payments for operating leases and capital leases entered into under GS 115C-530 and GS 115C-531, and to provide that these appropriations may be funded from staff and operational savings achieved through the consolidation of existing school facilities into new or renovated facilities leased from a private developer under these statutes.

Effective July 1, 2015.

Intro. by Meredith, Curtis, Tillman.

GS 105, GS 115C

[View summary](#)

Education, Government, Tax

S 555 (2015-2016) **STUDENT READING ACT**. Filed Mar 26 2015, *AN ACT TO ENACT THE STUDENT READING ACT*.

Under current state law, the goal of the state is that every student read at or above grade level by the end of third grade.

Amends GS 115C-83.3, which provides the definitions that apply in Part 1A, "North Carolina Read to Achieve Program," in GS Chapter 115C. Expands the definition of the term, "alternative assessment," which means a valid and reliable standardized assessment of reading comprehension, to require that the State Board of Education complete an annual review and approval process of all alternative assessments used in this state by September 15 of each year. Also modifies the definition provided for "student reading portfolio" to replace "reading ability" with "reading proficiency" wherever it occurs. Provides that a student who correctly responds to 80% of the reading comprehension questions about a single reading passage, then that passage may be used to demonstrate student reading proficiency on the standards covered in that sample. Limits compiling a student reading portfolio to when it is determined that a standardized reading comprehension test is not likely to yield positive findings of a student's reading proficiency.

Amends GS 115C-83.8(a) to clarify that if a third grade student is not demonstrating reading proficiency, the parents or guardians of that student must be encouraged to enroll their child in a reading camp provided by the local school administrative unit.

Amends GS 115C-83.9(d) to require principals to provide at least one information session within the first 30 days of school about the reading proficiency requirement for third grade students.

Amends GS 115C-83.11 to provide that local school administrative units may elect to offer a reading camp for students in kindergarten through second grade who are identified by their teachers as needing additional help to attain reading proficiency in third grade. Provides that if the reading camp is offered, students who are not recommended by their teachers for reading camp may attend for an attendance fee not to exceed \$825. Designates responsibility for local boards of education to establish application procedures and enrollment priorities for reading camps based on the student's reading proficiency and grade level.

Provides flexibility, at the discretion of each local board of education, as to the use for funds appropriated for the 2013-15 fiscal biennium and subsequent fiscal bienniums for reading camps as defined in GS 115C-83.3(9) that are not needed for that purpose to be used for reading camps for students in grades kindergarten through second grade who need additional assistance in attaining reading proficiency.

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

Intro. by Tillman, Stein.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 556 (2015-2016) **CAPITAL IMPROVEMENT REFORM**. Filed Mar 26 2015, *AN ACT TO CREATE A SOURCE OF POOLED PLANNING FUNDS FOR STATE CAPITAL IMPROVEMENT PROJECTS; TO GIVE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT CERTAIN POWERS WITH RESPECT TO OVERSIGHT OF STATE CAPITAL IMPROVEMENTS; AND TO MAKE CHANGES RELATED TO STATE CAPITAL IMPROVEMENTS.*

Enacts new GS 143C-8-13 creating the Capital Improvement Planning Fund (Fund) as a nonreverting special fund in the Department of Administration. Provides that it is the intent of the General Assembly to fund the planning of State agency capital improvement projects exclusively through the Fund.

Sets out the procedures for such planning including that the funds in the Fund are only available for expenditure upon the appropriation by the General Assembly and then can only be used for the planning of State capital improvement projects. Sets out procedures for the allocation of funds, including implementing a competitive process for awarding the funds under which nine specified conditions must be satisfied, including that the project has already been included in budget requests made to the Director of the Budget and that the amount of planning funds allocated for the project does not exceed four percent of the estimated total cost to complete the project.

Provides that an allocation of funds for planning of a project cannot be understood to authorize the completion of any phase of a project beyond the planning phase. Requires the Department of Administration, if possible, to time the allocation of funds so that State agencies and the General Assembly can provide for the timely commencement and completion of post-planning stages of a project if the General Assembly decides to authorize completion of any project past the planning stage.

Amends GS 143C-3-3 concerning information required to be submitted to the Director of the Budget providing that State agencies must submit an estimate of the maintenance and operating costs for the project for the first five and 10 years of operation (was, first five years only).

Amends GS 120-136, expanding the powers and duties of the Joint Legislative Oversight Committee on General Government to include (1) examining capital improvements requested by or authorized for and undertaken by State agencies, (2) having oversight over the implementation of a six-year capital improvements plan developed as specified, (3) making recommendations to the General Assembly regarding ways to improve all the processes for planning on through the maintenance of State capital improvements, and (4) making reports and recommendations to the General Assembly about which requested projects should be authorized and how they should be funded. Makes clarifying changes.

Repeals GS 120-76(9) concerning the authority of the Joint Legislative Commission on Governmental Operations to examine capital improvements requested by or authorized for and undertaken by State agencies.

Directs the Department of Administration to report, no later than August 1, 2015, to the Joint Legislative Commission on Governmental Operations in regards to the process it will implement to make allocation decisions for the Fund, and specifically include information about how they will ensure the process is competitive.

Effective July 1, 2015.

Intro. by Harrington, Tucker, Soucek.

GS 143C

[View summary](#)

Government, State Agencies, Department of Administration, State Government, Executive

S 557 (2015-2016) [CREATE PERMIT EXEMPTIONS/HOME RENAL PRODUCTS](#). Filed Mar 26 2015, *AN ACT AMENDING THE PHARMACY PRACTICE ACT TO CREATE A PHARMACY PERMIT EXEMPTION AND A DEVICE AND MEDICAL EQUIPMENT PERMIT EXEMPTION FOR THE DISPENSING AND DELIVERY OF HOME RENAL PRODUCTS*.

Creates a new GS 90-85.21C and amends GS 90-85.22 to create a pharmacy permit exemptions as title indicates for dialysate or drugs necessary to perform home renal dialysis. Sets out specific criteria required to obtain the exemption. Effective October 1, 2015.

Intro. by Hise.

GS 90

[View summary](#)

S 558 (2015-2016) [ALLOW CHIROPRACTIC PRECEPTORSHIP PROGRAMS](#). Filed Mar 26 2015, *AN ACT ALLOWING CHIROPRACTIC STUDENTS AT ACCREDITED CHIROPRACTIC COLLEGES TO PARTICIPATE IN PRECEPTORSHIP PROGRAMS*.

Creates a new GS 90-142.1 to authorize “preceptorship” programs, which allow students in a clinical program of an approved chiropractic college, under the supervision of a licensed chiropractor, to observe the licensed chiropractor and perform the duties of a certified chiropractic clinical assistant. Amends GS 90-143-4(b) to provide that this activity does not require certification.

Intro. by Hise.

GS 90

[View summary](#)

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

S 559 (2015-2016) [DESIGNATE OFFICIAL STATE SPIDER](#). Filed Mar 26 2015, *AN ACT ADOPTING THE LINVILLE CAVERNS SPIDER AS THE STATE'S OFFICIAL SPIDER*.

As the title indicates.

Intro. by Hise.

[View summary](#)

Government, Cultural Resources and Museums

S 561 (2015-2016) [REMEDIAATION-FREE HS GRADUATES](#). Filed Mar 26 2015, *AN ACT TO REQUIRE A PLAN TO ENSURE THAT STUDENTS WHO COMPLETE HIGH SCHOOL ARE READY TO BEGIN COMMUNITY COLLEGE COURSE*

WORK WITHOUT NEED FOR REMEDIATION.

Directs the State Board of Community Colleges (Board), along with the State Board of Education and the Board of Governors of the UNC System, to review programs implemented in North Carolina as well as other states that provide opportunities for college remediation for students before high school graduation through cooperation with higher education partners. Requires the Board to develop a detailed plan for implementing a cooperative program of remedial education in mathematics and English for students who have not yet completed high school, with the end that they will be prepared for community college coursework without further remediation in mathematics or English. Requires the Board to ensure the plan can be implemented statewide. Requires the Board to report the plan along with necessary statutory changes, estimated costs, and implementation timeline to the Joint Education Oversight Committee no later than January 15, 2016.

Intro. by Barefoot, Rucho.

UNCODIFIED

[View summary](#)

Education, Higher Education, Government, State Agencies, Community Colleges System Office

S 563 (2015-2016) **COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT**. Filed Mar 26 2015, *AN ACT ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT AND REQUIRING REGISTRATION OF ALL COMMUNITY ASSOCIATIONS.*

Amends GS 93A-3 to require at least two members of the North Carolina Real Estate Commission (Commission) to be licensed community association managers.

Adds new Article 7, Community Association Managers, to GS Chapter 7. Prohibits acting as a community association manager on or after July 1, 2016, without a license from the Commission, with specified exemptions. Defines *community association manger*, *community association*, and *private community association manager school*. Establishes requirements for licensure and conditions under which licensure can be denied. Requires every community association manager to be covered by a fidelity bond or an insurance policy that meets the specified requirements. Sets out disciplinary actions that the Commission may take. Makes violation of the Article a Class 1 misdemeanor. Gives the Commission authority to license private community association manager schools and prohibits operating a private community association manager school without a license. Sets out further requirements for licensing private community association manager schools including licensing fees and licensing standards. Requires private community association manager schools to execute a \$5,000 bond.

Enacts new Article 8, Registration of Community Associations, in GS Chapter 93A. Requires every community association to register annually with the Commission beginning January 1, 2016. Specifies information that must be provided to the Commission.

Enacts new GS 143B-966 to allow criminal record checks for applicants for community association manager licensure.

Makes conforming changes to GS 47F-3-116. Enacts new GS 47F-3-117 (concerning planned community associations) and new GS 47C-3-120 (concerning condominium owners' associations), requiring these associations to register with the Commission and adds that failure to register means that the association will not be able to enforce liens filed against a lot or lot owner.

Intro. by Tarte.

GS 47C, GS 47F, GS 93A, GS 143B

[View summary](#)

Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Property and Housing

S 564 (2015-2016) [UI/DIRECT SELLERS/NONEMPLOYEE STATUS](#). Filed Mar 26 2015, *AN ACT AMENDING THE UNEMPLOYMENT INSURANCE LAWS TO CLARIFY THAT A DIRECT SELLER IS NOT AN EMPLOYEE*.

Amends GS 96-1(b)(12)b concerning the definition of employment for the purposes of the Employment Security Law, providing that an individual engaged in the selling or soliciting the sale of consumer products or services in the home or any place other than in a permanent retail establishment is excluded from the definition of employment for the purposes of this section, when specified conditions exist. Adds additional language that provides that an individual engaged in the selling or soliciting the sale of consumer products or services in a permanent retail establishment pursuant to a written contract between the individual and the owner that the individual will not be treated as an employee and if the individual receives no compensation from the owner, the owner has no control over the activities of the individual while at the establishment, and the activities of the individual at the establishment are for the sole purpose of selling to or solicit sales from persons who frequent the retail establishment.

Intro. by Tarte.

GS 96

[View summary](#)

Employment and Retirement, Health and Human Services, Social Services, Public Assistance

S 565 (2015-2016) [NO REVOLVING DOOR EMPLOYMENT](#). Filed Mar 26 2015, *AN ACT TO PROHIBIT THE STATE FROM CONTRACTING WITH CONTRACTORS WHO UTILIZE FORMER STATE EMPLOYEES IN THE ADMINISTRATION OF STATE CONTRACTS WITHIN ONE YEAR AFTER A STATE EMPLOYEE HAS TERMINATED EMPLOYMENT WITH THE STATE*.

Enacts new GS 143-59.5, as the title indicates. Prohibits the Secretary of Administration (Secretary) and other entities subject to Article 3 (purchases and contracts) from contracting with a vendor that employs or contracts with a person who is a former state employee and uses that person in the administration of a contract with the state. Requires the Secretary to require each vendor submitting a bid or contract to certify that they will not use a former state employee in administering a contract with the state. Violations of the statute void the contract. Defines administration of a contract and former state employee.

Applies to contracts entered into on or after October 1, 2015.

Intro. by Tarte.

GS 143

[View summary](#)

Employment and Retirement, Government, State Government, State Personnel

S 566 (2015-2016) [DISPOSITION OF MINIMAL PROPERTY TAX REFUNDS](#). Filed Mar 26 2015, *AN ACT TO PROVIDE OPTIONS FOR THE DISPOSITION OF MINIMAL PROPERTY TAX REFUNDS*.

Adds a new subsection to GS 105-321, which provides that the governing body of a taxing unit that collects its own taxes may pass a resolution to direct the taxing unit not to mail a refund for a tax overpayment if the overpayment does not exceed \$15. Provides that a resolution adopted under this subsection must be adopted on or before June 15 preceding the first taxable year to which it applies and remains in effect until amended or repealed by resolution of the taxing unit. Provides additional specifications as to interest rate on the overpayment, a taxpayer's right to collect the overpayment in person, the responsibilities of the taxing unit to keep records and applying the overpayment as a credit against the taxpayer's tax liability for taxes due to the taxing unit for the next tax year.

[View summary](#)**Development, Land Use and Housing, Property and Housing, Government, Tax**

S 567 (2015-2016) **REGULATE TRANSPORTATION NETWORK COMPANIES**. Filed Mar 26 2015, *AN ACT TO REQUIRE FINANCIAL RESPONSIBILITY FOR OPERATORS OF DIGITALLY DISPATCHED PREARRANGED TRANSPORTATION SERVICES*.

Amends the title of GS Chapter 20, Article 10, to Financial Responsibility of Taxicab Operators and Providers of Digitally Dispatched Prearranged Transportation Services (was, Financial Responsibility of Taxicab Operators).

Enacts new GS 20-280.1 concerning requirements for digitally dispatched prearranged transportation, setting out definitions for use in this section, including participating driver or driver, transportation network company (TNC), and transportation network company insurance (TNC insurance). Requires the TNC to disclose in writing to its drivers specified insurance information, including the insurance coverage limits of liability that the TNC provides, and also state that the driver's personal automobile insurance may not provide required or optional coverage when the driver uses a vehicle in connection with a company's online application or platform.

Sets out requirements concerning the TNC and its' driver's required levels of insurance, providing that the following insurance requirements apply from the time a driver accepts a ride request on the TNC's online-enabled application or platform until the driver completes the transaction on the online-enabled application or platform or until the ride is complete, whichever is later: (1) requires the TNC insurance to be primary with coverage of at least \$1 million for death, bodily injury, and property damage as well as \$1 million coverage for uninsured motorist coverage; (2) sets out other permissible coverage that the TNC insurance can provide, including coverage not to exceed for \$1 million for underinsured motorist coverage; (3) sets out combinations that satisfy the requirements for coverage (4) provides that a TNC can meet the above obligations by verifying that a driver is maintaining coverage that meets the above coverage amounts and the policy is specifically written for the driver's participation in the network; (5) requires that the insurer, in regards to insurance coverage defends and indemnifies the insured.

Sets out four requirements concerning the TNC and its driver's required levels of insurance, providing that the following insurance requirements apply from the time a driver logs on to the TNC's online-enabled application or platform until the driver accepts a request to transport a passenger, and from the time the driver completes the transaction on the online-enabled application or platform or the ride is complete, whichever is later, until the driver either accepts another ride request or logs off the online-enabled application or platform, including requiring (1) the TNC insurance to be primary with coverage of at least \$30,000 for death and bodily injury per person, \$60,000 for death and bodily injury per accident, and \$25,000 for property damage; (2) TNC insurance to also provide underinsured motorist coverage not to exceed for \$1 million, accident and health insurance as specified and some form of collision insurance; (3) provides that a TNC can meet the above obligations by verifying that a driver is maintaining coverage that meets the above coverage amounts and the policy is specifically written for the driver's participation in the network; and (4) requires that the insurer, in regards to insurance coverage defends and indemnifies the insured. Sets out other requirements concerning the above levels of insurance and obligations. Provides guidance in regards to lapsed policies and which policy claims must be filed first.

Provides that private passenger automobile insurance policies are not affected or required to provide any excess coverage when drivers are logged into an online-enabled application or platform until the driver logs off or the passenger exits the vehicle.

Prohibits personal automobile insurance from providing coverage, unless expressly providing such coverage during the time outlined by the above provisions. Specifies other limits of personal automobile insurance as well as allowing such insurance to offer liability insurance policy for drivers that participate in the TNC's online-enabled application or

platform, with certain limitations and requirements.

Requires a TNC or its insurer to cooperate with insurers that are involved in a claims coverage investigation, requiring the facilitation and exchange of specified information.

Sets out requirements for carrying proof of insurance coverage and requires the provision of this information in the event of an accident.

Effective July 1, 2015.

Intro. by Tarte.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 569 (2015-2016) [ELECTRIC USAGE DATA FREEDOM ACT](#). Filed Mar 26 2015, *AN ACT REQUIRING THAT ELECTRIC UTILITIES PROVIDE CERTAIN ACCESS TO CUSTOMER INFORMATION AND MAINTAIN THE CONFIDENTIALITY OF THAT INFORMATION, REQUIRING AN ELECTRIC UTILITY TO PROVIDE STANDARD ELECTRICITY USAGE DATA TO CUSTOMERS AS A COMPONENT OF BASIC SERVICE; REQUIRING AN ELECTRIC UTILITY TO PROVIDE NONSTANDARD ELECTRICITY USAGE DATA TO CUSTOMERS UNDER CERTAIN CIRCUMSTANCES; AUTHORIZING THE UTILITIES COMMISSION TO SET A REASONABLE FEE FOR AN ELECTRIC UTILITY TO PROVIDE NONSTANDARD ELECTRICITY USAGE DATA; AND AUTHORIZING THE DISCLOSURE OF AGGREGATE ELECTRICITY USAGE DATA TO THIRD PARTIES FOR CERTAIN PURPOSES UNDER CERTAIN CIRCUMSTANCES.*

States General Assembly findings about smart grid and smart meter technologies.

Enacts new GS 62-351 establishing the Electronic Usage Data Freedom Act to establish standards governing access to and use of electricity usage data by electric utilities, customers, and third parties. Sets out terms and definitions for used in the statute. Requires an electric utility and any third party that receives electric usage data to keep customer information confidential. Requires an electric utility to, upon request, provide a customer, or a designated third party, with:

(1) electronic access to the customer's current standard electric usage data and to historical standard electric usage data for a period of not less than 24 months, provided for free ; or (2) the customer's nonstandard electric usage data that is available to that electric utility; allows a fee to be charged to a third party for this information. Sets out requirements that must be met in providing aggregate electric usage data to third parties.

Intro. by Tarte.

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

S 570 (2015-2016) [EXPUNCTION/BOAT VIOLATION](#). Filed Mar 26 2015, *AN ACT TO PROVIDE THAT A PERSON SHALL NOT BE DENIED AN EXPUNCTION SOLELY BECAUSE THE PERSON HAS A CONVICTION FOR A BOATING VIOLATION.*

Amends various statutes in GS Chapter 15A, as the title indicates.

Intro. by Bryant, McKissick, Daniel.

[GS 15A](#)

[View summary](#)

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

S 571 (2015-2016) [EXPAND USES OF 911 FEE](#). Filed Mar 26 2015, *AN ACT TO PROVIDE FOR THE APPEAL OF DENIAL OF DISTRIBUTIONS TO PSAPS MADE BY THE 911 BOARD, AND TO EXPAND THE USES OF THE PSAP FUND BALANCES*.

Amends GS 62A-46(a), concerning monthly distributions to primary public safety answering points (PSAP) from the 911 Board, adding language that allows a PSAP to appeal or request reconsideration of the 911 Board's decision to deny a distribution for an expenditure. Requires the 911 Board to establish appeals or reconsideration of an expenditure denial procedures. Requires decisions to deny a distribution for an expenditure to be made in writing and include the specified items, including the reason for the denial.

Provides that a local government entity can use the fund balance of the PSAP as it stands on June 30, 2014, on the PSAP Distribution Report of the 911 Board, to provide for public safety needs including costs that are not eligible expenses as specified in GS 62A-46. Provides that all other funds in the Emergency Telephone System Fund must be used for eligible expenses as specified in GS Chapter 62A, Article 3.

Effective July 1, 2015.

Intro. by Bryant, J. Davis, Foushee.

[GS 62A](#)

[View summary](#)

[Government, Public Safety](#)

S 574 (2015-2016) [2015 MEDICAID REFORM](#). Filed Mar 26 2015, *AN ACT TO MODERNIZE AND STABILIZE NORTH CAROLINA'S MEDICAID PROGRAM THROUGH PROVIDER-LED CAPITATED HEALTH PLANS*.

Identical to [H 372](#) filed on 3/26/15.

States the General Assembly's intent to transform the State's current Medicaid program to a program that provides budget while ensuring quality care. Requires the new Medicaid program to ensure: (1) budget predictability through shared risk and accountability; (2) balanced quality, patient satisfaction, and financial measures; (3) efficient and cost-effective administrative systems and structures; (4) a sustainable delivery system; and (5) a successful health information exchange.

Intro. by B. Jackson, Pate, Tucker.

[UNCODIFIED](#)

[View summary](#)

[Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

S 575 (2015-2016) [NC/SC ORIGINAL BORDER CONFIRMATION](#). Filed Mar 26 2015, *AN ACT TO MAKE LEGISLATIVE CHANGES TO FACILITATE THE WORK OF THE BOUNDARY COMMISSION IN CONFIRMING AND REESTABLISHING THE ORIGINAL BOUNDARY EXISTING BETWEEN THE STATES OF NORTH AND SOUTH CAROLINA*.

Certifies that as of January 1, 2016, the boundary between North Carolina and South Carolina is the one established by the original survey and resurveys that were adopted through legislative and executive actions, and that the reestablished boundary has been approved by the two states' boundary commissions and proclaimed as the boundary by the Governor.

Sets out provisions that detail how to handle conflicts that might arise due to the boundary changes for issues related to tax liability; instruments of title to real property; foreclosure of deeds of trust and mortgages; public school enrollment;

driver's education eligibility and beginner licenses; eligibility for in-state tuition; issuance of ABC permits; title, registration, and highway use tax; environmental compliance; and utilities/extension of rural fire protection districts, county service districts, and water and sewer districts.

Includes a severability clause.

Intro. by Tucker.

GS 18B

[View summary](#)

Government, State Government, State Property

S 577 (2015-2016) [MANUFACTURED HOME RE-TITLE](#). Filed Mar 26 2015, *AN ACT TO PROVIDE CLARIFICATION FOR THE RETITLING OF A MANUFACTURED HOME THAT IS REMOVED FROM REAL PROPERTY AFTER THE ORIGINAL TITLE HAS BEEN CANCELLED.*

Amends GS 20-109.2(d), which concerns the application for a manufactured home title after title cancellation, to add that the owner must also include in the affidavit to the Division of Motor Vehicles (DMV) verification of the identity of the current owner of the real property upon which the mobile home is located. Adds that the DMV will issue a new title for the manufactured home in the name of the current owner of the real property upon which the manufactured home is located. Applies to titles issued on or after August 1, 2015.

Intro. by Barringer, Lee, Daniel.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle

S 579 (2015-2016) [AGRICULTURAL FAIRS/HANDGUNS ON PREMISES](#). Filed Mar 26 2015, *AN ACT TO CLARIFY THAT IT IS UNLAWFUL TO CARRY A FIREARM INTO CERTAIN STATE MANAGED AGRICULTURAL FAIRS UNLESS PROVIDED OTHERWISE BY RULES REGULATING THE FAIR AND TO PROVIDE THAT THE COMMISSIONER OF AGRICULTURE WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE HAS THE AUTHORITY TO ADOPT RULES THAT ALLOW A PERSON WITH A VALID CONCEALED HANDGUN PERMIT TO CARRY A HANDGUN INTO THOSE AGRICULTURAL FAIRS.*

Amends GS 14-269.3 and GS 106-520.3 to provide as the title indicates.

Intro. by B. Jackson.

GS 14, GS 106

[View summary](#)

Agriculture, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

S 580 (2015-2016) [HONOR STATE'S VETERANS](#). Filed Mar 26 2015, *A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS.*

As the title indicates.

Intro. by Pate, Meredith, Rabin.

SENATE RES

[View summary](#)

Military and Veteran's Affairs

S 582 (2015-2016) [THIRD-PARTY PREMIUM PAYMENTS](#). Filed Mar 26 2015, *AN ACT TO ALLOW THIRD-PARTY PREMIUM PAYMENTS FOR HEALTH BENEFIT PLANS*.

Enacts new GS 58-3-305 in Article 3 of GS Chapter 58, as the title indicates.

Requires a health benefit plan to accept a premium payment made by a third-party to the insurance contract if the payment is made from or pursuant to a fund or grant established by any of the following: (1) the Ryan White HIV/AIDS program under Title XXVI of the Public Health Service Act; (2) Native American tribes or tribal organizations; (3) state or federal government programs; or (4) the American Kidney Foundation.

Declares that nothing in this section requires a health benefit plan to accept a third-party for a health care provider.
Defines "health benefit plan" as it is used in this section as the term is defined in GS 58-3-167(a)(1).

Effective October 1, 2015 and applies to health benefit contracts issued, renewed, or amended on or after that date.

Intro. by Pate.

GS 58

[View summary](#)

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

S 591 (2015-2016) [HONOR COACH'S ACHIEVEMENTS](#). Filed Mar 26 2015, *A JOINT RESOLUTION HONORING THE ACHIEVEMENTS OF COACH MIKE KRZYZEWSKI*.

As the title indicates.

Intro. by McKissick, Blue, Woodard.

JOINT RES

[View summary](#)

[Education, Higher Education, Government, Cultural Resources and Museums](#)

S 606 (2015-2016) [TAX LAW T/C FOR CONSTITUTIONAL AMENDMENT](#). Filed Mar 26 2015, *AN ACT TO AMEND THE INCOME TAX LAWS OF THE STATE IN ANTICIPATION OF A CONSTITUTIONAL AMENDMENT TO MAKE CLEAR THAT THE CONSTITUTIONAL AMENDMENT APPLIES ONLY TO THE PERCENTAGE RATE OF TAX IMPOSED AND NOT OTHER CHANGES AFFECTING INCOME TAX LIABILITY*.

As the title indicates.

Intro. by Rucho, Meredith, Brock.

GS 105

[View summary](#)

[Government, Tax](#)

S 651 (2015-2016) [CLARIFY STATUTORY SCHEME/SEX OFFENSES](#). Filed Mar 26 2015, *AN ACT TO REORGANIZE, RENAME, AND RENUMBER VARIOUS SEXUAL OFFENSES TO MAKE THEM MORE EASILY DISTINGUISHABLE FROM ONE ANOTHER AS RECOMMENDED BY THE NORTH CAROLINA COURT OF APPEALS IN "STATE OF NORTH CAROLINA V. SLADE WESTON HICKS, JR."*

Identical to [H 383](#) filed on 3/26/15.

Recodifies and renames various sexual offenses. Also makes the following changes.

Separates out offenses for first and second degree statutory rape and forcible rape into their own statutes.

Amends GS 14-27.3 (recodified as GS 14-27.22) to make a person guilty of second degree forcible rape if the person engages in vaginal intercourse with another person: (1) by force and against the will of the other person; or (2) who is mentally disabled, mentally incapacitated, or physically helpless and the person knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

Amends GS 14-27.5 (recodified as GS 14-27.27) make a person guilty of second degree forcible sexual offense if the person engages in vaginal intercourse with another person: (1) by force and against the will of the other person; or (2) who is mentally disabled, mentally incapacitated, or physically helpless and the person knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

Makes additional clarifying, organizational, and conforming changes.

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

Intro. by Stein.

[GS 7B, GS 8, GS 14, GS 15A, GS 48, GS 50, GS 50B, GS 90, GS 143B](#)

[View summary](#)

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

LOCAL/HOUSE BILLS

H 384 (2015-2016) [GREENSBORO/POLICE DISCIPLINARY ACTIONS](#). Filed Mar 26 2015, *AN ACT AUTHORIZING THE CITY OF GREENSBORO TO DISCLOSE TO ANY PERSON AND MEMBERS OF A POLICE REVIEW BOARD LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.*

As the title indicates.

Intro. by R. Johnson, Harrison.

[Guilford](#)

[View summary](#)

[Government, Public Safety](#)

H 386 (2015-2016) [TOWN OF HOPE MILLS/SATELLITE ANNEXATIONS](#). Filed Mar 26 2015, *AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF HOPE MILLS.*

Repeals SL 1997-151, concerning limits on proposed satellite annexations, as it applies to the town of Hope Mills.

Amends GS 160A-58.1 to add Hope Mills to those cities and towns where a noncontiguous area proposed for annexation does not have to meet the requirement that the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, not exceed 10% of the area within the primary corporate limits of the annexing city.

Intro. by Szoka.

[Cumberland](#)

[View summary](#)

H 387 (2015-2016) [SCHOOL CALENDAR FLEX./CERTAIN COUNTIES](#). Filed Mar 26 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE BOARDS OF EDUCATION IN CERTAIN COUNTIES IN ADOPTING THE SCHOOL CALENDAR.*

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

Amends GS 115C-84.2(d) as the title indicates. Deletes all provisions of subsection (d) except the authorization given to local boards of education to determine the opening and closing dates for public schools.

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

Intro. by Jordan.

[Ashe, Watauga](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

ACTIONS ON BILLS

No public actions on bills

No local actions on bills

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