

The Daily Bulletin: Friday, April 17, 2015

PUBLIC/HOUSE BILLS

H 760 (2015-2016) [REGULATORY REFORM ACT OF 2015](#). Filed Apr 14 2015, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY PROVIDING FOR VARIOUS ADMINISTRATIVE REFORMS, BY ELIMINATING CERTAIN UNNECESSARY OR OUTDATED STATUTES AND REGULATIONS AND MODERNIZING OR SIMPLIFYING CUMBERSOME OR OUTDATED REGULATIONS, AND BY MAKING VARIOUS OTHER STATUTORY CHANGES.*

Part I.

Amends GS 143-143.10A, concerning criminal history checks for applicants for licensure as a manufactured home manufacturer, dealer, salesperson, or set-up contractor, to define *applicant* as a person applying for initial licensure as a salesperson or set-up contractor (removing manufacturer and dealer). Also specifies that applicants for initial licensure (was, for licensure) must consent to a criminal history record check.

Amends GS 130A-248 to no longer require a permitted restaurant or commissary to serve as a base of operations for a pushcart. Requires pushcarts to meet all of the sanitation requirements of a permitted commissary or have a permitted restaurant or commissary that serves as its base of operation.

Part II.

Amends GS 160A-381 to require (was, allow) a zoning ordinance to provide density credits or severable development rights for dedicated rights-of-way.

Amends GS 150B-21.3A concerning the readoption of existing rules to add that if a rule is amended to impose a less stringent burden on the regulated person, then the agency does not have to prepare a fiscal note. Effective when the section becomes law and applies to the periodic review of existing rules occurring on or after that date.

Requires the Joint Legislative Administrative Procedure Oversight Committee (APO) to review the recommendations made by the Joint Legislative Program Evaluation Oversight Committee's report, entitled "Occupational Licensing Agencies Should Not be Centralized, but Stronger Oversight is Needed," to determine the best way to accomplish the report's recommendations and to improve oversight of occupational licensing boards. Requires APO to consult with specified entities in conducting the review. Requires APO to propose legislation to the 2016 Session of the 2015 General Assembly.

Part III.

Provides that for the purposes of implementing Section .1300 of Subchapter 2H of Chapter 2 of Title 15A of the North Carolina Administrative Code (Discharges to Isolated Wetlands and Isolated Waters), the isolated wetlands provisions of Section .1300 applies only to a Basin Wetland or Bog and no other wetland types as described in the North Carolina Wetland Assessment User Manual prepared by the North Carolina Wetland Functional Assessment Team, version 4.1 October 2010, that are not jurisdictional wetlands under the federal Clean Water Act. Specifies that the isolated wetlands provisions of Section .1300 do not apply to an isolated man-made ditch or pond constructed for stormwater management purposes, any other man-made isolated pond, or any other type of isolated wetland, and the Department of Environment and Natural Resources must not regulate such water bodies under Section .1300. Allows the Environmental Management Commission to adopt rules to amend Section .1300 of Subchapter 2H of Chapter 2 of Title 15A of the North Carolina Administrative Code consistent with these provisions. Amends Section 54 of SL 2014-120 to amend the

conditions that apply to the implementation of 15A NCAC 02H .1305 (Review of Applications) as follows: (1) adds that mitigation requirements for impacts to isolated wetlands only apply to the amount of impact exceeding the established thresholds, (2) deletes the provision defining isolated wetlands, and (3) adds that impacts to isolated wetlands must not be combined with the project impacts to 404 jurisdictional wetlands or streams for the purpose of determining when impact thresholds that trigger a mitigation requirement are met. These changes expire on the date that the Environmental Management Commission fulfills the requirement to adopt rules that are consistent with the changes made in Section 54 of SL 2014-120. Effective when the section becomes law.

Pushes back the date by which the Environmental Management Commission (EMC) must adopt rules implementing a fast-track permitting for stormwater management systems from July 1, 2016, to November 1, 2016. Amends GS 143-214.7 to make the provisions of (b2) applicable to the implementation of state stormwater programs and local stormwater programs approved under (d) of the statute. Expands on the requirements that apply to those programs by adding four new provisions concerning vegetative buffers, the calculation of the difference in stormwater runoff from the pre- and post-development conditions, development in a vegetative buffer, and development around Class SA waters. Requires, no later than January 1, 2016, that a state agency or local government that implements a stormwater management program approved under GS 143-214.7(d) submit its current stormwater management program or a revised stormwater management program to the EMC. Requires the EMC, no later than July 1, 2016, to review and act on each of the submitted stormwater management programs in accordance with subsection (d) of GS 143-214.7, as amended. Requires the EMC, with the assistance of the Department of Environment and Natural Resources, to review the current status of state statutes, session laws, rules, and guidance documents related to the management of stormwater in the state and examine whether anything needs to be recodified or reorganized in order to clarify state law for the management of stormwater. Requires the EMC to submit any legislative recommendations to the 2016 Regular Session of the 2015 General Assembly.

Amends GS 143-214.23 as follows. Allows approval of a delegation application from a local government proposing a riparian buffer width that is different from what is required by the state in accordance with the specified procedures. Allows land in a riparian buffer in which neither the state nor its subdivisions have a property interest to be used to satisfy other development-related regulatory requirements. Requires that the buffer area be denominated on the recorded plat when the riparian buffers are included within a lot. Sets out conditions under which a local government must attribute a proportionate share of a riparian buffer on lots abutting the buffer area for purposes of development-related regulatory requirements. Allows local governments to impose restrictions on the use of riparian areas only within river basins where the riparian buffers are required by the state. Sets out ways the restrictions may be imposed. Sets out exceptions to those restrictions and the riparian buffer deviation approval procedures. Enacts new GS 143-214.18 to provide that absent a federal requirement or an imminent threat to public health or safety, an applicable buffer rule does not apply to any tract of land that meets the specified criteria. Enacts new GS 143-214.19 to provide that if state law requires a protective riparian buffer for coastal wetlands in the Neuse River Basin or the Tar-Pamlico River Basin, the coastal wetlands and marshlands must not be treated as part of the surface waters and are to be included in the measurement of the protective riparian buffer. Specifically delineates the protective riparian buffer for any of the coastal wetlands or marshlands in the Neuse River Basin or the Tar-Pamlico River Basin depending on whether the coastal wetlands or marshlands extend less than 50 feet or 50 feet or more from the high normal water level or normal water level. Defines the terms *coastal wetlands* and *marshlands* as they apply in the statute. Enacts new GS 143-214.27 prohibiting the Department of Environment and Natural Resources (DENR) from imposing as a condition of any permit issued under this Article riparian buffer requirements that exceed established standards for the river basin within which the activity or facility receiving the permit is located. If no riparian buffer standards have been established, then prohibits imposing a buffer standard as a condition for a permit that exceeds the standard for the Neuse River Basin. Allows DENR to impose as a condition of any permit issued under this Article a more restrictive riparian buffer requirement than that established for the river basin within which the activity or facility receiving the permit is located, or a riparian buffer requirement in a river basin where no riparian buffer standards have been established as set forth in this subsection. Before doing so, requires a finding that the condition is necessary in order to meet the nutrient reduction goals for the river basin within which the activity or facility receiving the permit is located. Effective August 1, 2015.

Amends GS 113-136(k) to require that an officer have a reasonable suspicion that a violation has been committed before

inspecting weapons, equipment, fish, or wildlife possessed incident to an activity regulated by law or rule that the officer has enforcement jurisdiction over. Adds that the statute does not give an inspector, protector, or other law enforcement officer the authority to inspect weapons, equipment, fish, or wildlife in the absence of a person in apparent control of the items. Effective December 1, 2015, and applies to offenses committed on or after that date. Requires the Wildlife Resources Commission to report to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2017, and annually thereafter, on the number of complaints received against Commission law enforcement officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed.

Requires the Department of Insurance, the Building Code Council, and the Coastal Resources Commission to jointly study how flood elevations and building heights for structures are established and measured in the coastal region of the state. Requires engaging a broad group of stakeholders, including property owners, local governments, and representatives of the development industry. Requires the results of the study to be submitted by January 1, 2016, to the 2015 General Assembly.

Part IV.

Includes a severability clause.

Unless otherwise provided, effective when the act becomes law.

Intro. by Millis, J. Bell, Riddell.

GS 113, GS 130A, GS 143, GS 150B, GS 160A

Animals, Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing, Environment, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Environment and Natural Resources, Department of Insurance, Local Government, Health and Human Services, Health, Public Health

[View summary](#)

H 801 (2015-2016) [SAME FIREARM PROTECTIONS FOR 50C AS 50B ORDER](#). Filed Apr 14 2015, *AN ACT TO PROVIDE SIMILAR FIREARM PROTECTIONS FOR CIVIL NO-CONTACT ORDERS AS ARE PROVIDED FOR DOMESTIC VIOLENCE PROTECTIVE ORDERS*.

Under current law, GS Chapter 50C provides for the issuance of civil no-contact orders and GS Chapter 50B provides for the issuance of domestic violence no-contact orders.

Amends GS 50C-5(b), as the title indicates, to provide similar firearm protections under Chapter 50C as are available under Chapter 50B. Adds a new subdivision, (6a), to GS 50C-5(b) to allow a court to prohibit a respondent from purchasing a firearm for a period of time as specified in the civil no-contact order.

Enacts new GS 50C-5.1, which requires the respondent to surrender all firearms, permits to purchase firearms, and ammunition for firearms to the sheriff when a temporary ex parte civil no-contact order or permanent civil no-contact order is issued pursuant to GS Chapter 50C and the court finds any of a specified list of factors to be present. Provides specific guidelines regarding hearings under GS 50C-5.1, the process of surrendering weapons, when and if surrendered weapons are retrievable, the filing of motions for the return of weapons, and the disposal of firearms. Makes a violation a Class H felony. Provides for an official use exemption for law enforcement officers and members of any branch of the Armed Forces of the United States.

Makes a conforming change, amending GS 14-269.8 to provide that in accordance with GS 50C-5.1, as enacted in this

act, it is unlawful for a person subject to a civil no-contact order to purchase or possess firearms.

Becomes effective December 1, 2015, and applies to actions commenced on or after that date.

Intro. by Meyer.

[GS 14, GS 50C](#)

[View summary](#)

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

H 808 (2015-2016) [RURAL CONSUMER PROTECTION ACT](#). Filed Apr 14 2015, *AN ACT TO PROTECT RURAL CONSUMERS OF ELECTRICITY BY EXTENDING CERTAIN PROVISIONS OF THE PUBLIC UTILITIES ACT TO ELECTRIC MEMBERSHIP CORPORATIONS AND BY PROVIDING ADDITIONAL TRANSPARENCY TO THE OPERATION AND GOVERNANCE OF ELECTRIC MEMBERSHIP CORPORATIONS.*

Amends GS 62-3(23)d, the definition for *public utility*, deleting language that provided that an electric membership corporation (corporation) was not considered a public utility under that definition.

Enacts new GS Chapter 62, Article 7A, Electric Membership Corporations (corporation), providing that such a corporation means a nonprofit electric corporation organized under GS Chapter 117. Provides that corporations are exempt from the provisions of GS 62-130, 62-131, 62-132, and 62-133, concerning rate making, if members and consumers have voted to exempt themselves. Sets out procedures for conducting such a membership vote on exemption, providing that the board of directors can submit the question of exemption from rate regulation to its members and consumers, with approval by a majority of those voting to be required for such exemption.

Provides that corporations will be issued certificates of public convenience and necessity by the North Carolina Utilities Commission (Commission), in accordance with GS 62-110.2. Provides procedures for hearings concerning complaints in regards to a rate, charge, rule, or regulation being contrary to GS Chapter 117, or GS Chapter 62, Article 7A. Adds provisions concerning procedures after the Commission finds that a corporation is unwilling or unable to serve an existing or developing load within its certificated territory, allowing the Commission to delete from the certificate of the corporation that portion of the territory they are unwilling or unable to serve.

Sets out acts prohibited by corporations, including not changing a rate charged for electric service or changing any rule pertaining to rates unless public notice is issued at least 30 days prior to the day the proposed change is to take effect.

Provides seven duties of a corporation, including providing reasonably continuous and adequate electric utility service within their certificated service area and constructing and maintaining facilities in a careful and safe fashion.

Provides process for voting on whether to place the rates of the corporation under the regulation of the Commission, including requiring a signed petition by at least 5% of member-consumers before the question can be submitted for a vote. Includes requirements for the petition and for the vote if appropriate.

Amends GS 117-10.1, changing a statutory reference, providing that a corporation is eligible to receive a franchise from any municipality pursuant to GS 160A-319 (was, GS 160-2(6)).

Adds new sections to GS Chapter 117, Article 2, Electric Membership Corporations, providing that all meetings of a corporation are public meetings, open to members, consumers, and media at all times, with a provision allowing for a closed executive session, upon a two-thirds vote of board members present, only for reasons specified. The reason for the executive session must be announced beforehand.

Requires corporations to adopt regulations and procedures for members and consumers to register complaints about rates charged, as well as an opportunity to be heard by the board. Requires the corporation to adopt written policies to govern the election of directors. Policies must include procedures for becoming a candidate, qualification requirements, and the date and notice of the election. Provides that an individual must be nominated by way of a signed petition

containing the signature of at least 15 members of the corporation in order to appear as a candidate on the election ballot. Sets out rights and privileges for candidates. Also sets out election requirements, establishing that each member is entitled to vote in the election at an election meeting or by mail, but not both. Requires the names to appear in random order on the ballot. Prohibits the corporation and the board from endorsing or opposing any candidate.

Requires the posting of the time and place of board of directors meetings, as well as the agenda, in the service offices of the corporation at least 10 days before meeting. Also requires the same information to be posted to the corporation's website at least 10 days in advance.

Effective August 1, 2015.

Intro. by Avila, Saine, Hager.

GS 62, GS 117

[View summary](#)

Business and Commerce, Corporation and Partnerships, Government, Public Records and Open Meetings, Public Enterprises and Utilities

H 815 (2015-2016) **SEXUAL ASSAULT/SEXUAL CONSENT**. Filed Apr 14 2015, *AN ACT TO PROVIDE THAT IN ORDER TO RECEIVE STATE FUNDS FOR STUDENT FINANCIAL ASSISTANCE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION MUST ADOPT A POLICY ADDRESSING SEXUAL ASSAULT AND RELATED OFFENSES INVOLVING STUDENTS AND PROVIDE SUPPORT SERVICES AND OUTREACH PROGRAMS FOR THOSE STUDENTS.*

Enacts three statutes as follows: GS 115D-5.5, pertaining to the State Board of Community Colleges (State Board); GS 116-11.3, pertaining to the Board of Governors of the University of North Carolina (Board of Governors); and GS 116-229.20, pertaining to the governing boards of nonprofit post-secondary institutions of higher learning (nonprofit boards). Requires that in order to receive state funds for student financial assistance, the State Board, Board of Governors, and nonprofit boards must each adopt a policy concerning (1) sexual assault, (2) domestic violence, (3) dating violence, and (4) stalking as defined in the Higher Education Act of 1965, 20 USC § 1092(f), involving a student, both on and off the institution's campus. Directs each board to require each of its respective institutions to implement and comply with its policy by December 1, 2016.

Requires that each policy must include (1) an affirmative consent standard; (2) victim-centered response procedures regarding sexual assault, domestic violence, dating violence, and stalking involving a student; (3) victim support services and student outreach; (4) student prevention and outreach programs; and (5) mandatory reporting of sexual assaults to local law enforcement. Provides details to define and identify the mandatory provisions of each of the aforementioned elements of the policy.

Directs each board to annually review the support and outreach services provided to students by each of its constituent institutions in the previous academic year. Requires the Board of Governors and the State Board to annually report on the compliance by their constituent institutions to the State Education Assistance Authority and the Joint Legislative Education Oversight Committee by September 1 of each year. Requires the nonprofit board to report annually to the State Education Assistance Authority (SEAA) on its compliance with the requirements of this act.

Regardless of the reporting provisions of GS 115D-5.5(g), as enacted by this act, the first report to the SEAA and the Joint Legislative Education Oversight Committee from the State Board must be submitted by December 1, 2016.

Regardless of the reporting provisions of GS 116-11.3(g), as enacted by this act, the first report to the SEAA and the Joint Legislative Education Oversight Committee from the Board of Governors must be submitted by December 1, 2016.

Enacts new GS 116-209.19B to provide that any nonprofit post-secondary institution of higher education and any community college that fails to comply with the provisions in this act will be ineligible to receive state funds for student

financial assistance.

All of the above provisions apply beginning with the 2015-16 academic year.

Intro. by Meyer.

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

H 817 (2015-2016) [ENACT UNIFORM LAW ON ADULT GUARDIANSHIP](#). Filed Apr 14 2015, *AN ACT ENACTING THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT OF 2015*.

Enacts GS Chapter 35B, entitled Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Enacts GS 35B-1 through 35B-23 adopting the uniform act in its entirety.

Enacts GS 35B-1, which identifies the short title of the Chapter as the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Enacts GS 35B-2 to provide definitions applicable to GS Chapter 35B.

Enacts GS 35B-3 to exclude the application of GS Chapter 35B to guardianship proceedings of minors and guardianship proceedings invoking only North Carolina jurisdiction.

Enacts GS 35B-4 to provide that foreign countries are treated as if they were states for purposes of the Chapter.

Enacts GS 35B-5 to provide for communication between courts. North Carolina courts may communicate with other courts concerning a proceeding arising under Chapter 35B. The court may allow the parties to participate in the communication and must make a record of the communication, which may be limited to the fact that the communication occurred. A court is not required to keep records of administrative communications pertaining to scheduling, calendars, and court records, for example.

Enacts GS 35B-6 to allow a North Carolina court to request that an out-of-state court (1) hold an evidentiary hearing; (2) order a person in the state give testimony or produce evidence; (3) order an evaluation of the respondent in another state; (4) order investigations of a person; (5) share court records, evidence, and evaluations and assessments arising from related proceedings; (6) order the appearance of a person; and (7) order release of medical, financial, criminal or other relevant information in that state. Also allows courts of North Carolina to enter similar orders to assist other states in the same manner.

Enacts GS 35B-7 to provide that testimony of a witness located in another state may be taken in that state by deposition or other legal means--including by telephone, audiovisual, or other electronic means--and such testimony may not be excluded on the basis of the best evidence rule. A North Carolina court on its own motion may also order that such testimony is taken in another state on the terms and in the manner in which the North Carolina court prescribes.

Enacts GS 35B-8 to provide for definitions of *emergency*, *home state*, and *significant-connection state*. Provides that a court shall consider the following factors in determining whether a respondent has a significant connection with a particular state: (1) location of the respondent's family and other persons required to be notified of the guardianship proceeding, (2) length of presence in and absence from the state, (3) location of respondent's property, and (4) extent of contacts with the state.

Enacts GS 35B-9 to define the exclusive jurisdictional basis for the appointment of a guardian of the person and a guardian of the estate in North Carolina.

Enacts GS 35B-10 to set forth a three-level priority for the appointment of a guardian of the person or guardian of the estate. First priority is given to the respondent's home state, then to the respondent's significant connection state, and finally to the state where the action is filed, provided that the home state or the significant connection state have declined to exercise jurisdiction and jurisdiction is otherwise appropriate under the laws of the state and the United States. A state may also have jurisdiction as a special jurisdiction state as set forth in GS 35B-11.

Enacts GS 35B-11 to provide that a state that does not meet the criteria for jurisdiction under GS 35B-10 may still exercise jurisdiction for limited purposes, including (1) emergency, (2) protective orders for real and personal property, and (3) provisional transfer. If an emergency petition is brought in North Carolina and North Carolina is not the home state of the respondent on the petition date, then the court shall dismiss the proceeding at the request of the home state.

Enacts GS 35B-12 to provide that a court that appoints a guardian of the person or a guardian of the estate under this Chapter has continuing and exclusive jurisdiction over the proceeding until the guardianship is terminated by the court or the order expires by its own terms.

Enacts GS 35B-13 to allow a court with jurisdiction under GS 35B-10 to decline to exercise jurisdiction if another court is a more appropriate forum and to require the court to dismiss or stay the proceeding in such event. In determining whether the court is an appropriate forum, the court shall consider: (1) the respondent's express wishes; (2) whether abuse, neglect, or exploitation has occurred or is likely to occur and which court is best positioned to protect the respondent from it; (3) the length of time the respondent was present in and/or resident of this or another state; (4) the distance of the respondent from the court in each state; (5) the respondent's financial condition; (6) the nature and location of the evidence; (7) the ability of each court to decide the matter expeditiously; (8) the familiarity of the court in each state with the facts and circumstances of the case; and (9) the court's ability to monitor the guardian post-appointment.

Enacts GS 35B-14 to give the court authority to create an appropriate remedy when the court acquired jurisdiction because of unjustifiable conduct by: (1) declining to exercise jurisdiction; (2) exercising jurisdiction for the limited purpose of ensuring the health, safety, and welfare of the respondent or the respondent's property or to prevent a repeat of unjustifiable conduct, which may include staying the proceeding until a petition is filed in another state; and/or (3) continuing to exercise jurisdiction after considering certain factors listed therein. The court may assess costs and expenses, including attorneys' fees against a party whose conduct caused the court to acquire jurisdiction unjustifiably.

Enacts GS 35B-15 to require notice of the filing of the petition to be made in accordance with the laws of the respondent's home state if the state where the petition is filed is not the respondent's home state.

Enacts GS 35B-16 to set forth the procedure when multiple petitions are filed and remain pending in multiple states. If the court acquires jurisdiction under GS 35B-10, then the court may proceed with the case unless a court in another state also acquires jurisdiction under GS 35B-10. If the court does not have jurisdiction under GS 35B-10, then the court must stay the proceeding and communicate with the court in the other state. The court that does not have jurisdiction and is not the appropriate forum shall dismiss the petition.

Enacts GS 35B-17 to prescribe the procedure for transfer of the guardianship of the estate or guardianship of the person to another state.

Enacts GS 35B-18 to prescribe the procedure for transfer of the guardianship of the estate or guardianship of the person into this state.

Enacts GS 35B-19 to set forth the procedure for registration of guardian of the person orders from other states by filing certified copies of the order and letters of office as a foreign judgment in North Carolina, after giving notice of an intent to register to the appointing court.

Enacts GS 35B-20 to set forth the procedure for registration of guardian of the estate orders from other states by filing

certified copies of the order and letters of office as a foreign judgment in North Carolina, after giving notice of an intent to register to the appointing court.

Enacts GS 35B-21 to set forth the effect of registration of an out of state order in this state, which would allow the guardian of the person or the guardian of the estate to exercise all powers authorized in the order of appointment except as prohibited under the laws of North Carolina. Allows a court of this state to grant relief available under the laws of North Carolina to enforce a registered order.

Enacts GS 35B-22 to provide for the promotion of uniformity in applying and construing the Chapter.

Enacts GS 35B-23 to define the relationship of the Chapter with the electronic signatures in the Global and National Commerce Act.

Effective December 1, 2015.

Intro. by Turner, Meyer.

GS 35B

[View summary](#)

Health and Human Services, Social Services, Adult Services

H 819 (2015-2016) **STUDENT DISCIPLINE DATA REPORTS**. Filed Apr 14 2015. *AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO INCLUDE IN ITS REPORTS ON STUDENT DISCIPLINE AN ANALYSIS OF DISPROPORTIONALITIES IN REFERRAL OF STUDENTS FOR DISCIPLINARY ACTIONS AND REPORTS TO LAW ENFORCEMENT AGENCIES AND TO MAKE DATA ON STUDENT DISCIPLINE PUBLICLY AVAILABLE.*

Amends GS Chapter 115C, Article 27, adding part names and enacting Part 2, Student Discipline Data Reporting, requiring the State Board of Education to submit an annual consolidated report, by March 15, to the Joint Legislative Education Oversight Committee, which contains both the required information on acts of violence compiled under GS 115C-12(21) and public school dropout rates, punishment, suspensions, expulsions, and alternative placement compiled under GS 115C-12(27). Requires the report to also include data of disproportionalities, documented and analyzed as specified. Provides that information maintained by local school administrative units and all student discipline information reported to the Department of Public Instruction (DPI) must be made available to the public via DPI's website in the form of an electronic spreadsheet. Provides that the spreadsheet must provide base student enrollment data and be disaggregated as specified.

Amends GS 115C-12, concerning the powers and duties of the State Board of Education, making conforming changes.

Directs DPI to study and develop guidelines for the consistent application of student discipline code violations, reporting to law enforcement agencies, and data reporting for the purposes of GS 115C-393. Provides that the development of the guidelines must involve four things, including the creation of standard definitions for local school administrative units' codes of student conduct and discipline policies. Requires DPI to report to the Joint Legislative Education Oversight Committee, by November 15, 2015, regarding the results of the study and the adoption of the required guidelines.

Effective when bill becomes law, applying beginning with the 2015-16 school year.

Intro. by Meyer.

GS 115C

[View summary](#)

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

H 821 (2015-2016) [PROPER ADMINISTRATION OF STEP THERAPY](#). Filed Apr 14 2015, *AN ACT TO ENSURE THE PROPER ADMINISTRATION OF STEP THERAPY PROTOCOLS FOR PRESCRIPTION DRUGS*.

Enacts new Part 8, Administration of Step Therapy Protocols, in Article 50 of GS Chapter 58. Requires clinical review criteria used to establish step therapy protocol to be based on clinical practice guidelines that meet the five specified requirements. Defines step therapy protocol as a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition are medically appropriate for a particular patient and are covered by an insurer or health plan. Requires that the patient and prescribing practitioner have access to a clear and convenient process for requesting a Step Therapy Exception Determination when coverage for a prescription drug is restricted for use by a health benefit plan or utilization review organization through the use of a step therapy protocol. Sets out conditions under which a step therapy override determination request must be expeditiously granted. Requires that when an override determination is granted, the health plan or utilization review organization authorize coverage for the prescribed drug if it is a covered prescription. Effective October 1, 2015, and applies to health benefit contracts issued, renewed, or amended on or after that date.

Intro. by Lewis, Wray.

[GS 58](#)

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

H 823 (2015-2016) [ESTABLISH ADVISORY COUNCIL ON RARE DISEASES](#). Filed Apr 14 2015, *AN ACT ESTABLISHING AN ADVISORY COUNCIL ON RARE DISEASES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES*.

Enacts new Part 5, Advisory Council on Rare Diseases, in Article 1B of GS Chapter 130A. Establishes the Advisory Council on Rare Diseases (Council) to advise the Secretary of Health and Human Services on research, diagnosis, treatment, and education relating to rare diseases. Sets out membership requirements, including ex officio members, and requires appointments to the Council to be made no later than 30 days after the effective date of the section. Sets out other provisions concerning the Council's functioning. Establishes the Council's 10 powers and duties, including coordinating statewide efforts for the study of the incidence of rare disease within the state and the status of the rare disease community; researching and identifying priorities relating to the quality and cost-effectiveness of, and access to, treatment and services provided to persons with rare diseases in the state and developing policy recommendations on those issues; and identifying best practices for rare disease care from other states and at the national level that will improve rare disease care in this state. Effective July 1, 2015.

Intro. by Carney, Avila, Earle.

[STUDY, GS 130A](#)

[View summary](#)

[Health and Human Services, Health](#)

H 824 (2015-2016) [CONCEALED HANDGUN PERMIT/ADMIN. LAW JUDGE](#). Filed Apr 14 2015, *AN ACT TO PROVIDE THAT THE PROHIBITIONS ON CARRYING CONCEALED HANDGUNS DO NOT APPLY TO NORTH CAROLINA ADMINISTRATIVE LAW JUDGES*.

Amends GS 14-269(b) concerning exemptions from the prohibition on carrying concealed weapons, providing that administrative law judges are exempt from the prohibition on carrying concealed weapons provided that they are not carrying a concealed weapon when consuming alcohol or an unlawful controlled substance, or while alcohol or such substance remains in the body.

Makes conforming changes to GS 14-415.27.

Effective October 1, 2015.

Intro. by McNeill.

GS 14

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Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 825 (2015-2016) **SCHOOL-TO-PRISON PIPELINE/STUDY**. Filed Apr 14 2015, *AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON THE PREVENTION OF A SCHOOL-TO-PRISON PIPELINE IN NORTH CAROLINA*.

Creates the Legislative Task Force on the Prevention of a School-to-Prison Pipeline in North Carolina (Task Force). Provides for 15 members, with six members each appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, along with the Executive Director of the Department of Public Safety, Center for Safer Schools; Chairperson of the State Board of Education; and the Superintendent of Public Instruction, or their designees, also serving as members.

Provides for the filling of vacancies and the selection of co-chairs. Provides additional criteria regarding the setting of meetings, staffing, and the general operation of the Task Force.

Directs the Task Force to study the relationship between school discipline, dropout rates, and involvement of students in the juvenile justice system that might result in a school-to-prison pipeline. Sets out six tasks that, at a minimum, are required of the task force, including examining current programs offered through community organizations and other support services designed to address at-risk students and their entry into the juvenile justice system.

Requires the Task Force to submit a final report on its study and its recommendations to the 2016 General Assembly. Requires the Task Force to terminate on April 1, 2016, or upon the filing of its final report to the General Assembly, whichever occurs first.

Intro. by Pierce.

STUDY

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Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Education, Elementary and Secondary Education

H 826 (2015-2016) **STUDY REPEAL OF SECOND PRIMARIES**. Filed Apr 14 2015, *AN ACT TO STUDY SECOND PRIMARIES*.

Requires the Joint Legislative Elections Oversight Committee to study current laws related to second primaries, including six specified issues, and recommend legislation. Requires a report to the 2016 Regular Session of the 2015 General Assembly by April 15, 2016.

Intro. by Floyd.

STUDY

[View summary](#)

Government, Elections, General Assembly

H 827 (2015-2016) **ALCOHOL CONSUMPTION & OVERCROWDING/CLUBS**. Filed Apr 14 2015, *AN ACT TO CLARIFY THAT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED DURING CERTAIN HOURS AT PLACES*

USED PRIMARILY FOR COMMERCIAL PURPOSES AND TO PREVENT REPEATED OCCURRENCES OF GROSSLY OVERCROWDED CONDITIONS AT AN ABC-LICENSED PREMISES.

Amends GS 18B-1004(a) concerning the sales of specified alcohol, adding language which prohibits the sale of malt beverages, unfortified wine, fortified wine, or mixed beverages between the hours of 2 am and 7 am in any place that has been issued an ABC permit, pursuant to GS 18B-1001, or consuming any of those alcoholic beverages between 2:30 am and 7:00 am in any place used primarily for commercial purposes (previously, was prohibited to sell specified beverages between 2 am and 7 am and to consume those beverages between 2:30 am and 7 am in any place that had a permit pursuant to GS 18B-1001).

Amends GS 18B-904(e) to provide that the ABC Commission must immediately suspend an ABC permit for 30 days after receiving notice from law enforcement that the permittee has received two or more citations, within a 12-month period, for violating state or local fire prevention codes by exceeding occupancy capacity by 25%.

Intro. by Faircloth.

GS 18B

[View summary](#)

Alcoholic Beverage Control

H 828 (2015-2016) **MEDICAID COVERAGE/EMERGENCY RURAL COUNTIES**. Filed Apr 14 2015, *AN ACT TO PROVIDE MEDICAID COVERAGE TO PEOPLE UNDER AGE SIXTY-FIVE WHO HAVE INCOMES EQUAL TO OR BELOW ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LEVEL AND WHO LIVE IN RURAL COUNTIES THAT ARE EXPERIENCING AN EMERGENCY DUE TO INSUFFICIENT ACCESS TO HEALTH CARE SERVICES.*

As title indicates.

States the General Assembly's intent to appropriate funds necessary to provide the Medicaid coverage required by this act.

Section 1 of the act is effective 30 days after the date the Centers for Medicare and Medicaid Services (CMS) approves all Medicaid State Plan Amendments and Waivers submitted by the Department of Health and Human Services (DHHS) pursuant to this act. The Secretary of DHHS is to report to the Revisor of Statutes when CMS approval is obtained and the date of the approval. Section 1 will not become effective if CMS disapproves the Medicaid State Plan Amendment submitted by DHHS.

Intro. by Tine.

UNCODIFIED

[View summary](#)

Health and Human Services, Health, Health Insurance, Social Services, Public Assistance

H 829 (2015-2016) **AUTOMATIC LICENSE PLATE READERS**. Filed Apr 14 2015, *AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS BY STATE GOVERNMENTAL ENTITIES.*

Enacts new Article 3D, Automatic License Plate Reader Systems, in GS Chapter 20. Subsection (a) of GS 20-183.23, as enacted in this act, makes it illegal for a governmental entity to use an *automatic license plate reader system*, defined as a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to covert images of license plates into computer-readable data, excluding traffic control photographic systems. Subsection (b) provides exceptions to the prohibition in subsection (a), setting out purposes for which an automatic license plate reader system may be used, including electronic toll collection.

Prohibits data captured for the allowable purposes from being used or shared for any other purpose and it cannot be

preserved for more than 60 days except pursuant to specified requests or warrants. Allows an investigative or law enforcement officer to apply for a court order compelling disclosure of captured plate data and sets out steps to be taken by a person using the system to preserve data, once a disclosure order has been issued. Sets out additional provisions concerning and placing restrictions on individuals capturing data under one of the allowed uses, including reporting requirements.

Allows an aggrieved party to bring a civil action against a person violating the new Article. Specifies that the court may award damages, reasonable attorneys' fees and other litigation costs, and injunctive relief to the prevailing party. Makes a willful and knowing violation of GS 20-183.23 a Class 1 misdemeanor. Makes data or information captured in violation of GS 20-183.23 or GS 20-183.24, as enacted in this act, inadmissible as evidence in any criminal, civil, or administrative proceeding.

Amends GS 136-18, adding a new subdivision (46) to provide that the Department of Transportation may enter into agreements with municipalities, counties, and other governmental entities for the use of and encroachment on the right-of-way of any road identified as part of the state highway system in order to operate an automatic license plate reader system in accordance with Article 3D of GS Chapter 20.

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

Intro. by Speciale, Hardister, Glazier.

[GS 20](#)

[View summary](#)

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

H 830 (2015-2016) [NORTH CAROLINA STATE HEALTH PLAN](#). Filed Apr 14 2015, *AN ACT TO PROVIDE FOR THE NORTH CAROLINA HEALTH PLAN TO COVER ALL STATE RESIDENTS WITH COMPREHENSIVE HEALTH BENEFIT COVERAGE*.

State the General Assembly's intent that the State offer the North Carolina Health Plan (Health Plan), which is a comprehensive health care plan for all state residents, on January 1, 2017, when the Patient Protection and Affordable Care Act, allows states to offer their citizens alternatives to the Health Insurance Exchanges. Requires the Department of Insurance and the Department of Health and Human Services to study the issues and propose statutory changes to facilitate the operation of the Health Plan, as described in this act, and report to the House Committees on Health and Human Services and Insurance and to the Senate Committee on Insurance no later than June 1, 2015. Requires the the Health Plan provide health benefits that include, but not limited to, the nine specified benefits, including durable medical equipment, mental health treatment, and dental services. Prohibits charging copayments or deductibles for the first two years of the Health Plan and sets limits on the amounts that may be charged after that time. Provides for enrollment and provider reimbursement. Requires that the Health Plan by funded by all state taxpayers based on their ability to pay and by means of a stable funding stream that accounts for the increasing costs of health care services. Requires the use of a smart identity card for plan participants as well as a centralized, secured medical record system. Provides for the governance and auditing of the Health Plan.

Intro. by

[UNCODIFIED](#)

[View summary](#)

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

H 831 (2015-2016) [REMOVE RAFFLE VALUE RESTRICTIONS](#). Filed Apr 14 2015, *AN ACT TO REMOVE THE MAXIMUM*

VALUE RESTRICTIONS FOR PRIZES IN RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS.

Repeals GS 14-309.15(d) and (g), as the title indicates. Effective May 1, 2015, and applies to offenses committed on or after that date.

Intro. by Queen.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Lottery and Gaming, Nonprofits

H 832 (2015-2016) [REVISE CERTAIN POLICIES/CHILD CARE SUBSIDY](#). Filed Apr 14 2015, *AN ACT TO PROVIDE FOR PRORATED CO-PAYMENTS FOR PART-TIME SUBSIDIZED CHILD CARE AND REVISE THE DEFINITION OF INCOME UNIT IN THE CHILD CARE SUBSIDY POLICY TO NO LONGER INCLUDE NONPARENT RELATIVE CARETAKER*.

Amends Section 12B.3 of SL 2014 -100 (appears to intend to amend Section 12B.1), providing that beginning July 1, 2015, co-payments for subsidized child care will be prorated at 50% of the full parent fee for part-time care equal to or less than 25 hours per week (previously, provided that effective October 1, 2014, co-payments would not be prorated for part-time care). Amends language which provides that effective July 1, 2015, the Department of Health and Human Services must revise the definition of *income unit* concerning its child care subsidy policy, with the result of not including a nonparent relative caretaker in the definition.

Effective July 1, 2015.

Intro. by Dobson.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Child Welfare

H 835 (2015-2016) [OPEN MEETINGS/THREE-MEMBER PUBLIC BODIES](#). Filed Apr 14 2015, *AN ACT TO AMEND THE PUBLIC MEETING LAW AS APPLIED TO THREE-MEMBER PUBLIC BODIES*.

Amends GS 143-318.10, which provides that each official meeting of a public body must be open to the public. Adds that a majority of the members of a three-member public body may meet to plan an official meeting if the planning meeting is not intended to evade the spirit and purposes of this Article and notes about the planning meeting are recorded contemporaneously. Specifies that the notes of the planning meeting are a public record. Defines *planning meeting*.

Intro. by

GS 143

[View summary](#)

Government, Public Records and Open Meetings

H 836 (2015-2016) [LOCAL GOVERNMENT REGULATORY REFORM](#). Filed Apr 14 2015, *AN ACT TO PROVIDE REGULATORY RELIEF FOR LOCAL GOVERNMENTS BY AUTHORIZING CITIES TO RESERVE CERTAIN EASEMENTS WHEN PERMANENTLY CLOSING STREETS AND ALLEYS; BY REPEALING THE REQUIREMENT FOR LICENSING OF GOING OUT OF BUSINESS SALES BY LOCAL GOVERNMENTS; BY PROVIDING FOR ELECTRONIC SUBMISSION OF ABSENTEE BALLOT LISTS BY COUNTY BOARDS OF ELECTION; AND BY EXEMPTING LOCAL GOVERNMENT REGULAR PAYROLL AND BENEFITS PAYMENTS FROM PRE-AUDIT CERTIFICATION REQUIREMENTS*.

Amends GS 160A-299, Procedure for permanently closing streets and alleys, to allow a city to reserve a right, title, and interest in any improvements or easements within a street closed under the statute. Requires that the easement include utility, drainage, pedestrian, landscaping, conservation, or other easements considered to be in the public interest. Specifies that the reservation of an easement must be stated in the order of closing.

Repeals GS 66-77, which required a licence to conduct a going-out-of-business or distress sale. Makes conforming changes. Effective July 1, 2015.

Amends GS 163-232 to allow county lists of absentee ballots to be submitted to the State Board of Elections electronically. Makes conforming changes to GS 163-232.1.

Adds that GS 159-28, concerning budgetary accounting for appropriations, does not apply to disbursements for regular payroll and benefits. Effective July 1, 2015, and applies to disbursements on or after that date.

Intro. by

[GS 66](#), [GS 159](#), [GS 160A](#), [GS 163](#)

[View summary](#)

[Business and Commerce](#), [Government](#),
[Budget/Appropriations](#), [Elections](#), [Local Government](#)

H 838 (2015-2016) [INCREASE DROPOUT AGE TO 18](#). Filed Apr 14 2015, *AN ACT TO RAISE THE HIGH SCHOOL DROPOUT AGE OVER A TWO-YEAR PERIOD*.

Amends statutes in GS Chapter 115C as the title indicates. Makes conforming changes. Raises the dropout age from 16 to 17 effective July 1, 2017, applying with the 2017-18 school year and raises the age again from 17 to 18 effective July 1, 2018, beginning with the 2018-19 school year.

Intro. by C. Graham.

[GS 7B](#), [GS 115C](#), [GS 115D](#), [GS 116](#), [GS 143B](#)

[View summary](#)

[Courts/Judiciary](#), [Juvenile Law](#), [Delinquency](#), [Education](#),
[Elementary and Secondary Education](#), [Higher Education](#)

H 839 (2015-2016) [PHARM. DRUG COST/UTILIZATION REPORTING](#). Filed Apr 14 2015, *AN ACT TO REQUIRE MANUFACTURERS OF PHARMACEUTICAL DRUGS TO REPORT COST AND UTILIZATION INFORMATION*.

Adds new Part 8, Pharmacy Cost Reporting, to Article 50 of GS Chapter 58. Requires each manufacturer of a brand medication that is available in the state to file a report on pharmaceutical costs. Specifies information that must be included in the report. Specifies which types of branded pharmaceuticals must be included in the annual report. Requires the information to be submitted by May 1 of each year. Requires the Commissioner of Insurance to issue an annual report outlining the information submitted and provide that to the General Assembly and on the Department of Insurance's website.

Requires the Commissioner to convene a workgroup to make recommendations on the report.

Intro. by Collins.

[GS 58](#)

[View summary](#)

[Business and Commerce](#), [Insurance](#), [Government](#), [State Agencies](#), [Department of Insurance](#), [Health and Human Services](#), [Health](#)

H 840 (2015-2016) [NCNG MEMBERS/REEMPLOYMENT ASST. PRIORITY](#). Filed Apr 14 2015, *AN ACT TO GRANT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD REEMPLOYMENT ASSISTANCE PRIORITY*.

As title indicates.

Intro. by G. Martin.

GS 165

[View summary](#)

Employment and Retirement

H 841 (2015-2016) [REALLOCATION OF CLOSED NCNG ARMORY FUNDS](#). Filed Apr 14 2015, *AN ACT TO PROVIDE FOR THE REALLOCATION OF FUNDS UPON THE CLOSURE OF A NORTH CAROLINA NATIONAL GUARD ARMORY*.

Enacts new GS 127A-129A allowing the Adjutant General to reallocate the unit fund and any nonappropriated account from an armory that is closed to one that becomes a successor in interest.

Intro. by G. Martin.

GS 127A

[View summary](#)

Military and Veteran's Affairs

H 842 (2015-2016) [MEDICAID WAIVER PROTECTIONS/MILITARY FAMILIES](#). Filed Apr 14 2015, *AN ACT TO PROTECT ACCESS TO MEDICAID WAIVERS BY DEPENDENTS OF MEMBERS OF THE ARMED FORCES*.

Directs the Department of Health and Human Services (DHHS) to ensure that eligibility criteria for Medicaid home and community-based waivers allow a dependent of a Armed Forces member to maintain the dependent's waiver status when the member is transferred to an assignment outside of North Carolina if the member is retaining North Carolina as the legal residence to return to after military service. Sets out other provisions concerning placement and reinstatement of waiver slots.

Requires DHHS to submit any Medicaid State Plan amendments or waiver amendments necessary to accomplish the above.

Intro. by G. Martin, Avila.

UNCODIFIED

[View summary](#)

Business and Commerce, Insurance, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Public Assistance, Military and Veteran's Affairs

H 843 (2015-2016) [RESIDENTIAL PUBLIC HIGH SCHOOL/JLEOC STUDY](#). Filed Apr 14 2015, *AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ESTABLISHING A RESIDENTIAL PUBLIC HIGH SCHOOL FOR HIGH-ACHIEVING, SEVERELY ECONOMICALLY DISADVANTAGED STUDENTS*.

Requires the Joint Legislative Education Oversight Committee to study establishing a residential public high school for high achieving, severely economically disadvantaged students, with a focus on establishing such a public school for

students in grades 11 and 12. Requires a report on the study to the 2015 General Assembly before it reconvenes in 2016.

Intro. by Hanes, Holloway, C. Graham, J. Bell.

STUDY

[View summary](#)

**Education, Elementary and Secondary Education,
Government, General Assembly**

H 844 (2015-2016) **STEM TEACHER FORGIVABLE LOAN PROGRAM**. Filed Apr 14 2015, *AN ACT TO ESTABLISH A FORGIVABLE LOAN PROGRAM FOR PROSPECTIVE STEM AND SPECIAL EDUCATION TEACHERS*.

Enacts new Part 3, North Carolina STEM and Special Education Scholars Program, in Article 23 of GS Chapter 116. Establishes the North Carolina STEM and Special Education Scholars Program (Program), administered by the State Education Assistance Authority (Authority), to provide forgivable loans for service to exemplary high school seniors who are committed to working as teachers of science, technology, engineering, math, or special education. Creates the North Carolina STEM Scholars Fund (Fund), administered by the Authority, consisting of funds appropriated to or otherwise received by the Authority to provide loans through the Program, all funds received as loan repayment, and all interest earned on the funds. Limits Fund use to (1) loans made under the statute, (2) the Authority's administrative costs, and (3) costs incurred by the Board of Governors in providing extracurricular activities to loan recipients. Requires the Authority to establish criteria for loan eligibility and requires recipients to be state residents attending an eligible institution. Establishes loan terms and conditions, including capping loan amounts at \$5,000 per year. Provides for matching funds from eligible institutions. Gives a school unit of domicile priority in hiring a student who receives a loan. Sets out the repayment requirements and sets shorter teaching requirements for those who work at low-performing schools or those on warning status. Requires the UNC Board of Governors to administer extracurricular activities for participating students. Requires the Authority to report annually, beginning December 1, 2016, to the Joint Legislative Education Oversight Committee regarding the Fund and loans awarded.

Appropriates \$2.9 million for 2015-16 and \$5.4 million for 2016-17 from the General Fund to the UNC Board of Governors to implement the act. Specifies the amounts to be used to provide loans, for administering the Program, and for extracurricular activities.

Effective July 1, 2015.

Intro. by Hanes, Bryan, Hardister, Meyer.

APPROP, GS 116

[View summary](#)

**Education, Elementary and Secondary Education,
Government, Budget/Appropriations**

H 845 (2015-2016) **EXEMPT PROPERTY OWNED OR LEASED BY TRIBE**. Filed Apr 14 2015, *AN ACT TO EXEMPT REAL AND PERSONAL PROPERTY LOCATED ON TRIBAL LANDS FROM PROPERTY TAX REGARDLESS OF OWNERSHIP*.

As title indicates.

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

Intro. by West, Hager.

GS 105

[View summary](#)

**Development, Land Use and Housing, Property and
Housing, Government, Tax**

H 847 (2015-2016) [AMEND LAWS RE: MEDICAL TREATMENT FOR MINORS](#). Filed Apr 14 2015, *AN ACT PROTECTING PARENTS FROM REPORTS OF ABUSE OR NEGLECT BASED SOLELY ON A DECISION TO FOLLOW TREATMENT RECOMMENDED BY A HEALTH CARE PROVIDER OR MENTAL HEALTH CARE PROVIDER; AND ELIMINATING CERTAIN EXCEPTIONS FOR PARENTAL CONSENT FOR MEDICAL TREATMENT OF UNEMANCIPATED MINORS UNDER THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE.*

Enacts GS 7B-301(d) concerning the reporting of juvenile abuse or neglect, prohibiting a person or institution to file a report of abuse or neglect based solely on the decision of a parent or guardian to follow advice and treatment plan of a licensed health care provider. Provides that even in a case of an immediate, life-threatening situation, the parent's decision cannot be overridden unless there is clear and convincing evidence that warrants a different decision.

Amends GS 90-21.5, Minor's consent sufficient for certain medical health services, deleting all of the language found in subsection (a) and adds new subsections (a1) through (a4), setting out specified medical acts that cannot be provided to a minor without written consent of a parent or legal guardian, including surgical procedures, physical examinations, and the prescribing of prescription drugs. Requires hospitals or medical centers to obtain notarized written consent for a surgical procedure to be performed. Sets out exceptions to the above provisions, including the existence of a medical emergency requiring a surgical procedure or if the minor is in need of treatment for substance abuse. Provides that violation of this section is an unclassified misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both.

Amends the title of GS Chapter 90, Article 1A, Part 2, to read Parental or Judicial Consent for Abortion, Treatment for Sexually Transmitted Diseases, Abuses of Controlled Substances or Alcohol, Mental Illness, and Pregnancy.

Amends GS 90-21.7, Parental consent required, to require notarized written consent of specified individuals before a minor can receive an abortion (previously, only required the written consent without notarization). Adds new subsection (a1) requiring a parent, legal guardian, or legal custodian of an unemancipated minor to be present and consent to health care services for the prevention, diagnosis, and treatment of (1) sexually transmitted diseases, (2) abuse of controlled substances or alcohol, (3) mental illness, or (4) pregnancy unless written consent of the minor and notarized consent of specified individuals is obtained. Makes conforming and technical changes.

Amends GS 90-21.8, Procedure for waiver of parental consent, making conforming changes reflecting the changes made in GS 90-21.7.

Amends GS 90-21.9, Medical emergency exception, providing that this exception applies to the requirements of proposed GS 90-21.7(a1). Makes conforming changes.

Enacts GS 90-21.10A, providing that the liberty of a parent to direct the upbringing, education, and care of his or her child is a fundamental right. Sets out other limitations of GS Chapter 90, Article 1A.

Amends GS 122C-221(a), concerning the voluntary admission and discharge of minors, adding language that allows a minor to be admitted to a facility if the minor (1) is mentally ill or a substance abuser, (2) is in need of treatment, and (3) has complied with the consent requirements found in GS 90-21.7 (previously did not include any consent requirements). Makes conforming changes.

Effective October 1, 2015.

Intro. by Jordan.

[GS 7B, GS 90](#)

[View summary](#)

[Health and Human Services, Health, Health Care Facilities and Providers, Social Services, Child Welfare](#)

H 848 (2015-2016) [MODIFY UTILITY ACCOUNT-ELIGIBLE AREAS](#). Filed Apr 14 2015, *AN ACT TO MODIFY WHAT AREAS MAY RECEIVE GRANTS FROM THE UTILITY ACCOUNT*.

Amends GS 143B-437.01 as the title indicates. Provides that the areas that may receive funds from the Industrial Development Fund Utility Account (Utility Account) are those identified as the most economically distressed areas in the state in creating jobs (was, the most economically distressed counties in the state in creating jobs). Makes additional conforming and clarifying changes to provide that the Utility Account funds are to be used in economically distressed areas. Defines *economically distressed areas* (was, economically distressed county) to mean any of the following: (1) a county defined as a development tier one or two area under GS 143B-437.08 after the adjustments of that section are applied; (2) an urban progress zone, as defined in GS 143B-437.09; and (3) an agrarian growth zone, as defined in GS 143B-437.010.

Intro. by Hanes.

[GS 143B](#)

[View summary](#)

[Development, Land Use and Housing, Community and Economic Development, Government, State Agencies, Department of Commerce, Public Enterprises and Utilities](#)

H 849 (2015-2016) [CREATE DEBTOR EXEMPTION FOR FIREARMS](#). Filed Apr 14 2015, *AN ACT TO AUTHORIZE A DEBTOR TO RETAIN FIREARMS VALUED AT UP TO FIVE THOUSAND DOLLARS FREE FROM THE ENFORCEMENT OF THE CLAIMS OF CREDITORS*.

Amends GS 1C-1601 as the title indicates and also limits the exemption to no more than two handguns and four rifles or shotguns. Effective October 1, 2015.

Intro. by

[GS 1C](#)

[View summary](#)

[Banking and Finance, Courts/Judiciary, Civil, Civil Law](#)

H 850 (2015-2016) [EASTERN BAND OF CHEROKEES/LAW ENFORCEMENT](#). Filed Apr 14 2015, *AN ACT TO PROVIDE AUTHORITY FOR THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH A POLICE DEPARTMENT, A TRIBAL ALCOHOL LAW ENFORCEMENT DIVISION, A NATURAL RESOURCES LAW ENFORCEMENT AGENCY, AND A PROBATION AND PAROLE AGENCY*.

Amends GS 1E-1 to give full faith and credit to any limited driving privilege signed and issued by a Judge or Justice of the Cherokee Tribal Courts and filed in the Cherokee Tribal Courts Clerk's Office. Removes outdated references.

Enacts new Article 2, Tribal Law Enforcement Authority, in GS Chapter 1E. Makes Article 13 (concerning law enforcement for cities and towns) of GS Chapter 160A applicable to the Eastern Band of Cherokee Indians, with four listed exceptions, and sets out qualifications for those law enforcement officers. Defines *law enforcement agency* or *local law enforcement agency* to include the Cherokee Police Department, the Cherokee Marshals Service, the Tribal Alcohol Law Enforcement Division of the Eastern Band of the Cherokee Indians, and the Natural Resources Enforcement Agency of the Eastern Band of Cherokee Indians. Includes provisions concerning the jurisdiction and service of those law enforcement officers. Allows the Supreme Court of the Eastern Band of Cherokee Indians to establish a probation and parole agency and sets out the requirements for marshals serving that agency.

Authorizes the North Carolina Department of Public Safety to work with the Eastern Band of Cherokee Indians to establish Originating Agency Identification (ORI) numbers for the law enforcement departments, agencies, and divisions

authorized by this act, with each entity issued its own ORI number. Repeals Sections 1 through 9 of SL 1987-427, concerning the authority of the officers of the police department of the Eastern Band of the Cherokee Indians.

Intro. by West.

GS 1E

[View summary](#)

Alcoholic Beverage Control, Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Environment, Government, Public Safety

H 853 (2015-2016) **CONSUMER FIREWORKS SAFETY**. Filed Apr 14 2015, *AN ACT TO PERMIT THE SALE, POSSESSION, AND DISCHARGE OF CERTAIN CONSUMER FIREWORKS*.

Amends GS 14-410, adding subsection (a6), which makes it permissible to sell, use, handle, or discharge pyrotechnics that are consumer fireworks in North Carolina, providing that the sale, use, handling, or discharge comply with Part 2 of Article 82A of GS Chapter 58. Adds a definition for *consumer fireworks* to the definitions that apply in Article 54, Sale, etc., of Pyrotechnics.

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 and Permitting. Also enacts new Part 2, Consumer Fireworks, to Article 82A. Provides that the sale, use, handling, or discharge of consumer fireworks is permitted only in compliance with the provisions of this Part.

Requires a license for the possession and use of consumer fireworks and requires a person to be over the age of 18 years and to pay the required fees and complete a safety course in order to be eligible for a license. Sets out requirements for the course. Places the following conditions on the possession and use of consumer fireworks: (1) the use of consumer fireworks may occur only between the hours of 8 a.m. and 10 p.m. except for other specified times on July 4th and December 31st and January 1st; (2) 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 300 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 (3) 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.

Sets out conditions that must be included in the retailer or temporary retailer permit and establishes permit fees.

Sets out provisions concerning permit holder financial responsibility and the power of the Commissioner of Insurance to exclude certain categories of pyrotechnics from the definition of *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.

Effective July 1, 2015.

Intro. by Hardister.

GS 14, GS 58

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 854 (2015-2016) **WC/AMEND "EMPLOYMENT" AND "EMPLOYER" DEFS**. Filed Apr 14 2015, *AN ACT AMENDING*

THE DEFINITIONS OF THE TERMS "EMPLOYMENT" AND "EMPLOYER" UNDER THE NORTH CAROLINA WORKERS' COMPENSATION ACT.

Amends the definition of the term *employment* as it is used in the North Carolina Workers' Compensation Act to include employment, meeting the other specified requirements, in which one or more employees are regularly employed in the same business or establishment (was, three or more employees or one or more where employees are employed in activities which involved the use or presence of radiation). Also amends the definition of the term *employee* as follows. Deletes current language concerning executive officers of corporations and sole proprietors or partner of a business. Deems the president, vice president, secretary, or treasurer of a corporation as an employee for the purposes of the North Carolina Workers' Compensation Act. Includes partner with respect to a partnership that employs the partner, a member or manager of a limited liability company, and a sole proprietor with respect to such sole proprietorship as employees if one or more employees are regularly employed in the same business or establishment. Allows a president, vice president, secretary, or treasurer of a corporation who owns a 10% or more membership interest in the corporation or a partner or sole proprietor to elect not to be covered by the provisions of this Article.

Specifies that GS 97-31.1, concerning the effective date of legislative changes in benefits, does not apply to this act.

Intro. by Wray.

[GS 97](#)

[View summary](#)

[Employment and Retirement](#)

H 855 (2015-2016) [SUPPORT FAMILY STABILIZATION](#). Filed Apr 14 2015, *AN ACT TO INCREASE THE FEE FOR FILING A DIVORCE ACTION FROM SEVENTY-FIVE DOLLARS TO ONE HUNDRED TWENTY-FIVE DOLLARS TO SUPPORT THE FAMILY STABILIZATION FUND AND ESTABLISH THE FAMILY STABILIZATION FUND.*

Amends GS 7A-305 to increase the divorce filing fee from \$75 to \$125 and to require that \$50 of that fee be deposited in the new Family Stabilization Fund (Fund).

Enacts new Part 10E in Article 9 of GS Chapter 143, establishing the Fund within the Department of Administration and administered by the NC Council for Women (Council). Requires the Fund to be used to make grants to organizations assisting individuals who are returning to or starting in the workforce and are in need of services including short-term child care, resource referral, resume development, and case management to achieve goals. Requires the Council to report annually to the Joint Legislative Commission on Governmental Operations on the Fund.

Intro. by Fisher.

[GS 7A, GS 143B](#)

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[Courts/Judiciary, Civil, Family Law, Employment and Retirement, Government, State Agencies, Department of Administration](#)

H 857 (2015-2016) [TIPPED EMPLOYEE MINIMUM WAGE CHANGE](#). Filed Apr 14 2015, *AN ACT TO AMEND THE LABOR LAWS OF NORTH CAROLINA TO REDUCE THE AMOUNT OF TIPS THAT MAY BE COUNTED AS WAGES OF TIPPED EMPLOYEES THROUGH DECEMBER 31, 2016, AND REQUIRING SUBSEQUENTLY THAT NO TIPS MAY BE COUNTED AS WAGES.*

As title indicates.

Intro. by Fisher.

[GS 95](#)

[View summary](#)

Employment and Retirement

H 858 (2015-2016) [GW BACK-TO-SCHOOL GRANTS/FUNDS](#). Filed Apr 14 2015, *AN ACT APPROPRIATING PROCEEDS FROM THE NORTH CAROLINA STATE LOTTERY TO ESTABLISH THE GEORGE WASHINGTON BACK-TO-SCHOOL GRANT PROGRAM TO RETURN THE NATION'S FIRST PRESIDENT AND COMMANDER-IN-CHIEF TO THE STATE'S PUBLIC SCHOOLS.*

Establishes for 2015-17 a grant program to provide funding to the state's public schools to purchase suitable framed portraits of George Washington. Appropriates \$500,000 for 2015-16 from the Education Lottery Fund to the Office of the Governor and \$500,000 for 2016-17 to provide funding to public schools for the purchase of suitable framed portraits under the program. Effective July 1, 2015.

Intro. by Burr, Torbett.

APPROP

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**Education, Elementary and Secondary Education,
Government, Budget/Appropriations**

H 859 (2015-2016) [RESTORE THE PROPER ROLE OF THE LSC](#). Filed Apr 14 2015, *AN ACT TO REQUIRE THAT ALL DECISIONS OF THE LEGISLATIVE SERVICES COMMISSION BE MADE BY THE COMMISSION.*

Repeals GS 120-31(f), which provided that where any provision of law or any rule of the Legislative Services Commission (LSC) requires approval of any action by the Legislative Services Commission, approval of that action by the President Pro Tempore of the Senate and by the Speaker of the House of Representatives constitutes approval of the Commission.

Amends GS 120-31(d) to prohibit the LSC from delegating its authority to act on matters to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Intro. by Burr, Blust.

GS 120

[View summary](#)

Government, General Assembly

H 860 (2015-2016) [LIMIT SOLDIERS' CC TUITION](#). Filed Apr 14 2015, *AN ACT TO LIMIT COMMUNITY COLLEGE TUITION FOR RE-ENROLLING ACTIVE DUTY SERVICE MEMBERS SO THAT THE MAXIMUM RATE SHALL NOT EXCEED AVAILABLE FEDERAL TUITION ASSISTANCE.*

Amends GS 116-143.3, as the title indicates. Effective July 1, 2015.

Intro. by Hanes, Glazier.

GS 116

[View summary](#)

**Education, Higher Education, Military and Veteran's
Affairs**

H 861 (2015-2016) [STUDY SUPPORTED DECISION-MAKING](#). Filed Apr 14 2015, *AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION STUDY SUPPORTED DECISION-MAKING AS AN ALTERNATIVE TO*

GUARDIANSHIP OF THE PERSON.

As title indicates.

Intro. by Farmer-Butterfield, Turner, Hurley, Meyer.

STUDY

[View summary](#)

Government, General Assembly, Health and Human Services, Social Services, Adult Services

H 863 (2015-2016) [ALLOW EMPLOYEE TO SOLICIT DONATIONS/STATE PAC](#). Filed Apr 14 2015, *AN ACT TO ALLOW EMPLOYEES OF LOCAL DIVISIONS OF STATEWIDE ORGANIZATIONS TO SOLICIT DONATIONS ON BEHALF OF THE STATEWIDE POLITICAL ACTION COMMITTEE (PAC)*.

As title indicates.

Intro. by W. Brawley.

GS 163

[View summary](#)

Government, Elections

H 865 (2015-2016) [LRC STUDY/SEXUAL BATTERY REGISTRATION](#). Filed Apr 14 2015, *AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE SEX OFFENDER REGISTRATION REQUIREMENT FOR THE OFFENSE OF SEXUAL BATTERY*.

Allows the Legislative Research Commission (LRC) to study the law requiring a person convicted of sexual battery to register as a sex offender. Specifies four issues that may be considered in the study. Allows the LRC to submit a final report to the 2015 General Assembly, before the convening of the 2016 short session, by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Effective July 1, 2015.

Intro. by Harrison, Luebke, Fisher.

STUDY

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, General Assembly

H 866 (2015-2016) [STUDENT-ATHLETE STIPENDS & TRUST FUNDS](#). Filed Apr 14 2015, *AN ACT TO REQUIRE PUBLIC AND PRIVATE UNIVERSITIES THAT ARE NCAA DIVISION I SCHOOLS TO PAY STUDENT-ATHLETES STIPENDS AND HOLD CERTAIN FUNDS IN TRUST FOR THE FBS FOOTBALL AND DIVISION I BASKETBALL STUDENT-ATHLETES ENROLLED AT THOSE UNIVERSITIES*.

Requires the UNC Board of Governors to require the constituent institutions that are NCAA Division I schools and participate in Football Bowl Subdivision (FBS) football or Division I basketball to use a portion of the revenue generated from the commercial use of student-athletes' names, images, and likenesses to do the following for FBS football and Division I basketball student-athletes enrolled at the constituent institution: (1) award stipends to the student-athletes up to the full cost of attendance to make up for any shortfall in its grants-in-aid and (2) hold in trust limited and equal shares of its licensing revenue to be distributed to the student-athletes after they leave college or their eligibility expires.

Prohibits paying state funds to a private institution of higher education that is an NCAA Division I school that

participates in FBS football or Division I basketball unless the governing body of the institution adopts and implements a policy substantially similar to the policy adopted by the UNC Board of Governors of the University of North Carolina.

Makes these requirements contingent on a final judgment in the case of *O'Bannon vs. NCAA*, where the right to appellate review has been exhausted or abandoned, that requires NCAA Division I schools to pay student-athletes stipends and to hold certain funds in trust for student-athletes who are enrolled at those schools.

Intro. by B. Brown, Saine.

UNCODIFIED

[View summary](#)

Education, Higher Education

H 867 (2015-2016) **NO ONE-YR SEPARATION REQ/DOMESTIC VIOLENCE**. Filed Apr 14 2015, *AN ACT TO ELIMINATE THE REQUIRED ONE-YEAR PERIOD OF SEPARATION FOR ABSOLUTE DIVORCE WHEN A PERSON IN THE MARRIAGE IS A VICTIM OF DOMESTIC VIOLENCE*.

Amends GS 50-6 to allow a person who is the victim of domestic violence committed by the person's spouse to seek a divorce without having to meet the one-year period of separation. Specifies information and documentation that must be included in the application for divorce. Applies to actions commenced on or after the date the act becomes law.

Intro. by Cunningham.

GS 50

[View summary](#)

Courts/Judiciary, Civil, Family Law

H 868 (2015-2016) **UP MINIMUM WAGE/SET RATES/ADD COLA**. Filed Apr 14 2015, *AN ACT TO INCREASE THE STATE MINIMUM WAGE, TO SET WAGE RATES BASED UPON THE SIZE OF THE EMPLOYER, AND TO PROVIDE FOR AUTOMATIC ADJUSTMENTS TO REFLECT INCREASES IN THE COST OF LIVING*.

Amends GS 95-25.3 concerning minimum wage rates, deleting all the substantive provisions of subsection (a), which previously set the minimum wage at \$6.15 per hour. Adds language defining the following terms for use in the section: *large employer* and *small employer*. Adds new subsection (a1) that requires large employers to pay each employee at least \$9 an hour beginning on January 1, 2016, and all small employers to pay each employee at least \$7.75 an hour, effective January 1, 2016. Adds subsection (a2) which requires the minimum wage set above to be increased on January 1, 2017, and every January 1 thereafter, by the cost of living as measured by the percentage increase of the consumer price index calculated by the US Department of Labor. Requires the Commissioner of Labor to calculate the indexed minimum wage.

Intro. by Cunningham, Baskerville.

GS 95

[View summary](#)

Business and Commerce, Employment and Retirement

H 869 (2015-2016) **CAMPAIGN INTEGRITY ACT**. Filed Apr 14 2015, *AN ACT TO REQUIRE A CANDIDATE TO REFUND CAMPAIGN CONTRIBUTIONS AT THE REQUEST OF A DONOR WHEN A CANDIDATE CHANGES POLITICAL PARTY AFFILIATION DURING THE TERM FOR WHICH THE CANDIDATE WAS ELECTED*.

Adds new GS 163-278.16C to Part 1 of Article 22A of GS Chapter 163 to require that a candidate refund campaign contributions at a donor's request when the candidate changes political party affiliation during the term for which the

candidate was elected. Requires that the candidate's campaign funds be frozen during the time period from when the donor requests the refund for the reason stated in this act until such time as all refund requests have been refunded. Provides that any contributions to a candidate's campaign made subsequent to a refund request under this act must first be used to satisfy all refund requests under this act before any contributions may be used for expenditures.

Effective October 1, 2015, and applies to reports due on or after that date.

Intro. by L. Hall.

GS 163

[View summary](#)

Government, Elections, Ethics and Lobbying

H 870 (2015-2016) [CERT. OF TITLE/MANUF. HOME CHANGES](#). Filed Apr 14 2015, *AN ACT TO CLARIFY THE RENEWAL, RELEASE, AND CANCELLATION PROCESS FOR SECURITY INTERESTS ON A CERTIFICATE OF TITLE FOR A MANUFACTURED HOME, TO CLARIFY THE CALCULATION OF THE COST OF THE UNDERTAKING FOR THE INSTALLATION OF A MANUFACTURED HOME, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE LAW AND PROCESS RELATED TO MANUFACTURED HOME TITLES AND SECURITY INTERESTS.*

Amends GS 20-4.01, the definitions section concerning motor vehicles, adding the key term *manufactured home* providing it means as defined in GS 143-143.9(6). Adds clarifying language to the definitions for *house trailer* and *recreational vehicle* providing that those terms do not include a manufactured home. Adds language to the definition of *vehicle*, providing that unless the context requires otherwise or as provided in GS 20-109.2, 47-20.6, and 47-20.7, a manufactured home is deemed to be a vehicle.

Enacts new subsection GS 20-58(c), concerning perfection of security interest, providing that on and after January 1, 2016, an application of a security interest on a certificate of title for a manufactured home must state the maturity date of the secured obligation. Sets out requirements for the Division of Motor Vehicles (DMV) concerning the maturity date.

Enacts GS 20-58.3A, Automatic expiration of security interest in manufactured home; renewal of security interests in manufactured homes, defining the terms *secured party* and *borrower* for the purposes of this section. Provides that, with a few specified exceptions, a security interest in a manufactured home, which is perfected by a notation on the certificate of title must automatically expire 30 years after the date of issuance of the original certificate of title containing the notation of the security interest. Provides that, with a few specified exceptions, a security interest in a manufactured home, which is perfected by a notation on the certificate of title pursuant to GS 20-58(c) will automatically expire in accordance with the specified time frames. Sets out processes and procedures for renewal of the perfection of the secured party's security interest prior to automatic expiration, including requiring an application to be submitted to the DMV containing specified information, such as the secured party's signature and the existing certificate of title. Sets out the requirements of the DMV once an application for renewal has been received, depending on the status of the existing certificate of title. Provides that once issued, the renewal is effective to renew the perfection of the security interest as of the date the application is delivered to the DMV.

Amends GS 20-58.4, concerning the release of a security interest, providing a procedure to secure a release of a security interest by way of a sworn affidavit by the owner stating that the debt has been satisfied and their either (1) the owner has not been able to determine the identity or current location of the secured creditor or (2) the secured creditor has not responded within 30 days to a written request for release. Provides that the DMV cannot cancel a security interest if the secured party responds to the DMV within 15 days of the DMV's notice, stating the security interest remains in effect. Adds new subsection (f) providing that the owner of the manufactured home or the owner of the real property on which the home is located can effect the satisfaction and release of a security interest as provided in GS 20-109.2.

Enacts GS 44A-11.1(a1) concerning lien agents providing that when improvements to a real property leasehold are limited to the purchase, transportation or setup of a manufactured home, with a current certificate of title, the purchase price of the home must be excluded in determining if the costs of the undertaking are \$30,000 or more.

Amends GS 153A-357(e) (municipalities) and GS 160A-417(d) (counties), concerning the prohibition on certain issuance of building permits where the costs of work is \$30,000 or more, adding language that provides that when improvements to a real property leasehold are limited to the purchase, transportation or setup of a manufactured home, with a current certificate of title, the purchase price of the home must be excluded in determining if the costs of the undertaking are \$30,000 or more.

Directs the Legislative Research Commission to study the law and process related to manufactured housing title and security interests. Effective when this act becomes law.

Unless otherwise provided, effective January 1, 2016.

Intro. by Jordan.

[STUDY, GS 20, GS 44A, GS 153A, GS 160A](#)

[View summary](#)

[Banking and Finance, Development, Land Use and Housing, Property and Housing, Government, General Assembly, Local Government](#)

H 871 (2015-2016) [PRIVATE PARKING/IMMOBILIZATION DEVICE](#). Filed Apr 14 2015, *AN ACT TO AUTHORIZE THE USE OF IMMOBILIZATION DEVICES ON VEHICLES UNLAWFULLY PARKED IN PRIVATELY OWNED OR LEASED PARKING LOTS OR SPACES*.

Enacts new GS 20-219.5 making it illegal for anyone other than the owner or lessee of a privately owned or leased parking space to park in the space without express permission if the private parking lot is clearly designated as private by a sign that meets the required specifications. Allows a vehicle illegally parked in a privately owned parking space to be immobilized in the space upon the written request of the parking space owner or lessee. Also makes it illegal for any person other than the immobilization company that attached the immobilization device to remove or tamper with the immobilization device. Sets out penalties for violations and makes violations that cause damage to the immobilization device to the extent that the device is unusable for its primary purpose, or otherwise prevents the immobilization company from further using the device, a Class 1 misdemeanor. Prohibits local governments from passing ordinances regulating the immobilization of vehicles unlawfully parked in privately owned or leased parking spaces or lots. Effective July 1, 2015.

Intro. by Jordan.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

H 872 (2015-2016) [ADMINISTRATIVE LAW JUDGES' SALARIES](#). Filed Apr 14 2015, *AN ACT TO ADJUST THE SALARIES PAID TO ADMINISTRATIVE LAW JUDGES*.

Amends GS 7A-751 to make the salary for the Chief Administrative Law Judge the same as that for superior court judges (was, district court judges). Requires the salary of a Senior Administrative Law Judge to be the same as that for district attorneys (was, 95% of the salary of the Chief Administrative Law Judge). Requires the salary of other administrative law judges to be the same as that fixed for district court judges (was, 90% of the salary of the Chief Administrative Law Judge). Effective July 1, 2015.

Intro. by Jordan.

[GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

H 873 (2015-2016) [HOSPITAL POLICE OFFICERS/POWERS](#). Filed Apr 14 2015, *AN ACT TO EXPAND THE ARREST AND LAW ENFORCEMENT AUTHORITY OF HOSPITAL POLICE OFFICERS*.

Amends GS 74E-6 to add hospital police officers, defined as company police officers employed by, or contracted with, a local hospital or hospital authority to the classifications of company police officers. Gives hospital police officers the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on specified property and extends those powers to portions of a road or highway passing through or adjoining that property. Allows the chief executive officer of any local hospital or hospital authority employing or contracting with hospital police officers to enter into joint agreements with the governing board of any (1) municipality to extend the law enforcement authority of hospital police officers into any or all of the municipality's jurisdiction and to determine the circumstances in which this extension of authority may be granted and (2) county, with the sheriff's consent, to extend the law enforcement authority of hospital police officers into any or all of the county's jurisdiction and to determine the circumstances in which this extension of authority may be granted.

Effective July 1, 2015.

Intro. by Jordan.

[GS 74E](#)

[View summary](#)

[Government, Public Safety, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 874 (2015-2016) [CITIES/AVAILABILITY CHARGE/IMPROVED PROPERTY](#). Filed Apr 14 2015, *AN ACT AUTHORIZING CITIES TO REQUIRE PAYMENT OF A PERIODIC AVAILABILITY CHARGE IF IMPROVED PROPERTY QUALIFIES FOR THE ISSUANCE OF A BUILDING PERMIT AND THE CITY HAS INSTALLED WATER OR SEWER LINES DIRECTLY AVAILABLE TO THE PROPERTY*.

Amends GS 160A-317(a), adding a new subdivision (2) to provide as the title indicates. Also makes technical corrections.

Intro. by Jordan, S. Ross, Setzer.

[GS 160A](#)

[View summary](#)

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

H 875 (2015-2016) [RESTRICT MUNICIPAL EMINENT DOMAIN](#). Filed Apr 14 2015, *AN ACT TO REQUIRE CONSENT OF THE COUNTY BOARD OF COMMISSIONERS BEFORE ANY CITY, TOWN, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT ACQUIRES BY CONDEMNATION, EXCHANGE, PURCHASE, OR LEASE ANY REAL PROPERTY LOCATED IN THAT COUNTY*.

Amends GS 153A-15 as the title indicates and makes the statute applicable statewide. Applies to condemnations, exchanges, purchases, or leases made on or after July 1, 2015.

Intro. by Jordan.

[GS 153A](#)

[View summary](#)

[Government, Local Government](#)

H 878 (2015-2016) [EXPAND BD. OF TRUSTEES/SCH. OF SCIENCE & MATH.](#) Filed Apr 14 2015, *AN ACT TO EXPAND THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.*

Increases the membership of the Board of Trustees of the North Carolina School of Science and Math by three members; adds the president of the student government as an ex officio member, and up to two additional nonvoting members selected at the discretion of the chancellor and the Board of Trustees. Effective July 1, 2015.

Intro. by Jordan.

[GS 116](#)

[View summary](#)

[Education](#)

H 880 (2015-2016) [DETAIN RESPONDENTS FOR FIRST EXAMINATIONS.](#) Filed Apr 14 2015, *AN ACT AUTHORIZING COMPANY POLICE OFFICERS TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER.*

Adds a new subsection (i) to GS 122C-251 to provide that if a respondent is being temporarily detained in accordance with GS 122C-261(d), 122C-263(a), or 122C-263(d)(2) and the law enforcement officer leaves the facility after a finding, with the input of the personnel at the facility, that it is safe to temporarily detain the respondent at the facility under the supervision of the facility personnel, then an individual acting as a company police officer may use appropriate and reasonable force and means either to keep the respondent at the facility where the respondent is to be detained or return the respondent to the facility where the respondent is to be detained, if it is pursuant to a continuous and immediate pursuit.

Intro. by Jordan, Elmore, Faircloth.

[View summary](#)

[Government, Public Safety, Health and Human Services, Mental Health](#)

H 883 (2015-2016) [LRC/STUDY UNIFORM LAW ON ADULT GUARDIANSHIP.](#) Filed Apr 14 2015, *AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO EXAMINE THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (UAGPPJA) AND THE GUARDIANSHIP LAWS OF THIS STATE AND MAKE RECOMMENDATIONS ABOUT WHETHER NORTH CAROLINA SHOULD ADOPT ALL OR SOME PORTIONS OF THE UAGPPJA.*

Requires the Legislative Research Commission (LRC) to examine the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGAPPJA) and the guardianship laws of North Carolina and make recommendations on whether North Carolina should adopt all or portions of UAGAPPJA and whether North Carolina should amend GS Chapter 35A in connection with its adoption. The LRC is required to report its findings by the convening of the 2016 Regular Session of the General Assembly.

Intro. by Farmer-Butterfield, Meyer, Hurley, Turner.

[STUDY](#)

[View summary](#)

[Government, General Assembly, Health and Human Services, Social Services, Adult Services](#)

H 885 (2015-2016) [LET LOCAL GOV'TS SET LOCAL MINIMUM WAGE](#). Filed Apr 14 2015, *AN ACT TO ALLOW A LOCAL GOVERNMENT TO SET THE MINIMUM WAGE WITHIN ITS JURISDICTION AND TO PROVIDE FOR THE AUTOMATIC ADJUSTMENT OF THAT WAGE*.

Amends GS 95-25.3 to allow a city or county to establish a minimum wage that is higher than that required by the statute and requires the amount to be automatically increased annually by the increase in the cost of living.

Intro. by L. Hall.

[GS 95](#)

[View summary](#)

[Employment and Retirement, Government, Local Government](#)

H 887 (2015-2016) [AMEND CRIMINAL CONTEMPT](#). Filed Apr 14 2015, *AN ACT TO INCREASE THE PENALTY FOR A SECOND OR SUBSEQUENT ACT OF CRIMINAL CONTEMPT*.

Amends GS 5A-12 to make subsequent and additional acts of criminal contempt subject to censure, imprisonment of up to 90 days, a fine not to exceed \$1,000, or any combination thereof for the additional act. Applies to offenses committed on or after December 1, 2015.

Intro. by Setzer.

[GS 5A](#)

[View summary](#)

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

H 888 (2015-2016) [APPROPRIATE FUNDS FOR FUTURE HEALTH CARE JOBS](#). Filed Apr 14 2015, *AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGE SYSTEM TO TRAIN FUTURE HEALTH CARE PROFESSIONALS TO MEET THE HEALTH CARE NEEDS CREATED BY MEDICAID EXPANSION*.

Provides that if Medicaid eligibility is expanded to all people under age 65 who have incomes equal to or less than 133% of the federal poverty guidelines, then \$20 million is appropriated from the General Fund to the Community Colleges System Office for the 2015-16 fiscal year and \$27 million is appropriated for 2016-17 to increase the number of students entering into and graduating from health care certificate and health care degree programs. Effective July 1, 2015.

Intro. by Farmer-Butterfield, Cunningham, Terry.

[APPROP](#)

[View summary](#)

[Education, Higher Education, Government, Budget/Appropriations, State Agencies, Community Colleges System Office, Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

H 892 (2015-2016) [2015 SPEAKER'S APPOINTMENTS](#). Filed Apr 14 2015, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES*.

Includes whereas clauses.

Charles Travis III is appointed to the NC Turnpike Authority, effective January 15, 2015, for a term expiring January 14, 2019.

Intro. by Lewis.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Transportation, Transportation

H 894 (2015-2016) [GAME NIGHTS/NONPROFIT FUND-RAISER](#). Filed Apr 14 2015, *AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "GAME NIGHTS," TO PROVIDE FOR THE REGULATION OF NONPROFIT ORGANIZATIONS HOLDING "GAME NIGHTS," AND TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES AT "GAME NIGHTS."*

Enacts Part 4 in Article 37 of GS Chapter 14 authorizing and regulating "game nights" held by nonprofit organizations. A nonprofit organization operating a game night must first obtain a permit by submitting an application with complete information including a \$250 fee to either the central office or district office of the Alcohol Law Enforcement Section of the Department of Public Safety. Nonprofit organizations are prohibited from operating more than four game night events per year and each event must not exceed 5 hours. Regulates the timing of the events and sets out other limitations on the games. Limits the costs of prizes and expenses to 50% of the event proceeds. Cash prizes are prohibited and prizes are required to be awarded by raffles. Games are limited to roulette, blackjack, poker, craps, keno, and merchandise wheel of fortune. Violations of game night regulations constitute gambling. Limits the applicability of the Part to areas of the state located east of I-26 as it was located on November 28, 2011. Does not prohibit an employer from holding an annual game night event for employees and guests or a trade association from holding an annual game night for its members and guests, so long as there is no charge to the attendees.

Makes conforming changes to GS 14-292.

Amends GS 18B-1000 defining a *qualified facility* as a facility that has an on-premises malt beverage permit, an on-premises unfortified wine permit, and on-premises fortified wine permit, or a mixed beverage permit.

Enacts GS 18B-1010 authorizing simulated game nights at qualified facilities. Allows serving and selling alcohol at game nights. Also prohibits a qualified facility from hosting a game night if the qualified facility has been convicted of any ABC violation or its permits have been suspended or revoked within the past two years. A qualified facility or exempt organization that violates this section is guilty of a Class 2 misdemeanor and game nights are disallowed for one year.

Requires the Department of Public Safety to report to the 2019 Regular Session of the General Assembly on game night permits.

Effective October 1, 2015.

Intro. by Boles, Floyd, Lucas, Saine.

GS 14, GS 18B

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Lottery and Gaming, Nonprofits

H 900 (2015-2016) [ELIMINATE CORPORATE TAX CUT TRIGGERS](#). Filed Apr 15 2015, *AN ACT TO ELIMINATE THE CORPORATE INCOME TAX RATE REDUCTION TRIGGER.*

As title indicates.

Intro. by Luebke, Holley, Cunningham.

GS 105

[View summary](#)

**Business and Commerce, Corporation and Partnerships,
Government, Tax**

H 912 (2015-2016) [EXCLUSIVE TAXING AUTHORITY OF CHEROKEE](#). Filed Apr 16 2015, *AN ACT TO RECOGNIZE THE EXCLUSIVE AUTHORITY OF THE EASTERN BAND OF CHEROKEE INDIANS TO LEVY TAXES WITHIN THEIR JURISDICTION.*

As title indicates.

Intro. by West, Hager, Saine, W. Brawley.

GS 105

[View summary](#)

Government, Tax

H 915 (2015-2016) [VETERANS PLATES/VEHICLE WEIGHT RESTRICTION](#). Filed Apr 16 2015, *AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE CERTAIN MILITARY SPECIAL REGISTRATION PLATES FREE OF CHARGE TO MOTOR VEHICLES WITH A REGISTERED WEIGHT THAT DOES NOT EXCEED SEVENTEEN THOUSAND POUNDS.*

As title indicates.

Effective July 1, 2015, applying to special registration plates issued or renewed on or after that date.

Intro. by Queen, G. Martin, Waddell, Speciale.

GS 20

[View summary](#)

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

ACTIONS ON BILLS

No public actions on bills

No local actions on bills

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