

The Daily Bulletin: 2016-06-08

PUBLIC/HOUSE BILLS

H 169 (2015-2016) [REGULATORY REDUCTION ACT OF 2016 \(NEW\)](#) Filed Mar 5 2015, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.*

Senate committee substitute makes the following changes to the 5th edition.

Makes a technical correction to Section 4.3(c).

Amends GS 143-215.107A to also remove Robeson and Stanly Counties from the counties required to perform motor vehicle emissions inspections under the statute.

Makes a technical change to Section 4.6(c), subdivision (2).

Repeals GS 106-261, which requires reports to the Commissioner of Agriculture as to milk purchased or sold in the State.

Deletes Section 3.2(a) of the previous edition that repealed GS 143-64.12, which provides for the authority and duties of the Department of Environmental Quality regarding the development, implementation, and review of State agencies and State institutions of higher learning to better manage energy, water, and other utilities used by those facilities.

Moves Section 3.2(b) of the previous edition, which repeals GS 116-30.3B(c), to new Section 5.24. Also makes a clarifying change to the introductory language of the section.

Intro. by Hager, Presnell.

[GS 18B](#), [GS 45](#), [GS 74](#), [GS 87](#), [GS 106](#), [GS 113A](#), [GS 115C](#),
[GS 116](#), [GS 130A](#), [GS 139](#), [GS 143](#), [GS 150B](#), [GS 159G](#)

[Agriculture](#), [Alcoholic Beverage Control](#), [Animals](#),
[Development](#), [Land Use and Housing](#), [Building and Construction](#), [Property and Housing](#), [Education](#),
[Elementary and Secondary Education](#), [Higher Education](#),
[Environment](#), [Environment/Natural Resources](#),
[Government](#), [APA/Rule Making](#), [State Agencies](#),
[Department of Administration](#), [Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\)](#), [Department of Environmental Quality \(formerly DENR\)](#), [Department of Transportation](#), [Health and Human Services](#), [Health](#), [Health Care Facilities and Providers](#), [Public Health](#), [Transportation](#)

[View summary](#)

H 242 (2015-2016) [VARIOUS CHARTER SCHOOL LAW CHANGES \(New\)](#) Filed Mar 16 2015, *AN ACT TO MAKE VARIOUS CHANGES TO THE CHARTER SCHOOL LAWS.*

Senate committee substitute makes the following changes to the 3rd edition.

Deletes all provisions of the 3rd addition and now provides as follows.

Replaces the long title with AN ACT TO MAKE VARIOUS CHANGES TO THE CHARTER SCHOOL LAWS.

Changes the short title.

Amends GS 115C-218.5 by removing provisions of subsection (d), concerning the renewal of charters for a period of 10 years, as well as all of subsections (e) and (f), concerning material and non-material revisions of charters.

Enacts new GS 115C-218.6 to provide for the review and renewal of charters, new GS 115C-218.7 to provide for the material revisions of charters, and new GS 115C-218.8 to provide for the non-material revisions of charters.

New GS 115C-218.6 requires the State Board of Education (Board) to review the operations of each charter school at least once prior to the expiration of its charter (previously, in GS 115C-218.6(d), was once every five years) to ensure that the school is meeting the expected academic, financial, and governance standards. Moves identical language removed from GS 115C-218.5(d), with subdivisions (1) through (3), to new GS 115C-218.6(b), that requires the Board to renew a charter upon request of the chartering entity for subsequent period of ten years, unless subdivisions (1) through (3) applies. Makes clarifying changes. Establishes that, if one of the conditions set forth in subdivisions (1) through (3) of the statute applies, then the Board may renew the charter for a period of less than 10 years or not renew the charter.

New GS 115C-218.7 recodifies the provisions removed from GS 115C-218.5(e) as subsections (a) and (b) of the new statute. Provides that a material revision of the provisions of a charter are to be made only upon approval of the Board. Establishes that enrollment growth of greater than 20% is to be considered a material revision of the charter. Authorizes the Board to approve such additional enrollment growth of greater than 20% only if it finds that subdivisions (1) through (5) apply; these are the same five stipulations that were in GS 115C-218.5(e).

Enacts new provisions in subsections (c) and (d) of new GS 115C-218.7. Grants the Board discretion to investigate and determine whether subdivision (1) of subsection (b) of the statute, which requires the actual enrollment of the charter school to be within 10% of its maximum authorized enrollment, may be waived to grant the school's material revision request to allow the capital expansion to move forward in the event a charter school pursuing a material revision of enrollment growth, based on a proposed capital expansion of the charter school, fails to meet the requirement of (b)(1). Requires the charter school to supply the Board with documentation to show evidence that demonstrates sufficiently in the Board's discretion that (1) the requested increase in enrollment growth is within a reasonable margin of the threshold necessary to support the requested material revision, and (2) the charter school has secured financing for its proposed capital expansion conditioned on its obtaining the requested material revision of enrollment growth. Provides that, in the event the Board grants the request for material revision of enrollment growth based on a proposed capital expansion and the school is not able to realize that capital expansion within two years of the grant of the material revision, the charter must reflect the maximum authorized enrollment immediately preceding that material revision.

New GS 115C-218.8 recodifies all of the language removed from GS 115C-218.5(f), including subdivisions (1) through (3), concerning non-material revisions of charters. Changes the third subdivision, now subsection (c), as follows. Allows a charter school, without prior approval of the Board, to expand to offer one grade higher or lower than the charter school currently offers if the charter school has (1) operated for at least three years, (2) has not been identified as continually low-performing as provided in GS 115C-218.94, as enacted by the act, and (3) has been in financial compliance as required by the Board.

Amends GS 115C-218.45(f), authorizing a charter school to give enrollment priority to four categories of persons, by adding two new categories of persons who may be given priority: (1) a student who was enrolled in another charter school in the State in the previous school year that does not offer the student's new grade level, and (2) a student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of directors.

Enacts new GS 115C-218.94 to direct the Board to identify low-performing charter schools on an annual basis. Defines *low-performing charter schools* as those that receive a school performance grade of D or F and a school growth score

of "met expected growth" or "not met expected growth" as defined in GS 115C-83.15. Directs the Board to identify continually low-performing charter schools on an annual basis. Defines a *continually low-performing charter school* as a charter school that has been designated by the State Board as low-performing for at least two of three consecutive years.

Amends GS 115C-218.95 by repealing subsection (b), which directed the Board to adopt criteria for adequate performance by a charter school and identify charter schools with inadequate performance, and enacting new subsection (b1). Authorizes the Board to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the Board if a charter school is continually low-performing. Prohibits the Board from terminating or not renewing the charter of a continually low-performing charter school solely for its continually low-performing status if the charter school has met growth in each of the immediately preceding three school years or if the charter school has implemented a strategic improvement plan approved by the Board and is making measurable progress toward student performance goals. Requires the Board to develop rules on the assumption of a charter by a new entity that includes all aspects of the operations of the charter school, including the status of employees. Provides that public assets will transfer to the new entity and not revert to the local school administrative unit in which the charter school is located pursuant to GS 115C-218.100(b).

Makes conforming change to the statutory reference in GS 135-5.3(b7)(3).

Provides that a charter school identified as inadequate that developed and is following a strategic plan required by GS 115C-218.95(b)(1), as repealed by Section 1 of the act, is not required to continue the strategic plan during the 2016-17 school year and thereafter if that charter school has not been identified as low-performing under GS 115C-105.94, as enacted by the act.

Makes conforming change to GS 115C-218.105(a) to replace the statutory reference to GS 115C-218.5(d) with GS 115C-218.7 and GS 115C-218.8, as enacted by the act.

Amends GS 115C-218.105(d), concerning the requirements of a local administrative unit when it transfers a per pupil share of its local current expense fund to a charter school, by adding additional requirements as follows. Requires the local school administrative unit to provide to the Board all of the information required by subsection (d) for each charter school to which it transfers a per pupil share of its local current expense fund. Requires the information to be provided to the Board by November 1 of each year. Directs the Board to adopt a policy to govern the collection of this required information. Requires the Board to issue a letter of non-compliance to a local school administrative unit that does not provide the Board with the required information.

Effective when the act becomes law and applies beginning with the 2016-17 school year, except as otherwise provided.

Amends SL 2014-101, Section 6.5, to establish that the State Board of Education must ensure that the rules for a fast-track replication process, provided for in Section 6.5, provide that decisions by the Board on whether to grant a charter through the replication process are completed in less than 90 days from the application submission date (was, 150 days). Adds that the Board is to provide a decision no later than October 15 of the year immediately preceding the year of the proposed school opening. Establishes that the Board must adopt rules and procedures required by the section within 90 days of the effective date of the act (was, by December 15, 2014), and report to the Joint Legislative Oversight Committee within 120 days of the effective date of the act (was, by February 15, 2015). Applies beginning with applications submitted for fast-track replication of schools opening in the 2017-18 school year.

Intro. by Faircloth, Stam.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

INCREASE RIGOR, FOCUS, AND CAREER READINESS TO THE MATHEMATICS STANDARD COURSE OF STUDY BY REQUIRING THE STATE BOARD OF EDUCATION TO MODIFY AND REVISE THE MATHEMATICS STANDARD COURSE OF STUDY IN ORDER TO OFFER THE TRADITIONAL SEQUENCE OF MATHEMATICS COURSES AND TO DISALLOW THE USE OF A CAREER AND TECHNICAL EDUCATION COURSE AS A SUBSTITUTE TO SATISFY A GRADUATION REQUIREMENT FOR A FOURTH CREDIT IN MATHEMATICS.

Senate committee substitute makes the following changes to the 2nd edition.

Amends the act's short and long titles.

Deletes all of the provisions from the previous edition and replaces it with the following.

Directs the State Board of Education (SBE) to modify the NC Mathematics Standard Course of Study adopted by the State Board in June of 2016, as follows. Directs the SBE to revise and reorganize the NC Mathematics Course of Study to include a sequence of current mathematics standards that align to the traditional sequence of mathematics courses of Algebra I, Geometry, and Algebra II. Requires local boards of education to offer course options aligned with the traditional sequence of mathematics courses of Algebra I, Geometry, and Algebra II for students to satisfy graduation requirements leading to a fourth credit in mathematics for students beginning the sequence of mathematics instruction in the 2017-18 school year. Directs the SBE to indicate to local boards of education the standards that should be supplemented for students enrolling in the traditional course of Algebra I to ensure student success on current student assessments available for that course, for the 2017-18 school year. Requires all changes to the mathematics standard course of study required by Section 1 of the act to be offered to students beginning the sequence in mathematics instruction with the 2017-18 school year. Applies to students beginning the mathematics standard course of study in the 2016-17 school year and thereafter.

Directs the SBE and the State Board of Community Colleges (SBCC) to undertake a comprehensive review of the NC Mathematics Standard Course of Study for the purpose of developing a revised course of study for grades kindergarten through grade 12. Requires the revised kindergarten through grade 12 mathematics course of study, including student assessments aligned with revisions, to be implemented beginning with the 2018-19 school year. Sets out six requirements the SBE and SBCC must complete in developing revisions to the course of study, as follows: (1) maintain the option of enrolling in the traditional sequence of mathematics courses for grades nine through 12, as required by Section 1 of the act; (2) specifically focus on issues related to remediation in mathematics at the community college and university level; (3) ensure that the process for conducting the review and developing the standard course of study is transparent and that information is made available to the public; (4) involve stakeholders in the process for developing mathematics standards and sequences, including surveying the representative sample of parents, teachers, and the public and allowing for public comment opportunities, and using information and stakeholder feedback gathered for the review conducted by the SBE and the Department of Public Instruction of the Mathematics Standard Course of Study adopted by the SBE in June 2010 and in June 2016; (5) consider the information gathered by and the recommendations regarding mathematics standards from the Academic Standards Review Commission, including the Commission's Report of Findings and Recommendations published December 31, 2015; and (6) ensure that mathematics standards and sequences increase students' levels of academic achievement, meet and reflect the State's specified priorities, are age level and developmentally appropriate, are understandable to parents and teachers, and are among the highest standards in the nation.

Provides that, in creating graduation requirements that align with the standard course of study, the SBE cannot allow career and technical education courses to serve as substitutions in order to satisfy the graduation requirement for a fourth credit in mathematics, except as follows. Provides that, if a student has an Individualized Education Plan that identifies the student as learning disabled in the area of mathematics and states that the student's learning disability will prevent the student from mastering Algebra I, that student must be allowed to construct a four-course mathematics sequence that may include one or more career and technical education courses as appropriate, based on the student's Individualized Education Plan and post-secondary goals.

Requires the SBE and the SBCC to report to the General Assembly and the Joint Legislative Oversight Committee, no

later than March 15, 2018, and include (1) a complete copy of the revised mathematics standard course of study and mathematics sequence options developed pursuant to Section 2 of the act, (2) a document that provides the differences between the revised mathematics standard course of study and mathematics sequence options developed pursuant to Section 2 of the act and the NC Mathematics Standard Course of Study adopted by the SBE in June 2016, and (3) a document that outlines the necessary corresponding changes to student assessments to align with the revised mathematics standard course of study and mathematics sequence options developed pursuant to Section 2 of the act.

Sets out that the new mathematics course of study and mathematics sequence options developed in accordance with Section 2 of the act are effective June 1, 2018, unless a bill disapproving the revised mathematics standard course of study is introduced in the General Assembly before the 31st legislative day of the 2018 Regular Session. Sets out alternative effective dates if such a bill is filed, including that the revised course of study is effective July 1 immediately following the earlier of either the day an unfavorable final action is taken on the bill or the day the General Assembly adjourns without ratifying the bill that specifically disapproves the revised mathematics standard course of study. Specifies what a bill disapproving the revised course of study must contain.

Intro. by Elmore, Howard.

[View summary](#)

Education, Elementary and Secondary Education

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 2016*.

Senate amendment makes the following changes to the 2nd edition.

Amends various sections of the proposed Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, first including findings and provisions stating the legislative purpose of the act is to clarify the ambiguity in the law concerning jurisdiction in guardianship proceedings when more than one state is involved. Furthermore the enactment of these provisions is meant to provide clear direction to courts, attorneys, guardians, and individuals in respect to proper jurisdiction for guardianship proceedings. Provides that the act is limited in scope to jurisdiction and does not affect the established system in NC for determining incompetency, appointing guardianship, or managing estates found in GS Chapter 35A.

Expands the definitions section to include the terms court, general guardian, incompetency order, and incompetency proceeding. It further amends previously included terms: incapacitated person, guardian of the estate, guardian of the person, guardianship order, guardianship proceeding party, protected person, protective order, protective proceeding, and respondent.

Expands the provisions detailing proceedings governed by other law, providing that protective services proceedings for disabled and older adults, and domestic violence and civil no-contact proceedings are not governed by the provisions of this act.

Amendment further amends proposed GS 35B-6 through GS 35B-21 of the act to include and apply the provisions of the act to the adjudication of incompetency proceedings (previously the act did not include or govern incompetency proceedings and only referred to guardianship and protective proceedings). Furthermore, the amendment expands the use and reference to the different types of guardianship provided for and as defined in the act. Makes conforming and clarifying changes which provide that where previously provisions included and applied to a guardian or guardian of the estate, such provisions now reference and apply to a general guardian, guardian of the person, or guardian of the estate, as these terms are defined.

Enacts new GS 35B-17(f) providing for the issuance of a provisional order granting a petition to transfer an incompetency proceeding or general guardianship, if the court is satisfied with specified findings and that the general

guardianship will be accepted by a court in another state.

Repeals GS 35A-1113, Hearing when incompetence determined in another state.

Adds provisions to provide that nothing in this act can be construed to affect requirements for seeking an ancillary guardianship pursuant to GS 35A-1280 or for the petitioning of the court for the removal of personalty from the State under GS 35A-1281.

Intro. by Turner, Meyer.

[GS 35A, GS 35B](#)

[View summary](#)

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

H 972 (2015-2016) [LAW ENFORCEMENT RECORDINGS/NO PUBLIC RECORD \(New\)](#) Filed Apr 26 2016, *AN ACT TO PROVIDE THAT RECORDINGS MADE BY LAW ENFORCEMENT AGENCIES ARE NOT PUBLIC RECORDS, TO ESTABLISH WHETHER, TO WHOM, AND WHAT PORTIONS OF A RECORDING MAY BE DISCLOSED OR A COPY RELEASED, TO ESTABLISH THE PROCEDURE FOR CONTESTING A REFUSAL TO DISCLOSE A RECORDING OR TO OBTAIN A COPY OF A RECORDING, AND TO DIRECT STATE OR LOCAL LAW ENFORCEMENT AGENCIES TO PROVIDE, UPON REQUEST, ACCESS TO A METHOD TO VIEW AND ANALYZE RECORDINGS TO THE STATE BUREAU OF INVESTIGATION AND THE NORTH CAROLINA STATE CRIME LABORATORY.*

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

Changes the long and short titles of the act.

Deletes all provisions of the previous edition and now provides the following.

Section 1

Enacts new GS 132-1.4A to be titled Law enforcement agency recordings, to provide as follows.

Establishes that recordings are not public records as defined by GS 132-1 or personnel records as defined in Part 7 of GS Chapter 126, GS 160A-168, or GS 153A-98 (provisions concerning the privacy of personnel records of State employees, City and Town employees, and County employees). Defines *recording* as a visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. Provides that *recording* does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses. Defines *body-worn camera* as an operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others. Defines *dashboard camera* as a device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. Provides that *dashboard camera* does not include body-worn cameras.

Establishes that recordings, as defined by the statute, in the custody of a law enforcement agency can only be disclosed as provided in the statute. Defines *disclose* or *disclosure* as meaning to make a recording available for viewing or listening by the person requesting disclosure, at the time and location chosen by the custodial law enforcement agency. Provides that the term *disclose* or *disclosure* does not include the release of a recording. Defines *custodial law enforcement agency* as the law enforcement agency that owns or leases, or whose personnel operates the equipment that created the recording at the time the recording was made. Defines *release* as to provide a copy of a recording.

Requires a person requesting the disclosure of a recording to make a written request to the head of the custodial law

enforcement agency that states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

Authorizes the head of the custodial law enforcement agency to disclose a recording to (1) a person whose image or voice is in the recording, (2) a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure, (3) a personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording, (4) a personal representative of a deceased person whose image or voice is in the recording, or (5) a personal representative of an adult person who is incapacitated and unable to provide consent to disclosure. Defines *personal representative* as a parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. Provides that, if a person whose image or voice is in the recording is deceased, the term *personal representative* also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney; or the parent or guardian of a surviving minor child of the deceased.

Establishes that, when disclosing the recording, the law enforcement agency can only disclose those portions of the recording that are relevant to the person's request. Prohibits the person receiving the disclosure pursuant to subsection (c) from recording or copying the recording.

Requires that, as promptly as possible upon receipt of the written request for disclosure, the custodial law enforcement agency must either disclose the portion of the recording relevant to the person's request or notify the requestor of the custodial law enforcement agency's decision not to disclose the recording to the requestor. Allows the custodial law enforcement agency to deny disclosure based on any of the six following factors: (1) the person requesting disclosure of the recording is not a person authorized to receive disclosure pursuant to subsection (c) of the statute; (2) the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law; (3) disclosure would reveal information regarding a person that is of a highly sensitive personal nature; (4) disclosure may harm the reputation or jeopardize the safety of a person; (5) disclosure would create a serious threat to the fair, impartial, and orderly administration of justice; or (6) confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

Creates an appeal for the person seeking disclosure by applying to the superior court in any county where any portion of the recording was made for a review of either a law enforcement agency's denial of disclosure pursuant to subsection (d) of the statute or failure to provide disclosure more than three business days after the request for disclosure. Provides that the court may conduct an *in camera* review of the recording. Authorizes the court to order the disclosure of the recording only if the court finds that the law enforcement agency abused its discretion in denying the request for disclosure, and may only order disclosure of those portions of the recording that are relevant to the person's request. Similar to subsection (c) of the statute, prohibits a person who receives disclosure pursuant to subsection (e) from recording or copying the recording. Bars an order issued pursuant from subsection (e) of the statute from ordering the release of the recording.

Requires that, in any appeal proceeding, the following persons must be notified and those persons, or their designated representative, must be given an opportunity to be heard at any proceeding: (1) the head of the custodial law enforcement agency; (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency; and (3) the District Attorney. Sets out that appeal actions are to be set for a hearing as soon as practicable, and subsequent proceedings in the actions are to be accorded priority by the trial and appellate courts.

Establishes that recording in the custody of a law enforcement agency can only be released pursuant to a court order. Allows any custodial law enforcement agency or any person requesting release to file an action in the superior court in any county where any portion of the recording was made for an order releasing the recording. Requires the request for release to state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording to which the action refers. Provides that the court may conduct an *in camera* review of the recording. Establishes that, in determining whether to order the release of all or a portion of the recording, in addition to any standards the court deems relevant, the court must consider the applicability

of the following eight standards, similar to the factors a custodial law enforcement agency may base its denial of disclosure upon: (1) release is necessary to advance a compelling public interest; (2) the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law; (3) the person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding; (4) release would reveal information regarding a person that is of a highly sensitive personal nature; (5) release may harm the reputation or jeopardize the safety of a person; (6) release would create a serious threat to the fair, impartial, and orderly administration of justice; (7) confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation; and (8) there is good cause shown to release all portions of the recording. Provides that a court can only release those portions of the recording that are relevant to the person's request. Requires that, in any proceeding for the release of a recording, the following persons, or their designated representative, must be given an opportunity to be heard at any proceeding: (1) the head of the custodial law enforcement agency; (2) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency; and (3) the District Attorney. Sets out that actions are to be set for a hearing as soon as practicable, and subsequent proceedings in the actions are to be accorded priority by the trial and appellate courts.

Requires that a custodial law enforcement agency must disclose or release a recording to a district attorney for review of potential criminal charges, in order to comply with discovery requirements in a criminal prosecution, or any other law enforcement purpose. In addition, a custodial law enforcement agency may disclose or release a recording for law enforcement training purposes, within the custodial law enforcement agency for any administrative, training, or law enforcement purpose, or to another law enforcement agency for law enforcement purposes.

Requires that any recording subject to the provisions of the statute are to be retained for at least a period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources Division of Archives and Records.

Requires each law enforcement agency that uses body-worn cameras or dashboard cameras to adopt a policy applicable to the use of those cameras.

Establishes that no civil liability can arise from compliance with the statute, provided that the acts or omissions are made in good faith and do not constitute gross negligence, willful or wanton misconduct, or intentional wrongdoing.

Allows a law enforcement agency to charge a fee to offset the cost incurred by it to make a copy of a recording for release that cannot exceed the actual costs of making the copy.

Prohibits the court from awarding attorney fees to any party in any action brought pursuant to the statute.

Section 2

Enacts new GS 153A-458, GS 160A-490.1, and GS 114-64 to require the local law enforcement agency of any county or city, and any State law enforcement agency that uses the services of the State Bureau of Investigation (SBI) or the North Carolina State Crime Laboratory to analyze a recording covered by GS 132-1.4A, as enacted by the act, to, at no cost, provide access to a method to view and analyze the recording upon request of the SBI or the State Crime Laboratory.

Enacts new Article 8A to the Criminal Procedure Act, GS Chapter 15A, to require that any State or local law enforcement agency that uses the services of the SBI or the North Carolina State Crime Laboratory to analyze a recording covered by GS 132-1.4A, to, at no cost, provide access to a method to view and analyze the recording upon request of the SBI or the State Crime Laboratory.

Provides that the act is effective October 1, 2016, and applies to all requests made on or after that date for the disclosure or release of a recording.

H 1055 (2015-2016) **STATE ETHICS COMM. REVISIONS**. Filed May 9 2016, *AN ACT TO MAKE VARIOUS REVISIONS TO THE STATE GOVERNMENT ETHICS ACT AND THE LOBBYING LAWS*.

House amendment makes the following changes to the 2nd edition.

Removes the revisions of subdivisions (6) and (7) of GS 138A-24(a) made in the previous edition and reinstates the original language.

Amends GS 138A-24, concerning the contents of statements of economic interest required to be filed with the State Ethics Commission under the State Government Ethics Act, by adding a new subsection (a1) to require a public servant who is seeking an elected office covered by Article 3 of GS Chapter 138A (Public Disclosure of Economic Interests) to respond to all questions related to service as a public servant and all questions related to seeking the elected office.

Removes the deletion of GS 138A-28(e) in the previous edition and instead reinstates and amends the original language of subsection (e) as follows. Current subsection (e) provides that, if, during a biennial cycle, a public servant leaves on covered board and begins membership on another covered board, the public servant is not required to file another statement of economic interest, and the Commission is not required to evaluate the statement again in light of the subsequent appointment. The amendment changes subsection (e) to provide that, if, during the year after the statement of economic interest has been filed, a public servant begins service as a public servant in another capacity, that public servant is required to file another statement of economic interest in light of the subsequent service as a public servant. Eliminates the provision requiring the public servant to make subsequent filings pursuant to GS 138A-22(a) upon the expiration of the biennial cycle.

Intro. by Ethics.[GS 120, GS 120C, GS 138A](#)

H 1061 (2015-2016) **PRESERVE TENANCY BY THE ENTIRETY**. Filed May 10 2016, *AN ACT TO MAKE CONFORMING AMENDMENTS TO CLARIFY THAT TENANCY BY THE ENTIRETY IS PRESERVED IN THIS STATE IN LIGHT OF THE UNITED STATES SUPREME COURT DECISION IN OBERGEFELL V. HODGES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION*.

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

Places Sections 1 through 6 of the previous edition into new Part I of the act, titled Preserve Tenancy by the Entirety.

Creates new Part II of the act, titled Mortgage/Deed of Trust Changes, that provides the following.

Current GS 39-13 establishes that when a purchaser of real estate executes a purchase money mortgage on the property, the purchase-money mortgage is good and effectual against the purchaser's spouse as well as the purchaser, without requiring the spouse to join in the execution of such mortgage or deed of trust. Amends GS 39-13 to instead provide that a mortgage or deed of trust given by the purchaser of real property to secure a loan, the proceeds of which were used to pay all or a portion of the purchase price of the encumbered real property, regardless of whether the secured party of the purchase money mortgage is the seller of the real property or a third party lender, is good and effectual against his or her spouse as well as the purchaser, without requiring the spouse to join in the execution of the mortgage or deed of trust.

Current GS 29-30(g) establishes that neither the household furnishings in the dwelling house nor the life estates taken by election of the surviving spouse of the surviving spouse's statutory elective share, in lieu of the surviving spouse's

intestate share, are subject to the payment of debts due from the estate of the deceased spouse, except those debts, as specified, that are secured by the property. Amends the second exception to subsection (g) to delete the term "purchase money mortgage" and to instead specify that a mortgage or deed of trust given by the deceased spouse to secure a loan, the proceeds of which were used to pay all or part of the purchase price of the encumbered property, regardless of whether the secured party is the seller of the real property or a third-party lender, may subject the household furnishings in the dwelling house or life estates taken by election of the surviving spouse under the statute to payments of debt due from the estate of the deceased spouse. Makes technical changes.

Provides that Part II of the act applies to mortgages and deeds of trust entered into on or after the date the act becomes law.

Intro. by Bryan.

GS 29, GS 39, GS 41

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing

H 1145 (2015-2016) [DISAPPROVE DENTAL EXAMINERS RULE](#). Filed Jun 1 2016, *AN ACT TO DISAPPROVE THE GENERAL ANESTHESIA AND SEDATION DEFINITIONS RULE ADOPTED BY THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS AND TO DIRECT THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS NOT TO ENFORCE CERTAIN RULES.*

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

Deletes the provisions of Section 2 of the previous edition, which disapproved 23 specified rules, and now provides the following.

Current GS 150B-21.3(b2) provides that if the Rules Review Commission (Commission) receives written objections as specified in subsection (b2), making the rule subject to legislative disapproval, the rule will become effective as provided in subsection (b1) of the statute, which sets out delayed effective dates of rules. Current subsection (b2) also establishes that, if the Commission receives objections as specified that clearly request review of the legislature, and the rule objected to is one of a group of related rules adopted at the same time, the adopting agency may cause the other rules in the group to become effective as provided in subsection (b1) of the statute by submitting a written statement to the Commission before the other rules become effective.

Provides that, pursuant to GS 150B-21.3(b2), the North Carolina Board of Dental Examiners (Board) caused the effective dates of a number of rules that were adopted to be delayed as provided in GS 150B-21.3(b1) by submitting a written statement to the Rules Review Commission on March 31, 2016. Establishes that, except as provided in new Section 3 of the act, the rules listed in the Board's written statement are disapproved to the same extent as 21 NCAC 16Q .0101 in Section 1 of the act.

Provides that, notwithstanding GS 150B-21.3(b2) and the written statement of the Board dated March 31, 2016, the following seven rules are effective April 1, 2016: (1) 21 NCAC 16Q .0204 (Procedure for General Anesthesia Evaluation or Inspection and Re-Inspection); (2) 21 NCAC 16Q .0205 (Results of Site Evaluation and Reevaluation); (3) 21 NCAC 16Q .0306 (Procedure for Moderate Conscious Sedation Evaluation or Inspection and Re-inspection); (4) 21 NCAC 16Q .0408 (Procedure for Moderate Pediatric Conscious Sedation Evaluation or Inspection and Re-inspection); (5) 21 NCAC 16Q .0703 (Reports of Adverse Occurrences); (6) 21 NCAC 16Q .0601 (Reports of Adverse Occurrences); and (7) 21 NCAC 16Q .0602 (Failure to Report).

Directs the Board to not enforce the following rules which became effective April 1, 2016: (1) 21 NCAC 16O .0301 (Nitrous Oxide Sedation); (2) 21 NCAC 16O .0302 (Nitrous Oxide Monitoring); and (3) 21 NCAC 16O .0401 (Non-Delegable Functions). Directs that the Board is to continue to enforce the rules as they existed prior to the amendments

that became effective on April 1, 2016.

Intro. by Jones.

UNCODIFIED

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health

PUBLIC/SENATE BILLS

S 303 (2015-2016) [REGULATORY REFORM ACT OF 2016. \(NEW\)](#) Filed Mar 17 2015, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.*

House committee substitute makes the following changes to the 3rd edition.

Amends the act's short and long titles.

Deletes all of the provisions of the previous edition and replaces it with the following.

Part I. Business Regulation

Section 1.1

Enacts new GS 95-25.24A concerning the Wage and Hour Act, providing that a franchisor is not the employer of a franchisee or the franchisee's employees for any purpose but specifically for employment law claims under state statute. Provides that franchisee and franchisor are understood to have the same definition as in federal law set out in 16 CFR 436.1.

Part II. State and Local Government Regulation

Section 2.1

Enacts new GS 132-1.14 concerning personally identifiable information of public utility customers obtained by the Utilities Commission from customers seeking assistance from the Public Staff for rate or service disputes, providing that such information is not considered public record, under GS 132-1. Sets out permissible disclosure of such information. Further provides that personally identifiable information means a customer's name, physical address, email address, telephone number, and public utility account number.

Section 2.2

Amends GS 42-42.1 and GS 62-110(g) concerning charging tenants for water and sewer services, deleting language which previously only allowed such billing to tenants located in the same contiguous premises, now providing that all tenants of leased single family rental units can be charged for sewer and water services even if premises are not contiguous. Deletes language that previously required the Utilities Commission to adopt rules to define contiguous premises. Further amends the provisions authorizing the Utilities Commission to charge for water and sewer services to tenants, enacting new subdivisions GS 62-110(g)(4a) requiring the Utilities Commission to develop an application that lessors are required to submit to receive authority to charge tenants for water and sewer service in such situations. Provides that the application gives authority to charge for such services for multiple homes in North Carolina. Sets out required aspects of the form, including a description of the proposed billing method and billing statements as well as the proposed administrative fee to be charged by the applicant. Makes conforming and clarifying changes.

Section 2.4

Amends GS 153A-340 (Counties) and GS 160A-381 (Municipalities) concerning zoning and development regulation

ordinances, providing that an affirmative vote to amend the zoning ordinance is also deemed to be a simultaneous amendment to the comprehensive plan. Additionally, the affirmative vote is also deemed to be a simultaneous amendment to the unified development ordinance, if such ordinance exists. Effective October 1, 2016.

Section 2.5

Amends GS 153A-335 (Counties) and GS 160A-376 (Municipalities) concerning the subdivision of land within respective jurisdictions, exempting the subdivision of tracts of land as provided for in a will or intestate succession from subdivision regulations or from even being considered "subdivision" as that term is defined. Enacts new language providing that a plat can be required when dividing a single tract of land bigger than five acres into not more than three lots with dedicated ingress and egress. Effective October 1, 2016.

Section 2.6

Amends GS 1-52, concerning the statute of limitations to commence an action, adding new subdivision (21) providing for a three-year statute of limitations for a unit of local government to begin an action for a violation of a land use statute, ordinance or permit or other official action in regards to land use. Provides guidance on when time period begins to accrue. Effective August 1, 2016, applying to actions commenced on or after that date.

Section 2.7

Authorizes the Joint Legislative Program Evaluation Oversight Committee to amend the 2016-17 Program Evaluation Division (Division) work plan that directs the Division to study State law and internal agency policies and procedures for the delivery of public services through State grants and contracts to non-profits. Sets out procedures for collecting and requesting data for the study. Provides that if the study is conducted the Division must submit a report detailing the results of the study as specified, to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Commission on Governmental Operations no later than September 1, 2017. Effective July 1, 2016.

Section 2.9

Amends Article 5 of GS Chapter 87 as follows. Renames the Article as Commercial Refrigeration Contracts. Renames the State Board of Refrigeration Examiners as the State Board of Commercial Refrigeration Examiners (Board) and modifies the Board's membership.

Defines the terms commercial refrigeration contractor, industrial refrigeration contractor, and transport refrigeration contractor. Requires the Board to issue the following licenses: (1) a Class I license for any person engaged in the business of commercial refrigeration contracting; (2) a Class II license for any person engaged in the business of industrial refrigeration contracting; (3) a Class III license for any person engaged in the business of repair, maintenance, and servicing of commercial equipment; and (4) a Class IV license for any person engaged in the business of transport refrigeration contracting. Requires issuance of a license to any licensee whose business activities required a Class I or II license if that licensee had an established place of business and was licensed before January 1, 2016.

Increases the caps on the application, renewal, and reinstatement fees.

Makes clarifying and organizational changes.

Applies to applications submitted and Board membership appointments on or after January 1, 2017.

Section 2.10

Amends GS 105-330.9 concerning the definition of the term "antique automobile" for the purposes of tax assessment, expanding the ownership requirements of the definition to provide that an antique automobile can be owned by an individual, either directly or indirectly through one or more pass through entities (previously, current law required an antique automobile to be owned by an individual).

Section 2.11

Amends GS 132-6.2 concerning the provision of public records required by public agencies under GS 132-9, enacting new subsection (a1) which establishes that public agencies can satisfy public record access requirements by making its public records and computer databases available online in a format that allows a person to download to obtain a copy of the records and databases. Provides that if such access is provided then the public agency does not have to provide copies through any other method or medium. Such copies can be voluntarily provided by another method or medium and a reasonable charge for such a service can be negotiated. Also enacts new subsection (f) to define computer database and media or medium. Requires the State Chief Information Officer, working with specified entities, to report on the development and use of computer databases by State and local agencies and the need for public access to these public records, by February 1, 2017. Effective July 1, 2016.

Section 2.12

Amends GS 143A-5 to specify that the Lieutenant Governor's office is in the Hawkins-Hartness House located at 310 North Blount Street (previous law only specified it was located in Raleigh).

Section 2.14

Enacts GS 136-28.6B providing that construction conducted by a private party pursuant to specified statute is deemed to have been conducted by the Department of Transportation, thus making any stormwater rules and laws that are applicable to the Department of Transportation also applicable to the private party.

Section 2.15

Directs the NC Building Code Council to examine the NC Building Code for the purpose of developing more streamlined code and ensuring that all code provisions are contained in only one code volume. Also requires guidance on the assignment of inspectors to specific enforcement jurisdictions for each code provision as well as requiring that the above directive be included in the next edition of the NC Building Code. Also directs the Building Code Council to review the specified statutes that give authority to local building inspectors in order to determine if any provisions would allow or require multiple inspectors for a certain code provision. Requires a report to be submitted to the Joint Legislative Commission on Governmental Operations, no later than February 1, 2017.

Part III. Agriculture, Energy, Environment, and Natural Resources Regulation

Section 3.1

Repeals GS 106-168.5, Duties of Commissioner upon receipt of application; inspection committee, which provided for the establishment of the rendering plant inspection committee. Amends GS 106-168.6, GS 106-168.7, GS 106-168.10, GS 106-168.12, and GS 106-168.13, all sections dealing with the operation of rendering plants, making conforming changes as a result of the repeal of the rendering committee, transitioning previous responsibilities of the rendering committee to the Commissioner of Agriculture. Makes various other technical and clarifying changes.

Sections 3.3

Makes technical, clarifying and conforming changes to provisions in SL 2015-286, Section 4.9(a); SL 2015-286, Section 4.9(b), (c) and (d); and SL 2015-241, Section 14.20(e) (as amended by SL 2015-286, Section 4.9(d)).

Section 3.4

Amends SL 2015-241, Section 14.20(f), as amended by SL 2015-286, Section 4.9(d), and provides that GS 130A-294(b1)(2), which requires a person to franchise the operation of the sanitary landfill from each local government that has jurisdiction prior to applying for a permit for a sanitary landfill, as amended, applies to franchise agreements that (1) are executed on or after October 1, 2015, and (2) are executed on or before October 1, 2015, if all parties to a valid and operative franchise agreement consent to modify the agreement for the purpose of extending the agreement's duration to the life-of-site of the landfill for which the agreement was executed. Amends GS 130A-294(b1)(2) to limit the franchise

granted to a sanitary landfill for the life-of-site of the landfill to a period of 60 years. Amends GS 160A-319 to clarify that no franchise shall be granted for a period of more than 60 years, including a franchise granted to a sanitary landfill for the life-of-site of the landfill under GS 130A-294(b1), provided that a franchise for solid waste collection or disposal systems and facilities, other than sanitary landfills (was, a franchise for solid waste collection or disposal systems and facilities), cannot be granted for a period of more than 30 years.

Amends GS 153A-136(a)(3) to provide that a county may regulate the storage, collection, use, disposal, and other disposition of solid waste by an ordinance that grants a franchise the exclusive right to commercially collect or dispose of solid waste within a defined portion or all of the county and set terms of any franchise, provided no franchise is granted for a period of more than 30 years unless a franchise granted to a sanitary landfill for the life-of-site of the landfill under GS 130A-294(b1) cannot exceed 60 years (was, may set the terms of any franchise, except no franchise may be granted for a period of 30 years).

Applies to franchise agreements that were (1) executed on or after October 1, 2015, and (2) executed on or before October 1, 2015, if all parties to the agreement consent to modify the agreement for the purpose of extending the agreement's duration of the life-of-site of the landfill for which the agreement was executed.

Effective retroactively to July 1, 2015, and applies to franchise agreements executed on or after October 1, 2015, and franchise agreements executed on or before October 1, 2015, only if all parties to the agreement agree to modify the agreement in order to extend the agreement's duration of the life-of-site of the landfill for which the agreement was executed.

Section 3.6

Amends GS Chapter 143, Article 21C, concerning the permitting of wind energy facilities, as follows.

Amends GS 143-215.118 to no longer require an applicant for a permit for a proposed wind energy facility or proposed wind energy facility expansion and the Department of Environmental Quality (DEQ) to review the permit at the scoping meeting.

Amends GS 143-215.119 by amending the information that must be included in the application for a permit for a proposed wind energy facility or proposed wind energy facility expansion to require identification of property owners living within one half mile of (was, property owners adjacent to) the facility. Makes conforming changes.

Amends GS 143-215.120 to expand the conditions under which DEQ may disapprove a permit application for a proposed wind energy facility or proposed wind energy facility expansion to include instances when construction or operation of the proposed facility or facility expansion would be inconsistent with or violate rules adopted by the Department of Military and Veterans Affairs (Department).

Amends GS 143-215.123 to require the Department, instead of DEQ, to consult annually with representatives of the major military installations to review specified information concerning military presence. Also adds the requirement that the information be provided to DEQ.

Amends GS 143-215.125 to require the Department and the Environmental Management Commission (was, just the Environmental Management Commission) to adopt rules that are necessary pertaining their respective jurisdictions to implement the Article.

The above portions of Section 3.6 are effective when the act becomes law and apply to applications for permits for a proposed wind energy facility or proposed wind energy facility expansion submitted on or after that date.

Amends GS Chapter 143, Article 9G, concerning military lands protection, as follows. These changes are effective when the act becomes law and apply to requests for endorsements to construct tall buildings or structures submitted on or after that date.

Amends GS 143-151.71, the definitions section for the Article, by removing the term *Commissioner*. Adds and defines *Secretary* to mean the Secretary of the Department of Administration.

Amends GS 143-151.72 by making a clarifying change.

Amends GS 143-151.73 to require a letter of endorsement by the State Construction Office (Office) (previously also allowed the option of providing proof of the Office's failure to act within the time allowed) before constructing a tall building or structure in an area surrounding a major military installation. Makes a conforming change to GS 143-151.75. Further amends GS 143-151.75 to amend the information that must be provided in the statement from the base commander concerning the proposed tall building or structure, to require that the statement include a determination whether the location of the building or structure is within an area (was, within a protected area) that surrounds the major military installation. Provides that if the Office does not receive the written statement from the base commander within 45 days of issuance of the request, the Office must deem the tall building or structure as denied (was, as endorsed) by the base commander. Also allows a person to treat the Office's failure to decide on the request for endorsement of a tall building or structure within the required time period as a decision to deny endorsement (was, as a decision to endorse) the building or structure. Deletes the provision allowing the Office to meet remotely to make a decision on a request for endorsement of a tall building or structure.

Makes a clarifying change to GS 143-151.74.

Amends GS 143-151.76 to clarify that GS 143-151.73 (certain buildings and structures prohibited without endorsement) is applicable, as specified in the statute, to buildings or structures that existed in an area surrounding major military installations on October 1, 2013 (was, upon the effective date of Article 9G). Makes conforming changes.

Amends GS 143-151.77 to make the Secretary of the Department of Administration (Secretary), instead of the Commissioner of Insurance, responsible for enforcement and penalties. Adds that when the Secretary has reasonable cause to believe that any person has violated or is threatening to violate Article 9G, a rule implementing the Article, or any of the terms of an endorsement issued under the Article, the State Construction Office may request that the Attorney General institute a civil action the name of the State for injunctive relief and for other relief deemed property. Sets out further provisions governing the request for injunctive relief. Makes conforming changes.

Section 3.7

Further amends GS Chapter 143, Article 21C, concerning the permitting of wind energy facilities, as follows. These changes are effective October 1, 2018, and apply to applications for permits for a proposed wind energy facility or a proposed wind energy facility expansion submitted on or after that date.

Amends GS 143-215.117 to also require that the Department of Military and Veterans Affairs (Department) be included in the preapplication site evaluation meeting between the applicant for a permit for a proposed wind energy facility or a proposed wind energy facility expansion and the Department of Environmental Quality (DEQ). Also requires that a copy of the preapplication package be send to the Department.

Amends GS 143-215.118 to require that the Department attend the scoping meeting that also includes the applicant and DEQ.

Amends GS 143-215.119 to require an application for a permit for a proposed wind energy facility or a proposed wind energy facility expansion be submitted to the Department in addition to DEQ. Notice of the scheduled public hearing must also be provided to the Department.

Amends GS 143-215.120 by amending the conditions under which a permit for a proposed wind energy facility or a proposed wind energy facility expansion may be denied to require that the fact that operation of the facility or expansion would have a significant adverse impact on military operations and result in a detriment to military presence in the state be evidenced by receipt of notice from the Department under new GS 143-215.120A(b). Makes conforming changes. Also adds the requirement that DEQ receive, before it can make a final decision on the permit application, a certification from the Department (as required under new GS 143-215.120A) for the proposed facility or expansion, or a notice from the Department of its decision not to issue a certification for the proposed facility or expansion, in addition to the already required "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration.

Enacts new GS 143-215.120A to require the Department to issue a certification for a proposed wind energy facility or proposed wind energy facility expansion unless the Department finds construction or operation of the facility would encroach upon or have a significant adverse impact on the mission, training, or operations of any major military installation or military branch and result in a detriment to continued military presence in the state. Sets out what the Department may consider in its evaluation, including whether the proposed facility or expansion would cause interference with air navigation routes, air traffic control areas, military training routes, or radar. Provides that if the Department determines that it cannot issue a certification for a proposed wind energy facility or proposed wind energy facility expansion based on the criteria above, then the Department must notify the applicant and the Department within 10 days of such decision and include findings of fact that document the basis for the decision.

Effective October 1, 2018, requires the Revisor of Statutes to make specified recodifications from Article 9G in connection with the transfer of the Military Lands Protection Act of 2013.

Section 3.7 (d).

The following changes are effective October 1, 2018, and apply to requests for endorsement to construct tall buildings or structures submitted on or after that date.

Recodifies Article 9G as Part 12 and makes conforming changes. Amends GS 143B-1315B, the definitions for use in the Part, to define *Department* as the Department of Military and Veterans Affairs (Department). Deletes the term State Construction Office (SCO). Amends the term *Secretary* to now refer to the Secretary of the Department of Military and Veterans Affairs instead of the Secretary of the Department of Administration. Amends GS 143-1315F (formerly GS 143-151.75) to make the Department, instead of the SCO, responsible for endorsing proposed tall buildings or structures. Makes conforming changes. Also makes the Department, instead of the CSO, responsible for enforcement and penalties.

Section 3.8

Amends GS 153A-323 (county procedure for adopting, amending, or repealing ordinances under this Article and GS Chapter 160A, Article 19) and GS 160A-364 (city procedure for adopting, amending, or repealing ordinances under Article) to expand the changes that require notice, to now also require notice for: (1) changes relating to tall buildings and structures and (2) changes relating to wind energy facilities or wind energy facility expansions. Also amends the statute to require that notice also be given to the Department of Military and Veterans Affairs (Department) when the adoption or modification of the ordinance would result in the changes specified in the statute and those changes would be located five miles or less from the perimeter boundary of a military base. Adds the Department to those that may provide comments.

Amends the Department's powers and duties under GS 143B-1211 to add maintaining, and making publicly available, maps of areas surrounding major military installations, military training routes, and military operating areas that are subject to the provisions of Part 12.

Repeals GS 143-135.29, which required the SCO to maintain, and make available to the public, accurate maps of areas surrounding major military installations.

The above portions of Section 3.8 are effective when the act becomes law.

Effective October 1, 2018, further amends the Department's powers and duties under GS 143B-1211 to add issuing: (1) certifications for a proposed wind energy facility or a proposed wind energy facility expansion, and otherwise assist in administration of the provisions of Article 21C of GS Chapter 143 and (2) endorsements for the construction of proposed tall buildings or structures, and otherwise assist in the administration and implementation of the provisions of Part 12.

Section 3.9

Requires the Department of Environmental Quality to study whether the size of riparian buffers required for intermittent

streams should be adjusted and whether allowable activities in the buffers should be changed. Requires a report to the Environmental Review Commission by December 1, 2016.

Section 3.10

Amends GS 143-214.12 to allow a recipient of funds from the Ecosystem Restoration Fund who acquires a conservation easement or interest in real property appurtenant to a restoration project delivered to the Division of Mitigation Services to, upon approval from DEQ, directly transfer the easement or property interest to another governmental agency or a DEQ approved third party. Removes the provision requiring a grant recipient to grant a conservation easement in the real property or interest in real property acquired with the funds to DEQ in a form acceptable to DEQ.

Section 4.1

Repeals GS 74-54.1(c), which required the Department of Environmental Quality to report annually to the Environmental Review Commission, the Fiscal Research Division, and the North Carolina Mining Commission on the cost of implementing the Mining Act of 1971 (Article 7 of GS Chapter 74).

Section 4.2

Repeals GS 143-135.39(f) and (g), which required the Department of Administration to annually report on the implementation of the Sustainable Energy Efficient Buildings Program to the General Government Appropriations Subcommittees of both the Senate and the House of Representatives, the Environmental Review Commission, and the Joint Legislative Commission on Governmental Operations.

Repeals GS 143-135.40(b), which required the Department of Administration to report the results of its monitoring of construction standards and sustainable building standards under the statute.

Section 4.3

Amends GS 143-215.9B to eliminate the requirement of the Environmental Management Commission to report on its progress in developing and implementing the collection system permit program required by the statute as part of its quarterly report to the Environmental Review Commission pursuant to GS 143B-282(b).

Section 4.4

Repeals GS 143-215.107C(d) and (e), which both required annual reports from the Department of Transportation (DOT) detailing plans to reduce miles driven by public and private sector employees.

Section 4.5

Amends GS 143-341(8)(i).2b to eliminate an annual report by the Department of Administration concerning the number of new cars bought plus savings or costs for the purchases of those cars and fuel, as far as its duties concerning the operation of a central motor pool.

Section 4.6

Repeals GS 143B-279.5, which established and required a Biennial State of the Environment Report.

Section 4.8

Amends Section 11.1 of SL 1999-329, deleting a reporting requirement that the Environmental Management Commission must report on progress concerning the development of engineering standards for municipal and domestic wastewater collection systems to allow interconnection.

Section 4.9

Amends Section 13.9(d) of SL 2000-67, deleting a requirement that the Department of Environment and Natural

Resources revise the beach management and restoration plan every two years.

Section 4.10

Repeals Section 29(j) and 29(k) of SL 2014-120 concerning annual reporting requirements by regulatory authorities concerning the informal review process for reviewing engineering work as specified.

Section 4.11

Amends GS 143B-279.8(e) to require a report from the commissions specified regarding the progress of the Coastal Habitat Protection Plans only when significant revisions have been made to those plans (previously required each Commission to report annually regarding the plan). Also repeals GS 143B-279.8(f), which required an additional report from the Secretary of Environmental Quality concerning the Coastal Habitat Protection Plan upon making substantial revisions.

Section 4.12

Amends GS 143-215.3A(c) concerning required reporting from the Department of Environmental Quality (DEQ) to the Environmental Review Commission (ERC) and the Fiscal Research Division about environmental permitting programs, reducing the reporting to only on or before January 1 of each odd-numbered year (was, November of each year). Also adds language that requires this report to be submitted with the report required in GS 143B-279.17, concerning permit processing times. Also amends GS 143B-279.17, concerning reporting on permit processing times for the One-Stop for Certain Environmental Permits Program and the Express Permit and Certification Reviews, reducing the reporting requirement to only on or before January 1 of each odd-numbered year (was, by March of each year). Adds conforming language reflecting the above requirement that this report be submitted with that required in GS 143-215.3A(c). Provides that the first joint report is to be submitted no later than January 1, 2017.

Section 4.13

Amends GS 143B-282(b) and GS 143-215.1(h), both concerning reporting requirements of the Environmental Management Commission (EMC) (specifically concerning the operation and activities of the EMC as well as information on the modification of existing permits as specified), now providing that the specified reports shall be submitted on an annual basis, by January 1 of each year (was, on quarterly basis). Further provides that the required reports are to be submitted jointly, with the first combined report to be submitted to the ERC no later than January 1, 2017.

Section 4.14

Amends the following statutes concerning reporting requirements: GS 130A-309.140(a) (concerning recycling of discarded computers and televisions), GS 130A-310.40 (concerning evaluation of the Brownfields Property Reuse Act), GS 130A-310.10(a) (concerning the Inactive Hazardous Waste Response Act), GS 143-215.104U(a) (concerning the Dry-Cleaning Solvent Cleanup Act); and GS 130A-294(i) (concerning the implementation and cost of the hazardous waste management program), deleting the reporting requirements and replacing them with language that requires the same information and reports to be included and submitted with the annual solid waste management report required to be submitted by the DEQ on or before January 15 of each year, pursuant to GS 130A-309.06(c). Also amends GS 130A-294(i) to remove the requirement that the report include an annual update on the mercury switch removal program. Amends GS 130A-309.06(c) to add and include all of the above reports and information into the annual report on the status of solid waste management submitted by the DEQ to the ERC and the Fiscal Research Division. Provides that the first combined report as provided above will be submitted to the ERC and the Fiscal Research Division no later than January 15, 2017. Makes clarifying and technical changes.

Section 4.15

Amends both GS 113A-67 (concerning reporting of the implementation of the Sedimentation Pollution Control Act of 1973) and GS 143-214.7(e) (concerning reporting on stormwater control programs) to require the specified reports to

be submitted together to the ERC. Also provides that the report in GS 143-214.7(e) is to be submitted by the DEQ (previously, the NC Environmental Management Commission). Requires the first combined report to be submitted to the ERC no later than October 1, 2016.

Section 4.16

Repeals GS 143-355(n) and GS 143-355(o)(9), which respectively included requirements to report on the development of a State water supply plan and a basinwide hydrologic model. These requirements are now found in newly enacted GS 143-355(p), which directs the DEQ to report to the ERC, no later than November 1 of each year, concerning the development of a State water supply plan and a basinwide hydrologic model. Further directs the DEQ to submit this report with the report on basinwide water quality management plans required pursuant to GS 143-215.8B(d) as a single report. Amends GS 143-215.8B(d), making conforming changes reflecting the joint reporting requirements above. Requires the first combined report to be submitted to the ERC no later than November 1, 2016.

Section 4.17

Amends GS 159G-26(a) (reporting requirements concerning the Water Infrastructure Fund) and GS 159G-72 (reporting of State Water Infrastructure Authority findings) to combine the required reports into one report to be submitted by November 1 of each year. The report is to be submitted to the ERC, the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources, and the Fiscal Research Division. Previously required the State Water Infrastructure Authority to submit the report to the Senate Appropriations Committee on Natural and Economic Resources and the House of Representatives Appropriations Subcommittee on Natural and Economic Resources; these requirements have now been deleted. Requires the first combined report to be submitted no later than November 1, 2016. Makes clarifying and technical changes.

Section 4.18

Amends GS 106-850(e) and GS 106-860(e) (both concerning reporting requirements of the Soil and Water Conservation Commission, either for the Agriculture Cost Share Program or the Community Conservation Assistance Program) to require that the reports be submitted together as one report, no later than January 31 of each year. Also amends GS 139-60(d) (concerning the Agricultural Water Resources Assistance Program) to conform all of its reporting requirements to those of GS 106-850(e) (previously, was not required to submit report to the Fiscal Research Division). Further requires that the first combined report to the ERC and the Fiscal Research Division is to be made no later than January 31, 2017. Makes technical changes.

Section 4.20

Amends GS 113A-115.1(i) concerning required reports of the Coastal Resources Commission in regards to the terminal groins pilot project, providing that a report on the implementation of the project must be submitted to the ERC by January 1, 2017, and then every five years after that (previously required submittal of the report every year).

Section 4.21

Amends GS 143B-135.48(d) concerning required reports of the Department of Natural and Cultural Resources regarding the Parks System Plan, providing that the report must be submitted to the ERC, the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources, and the Fiscal Research Division no later than October 1, 2016, and then every five years after that that (previously required submission of the report every year). Also deletes requirement that the report also be submitted to the Senate and House of Representatives appropriations committees that have jurisdiction over natural and cultural resources. Makes conforming changes.

Section 4.22-4.24

Amends reporting requirements found in Section 15.6 of SL 1999-237 (concerning funds used from the Superfund), GS 87-98(e) (concerning expenditures from the Bernard Allen Emergency Drinking Water Fund), and GS 143B-135.56(f) (concerning allocations from the Recreation Trust Fund), deleting various reporting requirements and now

providing that the required reports in Section 15.6 of SL 1999-237 be submitted only to the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources; those in GS 87-98(e) be submitted to the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources and the Fiscal Research Division; and those in GS 143B-135.56(f) to the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources, the Fiscal Research Division, and the ERC.

Part V. Severability Clause and Effective Date.

Section 5.1

Includes a severability clause.

Section 5.2

Unless otherwise provided, the act is effective when it becomes law.

Intro. by Barefoot, J. Davis, Hise.

[STUDY, GS 1, GS 42, GS 62, GS 74, GS 87, GS 95, GS 105, GS 106, GS 113A, GS 130A, GS 132, GS 136, GS 143, GS 143A, GS 143B, GS 153A, GS 159G, GS 160A](#)

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[Agriculture, Animals, Business and Commerce, Corporation and Partnerships, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Civil Procedure, Motor Vehicle, Development, Land Use and Housing, Environment, Environment/Natural Resources, Government, General Assembly, Public Records and Open Meetings, State Agencies, Department of Administration, Department of Environmental Quality \(formerly DENR\), Department of Military & Veterans Affairs, State Government, Executive, Local Government, Health and Human Services, Health, Public Health, Military and Veteran's Affairs, Public Enterprises and Utilities](#)

LOCAL/SENATE BILLS

S 883 (2015-2016) [CHADBOURN CHARTER/TOWN APPOINTMENT. \(NEW\)](#) Filed May 19 2016, *AN ACT AMENDING THE CHARTER OF THE TOWN OF CHADBOURN TO AUTHORIZE THE TOWN COUNCIL TO APPOINT THE TOWN CLERK.*

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

Changes the long and short titles.

Deletes proposed Section 4.6A of the previous edition, concerning the appointment and duties of a Finance Officer.

Intro. by Smith.

[Columbus](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 169: REGULATORY REDUCTION ACT OF 2016 (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 242: VARIOUS CHARTER SCHOOL LAW CHANGES (New)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 483: LAND USE REGULATORY CHANGES.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary I. If fav, re-ref to Commerce

H 657: MATH STANDARD COURSE OF STUDY REVISIONS (New)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 817: ENACT UNIFORM LAW ON ADULT GUARDIANSHIP.

Senate: Amend Adopted AI

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

H 949: OCCUPATIONAL LICENSING BOARD CONTACT INFO.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 972: LAW ENFORCEMENT RECORDINGS/NO PUBLIC RECORD (New)

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1030: 2016 APPROPRIATIONS ACT.

House: Failed Concur In S Com Sub

House: Conf Com Appointed

House: Conferees Changed

H 1047: WELFARE REFORM/FOOD AND NUTRITION BENEFITS.

House: Withdrawn From Com

House: Re-ref Com On Health

H 1055: STATE ETHICS COMM. REVISIONS.

House: Amend Adopted AI

House: Passed 2nd Reading

H 1060: CONFORM FULL-PAYMENT CHECK LAW TO UCC.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1061: PRESERVE TENANCY BY THE ENTIRETY.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1062: FIDUCIARY ACCESS TO DIGITAL ASSETS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1069: 2016 NC EMPLOYEE PROTECTION ACT.

House: Reptd Fav

House: Re-ref Com On Appropriations

H 1074: SCHOOLS TEST FOR LEAD/HS DROPOUT PILOT PROG.

House: Withdrawn From Com

House: Re-ref to the Com on Environment, if favorable, Health

H 1129: UNIFORM TIME FRAME TO CANVASS VOTES/CBOES.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1145: DISAPPROVE DENTAL EXAMINERS RULE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 1147: CONFIRM JAMES GALE/SPECIAL SC JUDGE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 160: OFFICIAL STATE VETERANS DAY PARADE. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

S 303: REGULATORY REFORM ACT OF 2016. (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 891: HONOR LINDSAY C. WARREN, JR., FORMER MEMBER.

Ratified

Ch. Res 2016-10

S 892: HONOR JOHN H. KERR, III, FORMER MEMBER.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Cal Pursuant 32

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 894: HONOR JOHN JORDAN, JR., FORMER MEMBER.

Senate: Passed 1st Reading

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

LOCAL BILLS

H 1017: NORWOOD DEANNEXATIONS/ANNEXATION.

House: Added to Calendar

House: Passed 2nd Reading

H 1037: LINCOLN TON AIRPORT/DAVIE COR. CENT (NEW).

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 1039: INCREASE SAMPSON COUNTY OCCUPANCY TAX.

House: Passed 2nd Reading

H 1056: YADKIN OCCUPANCY TAX MODIFICATION.

House: Passed 2nd Reading

H 1083: WILMINGTON/ORDINANCE INITIATIVE & REFERENDUM.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1133: PARTISAN ELECTION/TRANSYLVANIA BD. OF ED.

House: Passed 2nd Reading

House: Passed 3rd Reading

S 795: CLAY COUNTY COURTHOUSE.

House: Passed 1st Reading

House: Ref To Com On Local Government

S 848: CARY CHARTER AMENDMENTS.

House: Passed 1st Reading

House: Ref To Com On Local Government

S 878: JONESVILLE/BOONVILLE/EAST BEND/EVEN-YR ELEC'N.

Senate: Passed 2nd Reading

S 880: ABOLISH CASWELL COUNTY CORONER.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 881: UNION COUNTY SCHOOL FUNDING.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Education - K-12

S 883: CHADBOURN CHARTER/TOWN APPOINTMENT. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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