

The Daily Bulletin: 2016-06-15

PUBLIC/HOUSE BILLS

H 436 (2015-2016) **UNAUTHORIZED PRACTICE OF LAW CHANGES**. Filed Mar 31 2015, *AN ACT TO FURTHER DEFINE THE TERM "PRACTICE LAW" FOR THE PURPOSE OF PROTECTING MEMBERS OF THE PUBLIC FROM HARM RESULTING FROM THE UNAUTHORIZED PRACTICE OF LAW BY A PERSON WHO IS NOT A TRAINED AND LICENSED ATTORNEY.*

Conference report makes the following changes to the 4th edition.

Amends GS 84-2.1(b), which sets out what is not encompassed in the phrase "practice law," by deleting proposed subdivision (2). Moves the language of proposed subdivision (3) to subdivision (2), and adds that the selection or completion of a preprinted residential lease agreement by a person or Web site provider is not encompassed in the phrase "practice law." Also, adds that nothing in subdivision (2) or in GS 84-2.2 is to be construed to permit any person or Web site provider who is not licensed to practice law in accordance with GS Chapter 84 to prepare for any third person any contract or deed conveying any interest in real property, or to abstract or pass upon title to any real property, which is located in the State. Makes technical changes.

Enacts GS 84-2.2, Exemption and additional requirements for Web site providers.

Provides that the practice of law, including the giving of legal advice, as defined in GS 84-2.1, does not include the operation of a Web site by a provider that offers consumers access to interactive software that generates a legal document based on the consumer's answers to questions presented by the software, provided that seven requirements are satisfied, with the first six requirements being the same as subdivisions a through f of proposed subdivision (2) of GS 84-2.1 that was deleted by the act. Adds a new requirement that the provider must have a consumer satisfaction process, which is conspicuously displayed on the provider's Web site. Requires all consumer concerns involving the unauthorized practice of law made to the provider are referred to the North Carolina State Bar (Bar).

Requires a Web site provider subject to the statute to register with the Bar prior to commencing operation in the State and to renew its registration with the Bar annually. Prohibits the Bar from refusing registration. Provides that each Web site provider subject to the statute must pay an initial registration fee not to exceed \$100 and an annual renewal fee not to exceed \$50.

Provides that the General Assembly is to review the implementation of new GS 84-2.2 and consider whether the provision should be modified or discontinued by June 30, 2018.

Changes the act's long title.

Intro. by Daughtry, Bryan, Davis.

GS 84

[View summary](#)

**Business and Commerce, Occupational Licensing,
Government, General Assembly**

H 464 (2015-2016) **REGIONAL TRANSPORTATION AUTHORITY REVISIONS**. Filed Apr 1 2015, *AN ACT TO ADJUST THE COMPOSITION OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF TRUSTEES SHALL BE VOTING MEMBERS, TO AUTHORIZE REGIONAL TRANSPORTATION AUTHORITIES TO HIRE A CHIEF ADMINISTRATIVE OFFICER, AND TO CLARIFY THE VOTING PROCESS BY MEMBERS OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES.*

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

Amends the effective date provision, now providing that the act is effective August 1, 2016 (previously, was effective July 1, 2015), and applies to contracts entered into and other actions taken by Regional Transportation Authorities on or after that date.

Intro. by Faircloth.

GS 160A

[View summary](#)

Government, Local Government, Transportation

H 657 (2015-2016) [MATH STANDARD COURSE OF STUDY REVISIONS \(New\)](#) Filed Apr 13 2015, *AN ACT TO 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 amendments make the following changes to the 3rd edition.

Amendment #1

Deletes Section 1 of the bill, which directed the 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 specified.

Makes a conforming change in Section 2.

Amends the effective date to make the act effective when it becomes law (was, effective when it becomes law, with Section 1 of the act applying to students beginning the mathematics standard course of study in the 2017-18 school year and thereafter).

Amendment #2

Amends the six requirements the SBE and the State Board of Community Colleges (SBCC) must complete in developing revisions to the course of study, providing that they must maintain the option of enrolling in the traditional sequence of mathematics courses for grades 9 through 12, except in cooperative innovative high schools (was, must maintain option of enrolling in the traditional sequence of mathematics courses for grades 9 through 12).

Amendment #3

Deletes Section 3, which provided that 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 specified. Makes conforming changes to the act's long title.

Amendment #4

Amends the six requirements the SBE and the State Board of Community Colleges (SBCC) must complete in developing revisions to the course of study, as those provisions were amended by amendment #1 and #2 above, adding language providing that the SBE must require local boards of education to provide information to the student and parent or guardian on the sequencing options included in the standards so as to provide for an informed choice on the sequence most appropriate for that student and his or her school plans.

Intro. by Elmore, Howard.

[View summary](#)

Education, Elementary and Secondary Education

H 747 (2015-2016) [YOUTH ACCESS TO KRATOM/STUDY ABUSE OTC SUBS \(NEW\)](#). Filed Apr 15 2015, *AN ACT TO REGULATE THE SALE OF MITRAGYNINE AND 7-HYDROXYMITRAGYNINE, ALSO KNOWN AS KRATOM, TO MINORS AND TO STUDY ABUSE OF KRATOM AND NITROUS OXIDE.*

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

Changes the act's short and long title.

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

Enacts new GS 14-313.1, Youth access to Kratom, setting out definitions for use in the section, including *distribute*, *proof of age*, and *kratom product*. Makes it a Class 2 misdemeanor to distribute, aid, assist or abet any other person in distributing kratom products to someone under 18 years old as well as purchasing kratom products on behalf of a person under 18 years old.

Provides that kratom products can be distributed to employees under the age of 18 as part of the employee's performance.

Provides that sellers must demand proof of age from a perspective buyer if reasonable grounds exist for believing buyer is under 18. Requires retail distributors to provide special training on the requirements of this law. Sets out three defenses for actions brought pursuant to these provisions, including that the defendant demanded, was shown, and reasonably relied on proof of age.

Allows for the distribution of kratom products through the Internet or other sales methods with the performance of age verification through some type of third party system as specified. Provides that it is an infraction for anyone under the age of 18 to purchase or accept receipt of kratom products. Makes it a Class 2 misdemeanor to send a person less than 18 years old a kratom product or to aid or abet a person less than 18 years old in purchasing, acquiring, or receiving or attempting to purchase, acquire or receive kratom products. Allows individuals under 18 years old to work with law enforcement in testing compliance with these laws as specified without any punishment. Specifies that deferred prosecution or conditional discharge is allowed for individuals charged with a misdemeanor pursuant to these new provisions, as long as an individual has not previously been placed on probation for such a violation. Effective December 1, 2016, applying to offenses committed on or after that date.

Directs the Legislative Research Commission (LRC) to study the use of kratom on public health, including whether any legitimate medicinal uses exist. Also directs the study of the use of nitrous oxide "whippets" on public health. Requires the LRC to seek input from various agencies concerning the study topics. Provides that the LRC must report findings to the 2017 Regular Session of the 2017 General Assembly upon its convening.

Intro. by Dollar, Turner, Dobson, Jordan.

STUDY, GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, General Assembly, Health and Human Services, Health, Public Health

H 763 (2015-2016) **MILITARY OPERATIONS PROTECTION ACT OF 2016 (New)**. Filed Apr 14 2015, *AN ACT TO PROTECT NORTH CAROLINA'S MILITARY FOOTPRINT BY (1) MODIFYING THE PERMITTING PROCESS FOR WIND ENERGY FACILITIES, THE ENDORSEMENT PROCESS FOR CONSTRUCTION OF TALL BUILDINGS AND STRUCTURES, AND THE PROCEDURE FOR ADOPTING, AMENDING, OR REPEALING ORDINANCES IN ORDER TO PROVIDE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS WITH THE RESPONSIBILITY FOR CONSIDERATION AND REVIEW OF MILITARY-RELATED CRITERIA AND (2) ESTABLISHING THE NORTH CAROLINA SENTINEL LANDS COMMITTEE TO COORDINATE THE OVERLAPPING PRIORITY AREAS IN THE VICINITY OF THE STATE'S MAJOR MILITARY INSTALLATIONS.*

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

Deletes the content of the previous edition and replaces it with the following.

Part I.

Amends GS 143-215.115, which includes the definitions used in Article 21C, Permitting of Wind Energy Facilities, in GS Chapter 143, to add Camp Butner and the North Carolina National Guard Joint Force Headquarters to those facilities defined as major military installations.

Enacts new GS 143-215.116A, which prohibits wind energy facility construction, operation, or expansion in any Red, Orange, Yellow, or Green zones, or any Grey zone-Rotary Operations Area, as those zones are identified in the figure in the specified publication. Requires the Department of Environmental Quality (DEQ) to consult at least annually with the Military Affairs Commission and the Department of Military and Veterans Affairs to ensure that that the figure is up to date; if an update is necessary, once the update is made, the agencies must present the new map and relevant data to the General Assembly for the General Assembly's consideration of a statutory revision to include the updated figure. Allows the Department to withhold data deemed critical to national security from the public record, but must state when asked where such data has been protected from inclusion in the public record.

Amends GS 143-215.117 to allow an applicant to use data made available for the Department of Military and Veterans Affairs in completing a description of any known potential impacts of the proposed wind energy project location on specified types of military operations for inclusion in the preapplication package.

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 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. Adds the requirement that a person applying for a permit for a proposed wind energy facility or proposed wind energy facility expansion give copies of the noise and shadow flicker studies to the Department of Health and Human Services (DHHS) for review of the potential health effects. Requires DHHS to give the results and its recommendations to DEQ. If the impacts would be deleterious to human health, DHHS must notify DEQ in writing and make a recommendation that the permit be denied. 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 (1) 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) or (2) construction of the proposed facility or expansion would pose a significant adverse impact on human health as evidenced by a written notice from DHHS according to new GS 143-215.119(a1).

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 necessary rules pertaining to their respective jurisdictions to implement the Article.

This part is effective when the act becomes law and applies to applications for permits for a proposed wind energy facility or proposed wind energy facility expansion submitted on or after that date.

Part II.

Further amends GS Chapter 143, Article 9G, as follows.

Amends GS 143-151.71, the definitions section for the Article, by removing the term *Commissioner*. Adds and defines (1) *Adjutant General* to mean the Adjutant General of the North Carolina National Guard or the Adjutant General's designee, (2) *National Guard Facility* to mean Camp Butner and the North Carolina National Guard Joint Force Headquarters, and (3) *Secretary* to mean the Secretary of the Department of Administration.

Amends GS 143-151.72 to provide that the State has a vested economic interest in preserving, maintaining, and sustaining land uses that are compatible with military activities at National Guard facilities, in addition to at major military installations.

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 prohibit construction of a tall building or structure in any area located within one-quarter mile of a National Guard facility without first getting an endorsement from the Office. Amends 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. Adds the requirement that a person seeking endorsement for a proposed tall building or structure in an area located within one-quarter mile of a National Guard facility consult with the Adjutant General to determine whether the activities of the facility may be adversely affected by the building; requires a written summary of the consultation to be submitted to the Office. Sets out conditions under which the Office must not endorse a tall building or structure in any area located within one-quarter mile of a National Guard facility. Requires the Office to make a final decision on the request for endorsement within 90 days from the date

on which either (1) the Office requested the written statement from the base commander of the major military installation or (2) the Office received the written summary of the consultation between the person and the Adjutant General concerning facilities located within one-quarter mile of a National Guard facility. 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 in 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.

This part is effective when it becomes law and applies to requests for endorsements to construct tall buildings or structures submitted on or after that date.

Part III.

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

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 sent 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 allow denial when the Department has issued a recommendation to deny the permit under new GS 143-215.120A(b) on the basis that construction or operation of the proposed facility or expansion would encroach upon or have a significant adverse impact on the mission, training, or operations of any major military installation or branch of military in the state and result in a detriment to continued military presence in the state. Makes conforming changes. Adds to the documents that DEQ must have received before it is required to make a final decision on a permit application to also require receipt of a recommendation issued under new GS 143-215.120A from the Department as to whether to approve or deny a permit for the proposed wind energy facility or proposed expansion.

Enacts new GS 143-215.120A requiring the Department to evaluate whether the construction or operation of the proposed wind energy facility or wind energy facility expansion would encroach on or otherwise have a significant adverse impact on the mission, training, or operations of any major military installation or branch of military in the State and result in a detriment to continued military presence in the State. Sets out issues that the Department may consider in its evaluation. Requires the Department to issue a recommendation to DEQ based on its evaluation as to whether the application should be approved or denied. Requires the recommendation to be issued within 60 days following receipt of a completed application. If the Department fails to act within this time period, then DEQ must treat the failure to act as a recommendation to deny the application.

This part is effective October 1, 2018, applying to applications for permits for a proposed wind energy facility or a proposed wind energy facility expansion submitted on or after that date.

Part IV.

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) and to define *National Guard facilities* to mean Camp Butner and the North Carolina National Guard Joint Force Headquarters. 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. Also makes the Department, instead of the CSO, responsible for enforcement and penalties. Provides that if the Department does not receive a written statement concerning the proposed tall building or structure from the base commander, within 45 days of issuance of the request to the base commander, the Department must deem the tall building or structure as eligible (was, endorsed) by the base commander.

Makes conforming changes.

This part becomes effective October 1, 2018, and applies to requests for endorsements to construct tall buildings or structures submitted on or after that date.

Part V.

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.

Part VI.

Amends the Department's powers and duties under GS 143B-1211 to add maintaining, and making publicly available including posting to the Department's website, maps of specified zones and 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 provisions 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) recommendations to DEQ as to whether to approve or deny an application for a proposed wind energy facility or wind energy facility expansion 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.

Part VII.

Establishes the North Carolina Sentinel Landscape Committee (Committee) administratively housed in the College of Natural Resources at NC State University. Sets out the General Assembly's findings and sets out the purpose of the Committee. Requires the Committee to develop and implement programs and strategies that (1) protect working lands in the vicinity of and where testing and training occurs on major military installations, (2) address restrictions that inhibit military testing and training, and (3) forestall incompatible development in the vicinity of and where testing and training occurs on military installations. Sets out the Committee's powers and duties. Provides that the Committee consists of at least the following individuals or the individuals' designee: (1) Commissioner of Agriculture, (2) Secretary of the Department of Military and Veterans Affairs, (3) Secretary of Natural and Cultural Resources, and (4) the Dean of the College of Natural Resources. Requires the Committee to meet at least quarterly. Requires the Commission to report to the North Carolina Military Affairs Commission and the Agriculture and Forestry Awareness Study Commission annually, beginning September 1, 2016.

Effective when the act becomes law.

Part VIII.

Requires the Department, in consultation with the Division of Energy, Mineral, and Land Resources in DEQ, to study the

potential conflicts posed by energy-related infrastructure development within the Red, Orange, and Yellow Zones as described in the specified publication. Specifies what must be included in the study. Allows the Department to keep records and documents that support the work of the study confidential. Requires the Department to report its findings and recommendations to the Joint Legislative Energy Policy Commission on or before December 15, 2017.

Part IX.

Unless otherwise indicated, effective when the act becomes law.

Changes the act's short and long titles.

Intro. by Millis, J. Bell, Riddell.

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

[View summary](#)

**Environment, Energy, Government, State Agencies,
Department of Environmental Quality (formerly DENR),
Department of Health and Human Services, Department of
Military & Veterans Affairs, Local Government, Military and
Veteran's Affairs**

H 959 (2015-2016) [DOT PROPOSED LEGISLATIVE CHANGES](#). Filed Apr 25 2016, *AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE*.

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

Section 2

Amends the proposed addition to subdivision (2) of GS 136-18, concerning the powers of the Department of Transportation (DOT). Deletes the requirement that the entity affected by the DOT acting on its authority to widen, relocate, change, or alter affected lines or systems in its use of existing rights-of-way, or locating and acquiring additional rights-of-way, must bear the cost to move utility lines, pipelines, or other infrastructure located on State rights-of-way pursuant to the subdivision, except as authorized by GS 136-27.1 and GS 136.27.2, not the DOT.

Amends proposed subsection (18) of GS 20-118(c), which exempts a vehicle or vehicle combination from subsections (b) (weight limits for vehicles operating on State highways) and (e) (penalties) of the statute, if three conditions are met, by changing the first condition to require the vehicle or vehicle combination to be transporting metal commodities or construction equipment (previously, did not include transport of construction equipment).

Amends proposed subsection (i) of GS 20-119 (special permits for vehicles of excessive size or weight,) to add that multiple pieces of construction equipment transported on the same vehicle will be considered a nondivisible load for purposes of permit issuance pursuant to the statute.

Deletes proposed subsection (46) to GS 136-18 that directed DOT to provide North Carolina grid coordinates for at least one point for each parcel acquired by the DOT on or after January 1, 2017.

Section 3

Amends the directive to the North Carolina Turnpike Authority (Authority) to report to the Joint Transportation Oversight Committee on January 31, 2017, instead of October 1, 2016, and annually thereafter, on the number of one-time facility users who are charged more than \$50 in processing fees imposed under GS 136-89.215 and civil penalties assessed under GS 136-89.216. Requires that, with the first report on the number of one-time toll facility users, the Authority must propose statutory changes to Part 2 of Article 6H of GS Chapter 136 (collection of tolls on turnpike projects) expected to have the aggregate effect of improving efficiency or reducing costs in collecting tolls while significantly reducing the possibility one-time users are charged more than \$50 in processing fees imposed under GS 136-89.215 and civil penalties assessed under GS 136-89.216 (previously, required the report to include proposed statutory language to limit charging more than \$50 in processing fees imposed under GS 136-89.215 and civil penalties assessed under GS 136-89.216 to one-time toll facility users).

Section 5

Amends GS 20-129(e), setting out the required lighting equipment for bicycles, to require every bicycle operated at night on any public street, public vehicular area, or public greenway to be equipped with a reflex mirror on the rear in addition to the other two requirements, as amended by the act.

Amends proposed subdivision (1) of GS 20-150(e), setting out the limitations on privilege of overtaking and passing in a vehicle, to remove the statutory reference to the definition of *bicycle* in GS 20-171.1.

Deletes the directives to the DOT in previous Sections 5.6(a) and 5.6(b) of the act, which required the DOT to develop and implement a program to educate bicyclists, motorists, and other users of State highways, and to report to the Joint Legislative Transportation Oversight Committee on the development of that program.

Section 10

Amends GS 20-48, concerning the giving of any notice by the Division of Motor Vehicles (DMV), to add a new subsection to allow a person to consent to receive any notice under GS Chapter 20 by electronic delivery by completing a written or electronic authorization for the method of electronic delivery of any notice. Requires the authorization to advise the person that the following apply to consent to electronic delivery of notice: (1) consent is effective until it is revoked in accordance with the procedure set by the DMV; (2) the electronic delivery may be the only method of delivery, at the option of the DMV; and (3) a notice sent by electronic delivery to an e-mail or electronic address is considered to have been received even if the person to whom it is sent does not receive it. Makes technical changes.

Section 13

Amends GS 20-171.1, defining terms as they apply to Part 10A (Operation of Bicycles) of Article 3 of GS Chapter 20 (Motor Vehicle Act of 1937), by changing the definition of *bicycle* to include an electronic assisted bicycle, as defined in GS 20-4.01(7a), as enacted by the act.

Deletes the proposed revision of GS 20-58.4A(i), which delayed the mandatory participation date for the electronic lien system for motor vehicles.

Adds to subsection (e) of GS 20-166.1, concerning the investigation of a reportable accident by an officer, that nothing in the statute prohibits a law enforcement agency from providing to the public accident reports or portions of accident reports that are public records.

Section 14

Amends GS 124-5.1, which requires the State to deposit any dividends of the North Carolina Railroad Company to the Freight Rail & Rail Safety Improvement Fund within the Highway Fund, to allow the Fund to be used for the enhancement of short-line railroad assistance, in addition to the existing authorized uses. Adds other types of short-line railroad projects to the list of projects types that the Fund may be used for.

Amends GS 136-44.39, which authorizes the DOT to provide State and federal assistance to short-line railroads, to provide that assistance under the statute may include funds from the Rail Industrial Access Program and the Short Line Infrastructure Program, and such other programs as may exist or be established for these purposes (previously, may involve both the Rail Industrial Access Program and the Short Line Infrastructure Access Program, as well as other innovative programs).

Intro. by Iler, Torbett.

[STUDY, GS 20, GS 58, GS 105, GS 124, GS 136, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

H 1043 (2015-2016) [ZIP LINE AND CHALL. COURSE SAFETY/SANDERS' LAW \(New\)](#). Filed May 4 2016, *AN ACT TO REGULATE ZIP LINES AND CHALLENGE COURSES AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "SANDERS' LAW."*

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

Amends the act's short and long titles.

Adds language providing the act will be known as "Sanders' Law".

Amends provisions detailing the scope of new Article 24, Zip Line And Challenge Course Safety, now providing that the Act does not apply to any zip line, aerial adventure park, canopy tour, challenge course, or other similar devices (1) installed at a private residence that is not open to the public and for which no fee is charged, or (2) operated by a government entity solely for law enforcement or military training purposes (previously, provided that the Act does not apply to any zip line, aerial adventure park, canopy tour, challenge course, or other similar devices installed at a private residence). Amends the definitions section of the Article, adding and defining the terms annual gross volume and person. Makes clarifying changes to the terms challenge course and zip line. Amends provisions concerning the powers and duties of the Commissioner of Labor (Commissioner) making clarifying changes and deleting language that established specific annual fees for certifying the operation of certain devices, for inspection of devices by the Elevator and Amusement Device Bureau, and for a qualified inspector certification. Now provides that it is a duty to charge reasonable fees for the above inspections or certifications, with no set fee established. Amends the certificate of operation requirements, requiring that an owner of a device subject to the provisions of the Act to annually submit an application for a certificate of operation to the Commissioner, on forms provided by the Commissioner, and to request a certificate of operation for each device at least 30 days before the expiration of the certificate (previously, was at least 30 days before the first intended date of use each year). Further amends the date a certificate of operation for a device expires, providing that it expires one year after date of issuance (previously, expired annually on December 31). Amends provisions concerning qualified inspectors, providing that those applying for designation as a qualified inspector must apply biennially on a form provided by the Commissioner (previously, provided for a certification as a qualified inspector, with an annual application required). Makes conforming changes to subsection catchline. Amends procedures for the appeal of a specified determination of the Commissioner, providing that determinations are final unless appeal timeline and procedures are met with the affected person filing a petition for a contested case pursuant to GS Chapter 150B (previously, provided for an administrative and judicial proceeding pursuant to GS Chapter 150B). Amends provisions regulating liability insurance requirements, providing that liability insurance must be obligated to give written notice to the insured of at least 15 days before any proposed cancellation, suspension, or nonrenewal of the policy, with the Commissioner receiving immediate notification of any change in the status of the insurance (previously, only written notice at least 30 days before a proposed cancellation, suspension, or nonrenewal was required). Amends provisions detailing penalties for operating with certification, again providing for an appeal path by way of petitioning for a contested case (previously, provided for an administrative and judicial proceeding). Make various technical, conforming, and clarifying changes throughout proposed GS Chapter 95, Article 24.

Authorizes the Department of Labor to adopt rules, design and distribute forms, accept applications, and establish and collect fees so that a device subject to the act that is existing on or before December 1, 2017, can be in compliance with the act and issued a certificate of operation by that date.

Amends the effective date provisions, providing that section 2 of the act, new GS Chapter 95, Article 24, is effective December 1, 2017. Further provides that GS 95-295(g) and (h) apply to violations occurring on or after December 1, 2017.

Intro. by Davis, Howard.

GS 95

[View summary](#)

[Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Labor](#)

H 1044 (2015-2016) [LAW ENFORCEMENT OMNIBUS BILL](#). Filed May 4 2016, *AN ACT TO CREATE A PUBLIC SERVICE ALERT SYSTEM TO AID IN THE APPREHENSION OF SUSPECTS WHO KILL OR INFLICT SERIOUS BODILY INJURY ON A LAW ENFORCEMENT OFFICER; TO PROVIDE THAT THE HEAD OR CHIEF OF A LAW ENFORCEMENT AGENCY MAY DESIGNATE A PERSON TO SUBMIT A WRITTEN REQUEST FOR A DEADLY WEAPON TO BE TURNED OVER TO A LAW ENFORCEMENT AGENCY; TO AMEND THE SILVER ALERT SYSTEM TO EXPAND THE CLASS OF CITIZENS IT PROTECTS; TO PREVENT MOTOR CARRIERS FROM AVOIDING CIVIL PENALTIES OWED TO THE STATE BY TRANSFERRING TITLE PRIOR TO PAYMENT; TO MAKE MINOR CHANGES TO THE DEFINITION OF EMERGENCY IN THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT; TO PROVIDE THAT THE SAMARCAND TRAINING ACADEMY IS SPECIFICALLY EXEMPTED FROM THE UMSTEAD ACT; TO PROVIDE AN EXEMPTION TO THE DEPARTMENT OF PUBLIC SAFETY AND THE STATE BUREAU OF INVESTIGATION; TO PROVIDE AN EXCEPTION FOR FEES TO REIMBURSE THE HIGHWAY PATROL; TO CREATE AN EXCEPTION TO THE LENGTH*

OF SERVICE REQUIREMENTS FOR FORENSIC SCIENTISTS TO BECOME CAREER STATE EMPLOYEES; AND TO APPROPRIATE FUNDS TO PROVIDE AIRCRAFT REPLACEMENT AND MODERNIZE LAW ENFORCEMENT EQUIPMENT

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

Amends the act's long title.

Amends GS 12-3.1(c) concerning exceptions to General Assembly's sole power to authorize an agency to establish or increase a fee or charge for the rendering of any service or fulfilling of any duty to the public, providing an exception for fees to reimburse the State Highway Patrol for salaries, travel, and other expenses directly related to providing traffic control at public events where admission fees are charged. Provides that this exemption does not apply to State-supported events.

Amends GS 126-1.1, concerning career State employees, to include forensic scientists with law enforcement officers as those that can obtain career State employee status after being employed for 24 consecutive months, and required formal training is needed before assuming job duties.

Deletes various sections of the bill, including deleting new GS 20-185(j), which authorized the State Highway patrol to appoint retired members to serve in the Highway Patrol Reserve Unit as volunteer reserve. Also deletes changes made to GS 143B-927 and GS 18B-500, which authorized the Director of the State Bureau of Investigation to hire reserve agents as well as reserve alcohol law enforcement agents, with all being entitled to all the benefits under GS Chapter 97 except for total and partial incapacity benefits.

Deletes changes made to GS 143B-911, which authorized the State Capital Chief of Police to appoint reserve police officers to assist with particular duties and that such officers are entitled to all the benefits under GS Chapter 97 except for total and partial incapacity benefits.

Deletes a directive that all State agencies, on or before July 1, 2016, that are identified as principal departments in GS 143B-6 must become direct members of and use the Enterprise Active Directory.

Deletes changes made to GS 143B-1320(b), which added the Department of Public Safety, the State Highway Patrol and Emergency Management, and the State Bureau of Investigation to those entities that are exempt from the provisions of GS Chapter 143B (Executive Organization Act of 1973). Also deletes provisions concerning the election to participate in information technology programs, services, or contracts.

Intro. by Hager.

[APPROP, GS 12, GS 14, GS 20, GS 66, GS 126, GS 143B, GS 166A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, Public Safety, State Agencies, Department of Public Safety, Transportation](#)

H 1047 (2015-2016) [WELFARE REFORM/FOOD AND NUTRITION BENEFITS](#). Filed May 5 2016, *AN ACT TO REQUIRE THE NORTH CAROLINA LOTTERY COMMISSION TO PROVIDE CERTAIN CASH LOTTERY WINNINGS INFORMATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES; TO CROSS CHECK WITH THE INFORMATION OF APPLICANTS FOR OR RECIPIENTS OF FOOD AND NUTRITION BENEFITS; TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE EXTENT TO WHICH NORTH CAROLINA CAN DISQUALIFY LOTTERY WINNERS FROM RECEIPT OF FOOD AND NUTRITION BENEFITS; AND TO IMPLEMENT CERTAIN DISQUALIFICATION PERIODS FOR NONCOMPLIANCE WITH WORK REQUIREMENTS FOR FOOD AND NUTRITION BENEFITS.*

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

Amendment #2

Amends newly enacted GS 108A-52.2 which provides penalties for noncompliance with work requirements in regards to federal food and nutrition benefits providing for a three-month recipient disqualification period for the first instance of noncompliance and a six-month recipient disqualification period for the second instance of noncompliance (was, a full-household disqualification

for the first and second instance of noncompliance). Further provides that with the third instance of noncompliance the recipient is permanently disqualified (previously, also provided for a six-month disqualification for the full household in instances of a third violation).

Amendment #3

Directs the Department of Health and Human Services to report, on or before January 1, 2018, to the Joint Legislative Oversight Committee on Health and Human Services concerning the following: (1) the number of times cross-checking lottery winners with applicants for food and nutrition benefits resulted in a match, (2) the number of times the end result of this reporting resulted in the termination of food and nutrition benefits, (3) the number of terminations due to lottery winnings one year prior to the effective date of this act and one year following the date the act became effective, and (4) the amount of federal savings resulting from the termination of benefits because of this act.

Intro. by Jones, Blackwell, Hager.

[STUDY, GS 18C, GS 108A](#)

[View summary](#)

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

H 1088 (2015-2016) [ALLOW ELECTION DAY SERVICE - RETIRED LEOS](#). Filed May 10 2016, *AN ACT TO ALLOW RETIRED LAW ENFORCEMENT OFFICERS TO BE EMPLOYED BY A COUNTY BOARD OF ELECTIONS FOR ELECTION DAY SERVICE WITHOUT CAUSING THE SUSPENSION OF THE RETIRED OFFICERS' SPECIAL SEPARATION ALLOWANCE*.

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

Amends GS 143-166.42 concerning special separation allowances for local officers, making technical and organizational changes to previously added language to still provide that notwithstanding provisions to the contrary, a retired officer can be employed by county boards of elections in connection to election day service without causing payment of the special separation allowances to be suspended.

Intro. by Fraley, Jones, R. Turner, Bradford.

[GS 143](#)

[View summary](#)

[Government, Elections, Public Safety](#)

PUBLIC/SENATE BILLS

S 89 (2015-2016) [FILING BY CLERK/MAG. AND CLARK PILOT \(NEW\)](#). Filed Feb 18 2015, *AN ACT TO CLARIFY CERTAIN LAWS RELATING TO THE FILING OF DOCUMENTS BY THE CLERK OF COURT, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP AND IMPLEMENT A PILOT MAGISTRATE/CLERK STAFFING PROJECT, AND TO REPEAL A SEPARATE MENTAL HEALTH RECORD CHECK REQUIREMENT FOR A PISTOL PURCHASE PERMIT UPON COMPLETION OF RECORD DIGITIZATION*.

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

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

Changes the long title to AN ACT TO CLARIFY CERTAIN LAWS RELATING TO THE FILING OF DOCUMENTS BY THE CLERK OF COURT, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP AND IMPLEMENT A PILOT MAGISTRATE/CLERK STAFFING PROJECT, AND TO REPEAL A SEPARATE MENTAL HEALTH RECORD CHECK REQUIREMENT FOR A PISTOL PURCHASE PERMIT UPON COMPLETION OF RECORD DIGITIZATION.

Changes the short title.

Amends GS 1A-1, Rule 5 (Service and filing of pleadings and other papers in the Rules of Civil Procedure), subsection (e)(1), to require the filing of pleadings and other papers with the court pursuant to the rules promulgated under GS 7A-109 (record-keeping procedures of the clerk of superior court) or subsection (e)(2) of the statute as required by the Rules to be made by filing them with the clerk of court, or with the judge as specified (previously, did not specify filing be made pursuant to rules promulgated under GS 7A-109 or subsection (e)(2) of the statute). Establishes that the failure to affix a date stamp or file stamp to any pleading or other papers filed in the courts will not affect the sufficiency, validity, or enforceability of the document. Effective when the act becomes law and applies to all pleadings and papers filed with the courts, including pleadings and papers filed prior to that date.

Amends Rule 5, subsection (e)(2), concerning filing by electronic means, to add that filing may be made by electronic means when, in the manner, and to the extent provided in uniform rules, regulations, costs, procedures, and specifications for the filing of pleadings or other court papers by electronic means established by the Supreme Court and the Administrative Officer of the Courts pursuant to GS 7A-34, GS 7A-49.5 (previously, GS 7A-49.5, which provides for statewide electronic filing in courts, was not included), and GS 7A-343. Effective when the act becomes law, and applies to all pleadings and papers filed with the courts on or after that date.

Amends GS 1A-1, Rule 58, concerning entry of judgment, to provide that, subject to the provisions of Rule 54(b) (judgment upon multiple claims or involving multiple parties), a judgment is entered when it is reduced in writing, signed by the judge, and filed with the clerk of court in accordance with Rule 5, as amended (previously, did not specify filed with the clerk of court in accordance with Rule 5).

Directs the Administrative Office of the Courts (AOC) to establish and implement a pilot project to allow the clerk of superior court of a county, with the written consent of the chief district court judge for the district in which the county is located, to hire one deputy clerk or assistant clerk, based on the assistant clerk allocation formula established by the AOC, in lieu of one of the magistrate positions allocated to that county, notwithstanding the minimum number of magistrates prescribed for each county under GS 7A-133(c). Authorizes the pilot project for counties with three or four magistrate allocations. Establishes that, in order to provide accessibility to law enforcement personnel and citizens, in counties participating in the pilot project, the clerk of superior court's office will provide some of the services traditionally provided by the magistrates' office during some or all of the regular courthouse hours. Directs the AOC to report to the Joint Legislative Oversight Committee on Justice and Public Safety on the outcomes of the pilot project, with recommendations on continuation or expansion, by March 1, 2017.

Directs that, at such time as the AOC completes the digitization of mental health records to facilitate the clerks' compliance with the requirements of SL 2015-195 (Amend Firearm Laws), GS 14-404(e1)(5) is to be repealed, which requires an applicant for a permit to purchase or receive any weapon in Article 52A of GS Chapter 14 to submit with his or her application a signed release, in a form prescribed by the AOC, that authorizes and requires disclosure to the sheriff of any court orders concerning the mental health or capacity of the applicant to be used for the sole purpose of determining whether the applicant is disqualified to receive a permit pursuant to GS 14-404. Directs the AOC to notify the Revisor of Statutes when the AOC has completed the digitization of mental health records. Directs the AOC to notify the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2017, if the digitization will not be complete by March 15, 2017.

Makes technical changes.

Intro. by Randleman.

[GS 1A](#)

[View summary](#)

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

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 4th edition.

Section 2.3

Amends GS 115C-47(41), which sets out the duty of local boards of education to encourage recycling in public schools, by clarifying that the local boards of education must comply with GS 160A-327 (displacement of private solid waste collection

services by public enterprises).

Section 2.4

Deletes proposed subsection (o) of GS 153A-340, and proposed subsection (k) of GS 160A-381, which required counties and cities to deem an affirmative vote to amend the zoning ordinance as a simultaneous amendment to the comprehensive plan or unified development ordinance. Instead, provides the following.

Amends GS 153A-341, concerning the purposes in view of zoning regulations of counties, by moving, and amending, the existing language into five subsections, (a) through (e).

Requires that, prior to adopting or rejecting any zoning amendment, the governing board must adopt a statement describing whether the action is consistent with an adopted comprehensive plan and any other officially adopted plan, including any unified development ordinance (previously, does not require the statement to include whether the action is consistent with any other officially adopted plan including any unified development ordinance), and explaining why the board considered the action taken to be reasonable and in the public interest. Makes conforming changes to the provisions relating to the planning board's advisement and comment on proposed amendments.

Directs that, if the governing body adopts a zoning amendment that is inconsistent with the comprehensive plan or any other officially adopted plan, including any unified development ordinance, the governing board must deem the affirmative vote adopting that zoning amendment as a simultaneous amendment to the comprehensive plan and any other officially adopted plan, including any unified development ordinance, for the property identified in the zoning amendment only.

Amends GS 160A-383, concerning the purposes in view of zoning regulations of cities and towns, by moving, and amending, the existing language into five subsections, (a) through (e), to make the language identical to that of GS 153A-341, as amended by the act and described above.

Section 2.5

Deleted proposed subsection (c) to GS 153A-335, defining subdivision as it applies to the planning and regulation of development in counties, and replaces with the following. Establishes that the county may require only a plate for recordation for the division of a tract or parcel of land in single ownership if five criteria are met: (1) the tract or parcel to be divided is not exempted under subdivision (a)(2) of the statute; (2) no part of the tract or parcel to be divided has been divided under subsection (c) in the 10 years prior to the division; (3) the entire area of the tract or parcel to be divided is greater than five acres; (4) after division, no more than three lots result; and (5) after division, all resultant lots comply with any lot dimension size requirements of applicable land use regulations (if any), the use of the lots is in conformity with the applicable zoning requirements (if any), and a permanent means of ingress and egress is recorded for each lot.

Deletes proposed subsection (c) to GS 160A-376, defining subdivision as it applies to the planning and regulation of development in cities and towns, and replaces with identical language as that in GS 153A-335(c), as enacted by the act and described above, except replaces "county" with "city."

Section 2.6

Amends proposed subsection (21) of GS 1-52, which establishes a three-year statute of limitation for an action (other than for the recovery of real property) against the owner of an interest in real property by a unit of local government for a violation of a land-use statute, ordinance, or permit or any other official action concerning land use carrying the effect of law. Establishes that the claim for relief accrues upon the occurrence of the earlier of any of the following: (1) the facts constituting the violation are known to the governing body, an agent, or an employee of the unit of local government; or (2) the violation can be determined from the public record of the unit of local government (previously, the claim accrues when the violation is either apparent from a public right-of-way or is in plain view from a place to which the public is invited).

Amends GS 1-50(a) to add a new subdivision (8) to establish a six-year statute of limitation for an action (other than for the recovery of real property) against the owner of an interest in real property by a unit of local government for a violation of a land-use statute, ordinance, or permit or any other official action concerning land use carrying the effect of law. Provides that subdivision (8) does not limit the remedy of injunction for conditions that are actually injurious or dangerous to the public health or safety, but does prescribe an outside limitation of six years from the earlier of the occurrence of any of the following: (1) the violation is apparent from a public right-of-way, or (2) the violation is in plain view from a place to which the public is invited.

Section 2.8

Deletes language in GS 89C-13(a), which specified requirements for licensure as a professional engineer, and replaced it with language specifying the requirements for certification as an engineer intern.

Adds new GS 89C-13(a1), which specifies the new requirements for licensure as a professional engineer. Requires that the applicant be of good character and reputation, submit five character references, comply with the requirements of the new law, and meet the requirements related to education, examination, and experience. Authorizes the State Board of Examiners of Engineers and Surveyors to allow licensure by comity or endorsement and based on long-established practice. Authorizes waivers for examination requirements under certain circumstances.

Effective October 1, 2016.

Section 2.11

Amends proposed subsection (a1) of GS 132-6.2, setting out the provisions for copies of public records, to add a "notwithstanding subsection (a) of the statute" clause before the previously proposed language of the new subsection. Also, requires that a public agency satisfying its requirement to provide access to public records and computer databases under GS 132-9 by making those public records or computer databases available online in a format that allows a person to obtain a copy by download to also allow for inspection of any public records also held in a non-digital medium.

Section 2.16

Requires the DOT, for each type of permit issued by the Highway Divisions under GS Chapter 136, to make uniform all processes and procedures followed by the Highway Divisions when issuing that type of permit. Requires DOT to report no later than February 1, 2017, on the implementation, including information concerning the processes and procedures as specified. Requires the report to be submitted to different committees depending on whether or not the General Assembly is in session at the time of the report, if in Session report goes to the House of Representatives Committee on Transportation Appropriations and the Senate Appropriations Committee on Department of Transportation, if not in Session the report goes to the Joint Legislative Transportation Oversight Committee. Enacts new GS 136-93.01 to allow an application submitted for a permit issued by DOT or its agents under GS Chapter 136 (Transportation) to be submitted electronically. Effective December 31, 2016.

Amends GS 136-19.5 to now require DOT to also reimburse the utility owner for the cost of moving cable service when DOT requires the relocation of the cable and it is located in a right of way for which the utility owner contributed to the cost of acquisition.

Allows DOT to adopt temporary rules to implement the provisions of this section.

Section 2.17

Amends the process for becoming a licensed general contractor as found in GS 87-10, requiring first that an applicant submit an application before being entitled to an examination. Further requires any applicant to (1) be at least 18 years old, (2) possess good moral character, (3) provide evidence of financial responsibility, and (4) submit the appropriate application fee (previously, applicant only had to file an application for the examination on the correct form, at least 30 days before any regular or special meeting of the Board). Also provides that the State Licensing Board for General Contractors (Board) must require an applicant to pay an examination fee not to exceed \$100 (previously, the Board was permitted to charge the fee but not required). Makes organizational changes and deletes provisions concerning proof of good character. Further provides that an applicant must identify an individual that has successfully passed an examination approved by the Board, provides that for the purposes of this section this individual is known as the qualifier or qualifying party. Set outs requirements for the examination if a qualifier or qualifying party wants to take an examination. Provides that if the qualifier or qualifying party passes the examination, and after review of the application and all relevant information, then the Board must issue a license to the applicant to engage in general contracting in NC, which can be limited as specified (previously, the Board would conduct an examination, either oral or written, of all applicants for license for the classification of license for which an applicant has applied). Further amends the process for taking the examination, making conforming and organizational changes, creating a new subsection (c1) concerning the disconnection of a qualifier or qualifying party from the licensee, providing that the license will remain in full force and effect for 90 days. After 90 days the license is invalidated, but the licensee is entitled to a return to active status pursuant to all relevant statutes and rules from the Board. Provides that during the 90 day period no licensee can bid on or undertake contracts from the time the qualifier or qualifying party ceased to be connected to the licensee until the license is reinstated (previously, in times where

the examined person was disconnected from the applicant the license was in effect for 90 days but then was canceled, with the applicant being entitled to a reexamination). Deletes provision which provided for reexamination for those failing to pass. Enacts new subsection (d1) providing that the Board can require a new application if a qualifier or qualifying party requests to take an examination a third of subsequent time. Amends provisions concerning the validity and expiration of a license, providing that licenses expire the first day of January following its issuance or renewal (was, a certificate of license expired on the 31st day of December following its issuance or renewal). Deletes provision providing that renewals could be effected any time during the month of January without reexamination, by payment of a fee to the Board. Adds language requiring all renewal applications to be submitted with a fee as specified. Deletes language requiring the Board to mail written notice of the amount of the renewal fees for the upcoming year by November 30. Adds language assessing a late fee for late renewal of applications received on or after January 1st (previously, late fee was assessed if received after January). Requires a licensee to fulfill all requirements of a new applicant as provided if desiring to be relicensed subsequent to the archival of license. Provides that archived license numbers are not reissued. Deletes language that provided that no renewal of a license can be affected after a lapse of four years. Effective January 1, 2017, applying to applications for licensure submitted on or after that date.

Deletes Section 2.15 from the previous edition, concerning a building code study by the NC Building Code Council.

Section 3.6

Deletes the previous version of the section, which made numerous changes to Article 21C, Permitting of Wind Energy Facilities, of GS Chapter 143. Replaces the changes with a requirement that the Department of Environmental Quality and Department of Military and Veterans Affairs (Department) study the appropriate role for the Department with regard to evaluation of military related criteria for permitting wind energy facilities. Requires a report to the Environmental Review Commission and the North Carolina Military Affairs Commission by December 1, 2016.

Section 3.9

Adds the requirement that the Department of Environmental Quality (DEQ) study under what circumstances local governments should be allowed to exceed riparian buffer requirements mandated by the State and federal government. Require DEQ to also consider measures to ensure that local governments do not exceed their statutory authority for establishing riparian buffer requirements. Requires DEQ to consult with property owners and others entities impacted by riparian buffer requirements as well as local governments. Requires that for any recommendations made pursuant to this study or the DEQ study on whether to adjust the size of riparian buffers and activities allowed within the buffers, DEQ must include specific draft language for any rule or statutory changes necessary to implement the recommendations.

Section 4.10

Eliminates this section, which repealed Sections 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.

Section 4A

Adds a new section, amending GS 66-58(b), concerning the sale of merchandise or services by governmental units, to allow for the lease of parking spaces in accordance with the procedures set forth for leases in GS Chapter 146 for any period of time the Department of Administration determines the spaces to be in excess of need, or a ground lease of State-owned land in accordance with procedures for leases in GS Chapter 146. Effective July 1, 2016.

Intro. by Barefoot, J. Davis, Hise.

[STUDY, GS 1, GS 42, GS 62, GS 66, GS 74, GS 87, GS 89C, GS 95, GS 105, GS 106, GS 113A, GS 115C, GS 130A, GS 132, GS 136, GS 143, GS 143A, GS 143B, GS 153A, GS 159G, GS 160A](#)

[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](#)

[View summary](#)

S 330 (2015-2016) **CHANGE ORDERS ON SCHOOL CONSTRUCTION PROJECTS**. Filed Mar 18 2015, *AN ACT TO AMEND THE LAW REGARDING CHANGE ORDERS ON SCHOOL CONSTRUCTION PROJECTS*.

House committee substitute makes the following changes to the 4th edition.

Deletes the previous language of proposed subsection (h) to GS 115C-521 (Erection of school buildings), and replaces it with the following.

Requires each local board of education to adopt a policy governing change orders to any construction or repair work for which a contract has been awarded in accordance with GS 143-128 (requirements for certain building contracts), GS 143-128.1 (construction management at risk contracts), GS 143-128.1A (design-build contracts), GS 143-128.1B (design-build bridging contracts), GS 143-128.1C (public-private partnership construction contracts), or GS 143-129 (procedure for letting of public contracts).

Requires the policy adopted pursuant to proposed subsection (h) to address: (1) the process by which a proposed change order is submitted by the contractor for approval, including any request for expedited review; (2) the individual(s) with responsible authority for approving change orders of a particular category of work or amount, or a combination thereof, and the corresponding descriptions and dollar limits; (3) the process by which any change order that must be reviewed and approved by the local board is submitted to the local board; and (4) the process by which the local board is notified of all change orders submitted to the individual(s) identified with responsible authority to approve those orders, and the resulting actions taken.

Effective October 1, 2016, and applies to contracts awarded, extended, or renewed on or after that date.

Intro. by Tillman.

GS 115C

[View summary](#)

Development, Land Use and Housing, Building and Construction, Education, Elementary and Secondary Education

S 481 (2015-2016) **FUND SMALL BUSINESSES/PUBLISH DOR RULINGS (New)**. Filed Mar 25 2015, *AN ACT TO ENACT THE NORTH CAROLINA PROVIDING ACCESS TO CAPITAL FOR ENTREPRENEURS AND SMALL BUSINESS ACT AND TO PROVIDE PUBLIC DISCLOSURE OF WRITTEN DETERMINATIONS MADE BY THE DEPARTMENT OF REVENUE*.

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

Amends the act's short and long titles.

Deletes whereas clauses found in the previous edition.

Makes organizational changes, dividing the bill into three parts and adding part titles.

Makes technical and clarifying changes throughout newly enacted GS 78A-17.1 and makes organizational changes to the provisions concerning rule adoption.

Enacts new GS 105-264.2, concerning written determinations made by the Department of Revenue (DOR) which are applicable only to an individual taxpayer as applied to a specific set of existing facts. These written determinations have no precedential value except to the taxpayer to whom it was issued. This new statute requires the text of these written determinations to be published on the DOR website within 90 days of the date it was issued to the taxpayer. Sets out information that must be redacted prior to publishing the determination to the website, including personal identifying information of the taxpayer and trade secrets or other privileged or confidential commercial information. Provides that the Secretary has no liability for the failure to make redactions except in specified circumstances, such as failing to make the redactions in intentional and willful disregard of these

provisions. Sets out and defines terms for use in this statute: *alternative apportionment ruling*, *background file document*, *private letter ruling*, *redetermination private letter ruling*, and *written determination*.

Amends GS 105-264(d) to provide that the Secretary of DOR can charge a fee for providing written determinations (previously, language stated fee was allowed for providing specific written advice). Makes conforming changes and clarifies that "written determination" has the same meaning as found in GS 105-264.2.

Amends GS 105-259(b)(27) to allow the disclosure of tax information in order to provide a publication or written determination (without this authorization the publication of written determinations would be prohibited).

Requires the DOR to publish on its website all written determinations issued on or after January 1, 2010, and before the enactment of this act, within 120 days of the enactment of this act. Provides that the redaction requirements provided in GS 105-264.2 also apply to the publication of these written determinations. Appropriates \$10,000 from the General Fund to the Department of Revenue for the 2016-17 fiscal year to provide for the implementation of this requirement.

Intro. by Barringer, Hise, Gunn.

[APPROP, GS 78A, GS 105](#)

[View summary](#)

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

S 536 (2015-2016) [STUDENTS KNOW BEFORE YOU GO AND CENTRAL RESID. \(NEW\)](#) Filed Mar 26 2015, *AN ACT TO PROVIDE ACCURATE AND COMPLETE DATA TO STUDENTS ON POSTSECONDARY STUDENT COMPLETION, GRADUATION, AND EARNINGS OUTCOMES AT NORTH CAROLINA POSTSECONDARY INSTITUTIONS AND TO PROVIDE FOR A COORDINATED AND CENTRALIZED RESIDENCY DETERMINATION PROCESS.*

House amendment makes the following changes to the 3rd edition.

Amends new GS 116-209.16A, information on career and major options, by adding that for the purposes of the statute, *public institutions of higher education* includes the constituent institutions of UNC and the community colleges under the State Board of Community Colleges' jurisdiction and that *private institutions of higher education* include post-secondary institutions that award post-secondary degrees.

Intro. by Barefoot.

[GS 105, GS 115C, GS 116](#)

[View summary](#)

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

S 770 (2015-2016) [NC FARM ACT OF 2016 \(NEW\)](#) Filed Apr 27 2016, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE AGRICULTURAL COMMUNITY.*

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

Section 9

Amends GS 90-91(k), which lists substances that are considered anabolic steroids and schedule III controlled substances under the statute, to change the proposed addition to subdivision 32 to exclude from the terms salt, ester, or isomer of a drug or substance described or listed in subsection (k) chorionic gonadotropin when administered by injection for veterinary use by a licensed veterinarian or the veterinarian's designated agent (previously, chorionic gonadotropin when administered by injection for veterinary use by or in the presence of a licensed veterinarian).

Section 12

Amends proposed subsection (a1) to GS 143-215.15, concerning procedures for permits for water use within capacity use areas,

by deleting the provision requiring agricultural water users to register surface water and groundwater withdrawals with the Division of Water Resources on a form provided by the Division and provide the information to the North Carolina Department of Agriculture and Consumer Services.

Makes technical change to Section 12(b) of the act.

Section 13

Amends GS 143-138, concerning the North Carolina State Building Code, as follows.

Amends subsection (b5) to specify that no permit can be required under the Code or any local variance thereof approved under subsection (e) for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing \$15,000 or less in any single-family residence or farm building unless the work involves one of the five situations specified.

Amends the proposed exclusion in subdivision (1) of subsection (b10) to exclude the replacement of water heaters in one- or two- family dwellings, provided that (1) the energy use rate or thermal input is not greater than that of the water heater which is being replaced and there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping; (2) the work is performed by a person licensed under GS 87-21 or pursuant to GS 87-21(i) (previously, did not provide option for work to be performed pursuant to GS 87-21(i)); and (3) the replacement is installed in accordance with the current edition of the North Carolina State Building Code (previously, did have a third requirement).

Amends proposed subsection (b16), which excludes electrical devices and lighting fixtures, as specified, by adding a new requirement that the repair or replacement must be performed in accordance with the current edition of the North Carolina State Building Code in order for the exclusion to apply.

Amends GS 153A-357 (building permits in counties), subsection (a2), to specify that no permit issued under Articles 9 or 9C of GS Chapter 143 are required for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing \$15,000 or less in any single-family residence or farm building unless the work involves any of the five situations specified.

Section 16

Amends proposed subdivision (3) to GS 75-41(a), concerning contracts with automatic renewal clauses, to require any person engaged in commerce that sells, leases, or offers to sell or lease, any products or services to a consumer pursuant to a contract where the contract automatically renews unless the consumer cancels the contract to provide written notice to the consumer, as specified, for any automatic renewal exceeding 60 days (previously, was exceeding 30 days). Adds a new subdivision (4) to require the person, as described, to disclose the changing terms of the contract clearly and conspicuously on the notification in at least 12-point type and bold print if the terms of the contract will change upon the automatic renewal of the contract.

Deletes the proposed revisions to GS 105-277.4, which modified when the lien for deferred taxes on land eligible for present use value classification is extinguished. Makes conforming technical changes.

Section 17

Amends proposed subdivision (3) of GS 87-97(b1), which sets out that a permit for private drinking water wells is deemed to include the authorization to install both water pipes and electrical wiring in a single ditch by a person certified as a well contractor, as specified, by deleting the provision that established the local health department to be solely responsible for inspecting the ditch and the contents of the ditch.

Deletes the proposed revisions of GS 105-164.13E(a), which amended the income requirement for qualified farmers for the sales tax exemption. Makes conforming change.

Intro. by B. Jackson, Brock, Cook.

[GS 19A](#), [GS 75](#), [GS 87](#), [GS 90](#), [GS 106](#), [GS 113](#), [GS 113A](#), [GS 115C](#), [GS 139](#), [GS 143](#), [GS 143B](#), [GS 150B](#), [GS 153A](#), [GS 160A](#), [GS 166A](#)

[Agriculture, Animals, Business and Commerce, Development, Land Use and Housing, Building and Construction,](#)

[View summary](#)

[Education, Elementary and Secondary Education,](#)
[Environment, Environment/Natural Resources, Government,](#)
[APA/Rule Making, State Agencies, Department of Agriculture](#)
[and Consumer Services, Tax, Local Government, Health and](#)
[Human Services, Health, Public Health](#)

S 791 (2015-2016) [LPA COMM. CONTRACTOR RATE REVISION & STUDY](#). Filed Apr 28 2016, *AN ACT TO INCLUDE PER TRANSACTION RATES PAID TO LICENSE PLATE AGENCY COMMISSION CONTRACTORS WITHIN THE QUADRENNIAL ADJUSTMENT MADE BY THE DIVISION OF MOTOR VEHICLES, TO SPECIFY THAT PROCESSING AN INSPECTION STOP IS A SEPARATE TRANSACTION FOR WHICH COMPENSATION SHALL BE PAID, AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO STUDY THE PROCEDURE FOR PROCESSING INSPECTION STOPS.*

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

Amends the act's effective date, now providing that Sections 2 [amending GS 20-63(h)] and 3 (requiring the Division of Motor Vehicles to study the procedure for processing inspection stops) of the act are effective October 1, 2016 (was, July 1, 2016).

Intro. by Tillman.

[STUDY, GS 20](#)

[View summary](#)

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

LOCAL/HOUSE BILLS

H 952 (2015-2016) [HONOR OUR SERVICE ANIMALS/SHERIFF CONTRACTS](#). Filed Apr 25 2016, *AN ACT PROVIDING THAT THE CATAWBA, CLEVELAND, AND GASTON COUNTY SHERIFF'S OFFICES MAY CONTRACT FOR THE PURCHASE OF FOOD AND FOOD SERVICES SUPPLIES FOR THE COUNTY'S DETENTION FACILITY WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF CERTAIN STATE PURCHASE AND CONTRACT LAWS AND AUTHORIZING CLEVELAND, GASTON AND YANCEY COUNTIES AND THE MUNICIPALITIES IN THOSE COUNTIES TO TRANSFER RETIRED SERVICE ANIMALS OWNED BY THE LOCAL GOVERNMENT.*

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

Extends the scope of new GS 160A-279.5, concerning the disposition of animals owned by a local government, so that it also applies to Yancey County. Makes a conforming change to the act's long title.

Intro. by Hastings.

[Catawba, Cleveland, Gaston, Yancey](#)

[View summary](#)

[Animals, Government, Public Safety](#)

H 1128 (2015-2016) [CORNELIUS LIMITS \(New\)](#). Filed May 17 2016, *AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CORNELIUS.*

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

Amends the act's short and long titles.

Deletes Section 2 of the act, which amended SL 1969-1170 to allow the Mecklenburg County Board of Commissioners (BOC) to authorize the police departments of the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville to exercise general policing power throughout the unincorporated areas of Mecklenburg County, as designated by the Board of Commissioners.

Makes conforming changes.

Adds a provision in the effective date clause that provides that as of January 1, 2016, the properties described in the act that are to be added to the corporate limits of the Town of Cornelius are subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2016.

Intro. by Bradford.

[Mecklenburg](#)

[View summary](#)

[Government, Public Safety](#)

LOCAL/SENATE BILLS

S 382 (2015-2016) [REVISION OF SB 612 \(NEW\)](#). Filed Mar 24 2015, *AN ACT TO REVISE SENATE BILL 612 THAT PROVIDED FOR THE MERGER AND CONSOLIDATION OF THE SCHOOL ADMINISTRATIVE UNITS IN NASH COUNTY AND THE CITY OF ROCKY MOUNT.*

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

Amends the act's short and long titles.

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

Amends Section 20 of SL 1991-391 concerning budget funding for the Nash-Rocky Mount Board of Education (Board), requiring the Board to submit, beginning July 1, 2016, an annual school budget to the Nash County Board of Commissioners (BOC) for approval and to the Edgecombe County Board of Commissioners (Edgecombe BOC) for review and recommendations. Directs the Board and the BOC to make best efforts to achieve a fair, reasonable, and practical appropriation of capital outlay and debt service funds for schools in the Nash-Rocky Mount School Administrative Unit (Unit). Provides that final approval of the Unit's school budget will be made by the BOC. Deletes provisions concerning previous allocation requirements of capital outlay funds as specified in lieu of now requiring the Edgecombe BOC, beginning July 1, 2016, to provide the Edgecombe proportional share of the capital outlay funds of the Unit. Specifies how the Edgecombe share is calculated. Also enacts new subsection (d), which provides that if the finance officers of the Unit and counties cannot come to a consensus on the funding amounts, then a certified public accountant with expertise in school finance will be selected by consensus to determine the amounts. Makes conforming and organizational changes.

Further amends Sections 21 of SL 1991-391 to provide that beginning July 2, 2016, the City of Rocky Mount is required to appropriate local current expense funds from City funds to the Unit an amount equal to any current expenditure differential between Nash and Edgecombe counties, as calculated under the act. Deletes the requirement that the Rocky Mount City Council and the county commissioner each appropriate \$500,00 per year for 10 consecutive years, beginning in 1992, as well as the requirement that the City pay for the extension of specified utility lines if a specified site was used for a school. Deletes the provision allowing the City to appropriate funds to the Unit for the Unit's capital outlay needs. Effective July 1, 2016.

Further amends Section 20 of SL 1991-391, to require, beginning July 1, 2020, that the Edgecombe BOC appropriate to the Unit the Edgecombe proportional share of the local current expense funds appropriated in the approved annual school budget. Specifies how the Edgecombe proportional share is to be calculated.

Effective June 30, 2020, repeals Section 21 of SL 1991-391, so that the City of Rocky Mount would no longer be required to appropriate any funds to the Unit.

Provides that effective July 1, 2020, the Nash-Rocky Mount School Administrative Unit will be renamed the Nash School Administrative Unit and the Nash-Rocky Mount Board of Education will be renamed the Nash Board of Education.

Provides that a local board of education is prohibited from filing any legal action pursuant to statutory authority as specified in order to challenge the sufficiency of the funds appropriated to the local current expense fund, capital outlay fund, or both. This prohibition on legal action ends with the adoption of the 2026-27 fiscal year budget. Requires the BOC to approve a school budget that provides a per-pupil annual amount for local current expense funds that is equal to or greater than the per-pupil amount for local current expense funds appropriated for the 2016-17 fiscal year. Applies to Nash county only.

Sets out several circumstances that are to occur if Edgecombe County or the City of Rocky Mount fail to provide the required annual funding as specified in this act, subject to the review and certification of the Local Government Commission. These provisions address the boundaries of the Unit; terms of office of any local board of education member not residing within the local school administrative unit; revision of electoral districts for the boards; a written plan for transfer of the portion of the Unit located in Edgecombe County; title and ownership of Board property located in Edgecombe County; and claims, demands, and obligations and liabilities of the Unit located in Edgecombe County.

Includes a severability clause.

Intro. by Rabon, Harrington, Meredith.

Edgecombe, Nash

[View summary](#)

Education, Elementary and Secondary Education

S 733 (2015-2016) [CERTAIN TOWNS SEWER FEE COLLECTIONS \(New\)](#) Filed Apr 25 2016, *AN ACT AUTHORIZING THE TOWN OF PROCTORVILLE TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR SEWER SERVICES.*

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

Deletes the previous provisions and now provides as follows.

Changes the long title to AN ACT AUTHORIZING THE TOWNS OF LA GRANGE, FAIRMONT, AND PROCTORVILLE TO BILL AND COLLECT FEES FOR SEWER SERVICES AS PROPERTY TAXES.

Changes the short title.

Current subsection (a1) of GS 160A-314 allows a city to establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished by any public enterprise. Current subdivision (4) authorizes a city to adopt an ordinance providing that a fee imposed under subsection (a1) may be billed as property taxes, made payable in the same manner as property taxes, and collected in any manner in which delinquent personal and real property taxes may be collected. Further, the statute allows delinquent fees to place a lien on the real property described on the bill that includes the fee if the ordinance states that delinquent fees can be collected in the same manner as delinquent real property taxes. This act adds the Towns of Fairmont, La Grange, and Proctorville to the cities and towns specifically authorized to act pursuant to subdivision (4) of GS 160A-314(a1).

Intro. by Smith.

Lenoir, Robeson

[View summary](#)

Public Enterprises and Utilities

S 774 (2015-2016) [MARVIN AND ASHEBORO/DEANNEXATION \(NEW\)](#). Filed Apr 27 2016, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE VILLAGE OF MARVIN AND THE CITY OF ASHEBORO.*

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

Adds a provision to the effective date clause providing that the properties described in the act for deannexation, as of January 1, 2016, are no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2016.

Intro. by Tucker.

Randolph, Union

[View summary](#)

S 852 (2015-2016) [TOWN OF BAKERSVILLE/DEANNEXATION](#). Filed May 10 2016, *AN ACT REMOVING CERTAIN DESCRIBED*

PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE.

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

Adds a provision to the effective date clause that provides that the properties described in the act for deannexation, as of January 1, 2016, are no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2016.

Intro. by Hise.

[Haywood, Mitchell](#)

[View summary](#)

S 888 (2015-2016) [BUNCOMBE SCHOOL CAPITAL FUND COMMISSION](#). Filed May 19 2016, *AN ACT TO AMEND THE BUNCOMBE SCHOOL CAPITAL FUND COMMISSION*.

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

Changes the act's long title to AN ACT TO AMEND THE BUNCOMBE COUNTY SCHOOL CAPITAL FUND COMMISSION.

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

Section 1

Amends SL 1983-134, which established the Buncombe County Capital Fund Commission (Commission), as follows.

Deletes the provisions relating to the initial members of the Commission in Section 2, and makes conforming changes. Eliminates the requirement that one of the five Commission members is to be appointed by the Asheville City Council, and instead increases the members to be appointed by the Buncombe County Board of Commissioners from one to two members. Makes technical changes.

Deletes the provisions relating to the first meeting of the Commission in Section 4, and makes conforming changes. Makes technical changes.

Deletes the provision of Section 6 that requires 1/2 of any State sales and use tax revenue distributed to Buncombe County to be paid to the Commission by the Secretary of Revenue. Makes technical changes.

Deletes Section 7, which requires all of the special property tax levied in Buncombe County for necessary capital improvements of County and City schools in Buncombe County to be appropriated by Buncombe County to the Commission and paid by the Tax Collector to the Commission.

Amends Section 8 to establish that any other capital funds appropriated by Buncombe County pursuant to Article 40 (First 1/2 cent local government sales and use tax) and Article 42 (second 1/2 cent local government sales and use tax) of GS Chapter 105 are to be apportioned between the Asheville City Board of Education and the Buncombe County Board of Education according to the membership of each unit using the process set forth in GS 115C-430 (previously, any other funds appropriated by Buncombe County or any other governmental entity for public construction in any amount and public school improvement and renovation projects exceeding \$50,000 in Buncombe County are to be paid to the Commission, provided that the board of county commissioners may choose to designate funds under the statute to a specific account under Section 11 of the act rather than pro rata).

Amends Section 9 to direct that all funds received by the Commission under Section 6 (previously, included Sections 7 and 8) of the act be placed in a capital reserve fund as provided in Part 2 of Article 3 of GS Chapter 159. Provides that the capital reserve fund is to be known as Public School Capital Needs Fund. Makes conforming changes to Sections 10 and 11.

Amends Section 10 to direct that all funds in the Public School Capital Needs Fund are to be used to finance public school capital construction, to finance public school improvement and renovation projects that exceed \$100,000, or retire any indebtedness incurred by the county or a local school board for these purposes (previously, to finance public school capital construction and public school improvement and renovation projects in Buncombe County or to retire any indebtedness incurred by the county or a local school board for these purposes). Deletes the directive to the Commission to annually divide the funds received that year

into two accounts, as specified. Instead, directs the Commission to consider the capital needs of both the Buncombe County School System and the Asheville City School System, prioritize those needs, and recommend projects to be funded from the Public School Capital Needs Fund to the board of county commissioners based on the priority of needs determined.

Section 2

Establishes that the Commission created by SL 1983-134 is not constituted as of June 1, 2016. Provides that the appointed authorities under SL 1983-134, Section 2, as amended by the act, are directed to make their respective appointment to the Commission as soon as practical. Provides that members appointed under the statute will serve for a two-year term beginning July 1, 2016. Directs that, at its first meeting, the Commission must organize itself as provided in Section 4 of SL 1983-134, as amended by the act.

Section 3

Provides that all projects currently appropriated from one of the two accounts in the capital reserve fund created pursuant to SL 1983-134 carry forward and remaining balances roll forward to the Public School Capital Needs Fund managed by the Commission. Provides that all other sales taxes and other school capital funds are not under control of the Commission and will continue to be appropriated on the required pro rata basis and recorded in separate funds.

Intro. by Apodaca.

Buncombe

[View summary](#)

Education

ACTIONS ON BILLS

PUBLIC BILLS

H 19: MODIFY DEFINITION OF FIREFIGHTER. (NEW)

Senate: Reptd Fav

H 151: VACATION RENTALS/ORANGE CO. JAIL CONSTRUCTION. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/16/2016

H 169: REGULATORY REDUCTION ACT OF 2016 (NEW)

House: RefTo Com On Rules, Calendar, and Operations of the House

H 242: VARIOUS CHARTER SCHOOL LAW CHANGES (New)

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 256: HANDICAPPED PARKING/VETERANS PLATE.

Senate: Reptd Fav

H 283: PREVENT SQUATTING IN FORECLOSED REAL PROPERTY (NEW).

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/16/2016

H 292: BEACH BINGO LICENSES.-AB

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

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

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

H 436: UNAUTHORIZED PRACTICE OF LAW CHANGES.

Senate: Conf Com Reported

Senate: Placed On Cal For 06/16/2016

House: Conf Com Reported

House: Placed On Cal For 06/16/2016

H 451: LRC/STUDY SUICIDE PREVENTION.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 464: REGIONAL TRANSPORTATION AUTHORITY REVISIONS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 499: STUDY/PUBLIC RECORDS & OPEN MEETINGS.

House: Withdrawn From Cal

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

H 591: STUDY ROANOKE ISLAND FESTIVAL PARK GOVERNANCE (NEW).

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

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

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Amend Adopted A3

Senate: Amend Adopted A4

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

Senate: Reconsidered 3rd Reading

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/16/2016

H 667: FACILITY PENALTY & REMEDY/ELECTRON. SUPERVISE(NEW).

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 747: YOUTH ACCESS TO KRATOM/STUDY ABUSE OTC SUBS (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary II

H 763: MILITARY OPERATIONS PROTECTION ACT OF 2016 (New).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 870: CERT. OF TITLE/MANUF. HOME CHANGES.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 958: FELONY DEATH IMP. BOATING/SHEYENNE'S LAW.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 959: DOT PROPOSED LEGISLATIVE CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 970: STATE CONTROLLER/CRIMINAL RECORD CHECKS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 971: MOTOR FLEET CLARIFICATION.

Senate: Reptd Fav

H 976: ENHANCE OVERSIGHT OF SERVICE CONTRACTS/PED.

House: Passed 2nd Reading

H 977: CONFIRM GREGORY MCGUIRE/SPECIAL SC JUDGE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 978: BILL DAUGHTRIDGE/INDUSTRIAL COMMISSION.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/16/2016

H 979: CONFIRM CHARLES VISER/SPECIAL SC JUDGE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 980: LINDA CHEATHAM/INDUSTRIAL COMMISSION.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/16/2016

H 981: CONFIRM MIKE ROBINSON/SPECIAL SC JUDGE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 992: AMEND INDUSTRIAL HEMP PROGRAM.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

H 1003: DOT TO STUDY SEPA REFORM IMPACTS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1007: AMEND OCCUPATIONAL LICENSING BOARDS STATUTES.

House: Placed On Cal For 06/16/2016

H 1014: NC Pre-K Conforming Change/Taylor's Law.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1021: AMEND INNOCENCE COMMISSION STATUTES.

Senate: Withdrawn From Com

Senate: Re-ref Com On Judiciary I

H 1043: ZIP LINE AND CHALL. COURSE SAFETY/SANDERS' LAW (New).

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1044: LAW ENFORCEMENT OMNIBUS BILL.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/16/2016

H 1047: WELFARE REFORM/FOOD AND NUTRITION BENEFITS.

House: Amend Adopted A2

House: Amend Adopted A3

House: Amend Failed A4

House: Passed 2nd Reading

H 1088: ALLOW ELECTION DAY SERVICE - RETIRED LEOS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Pensions and Retirement

H 1090: PROSPERITY & ECON. OPPORTUNITY FOR ALL NC ACT.

House: Withdrawn From Com

House: Re-ref Com On Finance

H 1145: DISAPPROVE DENTAL EXAMINERS RULE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1146: MODIFY VARIOUS APPOINTMENTS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1149: CONFIRM FRED STEEN/BOARD OF REVIEW.

House: Placed On Cal For 06/16/2016

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Withdrawn From Cal

S 89: FILING BY CLERK/MAG. AND CLARK PILOT (NEW).

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

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

Ratified

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

House: Withdrawn From Cal

House: Re-ref Com On Regulatory Reform

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/16/2016

S 330: CHANGE ORDERS ON SCHOOL CONSTRUCTION PROJECTS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 363: Wage & Hour/Local Gov't Assessments (NEW).

House: Passed 2nd Reading

S 481: FUND SMALL BUSINESSES/PUBLISH DOR RULINGS (New).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Appropriations/Base Budget

S 536: STUDENTS KNOW BEFORE YOU GO AND CENTRAL RESID. (NEW)

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 575: NC/SC ORIGINAL BORDER CONFIRMATION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

S 600: APPRAISER COMPENSATION/JUDGE PERFORM MARRIAGE(NEW).

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Withdrawn From Cal

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

S 734: STATEWIDE STANDING ORDER/OPIOID ANTAGONIST.

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

S 747: STATE-OWNED REAL PROPERTY MANAGEMENT/PED.

Senate: Reptd Fav

S 748: CHANGE REPORT - BUILD. & INFRASTRUCTURE COMM.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 770: NC FARM ACT OF 2016 (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 778: Performance Guarantees/Subdivision Streets (New)

House: Placed On Cal For 06/16/2016

S 791: LPA COMM. CONTRACTOR RATE REVISION & STUDY.

Senate: Reptd Fav As Amended

Senate: Com Amend Adpt & Engross 1

S 817: CONST. AMD. - MAX. INCOME TAX RATE OF 5.5%.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/25/2016

S 893: HONOR HENSON P. BARNES, FORMER MEMBER.

Ratified

Ch. Res 2016-12

S 896: CONFIRM BEN SHELTON/AGRICULTURE BOARD.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/16/2016

LOCAL BILLS

H 952: HONOR OUR SERVICE ANIMALS/SHERIFF CONTRACTS.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 956: HENDERSON COUNTY/COMMUNITY COLLEGE PROJECTS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 957: HENDERSONVILLE CHARTER AMENDMENT.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1022: MAXTON DEANNEX/SILER CITY SATELLITE ANNEX. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

H 1039: INCREASE SAMPSON COUNTY OCCUPANCY TAX.

Senate: Reptd Fav

H 1045: NEW BERN CHARTER/REVISED & CONSOLIDATED.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

H 1056: YADKIN OCCUPANCY TAX MODIFICATION.

Senate: Reptd Fav

H 1128: CORNELIUS LIMITS (New).

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1131: TOWN OF ANDREWS/ETJ AUTHORITY.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1132: GLEN ALPINE DEANNEXATION.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

S 382: REVISION OF SB 612 (NEW).

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

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

S 733: CERTAIN TOWNS SEWER FEE COLLECTIONS (New)

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 774: MARVIN AND ASHEBORO/DEANNEXATION (NEW).

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 852: TOWN OF BAKERSVILLE/DEANNEXATION.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 881: UNION COUNTY SCHOOL FUNDING.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/16/2016

S 888: BUNCOMBE SCHOOL CAPITAL FUND COMMISSION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted