

## The Daily Bulletin: 2017-02-08

### PUBLIC/HOUSE BILLS

H 59 (2017-2018) **REVENUE LAWS TECHNICAL CHANGES**. Filed Feb 8 2017, *AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS*.

#### Part I: Income and Franchise Tax Changes

Amends GS 105-228.90(b)(1b) to update the definition for Code, as the term is used in Article 9 of GS Chapter 105 (Taxation: General Administration; Penalties and Remedies) to mean the Internal Revenue Code as enacted as of January 1, 2017 (was, 2016).

Makes technical changes to GS 105-122 (Franchise or privilege tax on domestic and foreign corporations).

Makes clarifying changes to GS 105-129.96, concerning credit a taxpayer may receive for constructing a railroad intermodal facility placed in service in this state during a taxable year. Further, prohibits a credit under this statute to the extent the eligible railroad intermodal facility was provided by public funds. Adds a new subsection to prohibit a taxpayer from taking the credit allowed under the statute for an eligible intermodal railroad facility the taxpayer leases from another, unless the taxpayer gets the lessor's certification that the lessor will not claim a credit under GS Chapter 105 with respect to the same facility. Effective for taxable years beginning on or after January 1, 2017.

Amends GS 105-130.20 to require a taxpayer to file an income tax return with the Secretary reflecting the corrected or determined taxable income within six months of a taxpayer's notification of a federal taxable income or federal tax credit that affects the amount of State tax payable is corrected or otherwise determined by the federal government (previously, only specified corrections to federal taxable income).

Amends GS 105-159 to require a taxpayer to file an income tax return with the Secretary reflecting the corrected or determined adjusted gross income or federal tax credit that affects the amount of State tax payable within six months of notification of a taxpayer's adjusted gross income, filing status, personal exemptions, standard deduction, itemized deductions, or federal tax credit that affects the amount of State tax payable is corrected or otherwise determined by the federal government (previously, only specified corrections to adjusted gross income or federal tax credit that affects the amount of State tax payable).

#### Part II: Sales Tax Changes

Amends GS 105-164.3, concerning the definitions as used in Article 5 of GS Chapter 105 (Sales and Use Tax), to eliminate the definition for the term *protective equipment*. Updates the definition of Streamlined Agreement to mean the Streamlined Sales and Use Tax Agreement as amended as of May 4, 2016 (was, September 15, 2015).

Current law, GS 105-164.6(f), sets out two circumstances that require a person to obtain a certificate of registration by wholesale merchants, retailers, and facilitators, in accordance with GS 105-164.29. Amends the second circumstance to require a person to obtain a certificate of registration if the person is a facilitator liable for tax under Article 5 of GS Chapter 105 (was, pursuant to GS 105.164.4F). Makes conforming, technical, and clarifying changes to GS 105-164.29. Amends GS 105-164.29(c) to establish that a certificate of registration issued to a seller that contracts with a certified service provider under GS 105-164.42I and that is a model seller as defined by the Streamlined Agreement does not become void if the certified service provider files returns for the seller showing no sales for a period for which a certificate could become void under this statute.

Amends GS 105-164.14A(a) to provide that the allowable refund of the sale and use tax for aviation fuel used by motorsports teams or sanctioning bodies to travel to or from motorsports events includes aviation gasoline or jet fuel.

#### Part III: Excise Tax Changes

Makes technical change to GS 105-41(a)(11) to refer to a funeral director (was, a mortician) as required to pay the \$50 tax under the statute.

Makes technical and clarifying changes to GS 105-113.29 (Unlicensed place of business).

Amends GS 105-449.37 to update the definition of International Fuel Tax Agreement, as the term is used in Article 36B of GS Chapter 90 (Tax on Carriers Using Fuel Purchased Outside State) to mean the Articles of Agreement adopted by the International Fuel Tax Association, Inc., as amended as of January 1, 2017 (was, July 1, 2013). Makes technical and clarifying changes.

Makes the following changes to GS 105-449.60, the definitions applicable to Article 36C of GS Chapter 105 (Gasoline, Diesel, and Blends). Defines *biodiesel provider* to include a person who imports biodiesel (was, imports biodiesel outside the terminal transfer system) by means of a transport truck, a railroad tank car, a tank wagon, or a marine vessel (previously, did not include a marine vessel). Makes identical changes to the definition of fuel alcohol provider. Adds the term *bulk storage* and defines the term to mean a container or tank used to store bulk purchases of motor fuel or alternative fuel of 42 gallons or more. Defines *diversion* to mean the movement of motor fuel to a state (was, from a terminal to a state) other than the destination state indicated on the original bill of lading. Defines gasoline to include a petroleum product component of gasoline, listed in Treasury Regulation Section 48-4081-1(c)(3) as of January 1, 2017, that can be blended for use in a motor fuel (previously, did not refer to Treasury Regulation or include ability to blend for use in motor fuel). Removes a refiner from the definition of supplier. Limits the definition of *system transfer* to a transfer of motor fuel within the terminal transfer system (previously, also included a transfer by transport truck or railroad tank car of fuel grade ethanol).

Amends GS 105-449.65(b) to establish that a person who is licensed as a supplier (was, a supplier and is a biodiesel provider) is considered to have a license as a blender in the context of the exceptions from the requirement to obtain separate licenses for each activity when conducting multiple activities.

Eliminates the requirement in GS 105-449.69(e) that an applicant for a license as an exporter must designate an agent located in the state for service of process and give the agent's name and address.

**Intro. by Brawley, Saine, Szoka.**

[GS 105](#)

[View summary](#)

[Government, Tax](#)

H 61 (2017-2018) [SMALL BUSINESS INCOME TAX RELIEF](#). Filed Feb 8 2017, *AN ACT TO PROVIDE INCOME TAX RELIEF FOR SMALL BUSINESSES*.

Amends GS 105-153.5 to allow a deduction from income tax of up to \$50,000 of net business income the taxpayer receives during the taxable year if the taxpayer is a *small business*, defined as a business whose annual receipts, combined with the annual receipts of all related persons, for the taxable year did not exceed \$1 million. Provides that in the case of a married couple filing a joint return where both spouses receive or incur net business income, the maximum dollar amounts apply separately to each spouse's net business income, not to exceed a total of \$100,000. Excludes from the term *business income* any income that is considered passive income under the Internal Revenue Code. Effective for taxable years beginning on or after January 1, 2017.

**Intro. by K. Hall, Saine, Brenden Jones, Boswell.**

[GS 105](#)

[View summary](#)

[Business and Commerce, Government, Tax](#)

H 62 (2017-2018) [WOMAN'S RIGHT TO KNOW ADDITION/ASHLEY'S LAW](#). Filed Feb 8 2017, *AN ACT DIRECTING THAT CERTAIN INFORMATION BE PROVIDED TO WOMEN CONSIDERING A DRUG-INDUCED ABORTION IN ORDER TO SATISFY INFORMED CONSENT REQUIREMENTS AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE THAT INFORMATION AVAILABLE ON ITS INTERNET WEB SITE*.

Amends GS 90-81.82, concerning informed consent to abortion under the Woman's Right to Know Act, to require the following additional information be provided to a woman before a drug-induced abortion. Requires that, immediately prior to administering the drug Mifepristone, the physician or qualified health professional must inform the woman that both (1) it is possible to discontinue a drug-induced abortion by not taking the Mifepristone and taking progesterone to reverse the effects of the Mifepristone and (2) information on how, where, and from whom women can obtain assistance in discontinuing a drug-induced

abortion is available on the Department of Health and Human Services' website. Further, immediately prior to administering the drug Misoprostol, requires the physician or qualified professional to provide medical proof to the woman that fetal death has occurred. Amends GS 90-21.84 to require DHHS to include the above information relating to the drug Mifepristone, as required in new GS 90-21.82(2a), on its website. Effective July 1, 2017.

Directs DHHS to update its website to provide information on how, where, and from whom women can obtain assistance in discontinuing the drug-induced abortion process on or before July 1, 2017.

**Intro. by Pittman, Stevens, Boswell, Speciale.**

GS 90

[View summary](#)

**Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health**

H 63 (2017-2018) **CITIZENS PROTECTION ACT OF 2017**. Filed Feb 8 2017, *AN ACT TO REDUCE IDENTITY THEFT BY INCREASING PENALTIES FOR THE MANUFACTURE OR SALE OF COUNTERFEIT DOCUMENTS; TO CREATE A REBUTTABLE PRESUMPTION AGAINST THE PRETRIAL RELEASE OF CERTAIN UNDOCUMENTED ALIENS; AND TO ENACT A PENALTY FOR CITIES AND COUNTIES THAT VIOLATE STATE LAWS RELATED TO SANCTUARY CITIES.*

Part I establishes the title of the act to be The Citizens Protection Act of 2017.

Part II: Increase Penalties for Manufacture or Sale of False Identification Documents

Amends GS 14-100.1 to make it unlawful for any person to knowingly possess, manufacture, or sell (previously, did not include sell) a false or fraudulent form of identification for the purpose of deception, fraud, or other criminal conduct. Increases the violation of this statute with respect to the manufacture or sale of a false or fraudulent form of identification to a Class G felony, while violations relating to possession remain a Class 1 misdemeanor (previously, possession and manufacture were Class 1 misdemeanors). Makes conforming and technical changes.

Current GS 20-30(2) makes it unlawful to counterfeit, sell, lend to, or knowingly permit the use of a driver's license, learner's permit, or special identification card by one not entitled thereto. Makes a violation of this subsection by a person under the age of 21 for the purpose of the underage purchase of alcohol a Class 1 misdemeanor. Makes a violation of this subsection by a person under the age of 18 for the purpose of the underage purchase of tobacco products or cigarette wrapping papers a Class 2 misdemeanor. Makes all other persons who violate this subsection guilty of a Class G felony. Adds a new subsection to make it unlawful for any person to possess more than one special identification card for a fraudulent purpose. Increases the penalty for selling, or offering for sale, any reproduction, facsimile, or simulation of a driver's license, learner's permit, or special identification card from a Class I to Class G felony. Makes technical changes to the statute.

Makes conforming repeal of GS 20-37.8.

Effective December 1, 2017, and applies to offenses committed on or after that date.

Part III: Creation of a Rebuttable Presumption Against the Pretrial Release of Certain Undocumented Aliens

Amends GS 15A-533, concerning the right to pretrial release in capital and noncapital cases, by adding a new subsection to create a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if the person is unlawfully present in the United States, and a judicial official finds either of the following: (1) there is probable cause to believe that the person committed a sex offense, a felony, a driving offense, a drug offense, or a gang offense, as those terms are defined by the new subsection or (2) there is probable cause to believe that the person committed an offense not listed above, and United States Immigration and Customs Enforcement has issued a detainer for the initiation of removal proceedings against the person or has indicated it will do so. Makes conforming changes to subsection (g), makes technical changes and makes the language gender neutral throughout the statute.

Enacts new GS 15A-534.7, Pretrial release of certain undocumented aliens, to direct the judicial official to require the defendant to execute a secured appearance bond as a condition of pretrial release under GS 15A-534(a)(4) in all cases where the defendant is an alien who is (1) not lawfully present in the United States and (2) is charged with a felony or a Class A1 misdemeanor.

Effective December 1, 2017, and applies to offenses committed on or after that date.

#### Part IV: Miscellaneous

Enacts the following statutes in Article 1 of GS Chapter 64, concerning provisions related to aliens.

Enacts GS 64-6 to provide three permissible methods of verifying a person's immigration status: (1) pursuant to 8 USC 1373(c) and 1644 or any other provisions of federal law, (2) by a law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status, or (3) in any other manner authorized by the federal government.

Enacts GS 64-7 to establish that verification of an alien's immigration status received from the federal government pursuant to new GS 64-6 is proof of that alien's status, and that a court in this state may only consider verification of immigration status made pursuant to new GS 64-6 in determining whether an alien is lawfully present in the United States. Makes any record relating to the immigration status of a person admissible in any court of this state without further foundation or testimony from a custodian of records if three qualifications are met: (1) the record is certified as authentic by the federal government agency that is responsible for maintaining the record; (2) the State notifies and gives a copy of the record to the person at least 15 business days before the proceeding where the evidence will be used; and (3) the person fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding. Provides that if a written objection is not provided, then the record can be admitted into evidence without the testimony of the custodian of records; however, if there is a timely objection, the admissibility of the record is determined and governed by the rules of evidence.

Enacts GS 64-8 to authorize a state or local law enforcement agency to securely transport an alien in the agency's custody and who the agency has verified is unlawfully present in the United States to a federal facility or to any other point of transfer into federal custody. Requires judicial or executive authorization from the Governor before securely transporting an alien who is unlawfully present in the United States to a point of transfer that is outside this state.

Enacts GS 64-9 to provide a severability clause applicable to the entirety of GS Chapter 64.

Amends GS 153A-145.5, which prohibits counties from adopting sanctuary ordinances, to add a new subsection to require the Secretary of Revenue (Secretary) to withhold any distributions otherwise due under GS 105-113.82, GS 105-164.44F, and GS 105-164.44L for any period during which a county is in violation of subsections (a) or (b) of this statute. Makes the Attorney General (AG) responsible for the administration of this new subsection, and directs the AG to adopt rules governing its implementation. Mandates that the Secretary, the Office of State Budget and Management, the State Controller, and all other state agencies and officials cooperate fully with the implementation of this new subsection. Amends GS 160A-499.4, requiring notice to property owners and adjacent property owners prior to the commencement of any construction project in the city, to add a new subsection to require the Secretary to withhold any distributions otherwise due under GS 105-113.82, GS 105-164.44F, GS 105-164.44I, and GS 164.44L for any period in which a city is in violation of subsections (a) or (b) of this statute. Again, makes the AG responsible for administration and implementation, and requires cooperation from the same state agencies and officials. Effective October 1, 2017.

Part V provides a severability clause for this act.

**Intro. by Warren, Collins, Jordan, Adams.**

[GS 14](#), [GS 15A](#), [GS 20](#), [GS 64](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

[Courts/Judiciary](#), [Motor Vehicle](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Criminal Law and Procedure](#), [Government](#), [Local Government](#), [Immigration](#)

H 64 (2017-2018) [MUNICIPAL ELECTIONS IN EVEN-NUMBERED YEARS](#). Filed Feb 8 2017, *AN ACT TO REQUIRE THAT ALL MUNICIPAL ELECTIONS BE HELD IN EVEN-NUMBERED YEARS*.

Amends GS 163-279 to require that all municipal elections be held in even-numbered years, beginning in 2022. Makes conforming changes.

Specifies that the act has the effect of repealing provisions of local or special acts requiring a municipal election to be conducted in an odd-numbered year.

Sets out provisions governing how to maintain staggered terms in municipalities that hold elections in odd-numbered years.

**Intro. by Warren, Conrad, Bert Jones, Collins.**

[GS 163](#)

[View summary](#)

[Government, Elections, Local Government](#)

H 65 (2017-2018) [REQ ACTIVE TIME FELONY DEATH MV/BOAT](#). Filed Feb 8 2017, *AN ACT TO REQUIRE ACTIVE TIME FOR A CONVICTION OF FELONY DEATH BY VEHICLE OR FELONY DEATH BY IMPAIRED BOATING.*

Amends GS 20-141.4 to require any intermediate punishment issued for a conviction of felony death by vehicle to include special probation with a continuous period of confinement of one-fourth of the maximum sentence of imprisonment imposed for the offense. Allows the continuous period of confinement to be for up to 27 months.

Amends GS 75A-10.3 to require any intermediate punishment issued for a conviction of felony death by impaired boating to include special probation with a continuous period of confinement of one-fourth of the maximum sentence of imprisonment imposed for the offense. Allows the continuous period of confinement to be for up to 27 months.

Applies to offenses committed on or after December 1, 2017.

**Intro. by Pittman.**

[GS 20, GS 75A](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure](#)

H 66 (2017-2018) [VETERANS PLATES/VEHICLE WEIGHT RESTRICTION](#). Filed Feb 8 2017, *AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE CERTAIN MILITARY SPECIAL REGISTRATION PLATES FREE OF CHARGE TO MOTOR VEHICLES WITH A REGISTERED WEIGHT THAT DOES NOT EXCEED SEVENTEEN THOUSAND POUNDS.*

As title indicates.

Effective July 1, 2017, applying to special registration plates issued or renewed on or after that date.

**Intro. by Speciale, G. Martin.**

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Military and Veteran's Affairs](#)

H 67 (2017-2018) [INCREASE SMALL BREWERY LIMITS](#). Filed Feb 8 2017, *AN ACT TO INCREASE THE SMALL BREWERY LIMIT FROM TWENTY-FIVE THOUSAND BARRELS TO ONE HUNDRED THOUSAND BARRELS BEFORE THE BREWERY MUST USE A WHOLESALE DISTRIBUTOR TO DISTRIBUTE ITS PRODUCTS.*

Amends GS 18B-1104, as title indicates.

**Intro. by Speciale.**

[GS 18B](#)

[View summary](#)

[Alcoholic Beverage Control](#)

H 68 (2017-2018) [BRIGHT FUTURES ACT](#). Filed Feb 8 2017, *AN ACT ENCOURAGING THE ESTABLISHMENT OF BRIGHT MARKETS BY ADDING THE DIGITAL INFRASTRUCTURE NECESSARY FOR ECONOMIC DEVELOPMENT AND INNOVATION IN*

*KEY MARKETS, INCLUDING BROADBAND, RETAIL ONLINE SERVICES, INTERNET OF THINGS, GRIDPOWER, HEALTH CARE, AND TRAINING AND EDUCATION.*

Includes several whereas clauses.

Currently, GS 143B-472.127 authorizes the Rural Economic Development Division to administer economic development grants or loans awarded by the Rural Infrastructure Authority, as provided in GS 143B-472.128, to local government units to be used in specified programs. The statute is amended to authorize funds from these grants or loans to also be used to construct the digital infrastructure needed to support broadband, computing, and communications components where these facilities will generate private job-creating investment. Exempts grants under this subdivision from the provisions of GS 143-355.4 (concerning local government water system efficiency requirements).

Amends GS 143-128.1C(a) to expand the definition of a *public-private project* in the context of construction to mean a capital improvement project undertaken for the benefit of a governmental entity and a private developer pursuant to a development contract that includes construction of a public facility or other improvements that also include digital infrastructure to support broadband, computing, and communications components.

Adds to the powers and duties of the North Carolina Board of Science, Technology, and Innovation (Board) as follows. Directs the Board to annually report on the impact that technology and innovation in the BRIGHT markets is having on economic growth and development in the State, including recommendations for increasing that impact, to the Governor, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division, the Secretary of Commerce, and any nonprofit with which the Department of Commerce contracts under GS 143B-431.01. Defines BRIGHT markets to mean broadband, retail online services, the internet of things, the power grid, health care, and training and education market segments. Specifies what the Board's annual report must include.

Amends GS 115D-5.1 to require the State Board of Community Colleges to include in its annual report to the Joint Legislative Education Oversight Committee an assessment of how the Customized Training Program (created by the statute) has been used to support companies in BRIGHT Market segments, including recommendations on how efforts can be expanded or aligned with nondegree certification programs to increase employment in jobs in the NCWorks Online system.

Amends GS 143B-438.14, which establishes the "No Adult Left Behind" Initiative, to add a new subsection to direct the NCWorks Commission (Commission) to submit an annual report regarding BRIGHT Market segments to the Governor and Chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, the Chairs of the Senate Appropriations Committee on Natural and Economic Resources, and the Fiscal Research Division. Specifies what the Commission's annual report must include.

Amends SL 2016-94, Section 15.1, to require the Department of Commerce to supplement the report submitted pursuant to subsection (b) of the statute with three additional evaluations and recommendations relating to BRIGHT Market segments, as specified. Defines BRIGHT Market and digital infrastructure.

**Intro. by Szoka, Saine, S. Martin, Brenden Jones.**

[GS 115D](#), [GS 143](#), [GS 143B](#)

[View summary](#)

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

H 69 (2017-2018) [CONSTITUTIONAL CARRY ACT](#). Filed Feb 8 2017, *AN ACT TO MAKE IT LAWFUL TO CARRY A CONCEALED HANDGUN IN NORTH CAROLINA WITHOUT A CONCEALED HANDGUN PERMIT.*

Amends GS 14-269, concerning carrying concealed weapons, to establish that the term weapon does not include a firearm for purposes of the statute. Makes conforming changes to remove all provisions relating to firearms from the statute. Adds new subsection (c1) to make it a Class 1 misdemeanor for any person participating in, affiliated with, or present as a spectator at a parade or funeral who violates GS 14-269 by willfully or intentionally possessing or having immediate access to any dangerous weapon. Exempts from the provisions of subsection (c1) persons authorized by State or federal law to carry dangerous weapons in the performance of their duties and any person who obtains a permit to carry a dangerous weapon at a parade or funeral

procession from the sheriff or police chief of the locality where the parade or funeral procession is to take place. Makes technical changes.

Repeals GS 14-269.3 (Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed), GS 14-269.4 (Weapons on certain State property and in courthouses), and GS 277.2 (Weapons at parades, etc., prohibited).

Adds new Article 54C to GS Chapter 14, Carrying Concealed Handguns and Restrictions on Carrying Weapons in Certain Locations.

Enacts GS 14-415.35 to allow any person who is a citizen of the United States and at least 18 years old to carry a concealed handgun in this State unless provided otherwise by State law or by 18 USC 922 or any other federal law. Defines handgun to mean a firearm that has a short stock and is designed to be held and fired by the use of a single hand.

Prohibits anyone from carrying a concealed handgun on another person's private property if notice of the prohibition is given by posting a conspicuous notice or statement by the person in legal possession or control of the premises. Exempts from this prohibition law enforcement officers discharging their official duties. Prohibits carrying a concealed handgun while consuming alcohol, or at any time while the person has alcohol remaining in the person's body, or in the person's blood a controlled substance previously consumed. Exempts from this prohibition (1) a person who has a controlled substance in the person's blood that was lawfully obtained and taken in therapeutically appropriate amounts, or (2) a person that is on the person's own property. Makes any violations of these prohibitions in subsections (c) and (d) a Class 1 misdemeanor.

Makes it unlawful for a person who meets any of the 14 specified criteria to carry a concealed handgun, including a person who is under indictment for a felony or who is or has been adjudicated to be a danger to self or others due to mental illness or lack of mental capacity. Make a violation of this prohibition a Class 2 misdemeanor for a first offense, and a Class H felony for a second or subsequent offense.

Requires a person to carry valid identification when carrying a concealed weapon. Further, requires a person to disclose to any law enforcement officer that the person is carrying a concealed handgun when approached or addressed by the officer, and to display the proper identification upon the officer's request. Makes a violation of this subsection an infraction punishable in accordance with GS 14-3.1 (setting a penalty not to exceed \$100).

Enacts GS 14-415.36 making it a Class 1 misdemeanor to carry firearms, either openly or concealed, into any establishment where alcoholic beverages are sold and consumed if notice of the prohibition is given either by posting a conspicuous notice or by statement by the person in legal possession or control of the premises. Exempts from this prohibition (1) the owner or lessee of the premises or business establishment, (2) a person registered or hired as a security guard by the owner, lessee, or person or organization sponsoring the event, and (3) any law enforcement officer who is discharging the officer's official duties.

Enacts GS 14-415.37 making it a Class 1 misdemeanor to possess or carry, openly or concealed, a firearm or any other deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings. Excludes an ordinary pocket knife in a closed position, as defined in GS 14-269(d), from the meaning of the term deadly weapon. Exempts persons exempted by GS 14-415.41, as enacted by this act, from this prohibition.

Enacts GS 14-415.38 to make it a Class 1 misdemeanor to possess or carry, openly or concealed, a firearm or any other deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in any building housing any court of the General Court of Justice, or any part of a building used for court purposes. Exempts from this prohibition (1) persons exempt by GS 14-415.41, (2) any person in possession of a weapon for evidentiary purposes, to deliver it to a law enforcement agency, or for purposes of registration, (3) firearms carried by detention officers employed by and authorized by the sheriff to carry firearms, and (4) a person who has a firearm in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle.

Enacts GS 14-415.39 making it a Class 1 misdemeanor for any person participating in, affiliated with, or present as a spectator at any picket line or demonstration upon any private health care facility or upon any public place owned or controlled by the State or any of its political subdivisions to willfully or intentionally possess or have immediate access to a firearm or any other dangerous weapon. Exempts from this prohibition (1) persons exempted by GS 14-415.41, (2) any person authorized by State or federal law to carry dangerous weapons in the performance of his or her duties, and (3) any person who obtains a permit to carry a dangerous weapon at a picket line or demonstration from the sheriff or police chief of the locality where the picket line or demonstration is to take place.

Enacts new GS 14-415.40 to make it a Class 1 misdemeanor to carry a concealed handgun into the following (unless provided otherwise by law): (1) an area prohibited by rule adopted under GS 120-32.1; (2) any area prohibited by 18 USC Sec. 922 or any other federal law; and (3) in a law enforcement or correctional facility. Specifies that the statute does not apply to any person exempted by new GS 14-415.41.

Enacts new GS 14-415.41, which exempts 15 classes of individuals from new GS 14-415.37 (prohibiting firearms or weapons on the premises of the State Capitol, Executive Mansion, or Western Residence of the Governor), new GS 14-415.38 (prohibiting firearms or weapons in courthouses or buildings housing any court); new GS 14-415.39 (prohibiting firearms and weapons at picket lines and certain demonstrations); and new GS 14-415.40 (making it unlawful to carry a concealed handgun into specified areas). The 15 classes of individuals granted the exception are: (1) officers and enlisted personnel of the US Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons; (2) civil and law enforcement officers of the United States; (3) officers and soldiers of the militia and the National Guard when called into actual service; (4) a member of the North Carolina National Guard who has been designated in writing by the Adjutant General, State of North Carolina, and is acting in the discharge of his or her official duties; (5) officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties; (6) any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney in this State. Requires the district attorney, assistant district attorney, or investigator to secure the weapon in a locked compartment when the weapon is not on the person. Allows a district attorney may carry a concealed weapon while in a courtroom; (7) any person who is a qualified retired law enforcement officer; (8) detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, if specified conditions are met; (9) a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate. Requires the judge or magistrate shall secure the weapon in a locked compartment when the weapon is not on the person of the judge or magistrate; (10) a clerk of court or as a register of deeds. Requires the clerk of court or register of deeds shall secure the weapon in a locked compartment when the weapon is not on the person of the clerk of court or register of deeds. Specifies that this subdivision does not apply to assistants, deputies, or other employees of the clerk of court or register of deeds; (11) sworn law enforcement officers; (12) state probation or parole certified officers, when off-duty; (13) a person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department and has in the person's possession written proof of the designation by the Secretary of the Department; (14) an administrative law judge; and (15) state correctional officers, when off-duty; however, the correctional officer is required to meet the firearms training standards of the Division of Adult Correction of the Department of Public Safety.

Amends GS 14-269.1 to allow for the confiscation and disposition of a deadly weapon upon conviction for violation of GS 14-415.35(c), which prohibits carrying a concealed handgun on posted private property. Makes conforming changes. Amends GS 14-269.2(g), which contains the exceptions to the prohibition on weapons on campus or other educational property. Specifies that the statute does not apply to the following: officers and enlisted personnel of the US Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons; civil and law enforcement officers of the United States; officers and soldiers of the militia and the National Guard when called into actual service; officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties; detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, if specified conditions are met; sworn law enforcement officers; state probation or parole certified officers, when off-duty; and a person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department and has in the person's possession written proof of the designation by the Secretary of the Department. Specifies that the following persons are exempted, as long as the person has the firearm or weapon in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle: a member of the North Carolina National Guard who has been designated in writing by the Adjutant General, State of North Carolina, and is acting in the discharge of his or her official duties; any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney in this State; any person who is a qualified retired law enforcement officer; a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate; and a clerk of court or a register of deeds. Allows these individuals to unlock the vehicle to enter or exit the vehicle, as long as the firearm or weapon remains in the closed compartment at all times and the vehicle is locked immediately following entrance or exit. Further amends the statute by removing provisions concerning concealed handgun permit holders.



Makes conforming changes to GS 14-288.8.

Amends the definition of *weapon* in GS 14-401.24, concerning the unlawful use of unmanned aircraft systems, by adding in firearms. Makes conforming changes to GS 14-409.40, GS 14-415.4, GS 14-415.11, and GS 14-415.12.

Enacts new GS 14-415.10A to require the State to make a concealed handgun permit available to any person who applies for and is eligible to receive a concealed handgun permit.

Amends GS 14-415.11 by removing the provisions referring to concealed handgun permit requirements. Also provides that a concealed handgun permit does not authorize a person to carry a concealed handgun in areas prohibited by GS 14-415.37 (no firearms or other weapons on the premises of the State Capitol, Executive Mansion, or Western Residence of the Governor) and GS 14-415.38 (no firearms or other weapons in courthouses or buildings housing any court of the General Court of Justice), except that a person may have a concealed handgun if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. Allows a person to unlock the vehicle to enter or exit, as long as the firearm remains in the closed compartment at all times and the vehicle is locked following entrance or exit.

Amends GS 14-415.12 to allow the sheriff to deny a permit to an applicant who (1) is currently or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be a danger to self or others due to mental illness or lack of mental capacity (was, lacking mental capacity or mentally ill) or (2) is or has been dishonorably discharged from the US Armed Forces (was, discharged from the US Armed Forces under conditions other than honorable).

Repeals GS 14-415.22 (construction of Article 54B, Concealed Handgun Permit).

Makes conforming changes to GS 74E-6, GS 74G-6, and GS 113-136.

Applies to offenses committed on or after December 1, 2017.

**Intro. by Pittman, Speciale, Boswell, Adams.**

[GS 14, GS 74E, GS 74G, GS 113](#)

[View summary](#)

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

H 70 (2017-2018) [SOG PILOT PROJECT STANDARDS/PED](#). Filed Feb 8 2017, *AN ACT TO REQUIRE THE SCHOOL OF GOVERNMENT AT THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP STANDARDS FOR STATE AGENCIES TO USE WHEN DESIGNING AND IMPLEMENTING PILOT PROJECTS MANDATED BY THE GENERAL ASSEMBLY, TO REQUIRE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO ADOPT RULES IMPLEMENTING THOSE STANDARDS, AND TO REQUIRE ALL PILOT PROJECTS MANDATED BY THE GENERAL ASSEMBLY TO USE THOSE STANDARDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Identical to [S 43](#) filed on 2/7/17.

Requires the UNC School of Government (SOG) to research existing evaluation standards and identify approaches for designing projects that collect appropriate and adequate data for sound evaluation of pilot projects. Requires the SOG to make a preliminary report on the research findings to the Joint Legislative Program Evaluation Oversight Committee, the Director of the Program Evaluation Division, and the Office of State Budget and Management by December 1, 2017. Requires SOG to coordinate a working group to develop standards for state agencies to use in designing and implementing pilot projects required by the General Assembly. Requires the working group to include representatives from state agencies and the UNC constituent institutions. Requires a report on the proposed standards to the Joint Legislative Program Evaluation Oversight Committee, the Director of the Program Evaluation Division, and the Office of State Budget and Management by December 1, 2018.

Enacts new GS 143-162.3, directing the Office of State Budget and Management to adopt rules to implement the standards proposed by the SOG and to report to the Joint Legislative Program Evaluation Oversight Committee after adoption of the rules. Provides that, at a minimum, proposed standards must offer a range of options for designing evaluations of pilot projects, taking into account an agency's available resources and time.

Provides that beginning June 1, 2019, unless specifically exempted by law, all departments, agencies, bureaus, divisions, and institutions of the state must conduct and complete pilot projects requested by the General Assembly in accordance with the rules adopted by the Office of State Budget and Management. Allows the SOG to prepare proposed updates to the standards as necessary. Requires proposed updates to be submitted to the Office of State Budget and Management for review and adoption, and requires the Office to report rule changes to the Joint Legislative Program Evaluation Oversight Committee. Requires the SOG to publish proposed updates on its website at least 90 days before submitting the proposed standards.

**Intro. by Hurley, Lucas, R. Turner.**

**GS 143**

[View summary](#)

**Government, State Agencies, UNC System**

H 71 (2017-2018) [LEGISLATOR SUBSISTENCE/TRAVEL RATES - PED](#). Filed Feb 8 2017, *AN ACT TO INCREASE LEGISLATOR SUBSISTENCE AND TRAVEL ALLOWANCES TO MATCH THE 2017 FISCAL YEAR GENERAL SERVICES ADMINISTRATION MAXIMUM PER DIEM RATE, THE DEPARTMENT OF DEFENSE MAXIMUM PER DIEM RATE AS REVISED ON JUNE 30, 2016, AND THE 2016 INTERNAL REVENUE SERVICE BUSINESS STANDARD MILEAGE RATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Amends GS 120-3.1 (concerning the subsistence and travel allowances for members of the General Assembly) effective on the convening of the 2019 General Assembly by deleting language that set prior calculation of allowance rates to rates set by the IRS or found in the Federal Register from the early 1990's. New language sets weekly travel and travel allowances to be calculated using the business standard mileage set by the IRS in IR-205-137, on December 17, 2015. Updates the subsistence allowance for lodging to the 2017 fiscal year maximum per diem rate for federal employees traveling to Raleigh noticed in 81 Federal Register 54805, August 17, 2016. Allows members to elect to receive an allowance of \$51 a day for meals (was, \$26) plus lodging expenses instead of taking the calculated amounts, up to specified limit amounts. Makes conforming changes.

**Intro. by Hurley, Dollar, R. Turner, Lucas.**

**GS 120**

[View summary](#)

**Government, General Assembly**

H 72 (2017-2018) [SCHOOL BUS CAMERAS/CIVIL PENALTIES](#). Filed Feb 8 2017, *AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL BUS.*

Identical to [S 55](#), filed 2/8/17.

Section 1

Enacts GS 153A-246, Use of photographs or videos recorded by automated school bus safety cameras, to authorize a county to adopt an ordinance for the enforcement of GS 20-217 (provisions making it unlawful to pass a stopped school bus that is receiving or discharging passengers) by means of an automated school bus safety camera installed and operated on any school bus within that county. Defines school bus and automated school bus safety camera. Requires a citation for the violation of an ordinance authorized by this statute to be received by the registered owner of the vehicle no more than 60 days after the date of the violation. Sets out the required contents of a citation, including the date, time, and location of the violation; civil penalty amount and date by which the penalty must be paid or contested; an image taken from the recorded image showing the vehicle in violation; and warnings of the consequences for failure to pay. Makes the registered owner responsible for the violation unless (1) the vehicle was in the care, custody, or control of another person at the time of the violation or (2) the citation was not received by the registered owner within 60 days after the date of the violation. Allows a person or company other than the registered owner to be issued a citation if the registered owner provides an affidavit that the vehicle was in the care, custody, or control of another person or company at the time of the violation. Provides an avenue of contest to a person issued a citation to request a hearing in writing, along with an affidavit for the basis of the contest, to the officials/agents of the county that issued the citation within 30 days. Sets parameters for service of process of the citation and nonjudicial administrative hearings to hear contested citations. Provides a right of appeal.

Sets the penalty amount for the first violation at \$400, the second violation at \$750, and \$1,000 for each subsequent violation. Sets an additional late penalty of \$100 for failure to pay within 30 days of receipt. Directs the Division of Motor Vehicles to refuse to register a motor vehicle if the registered owner receives a citation under this statute and fails to pay the civil penalty when due. Clarifies that violation of the ordinance is a noncriminal violation for which no license or insurance points may be assigned to the registered owner or driver of the vehicle. Prohibits imposing a civil penalty against a person who is charged in a criminal pleading for a violation of GS 20-217 arising out of the same facts.

Mandates that an automated school bus safety camera installed on a school bus must be identified by warning signs conspicuously posted on the school bus, and that the signs are to be consistent with a statewide standard adopted by the State Board of Education. Clarifies that nothing in the statute (1) requires the installation and operation of automated school bus safety cameras on a school bus, (2) prohibits the use and admissibility of any photograph or video recorded by an automated school bus safety camera in a criminal proceeding alleging a GS 20-217 violation, or (3) prohibits the imposition of penalties on any registered owner or driver of a vehicle convicted of a misdemeanor or felony violation of GS 20-217.

## Section 2

Enacts GS 115C-242.1 to set out provisions for the installation and operation of automated school bus safety cameras operated by a local board of education within a county that has adopted an ordinance under new GS 153A-246. Allows a local board of education to install and operate automated school bus safety cameras with or without contracting with a private vendor, as specified. Also authorizes the State Board of Education to enter into a contract for statewide or regional services upon request by one or more local boards of education, as specified. Allows for any local board of education, board of county commissioners, and law enforcement agency to enter into interlocal agreements pursuant to Part 1 of Article 20 of GS Chapter 160A (Joint Exercise of Powers in Interlocal Cooperation) that is necessary and proper to implement GS 153A-246. Requires any photographs or videos recorded by an automated school bus safety camera that capture a violation of GS 20-217 to be provided to the investigating law enforcement agency for use as evidence in any proceeding alleging violation of the same. Provides that a local board of education that, prior to the effective date of this act, entered into a contract with a private vendor to install and operate automated school bus safety cameras is not required to comply with the requirements of new GS 115C-242.1(b)(2) (requirements of local boards contracting with private vendors).

Section 3 makes technical and conforming changes to GS 20-54, effective one year after this act becomes law and applicable to the registration of any motor vehicle whose owner's failure to pay a civil penalty under GS 153A-246 is reported to the Division of Motor Vehicles on or after the effective date of the act.

Section 4 makes technical and conforming changes to GS 20-217.

## Section 5

Requires a county that adopts an ordinance under GS 153A-246 to maintain records of all violations for which a civil penalty is assessed. Requires the county to provide at least five years of those records to the North Carolina Child Fatality Task Force and the General Assembly upon request.

## Section 6

Directs the State Board of Education to develop a model request for proposals and model contract within 90 days of the enactment of this act that local boards of education may use in letting contracts in accordance with GS 115C-242.1(b)(2). Requires the State Board and the Department of Public Instruction to provide technical assistance to a local board of education on contractual process upon request.

**Intro. by Hanes, Lambeth.**

[GS 20, GS 115C, GS 153A](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of Transportation, State Board of Education, Transportation](#)

*PERSON'S LAP.*

Enacts GS 20-137.4B to make it unlawful to operate a vehicle on a public street, highway, or public vehicular area while holding a live animal in the person's lap. States the purpose of the statute is to ensure public safety, and makes a violation of the statute an infraction punishable by a \$100 fine plus court costs. Provides that no driver's license points or insurance surcharge can be assessed a result of a violation. Establishes that failure to comply with this statute cannot constitute negligence per se or contributory negligence per se by the operator in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a vehicle. Effective December 1, 2017, and applies to offenses committed on or after that date.

**Intro. by Pierce.**

GS 20

[View summary](#)

[Animals, Courts/Judiciary, Motor Vehicle](#)

H 74 (2017-2018) [ADOPT BOBCAT AS STATE CAT.](#) Filed Feb 8 2017, *AN ACT ADOPTING THE BOBCAT AS THE OFFICIAL STATE CAT OF THE STATE OF NORTH CAROLINA.*

As title indicates.

**Intro. by B. Richardson, Horn, Ager, Gill.**

GS 145

[View summary](#)

[Government, Cultural Resources and Museums](#)

H 75 (2017-2018) [HONOR PAUL LUEBKE, FORMER MEMBER.](#) Filed Feb 8 2017, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PAUL LUEBKE, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

**Intro. by Lehman, Michaux, Meyer.**

JOINT RES

[View summary](#)

[Government, General Assembly](#)

## **PUBLIC/SENATE BILLS**

S 53 (2017-2018) [LAW ENFORCEMENT AUTHORITY/CUSTODY OF CHILD.](#) Filed Feb 8 2017, *AN ACT TO AUTHORIZE A LAW ENFORCEMENT OFFICER TO OBTAIN CUSTODY OF A CHILD UPON DETERMINATION BY THE COURT THAT THE CHILD IS IN DANGER.*

Current law, GS 50-13.5(d)(3), allows a court to enter a temporary order that changes the living arrangements or custody of a child ex parte and without prior service of process or notice if the court finds that (1) the child is exposed to a substantial risk of bodily injury or sexual abuse or (2) that there is a substantial risk that the child may be abducted or removed from the State for the purpose of evading the jurisdiction of the courts. This act adds the requirement that such a temporary order for custody be in writing. Further, requires the court to direct a law enforcement officer or another authorized person to take physical custody of the juvenile and to make due return on the order. Additionally, requires the executing official to give a copy of the order to the juvenile's parent, guardian, custodian, or caretaker.

Grants authority to an officer receiving the order that is complete and regular on its face to execute the order according to its terms. Allows the court to authorize an officer to enter private property and take physical custody of a juvenile if the court finds that a less intrusive remedy is not available. Further, allows the court to authorize an officer to make forcible entry at any hour if required by exigent circumstances. Provides that an officer is not required to inquire into the regularity or validity of the order, and grants criminal and civil immunity for its due service.

Requires a temporary order issued pursuant to GS 50-13.5(d)(3) to proceed as an abuse, neglect, dependency matter in accordance with GS Chapter 7B.

Effective October 1, 2017, and applies to orders for temporary custody on or after that date.

**Intro. by J. Davis.**

GS 50

[View summary](#)

**Courts/Judiciary, Juvenile Law, Abuse, Neglect and  
Dependency, Government, Public Safety, Health and Human  
Services, Social Services, Child Welfare**

S 55 (2017-2018) **SCHOOL BUS CAMERAS/CIVIL PENALTIES**. Filed Feb 8 2017, *AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL BUS*.

#### Section 1

Enacts GS 153A-246, *Use of photographs or videos recorded by automated school bus safety cameras*, to authorize a county to adopt an ordinance for the enforcement of GS 20-217 (provisions making it unlawful to pass a stopped school bus that is receiving or discharging passengers) by means of an automated school bus safety camera installed and operated on any school bus within that county. Defines *school bus* and *automated school bus safety camera*. Requires a citation for the violation of an ordinance authorized by this statute to be received by the registered owner of the vehicle no more than 60 days after the date of the violation. Sets out the required contents of a citation, including the date, time, and location of the violation; civil penalty amount and date by which the penalty must be paid or contested; an image taken from the recorded image showing the vehicle in violation; and warnings of the consequences for failure to pay. Makes the registered owner responsible for the violation unless (1) the vehicle was in the care, custody, or control of another person at the time of the violation or (2) the citation was not received by the registered owner within 60 days after the date of the violation. Allows a person or company other than the registered owner to be issued a citation if the registered owner provides an affidavit that the vehicle was in the care, custody, or control of another person or company at the time of the violation. Provides an avenue of contest to a person issued a citation to request a hearing in writing, along with an affidavit for the basis of the contest, to the officials/agents of the county that issued the citation within 30 days. Sets parameters for service of process of the citation and nonjudicial administrative hearings to hear contested citations. Provides a right of appeal.

Sets the penalty amount for the first violation at \$400, the second violation at \$750, and \$1,000 for each subsequent violation. Sets an additional late penalty of \$100 for failure to pay within 30 days of receipt. Directs the Division of Motor Vehicles to refuse to register a motor vehicle if the registered owner receives a citation under this statute and fails to pay the civil penalty when due. Clarifies that violation of the ordinance is a noncriminal violation for which no license or insurance points may be assigned to the registered owner or driver of the vehicle. Prohibits imposing a civil penalty against a person who is charged in a criminal pleading for a violation of GS 20-217 arising out of the same facts.

Mandates that an automated school bus safety camera installed on a school bus must be identified by warning signs conspicuously posted on the school bus, and that the signs are to be consistent with a statewide standard adopted by the State Board of Education. Clarifies that nothing in the statute (1) requires the installation and operation of automated school bus safety cameras on a school bus, (2) prohibits the use and admissibility of any photograph or video recorded by an automated school bus safety camera in a criminal proceeding alleging a GS 20-217 violation, or (3) prohibits the imposition of penalties on any registered owner or driver of a vehicle convicted of a misdemeanor or felony violation of GS 20-217.

#### Section 2

Enacts GS 115C-242.1 to set out provisions for the installation and operation of automated school bus safety cameras operated by a local board of education within a county that has adopted an ordinance under new GS 153A-246. Allows a local board of education to install and operate automated school bus safety cameras with or without contracting with a private vendor, as specified. Also authorizes the State Board of Education to enter into a contract for statewide or regional services upon request by one or more local boards of education, as specified. Allows for any local board of education, board of county commissioners, and law enforcement agency to enter into interlocal agreements pursuant to Part 1 of Article 20 of GS Chapter 160A (Joint Exercise

of Powers in Interlocal Cooperation) that is necessary and proper to implement GS 153A-246. Requires any photographs or videos recorded by an automated school bus safety camera that capture a violation of GS 20-217 to be provided to the investigating law enforcement agency for use as evidence in any proceeding alleging violation of the same. Provides that a local board of education that, prior to the effective date of this act, entered into a contract with a private vendor to install and operate automated school bus safety cameras is not required to comply with the requirements of new GS 115C-242.1(b)(2) (requirements of local boards contracting with private vendors).

Section 3 makes technical and conforming changes to GS 20-54, effective one year after this act becomes law and applicable to the registration of any motor vehicle whose owner's failure to pay a civil penalty under GS 153A-246 is reported to the Division of Motor Vehicles on or after the effective date of the act.

Section 4 makes technical and conforming changes to GS 20-217.

Section 5

Requires a county that adopts an ordinance under GS 153A-246 to maintain records of all violations for which a civil penalty is assessed. Requires the county to provide at least five years of those records to the North Carolina Child Fatality Task Force and the General Assembly upon request.

Section 6

Directs the State Board of Education to develop a model request for proposals and model contract within 90 days of the enactment of this act that local boards of education may use in letting contracts in accordance with GS 115C-242.1(b)(2). Requires the State Board and the Department of Public Instruction to provide technical assistance to a local board of education on contractual process upon request.

**Intro. by McInnis, Alexander.**

[GS 20, GS 115C, GS 153A](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Education, Elementary and Secondary Education, Government, State Agencies, Department of Transportation, State Board of Education, Transportation](#)

S 57 (2017-2018) [PURCHASE PISTOL PERMIT/RETIRED VETERAN ID](#). Filed Feb 8 2017, *AN ACT TO PROVIDE THAT A RETIRED VETERAN WHO APPLIES FOR A PISTOL PERMIT MAY PRESENT A MILITARY IDENTIFICATION CARD SHOWING THE VETERAN'S RETIRED STATUS IN LIEU OF A U.S. DEPARTMENT OF DEFENSE FORM 214 (DD-214)*.

Amends GS 14-404(e1), as the title indicates. Effective October 1, 2017.

**Intro. by Clark.**

[GS 14](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Military and Veteran's Affairs](#)

S 60 (2017-2018) [RECORD OF EXCUSALS FROM JURY DUTY](#). Filed Feb 8 2017, *AN ACT TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR NOT LESS THAN TWO YEARS*.

Identical to [H 29](#), filed 1/31/17.

Enacts GS 9-6.2 to require the clerk of superior court to keep a record of the name, address, and reason for the excusal request of every person excused from jury duty based on disqualification(s) under GS 9-3 (qualifications of prospective jurors). Records must be maintained for no less than two years from the date of excusal. Provides that these records are not public records under GS 132-1.

Additionally, if a person is excused from jury duty for a reason related to qualifications to vote as set forth in GS 163-55, the clerk must provide to the State Board of Elections a record of the person's name, address, reason for excusal, and the date of excusal. Authorizes use of this information by elections officials for maintenance of the list of eligible voters pursuant to GS 163-82.14. Provides that these records are public records under GS 132-1.

Makes a conforming change to GS 9-6(e) to require the clerk of superior court to keep a record of excuses separate from the master jury list in accordance with GS 9-6.2, as enacted by this act.

Directs the Administrative Office of the Courts to amend the Rules of Recordkeeping to include procedures necessary to implement the new law.

Effective January 1, 2018.

**Intro. by Krawiec, Dunn, Sanderson.**

GS 9

[View summary](#)

**Courts/Judiciary, Court System, Government, Public Records and Open Meetings, State Agencies, Department of Justice**

S 61 (2017-2018) [LTD. LICENSE/DRIVING TO SCHOOL PAST 9:00](#). Filed Feb 8 2017, *AN ACT TO AUTHORIZE A HOLDER OF A LIMITED PROVISIONAL LICENSE TO DRIVE PAST 9:00 P.M. WHEN DRIVING TO OR FROM A CLASS THE HOLDER IS ENROLLED IN THAT IS HELD AT A HIGH SCHOOL OR POSTSECONDARY SCHOOL.*

As title indicates.

**Intro. by Bishop, J. Davis.**

GS 20

[View summary](#)

**Courts/Judiciary, Motor Vehicle**

S 62 (2017-2018) [VETERANS' AFFAIRS COMMISSION/STRATEGIC PLAN](#). Filed Feb 8 2017, *AN ACT TO REQUIRE THE VETERANS' AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE BENEFITS FOR VETERANS AND THEIR DEPENDENTS.*

Enacts new GS 143B-1220.1, which requires the Veterans' Affairs Commission (Commission) to adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. Requires the plan to include specific objectives related to: (1) improving accessibility of health, education, training, counseling, financial, and burial benefits and services to veterans and their dependents; (2) increasing the satisfaction of veterans and their dependents with benefits and services by meeting their expectations for availability, quality, timeliness, and responsiveness; (3) educating and empowering veterans and their dependents through proactive outreach and effective advocacy; and (4) any other topic related to enhancing benefits for veterans and their dependents. Requires the Commission to update the plan every four years, and to annually review the State's performance based on this plan and annually report the results of its review to the Joint Legislative Oversight Committee on General Government.

The act also requires the Commission to adopt a strategic plan by November 1, 2018. Requires the Commission to complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2019, and complete its first update of the strategic plan by November 1, 2020.

**Intro. by D. Davis, Brown.**

GS 143B

[View summary](#)

**Military and Veteran's Affairs**

S 63 (2017-2018) [MILITARY AFFAIRS COMMISSION/STRATEGIC PLAN](#). Filed Feb 8 2017, *AN ACT TO REQUIRE THE MILITARY AFFAIRS COMMISSION TO ADOPT A COMPREHENSIVE STRATEGIC PLAN TO ENHANCE NORTH CAROLINA*

## MILITARY INSTALLATIONS AND THEIR MISSIONS.

Enacts new GS 143B-1310.1 to require the Military Affairs Commission (Commission) to adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions. Requires the plan to include specific objectives related to: (1) supporting and enhancing existing military installations and missions; (2) attracting new military assets and missions to North Carolina; (3) expanding military-related economic development in North Carolina; (4) improving the quality of life for military members and their families, military retirees, and veterans; (5) advocating military-related issues to the General Assembly, the United States Congress, and State and federal agencies; and (6) any other topic related to enhancing North Carolina military installations and their missions. Requires the Commission to update the plan every four years. Requires the Commission to annually review the State's performance based on this plan and annually report the results of its review to the Joint Legislative Oversight Committee on General Government.

The act provides that the Commission's February 2016 "Strategic Plan for Supporting and Enhancing North Carolina Military Missions and Installations" satisfies the requirements of GS 143B-1310.1(a) concerning the creation of the strategic plan. Requires the Commission to complete its first annual review and its first annual report to the Joint Legislative Oversight Committee on General Government by November 1, 2017. Requires the Commission to complete its first update of the strategic plan by November 1, 2020.

**Intro. by D. Davis, Brown.**

[GS 143B](#)

[View summary](#)

[Military and Veteran's Affairs](#)

S 64 (2017-2018) [VETERANS' HISTORY AWARENESS MONTH](#). Filed Feb 8 2017, *AN ACT TO ESTABLISH VETERANS' HISTORY AWARENESS MONTH IN NOVEMBER*.

Amends GS 115C-84.2(b)(4), which establishes Veterans Day as a holiday for all public school personnel and students, to additionally designate November as "Veterans' History Awareness Month."

Amends GS 115C-12 to expand the duties of the State Board of Education to include the duty to develop recommended programs for use in schools during Veterans' History Awareness Month. Provides that recommended programs can be integrated into lesson plans, and can include veteran participation and veteran sponsorship in the form of an Adopt-A-Veteran program. Encourages schools to collaborate with veterans and veteran service organizations during Veterans' History Awareness Month to designate time for appropriate commemorative activities.

Applies beginning with the 2017-18 school year.

**Intro. by D. Davis, Barefoot, Brown.**

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Cultural Resources and Museums, Military and Veteran's Affairs](#)

## LOCAL/HOUSE BILLS

H 58 (2017-2018) [CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM](#). Filed Feb 8 2017, *AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM*.

Identical to [S 54](#), filed 2/8/17.

Amends SL 1947-926, as amended, concerning the Charlotte Firefighters' Retirement System, by amending the definition of the final average salary. Under current law final average salary means the monthly average compensation received by a Member (defined as a uniformed employee of the Charlotte Fire Department) during any two consecutive Plan Years of Membership Service which produces the highest average and is contained within the Members' last five years of Membership Service.



Amends the definition to now define final average salary to be, effective with respect to Plan Years beginning on or after July 1, 2001, the higher of: (1) the monthly average compensation received during the two highest consecutive Plan Years of the Member's (defined as a uniformed employee of the Charlotte Fire Department) last five years of Membership Service, or (2) the monthly average compensation received during the 104 weeks preceding the end of the Member's Membership Service.

Effective July 1, 2017.

**Intro. by Dulin, Autry, Belk, R. Moore.**

[Mecklenburg](#)

[View summary](#)

[Employment and Retirement, Government, Public Safety](#)

H 60 (2017-2018) [SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS](#). Filed Feb 8 2017, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN BOARDS OF EDUCATION IN ADOPTING SCHOOL CALENDARS*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the specified local boards of education with additional flexibility in adopting their school calendars, providing that the opening date for students must be no earlier than August 1, except for year-round schools. Requires first semester exams to be given before winter break. Authorizes a local board of education to schedule opening and closing dates for any school in the local administrative unit to coincide with opening and closing dates of a community college serving the city or county in which the school unit is located.

Limits application of these provisions to the Randolph County Schools and Asheboro City Schools. Applies beginning with the 2017-18 school year.

**Intro. by McNeill, Hurley.**

[Randolph](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

## LOCAL/SENATE BILLS

S 54 (2017-2018) [CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM](#). Filed Feb 8 2017, *AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM*.

Amends SL 1947-926, as amended, concerning the Charlotte Firefighters' Retirement System, by amending the definition of the final average salary. Under current law final average salary means the monthly average compensation received by a Member (defined as a uniformed employee of the Charlotte Fire Department) during any two consecutive Plan Years of Membership Service which produces the highest average and is contained within the Member's last five years of Membership Service. Amends the definition to now define final average salary to be, effective with respect to Plan Years beginning on or after July 1, 2001, the higher of: (1) the monthly average compensation received during the two highest consecutive Plan Years of the Member's (defined as a uniformed employee of the Charlotte Fire Department) last five years of Membership Service or (2) the monthly average compensation received during the 104 weeks preceding the end of the Member's Membership Service.

Effective July 1, 2017.

**Intro. by Waddell, Tarte, Bishop.**

[Mecklenburg](#)

[View summary](#)

[Employment and Retirement, Government, Public Safety](#)

S 56 (2017-2018) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS](#). Filed Feb 8 2017, *AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN LOCAL BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the specified local boards of education with additional flexibility in adopting its school calendar. Further, requires first semester exams to be given before winter break.

Limits application of this provision to the Anson County Schools, Richmond County Schools, Rowan County Schools, Scotland County Schools, and Stanly County Schools. Applies beginning with the 2017-18 school year.

**Intro. by McInnis.**

Anson, Richmond, Rowan, Scotland, Stanly

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**Education, Elementary and Secondary Education**

S 58 (2017-2018) [45TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 8 2017, *AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT*.

Blank bill.

**Intro. by Ballard.**

Alleghany, Ashe, Avery, Caldwell, Watauga

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S 59 (2017-2018) [31ST SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 8 2017, *AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT*.

Blank bill.

**Intro. by Krawiec.**

Forsyth, Yadkin

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## **ACTIONS ON BILLS**

### **PUBLIC BILLS**

#### **H 22: [BOR/INDEPENDENT STAFF/DATA TRACKING.](#)**

*House: Withdrawn From Com*

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

#### **H 39: [AMEND APPOINTMENTS/UNC BD OF GOVERNORS.](#)**

*House: Amend Failed A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

#### **H 44: [APPLICATION FOR A CONVENTION OF THE STATES.](#)**

*House: Passed 1st Reading*

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

#### **H 46: [ALLISON'S LAW/GPS TRACKING PILOT PROG/DV.](#)**

*House: Passed 1st Reading*

*House: RefTo Com On Appropriations*

**H 48: LEGISLATOR-LOBBYIST REFORM ACT.**

*House: Passed 1st Reading*

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

**H 49: GLOW CHARTER SCHOOL IN STATE HEALTH PLAN.**

*House: Passed 1st Reading*

*House: Ref to the Com on Insurance, if favorable, Appropriations*

**H 52: RESCIND CALLS FOR CONSTITUTIONAL CONVENTION.**

*House: Passed 1st Reading*

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

**H 53: SCHOOL CALENDAR MODIFICATION.**

*House: Passed 1st Reading*

*House: Ref to the Com on Education - K-12, if favorable, Appropriations*

**H 54: PROTECT THE HARDWORKING TAXPAYERS ACT.**

*House: Passed 1st Reading*

*House: RefTo Com On Finance*

**H 56: AMEND ENVIRONMENTAL LAWS.**

*House: Passed 1st Reading*

*House: RefTo Com On Environment*

**H 57: ENACT PHYSICAL THERAPY LICENSURE COMPACT.**

*House: Passed 1st Reading*

*House: Ref to the Com on Health, if favorable, Finance*

**H 59: REVENUE LAWS TECHNICAL CHANGES.**

*House: Filed*

**H 61: SMALL BUSINESS INCOME TAX RELIEF.**

*House: Filed*

**H 62: WOMAN'S RIGHT TO KNOW ADDITION/ASHLEY'S LAW.**

*House: Filed*

**H 63: CITIZENS PROTECTION ACT OF 2017.**

*House: Filed*

**H 64: MUNICIPAL ELECTIONS IN EVEN-NUMBERED YEARS.**

*House: Filed*

**H 65: REQ ACTIVE TIME FELONY DEATH MV/BOAT.**

*House: Filed*

**H 66: VETERANS PLATES/VEHICLE WEIGHT RESTRICTION.**

*House: Filed*

**H 67: INCREASE SMALL BREWERY LIMITS.**

*House: Filed*

**H 68: BRIGHT FUTURES ACT.**

*House: Filed*

**H 69: CONSTITUTIONAL CARRY ACT.**

*House: Filed*

**H 70: SOG PILOT PROJECT STANDARDS/PED.**

*House: Filed*

**H 71: LEGISLATOR SUBSISTENCE/TRAVEL RATES - PED.**

*House: Filed*

**H 72: SCHOOL BUS CAMERAS/CIVIL PENALTIES.**

*House: Filed*

**H 73: PROHIBIT DRIVING WITH ANIMAL IN LAP.**

*House: Filed*

**H 74: ADOPT BOBCAT AS STATE CAT.**

*House: Filed*

**H 75: HONOR PAUL LUEBKE, FORMER MEMBER.**

*House: Filed*

**S 34: EMINENT DOMAIN CONST. AMENDMENT.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 35: EMINENT DOMAIN STATUTORY REVISIONS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 36: CONVENTION OF THE STATES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 38: ALLOW COUNTY-WIDE CHALLENGES/ABSENTEE BALLOTS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 39: CHARTER SCHOOLS/CIHSS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 40: CONSTITUTIONAL AMEND. CONVENTION/COUNTERMAND.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 41: AMENDMENT CONVENTION PROCEDURES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 42: REDUCE COST & REG. BURDEN/HOSP. CONSTRUCTION.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 43: SOG PILOT PROJECT STANDARDS/PED.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 44: BOR/INDEPENDENT STAFF/DATA TRACKING.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 48: CLINICAL EDUCATORS FOR STUDENT TEACHING.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 53: LAW ENFORCEMENT AUTHORITY/CUSTODY OF CHILD.**

*Senate: Filed*

**S 55: SCHOOL BUS CAMERAS/CIVIL PENALTIES.**

*Senate: Filed*

**S 57: PURCHASE PISTOL PERMIT/RETIRED VETERAN ID.**

*Senate: Filed*

**S 60: RECORD OF EXCUSALS FROM JURY DUTY.**

*Senate: Filed*

**S 61: LTD. LICENSE/DRIVING TO SCHOOL PAST 9:00.**

*Senate: Filed*

**S 62: VETERANS' AFFAIRS COMMISSION/STRATEGIC PLAN.**

*Senate: Filed*

**S 63: MILITARY AFFAIRS COMMISSION/STRATEGIC PLAN.**

*Senate: Filed*

**S 64: VETERANS' HISTORY AWARENESS MONTH.**

*Senate: Filed*

**LOCAL BILLS**

**H 45: ROANOKE ISLAND FIRE DISTRICT CHANGES.**

*House: Passed 1st Reading*

*House: RefTo Com On State and Local Government I*

**H 47: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.**

*House: Passed 1st Reading*

*House: RefTo Com On Education - K-12*

**H 50: SCHOOL CALENDAR FLEX./STANLY COUNTY.**

*House: Passed 1st Reading*

*House: RefTo Com On Education - K-12*

**H 51: SCHOOL CALENDAR FLEX./MONTGOMERY COUNTY.**

*House: Passed 1st Reading*

*House: RefTo Com On Education - K-12*

**H 55: APEX/CARY/POLICE ASSISTANCE ON SCHOOL GROUNDS.**

*House: Passed 1st Reading*

*House: RefTo Com On State and Local Government II*

**H 58: CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM.**

*House: Filed*

**H 60: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.**

*House: Filed*

**S 33: 50TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 37: ROANOKE ISLAND FIRE DISTRICT CHANGES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 45: 8TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 46: 13TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 47: 19TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 49: 29TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 50: 32ND SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 51: WINSTON-SALEM/SERVICE BY PUBLICATION COST.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 52: 40TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 54: CHARLOTTE FIREFIGHTERS' RETIREMENT SYSTEM.**

*Senate: Filed*

**S 56: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.**

*Senate: Filed*

**S 58: 45TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Filed*

**S 59: 31ST SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Filed*

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