



## The Daily Bulletin: 2017-02-23

### PUBLIC/HOUSE BILLS

H 5 (2017-2018) **UNEMPLOYMENT INSURANCE TECHNICAL CHANGES**. Filed Jan 25 2017, *AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.*

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

Changes the act's long title.

Changes the effective date of the proposed changes to GS 96-15(b)(2) to October 1, 2017 (was, July 1, 2017), concerning the reduction in the required time period for which any interested employer must be allowed to file its protest of an unemployment insurance claim in order to have the claim referred to an adjudicator from 14 days to 10 days from the mailing or delivery of the notice of the filing of the claim against the employer's account.

Amends GS 96-9.6 by adding a new subsection to provide that a reimbursing employer can apply to the Division of Unemployment Insurance Fund (Division) for a refund of any amount the reimbursing employer erroneously remitted to the Unemployment Insurance Fund in excess of the amount due. Requires the application for a refund be filed by the later of (1) five years from the last calendar year with respect to which a payment was made or (2) one year from the date on which a payment in excess was made. Directs the Division to determine that the requested refund was in excess of the amount due and the payment in excess was erroneously paid. Directs the Division to refund the excess amount without interest. Prohibits the refund from resulting in an account balance of less than 1% of the reimbursing employer's taxable wages. Makes conforming changes.

The previous edition made proposed changes to subsection (c) of GS 96-11.7 to provide that an employer who transfers all or part of its business to another person and, at the time of the transfer, there is substantially common ownership, management, or control of the predecessor employer and the transferee, then it is mandatory that the portion of the account attributable to the transferred business be transferred to the transferee as of the date of the transfer. This edition clarifies that the mandatory transfer of that portion of the account attributable to the transferred business is transferred to the transferee as of the date of the transfer for use in the determination of the transferee's contribution rate. Further clarifies that substantially common ownership, management, or control exists if one or more persons, entities, or other organizations owning, managing, or controlling the business maintain substantial ownership, management, or control of the transferee (was, remain in substantial ownership, management, or control of the transferee).

Amends proposed new subsection (c1) of GS 96-11.7 to bar the Division of Employment Security from transferring the account of the predecessor employer if the Division finds that a person formed or acquired (was, that a person acquired) the business solely or primarily for the purpose of obtaining a lower contribution rate.

Makes clarifying changes to the proposed changes to subsection (d) of GS 96-11.7, concerning the recalculation of the employer contribution rate when the effective date of an account transfer is after the computation date in a calendar year, to refer to the transferring employer as the predecessor employer, and refer to the transferee as the successor employer.

Amends proposed new subsection (g) of GS 96-11.7 to provide that any transferee subject to a complete transfer under this statute (previously, any transferee with substantially common ownership, management, or control of an existing business) cannot request or maintain an account with the Division of Employment Security other than the account of the existing business. Makes conforming changes.

**Intro. by Howard.**

GS 96

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

H 57 (2017-2018) [ENACT PHYSICAL THERAPY LICENSURE COMPACT](#). Filed Feb 7 2017, *AN ACT ESTABLISHING A PHYSICAL THERAPY LICENSURE COMPACT TO FACILITATE THE INTERSTATE PRACTICE OF PHYSICAL THERAPY.*

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

Amends GS 90-270.121 by amending the definition of the term *member state* by adding that for purposes of new Article 18F, the State may designate the North Carolina Board of Physical Therapy Examiners as the entity responsible for carrying out any action required by or of a member state, including the imposition of fees or the payment of assessments.

Amends GS 90-270.124 by amending the places that an active duty military licensee or military spouse licensee may designate as the home state to clarify that one option is the state listed on the Permanent Change of Station order; also allows designating the duty station as the home state if it is different than the Permanent Change of Station state or home of record.

**Intro. by Szoka, G. Martin, Grange.**

[GS 90](#)

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[Business and Commerce, Occupational Licensing, Government, State Government, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 187 (2017-2018) [MODERNIZE PHYSICAL THERAPY PRACTICE](#). Filed Feb 23 2017, *AN ACT UPDATING THE DEFINITION OF PHYSICAL THERAPY TO INCLUDE MANIPULATION OF THE SPINE WITHOUT A PRESCRIPTION FROM A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE.*

Amends GS 90-270.24, as the title indicates. Effective October 1, 2017.

**Intro. by Dollar, Torbett, S. Martin, Dobson.**

[GS 90](#)

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

H 189 (2017-2018) [SEARCH & RESCUE NAME/FUNDS](#). Filed Feb 23 2017, *AN ACT TO MODIFY THE NAME OF SEARCH AND RESCUE SERVICES AND TO PROVIDE FUNDS FOR SEARCH AND RESCUE OPERATIONS.*

Amends Article 6 of GS Chapter 166A to change the title of the Article to State Search and Rescue (was, Urban Search and Rescue).

Adds the term *search and rescue team* to the defined terms in GS 166A-65. Defines that term to mean a specialized team or group of teams, organized with capabilities equivalent to search and rescue teams established under the Federal Emergency Management Agency (FEMA) in order to assist in the removal of trapped victims during emergencies, including but not limited to collapsed structures, trench excavations, elevated locations, and other technical rescue situations. Eliminates the term *urban search and rescue team*, and makes conforming changes to eliminate references to that term and instead reference the search and rescue team in GS 166A-65, GS 166A-66, GS 166A-67, GS 166A-68, and GS 166-69.

Appropriates \$2,397,000 in recurring funds from the General Fund to the Department of Public Safety, Division of Emergency Management, for the 2017-18 fiscal year to be used to support the State Search and and Rescue Program. Directs that the funds are to be used in partnership with units of local government to supplement local expenses to purchase equipment, maintain equipment, and provide other items necessary to ensure statewide search and rescue services. Provides that any match requirement established by the Secretary of the Department of Public Safety can be satisfied by the sponsoring local agency with cash payments or in-kind contributions. Effective July 1, 2017.

**Intro. by Davis, Hardister, Clampitt, Grange.**

[APPROP, GS 166A](#)

[View summary](#)**Government, Budget/Appropriations, Public Safety, State Agencies, Department of Public Safety**

H 190 (2017-2018) **LOCAL FIREFIGHTER RELIEF FUND ELIGIBILITY**. Filed Feb 23 2017, *AN ACT TO REDUCE THE NUMBER OF YEARS THAT A DESTITUTE FIREFIGHTER SERVING HONORABLY WITH A CERTIFIED FIRE DEPARTMENT MUST SERVE IN ORDER TO RECEIVE FINANCIAL ASSISTANCE FROM A LOCAL FIREFIGHTERS' RELIEF FUND AND TO SIMPLIFY VARIOUS LOCAL BOARD REPORTING REQUIREMENTS*.

Amends GS 58-84-35 to allow the board of trustees of a local firefighters' relief fund to distribute funds to provide assistance to a destitute member firefighter who has served or is serving honorably (previously, funds were only available to destitute members who had served honorably for at least five years) with a certified fire department (previously, did not clarify service to be with a certified fire department).

Amends GS 58-84-40 to require the North Carolina State Firefighters' Association to include a listing of current members of the local board of trustees appointed pursuant to GS 58-84-30, including the chairman and treasurer of the board, along with the items the Association must certify to the Department of Insurance by January 1 of each year as prescribed by the Department.

Amends GS 58-84-46 to direct the fire chief of each city or county that has a local board of trustees under GS 58-84-30 (previously, alternatively the clerk or finance officer of each city or county) to file a certificate of eligibility with the North Carolina State Firefighters' Association (was, the Commissioner of Insurance) on a form prescribed by the Association on or before October 31 of each year. Makes conforming and clarifying changes to provide that if the certificate is not filed with the Association on or before January 31 in the ensuing year: (1) the Local Firefighters' Relief Fund for that fire department must forfeit the payment due to be paid to the local Fund's board of trustees, (2) the Association must inform the Commissioner of Insurance of the Local Funds that have not filed the certificate pursuant to this statute so that the Commissioner must pay over that amount otherwise due to those Local Funds to the treasurer of the Association, and (3) the amount must constitute a part of the Statewide Firefighters' Relief Fund. Makes conforming changes. Amends GS 58-84-41 to require the Commissioner of Insurance to include the certifications filed under GS 58-84-46 in the database the Commissioner is required to maintain under the statute.

Effective July 1, 2017, and applies to distributions to local firefighters' relief funds on or after that date.

**Intro. by Hurley, Warren.****GS 58**[View summary](#)**Government, Public Safety**

H 191 (2017-2018) **2017 HOUSE UNC BOARD OF GOVERNORS ELECTION**. Filed Feb 23 2017, *A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA*.

Adopts procedures for the House of Representatives for nominating and electing members of the UNC Board of Governors (BOG).

Makes it the duty of the University Board of Governors Nominating Committee (Committee) to conduct a process for nominating and electing persons for each opening on the BOG to which the House of Representatives is to elect members. Sets the time period for receiving BOG nominations as March 6 through March 10, 2017. The total number of open positions is six, with each position being for a four-year term. Each Representative is allowed to nominate up to two persons by written nomination (by specified deadlines). Requires nominees to file a completed North Carolina State Ethics Commission Statement of Economic Interest with the North Carolina State Ethics Commission by 5:00 pm on March 10, 2017, and clearly state that the person has been nominated for the BOG. Requires the Committee to list all nominees after the close of nomination period on March 10 and allows the Committee to screen nominees by interview, submission of written information, or both. Requires the Committee to vote to ensure that the slate of qualified candidates lists 12 candidates if 12 or more have been nominated.

Requires that the ballot be prepared under the supervision of the Committee Chair and that it include 12 qualified candidates if 12 or more individuals were nominated. Names are to be listed on the ballot in alphabetical order. Requires that the House hold its election no later than the beginning of the daily session on April 5, 2017. Requires that the Speaker of the House explain the six specified voting rules before the voting begins. House members are to vote for six persons for four-year terms and each ballot must be signed by the member casting the ballot. Provides that the Committee Chair is responsible for canvassing the vote and declaring the results. Requires the House Principal Clerk to keep the ballots as part of the permanent records and keep the ballots open for immediate public inspection upon adjournment of that day's session. Provides that when the Committee Chair determines that the House has chosen six persons to serve as members of the BOG, the Speaker of the House of Representatives must entertain a motion for the simultaneous election of those persons; the vote must be called electronically. Requires the election results to be sent to the Senate by Special Messenger.

Requires the Committee Chair to notify the Secretary of the BOG of the names of the persons elected by the House of Representatives and the term for which each person was elected.

**Intro. by Fraley, Dollar, Hastings.**

**HOUSE RES**

[View summary](#)

**Government, General Assembly, State Agencies, UNC System**

H 192 (2017-2018) **ESTABLISH MUSIC THERAPY PRACTICE ACT**. Filed Feb 23 2017, *AN ACT ESTABLISHING THE NORTH CAROLINA MUSIC THERAPY PRACTICE ACT*.

Creates new Article 18E, North Carolina Music Therapy Practice Act, in GS Chapter 90. Provides that the purpose of proposed Article 18E is to regulate music therapy services offered to the public. Provides whereas clauses to further note the need for regulation of music therapy services.

Provides definitions that apply in proposed Article 18E, including definitions for *music therapy* and *music therapy services*. Defines *music therapy* as the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program, including three specified areas. Prohibits any person from practicing or offering to practice music therapy as defined in proposed Article 18E or otherwise presenting himself or herself to be a licensed music therapist on or after January 1, 2014, unless that person is currently licensed as provided under proposed Article 18E. Identifies criteria for persons to be exempt from the provisions of proposed Article 18E.

Creates the North Carolina Board of Music Therapy (Board). Requires that the Board consist of five members serving staggered terms, two of whom are licensed music therapists, one who represents the public at large, one who is a licensed health care professional, and one who is a licensed attorney. Directs that the General Assembly is to appoint (1) one music therapist to serve for a term of three years, on the recommendation of the Speaker of the House of Representatives and (2) one music therapist to serve for a term of two years, on the recommendation of the President Pro Tempore of the Senate. Requires the Governor to appoint the remaining three members to serve for a one-year term. Initial Board members are to be appointed on or before October 1, 2017.

Provides additional criteria regarding terms, qualifications, filling of vacancies, removal of members, and compensation for members. Additionally, provides criteria for the selection of officers, frequency of meetings, and establishing a quorum. Enumerates the powers and duties of the Board.

Requires an applicant for licensure as a music therapist to make application to the Board, pay the required fees, and meet all of the following requirements: (1) be 18 years of age or older; (2) be of good moral character as determined by the Board; (3) successfully complete an academic program accredited by the American Music Therapy Association, with at minimum of a bachelor's degree majoring in music therapy from an accredited college or university; (4) successfully complete the board certification exam offered by the Certification Board for Music Therapists or its successor organization; and (5) successfully complete a minimum of 1,200 hours of clinical training, with at least 180 hours in pre-internship experiences and at least 900 hours in internship experiences.

Provides criteria for reciprocity, allowing the Board to grant licenses to persons licensed to practice music therapy in another state or territory of the United States.

Provides parameters regarding expenses and the establishment of a fee schedule for licensing. Requires that every license issued under this proposed Article be renewed every five years on or before January 1. Provides additional criteria regarding license renewal.

Authorizes the Board to exercise disciplinary authority, allowing the Board to deny, suspend, revoke, or refuse to renew a license or impose probationary conditions on a license if the licensee or applicant has engaged in any of the specified conduct. Provides that a disciplinary action may be ordered by the Board after a hearing is held in accordance with GS Chapter 150B and rules adopted by the Board. Permits an application for reinstatement of a revoked license to be made to the Board if the revocation has been in effect for at least one year. Provides that each violation under this proposed Article constitutes a distinct and separate offense and such a violation is a Class 1 misdemeanor. Provides that the Board may seek injunctive relief for violations of this proposed Article. Authorizes the Board to assess a civil penalty of no more than \$1,000 for a violation of any section of this proposed Article or the violation of any rules adopted by the Board. Directs that the clear proceeds of any civil penalty assessed under this section is to be remitted to the Civil Penalty and Forfeiture Fund in accordance with GS 115C-457.2. Provides factors to be considered by the Board before imposing and assessing a civil penalty.

Effective January 1, 2018.

**Intro. by Warren, Blackwell, Corbin, Williams**

**GS 90**

[View summary](#)

**Business and Commerce, Occupational Licensing,  
Employment and Retirement**

H 193 (2017-2018) **LEGISLATIVE FOUR-YEAR TERMS**. Filed Feb 23 2017, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY*.

Subject to voter approval at the general election on November 6, 2018, amends the NC Constitution as follows.

Amends Section 2 of Article II of the NC Constitution to provide that the NC Senate will be composed of 50 Senators elected by ballot every four years (was, every two years). Also provides in Section 4 that the NC House will be composed of 120 Representatives elected by ballot every four years. Amends Section 6 of Article II of the NC Constitution to add the qualification that at the time of election a Senator may not have served more than three terms in the Senate. Provides that service in more than 12 months of a four-year term constitutes serving a term in the Senate for the purpose of calculating the limitation of three terms. Amends Section 7 of Article II of the NC Constitution to provide the qualification that at the time of election a Representative may not have served more than three terms in the House of Representatives. Provides that service in more than 12 months of a four-year term constitutes serving a term in the House for the purpose of calculating the limitation of three terms. Amends Section 8 of Article II of the NC Constitution to provide that the election for respective districts will occur in 2022 and after that every four years.

Amends Section 7(3) of Article III of the NC Constitution to provide that office vacancies by any of the officers specified in this section will be filled by election at the first statewide election for members of the US House of Representatives (was, when members of the General Assembly are elected). Amends Section 9(3) of Article IV of the NC Constitution to provide that elections for the office of the clerk of the superior court for each county will be at the same time and places as statewide elections for the US House of Representatives (was, when members of the General Assembly are elected). Amends Section 18(1) of Article IV of the NC Constitution to provide elections for the office of district attorney for each district across North Carolina will be at the same time and places as statewide elections for the US House of Representatives (was, when members of the General Assembly are elected). Amends Section 19 of Article IV of the NC Constitution to provide that vacancies in the NC Judicial Branch will be filled by appointment by the Governor and those appointed will hold their offices until the next statewide election for members of the US House of Representatives (was, until the next election for members of the General Assembly). Amends Section 2 of Article VII of the NC Constitution to provide that in each county a sheriff will be elected at the same time and place as members of the US House of Representatives (was, when members of the General Assembly are elected).

Makes conforming, clarifying and technical changes to the following statutes: GS 7A-60(a2), GS 7A-140, GS 115C-18, GS 163-182-13A(c), GS 120-37(a), GS 120C-304(a), GS 138A-14(c), GS 147-4, GS 152-1, GS 161-1, GS 163-8, GS 163-9, GS 163-10, GS 163-12, and GS 163-329. Additionally, makes language gender neutral.

Provides that if the majority vote is in favor of the proposed constitutional amendments that (1) the State Board of Elections is to certify the amendments to the Secretary of State and (2) the constitutional amendments and statutory changes become effective January 1, 2020, and apply to elections and vacancies occurring on or after that date.

**Intro. by Warren, Hardister, Yarborough**

[CONST, GS 7A, GS 115C, GS 120, GS 120C, GS 138A, GS 147, GS 152, GS 161, GS 163](#)

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[Constitution, Government, General Assembly](#)

H 194 (2017-2018) [SBCC ELECTIONS](#). Filed Feb 23 2017, *A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.*

Directs the House of Representatives and the Senate to elect members to the State Board of Community Colleges (State Board) pursuant to GS 115D-2.1(b)(4)f during the regular sessions of the two chambers on April 6, 2017. Directs the House and Senate to each elect one member to the State Board for six-year terms beginning July 1, 2017. Provides that each chamber is to follow the procedure set forth in GS 115D-2.1 for the nomination and election of members to the State Board.

**Intro. by Brody, Sauls.**

[JOINT RES](#)

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[Government, General Assembly, State Agencies, Community Colleges System Office](#)

H 195 (2017-2018) [VISUAL RECORD/LEO INTERROGATION OF SUSPECT](#). Filed Feb 23 2017, *AN ACT TO PROVIDE THAT IN CERTAIN COUNTIES THE ELECTRONIC RECORDINGS REQUIRED OF CUSTODIAL INTERROGATIONS MUST BE VISUAL RECORDINGS THAT SIMULTANEOUSLY MAKE AUDIO RECORDINGS OF THE INTERROGATION.*

Applicable only to cities and counties with a population of 150,000 or more, amends the definitions set forth in GS 15A-211(c) for terms used in Article 8 of GS Chapter 15A pertaining to the electronic recording of interrogations. Amends the definition of *electronic recording* to mean a visual recording that simultaneously makes an audio recording of the interrogation being recorded that is an authentic, accurate, unaltered record (currently, defined as an audio or visual recording as specified and directs that both a visual and audio recording should be produced simultaneously whenever feasible with a clarification that a defendant is prohibited from raising failure to do so as grounds for suppression of evidence). Amends the definition of *in its entirety* to provide that the recording camera must insert the appropriate date and time stamps during the interrogation and that those dates must be displayed when the interrogation is played back. Makes conforming changes. Effective December 1, 2018, and applies to interrogations occurring on or after that date.

**Intro. by Alexander, R. Moore.**

[GS 15A](#)

[View summary](#)

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

H 196 (2017-2018) [ZIP LINES/CHALLENGE COURSES/SANDERS' LAW](#). Filed Feb 23 2017, *AN ACT TO REGULATE ZIP LINES AND CHALLENGE COURSES AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "SANDERS' LAW."*

Enacts new Article 14C to GS Chapter 95 and states the Article is to be known as the Zip Line and Challenge Course Safety Act of North Carolina (Act). Sets out the legislative findings and intent.

Establishes that the Act's scope governs the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, relocation, and investigation of accidents involving zip lines, aerial adventure parks, canopy tours, challenge courses, or other similar devices, as those terms are defined the Act's definitions statute, GS 95-112.3.

Provides 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 or one operated by a government entity solely for law enforcement or military training purposes.

Lists 18 powers and duties of the Commissioner of Labor (Commissioner), including the power to delegate powers, duties, and responsibilities of the Commissioner to, and to supervise, the Chief of the Elevator and Amusement Device Bureau (Bureau); the power to adopt, modify, revoke and enforce rules necessary to carry out the Act's provisions; the power to require inspection and testing of new, modified, or relocated devices subject to the Act; the power to obtain an Administrative and Inspection Warrant pursuant to Article 4A of GS Chapter 15; and the power to institute civil proceedings in courts of the state when a provision of the Act or the rules promulgated under the Act have been violated. Also grants the authority to charge reasonable fees for (1) the issuance of certificates of operation for devices subject to this Act, (2) the inspection by the Bureau of devices subject to this Act, and (3) a qualified inspector designation.

Incorporates specified standards by reference that the design, manufacture, installation, operation, and maintenance of all devices subject to the Act must conform to, unless otherwise specifically provided in the Act or rules promulgated pursuant to the Act.

Requires 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 first intended date of use each year. The Act defines an owner as any person or authorized agent of such person who owns a device subject to the provisions of the Act or in the event such device is leased, the lessee, and establishes that term also includes the state or any political subdivision thereof or any unit of local government. Requires an owner of a device subject to the Act to include in the initial application a certification from a professional engineer licensed in North Carolina indicating that the design and installation of the device has been approved by the professional engineer, and to include in any subsequent application certification from a professional engineer licensed in North Carolina indicating that any additions or alterations which substantially change the device have been approved by the professional engineer. Also requires an owner of a device to include in the initial and annual application information as specified in GS 95-112.6(f), including documentation of general liability insurance. Requires the owner of a device to include the certificate of operation fee with the certificate of application. Provides that a certificate of operation for a device expires one year after the date of issuance.

Requires that a third-party, qualified inspector as set out in GS 95-112.8 inspect a device subject to the provisions of the Act and determine that it is in compliance with the provisions of the Act and any rules promulgated pursuant to the Act before a certificate of operation may be issued. Requires the operator of the device to post a copy of the certificate of operation in close proximity to the entry to the device where it is readily visible to participants. The Act defines an *operator* as any person, partnership, corporation, or other commercial entity and its agents, officers, employees, or representatives who have operational responsibility for any device subject to the provisions of the Act. Sets out qualifications for qualified inspectors.

Requires an owner of a device subject to the Act, or the owner's authorized agent, to (1) make a pre-opening inspection and test of the device, prior to admitting the participants, each day the device is intended to be used and in accordance with challenge course standards; (2) train employees on the operation of the device in accordance with Part 1.3 of the ANSI/PRCA 2014 Ropes Challenge Course Installation, Operation & Training Standard, or a substantially similar standard; (3) have an emergency evacuation plan for the device in accordance with challenge course standards; and (4) maintain for at least the previous 12 months a signed record of the required pre-opening inspection and test, training provided to employees, emergency evacuation plan, and other pertinent information as the Commissioner may require by rule or regulation. Authorizes the Commissioner to refuse to issue or renew or to revoke, suspend, or amend the certificate of operation for any device regulated by the Act upon failure by the owner or the owner's authorized agent to make the required pre-opening inspection and test, to train employees, to maintain an emergency evacuation plan, or to maintain the required records.

Allows the Commissioner to immediately order in writing that the use of a device be stopped or limited if the Commissioner determines that a device subject to the Act and the operation of the device is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, until such time the Commissioner determines that the device has been made safe for use by the public. Also allows the Commissioner to refuse to issue or renew or revoke, suspend, or amend a certificate of operation if the Commissioner determines that the provisions of the Act or the rules and regulations promulgated under the Act have not been complied with. Provides that any action taken by the Commissioner under this statute, GS 95-112.10, is final unless a petition for a contested case is filed under GS Chapter 150B.

Requires an owner or operator to immediately shut down the operation of the device and secure the safety of other participants and the general public, and ensure the scene is left intact from the time of the accident, in the event a participant or member of the general public is involved in an accident related to the operation of a device subject to the Act that results in serious injury or a

fatality. Requires the owner, operator, and any employees who witnessed the accident or operated the device when the accident occurred to be available to be interviewed by the Commissioner or the Commissioner's designated representative. Requires other reporting, documentation, and action as specified in GS 95-12.13. Provides that the Commissioner may permanently revoke the certificate of operation if an owner violates any provisions of the Article.

Requires any operator, as defined by the Act, to be at least 18 years of age. Requires an operator to be in attendance at all times the device is in operation. Bars operation of a device subject to the Act while under the influence of alcohol or any other impairing substance defined by GS 20-4.01(14a). Establishes that it is a violation to knowingly permit the operation of any device subject to the Act while the operator is under the influence of an impairing substance.

Requires an owner to obtain coverage of at least \$1 million per occurrence against liability for injury to persons or property arising out of the operation or use of a device subject to the Act, and to provide proof of the required insurance before the Commissioner can issue a certificate of operation. Provides that the Commissioner cannot accept any commercial general liability insurance policy unless it obligates the insurer to give written notice to the Commissioner at least 15 days before any proposed cancellation, suspension, or renewal of the policy.

Bars any person from operating or permitting to be operated or using any device subject to the Act without a valid certificate of operations or otherwise than in accordance with the Act and the rules and regulations promulgated under the Act. Establishes that any person who violates the prohibitions of GS 95-112.11(a) or (b) is subject to a civil penalty not to exceed \$1,250 for each rule or regulation violated and for each day each device is so operated or used.

Bars any person from operating or permitting to be operated or using any device subject to the Act after the Commissioner has refused to issue or has revoked the certificate of operation for such a device. Bars any person from operating, permitting to be operated, or using any device subject to the Act if the person knows or reasonably should know that the operation or use will expose the public to an unsafe condition likely to result in personal injury or property damage. Establishes that any person who violates GS 95-122.11(c) (operation of a device after the Commissioner has refused to issue or revoked certificate of operation), GS 95-112.13 (accidents, shut down, reporting), GS 95-112.14(a) (operators; age requirements), or GS 95-112.15 (requirement of liability insurance) is subject to a civil penalty not to exceed \$2,500 for each day each device is so operated or used. Establishes that any person who violates GS 95-291 (appears to mean GS 95-112.12, Operation of unsafe device) or GS 95-293(b) (appears to mean GS 95-112.14(b) (operation of device under the influence or knowingly permitting operation under the influence) is subject to a civil penalty not to exceed \$5,000 for each day each device is so operated or used. Provides factors the Commissioner is to consider in determining the amount of any penalty ordered. Establishes that the determination of the amount of the penalty by the Commissioner is final; however, provides an avenue of appeal. Provides that the Commissioner may file in the office of the clerk of the superior court of the county wherein the person, against whom a civil penalty has been ordered, resides, or if a corporation is involved, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred, a certified copy of a final order of the Commissioner unappealed from, or of a final order of the Commissioner affirmed upon appeal where the clerk of court must enter judgment, notify the parties, and the judgment is to have the same effect as if it had been rendered in a suit duly heard and determined by the superior court.

Establishes that any person who willfully violates any provision of the Act is guilty of a Class 2 misdemeanor, which may include a fine of no more than \$10,000, except that if the conviction is for a violation committed after a first conviction of the person, the person will be guilty of a Class 1 misdemeanor, which may include a fine of no more than \$20,000. Establishes that any person who willfully violates any provision of the Act, and that violation causes the serious injury or death of any person, then the person is guilty of a Class E felony, which will include a fine. Provides that nothing in this statute, GS 95-112.16, prevents any prosecuting officer of the State of North Carolina from proceeding against a person who violates the Act on a prosecution charging any degree of willful or culpable homicide.

Allows the owner or operator of a device subject to the Act to deny any person entrance to any device if he or she believes the entry may jeopardize the safety of the person desiring entry, riders, or other persons.

Directs that it is the duty of the Attorney General of North Carolina, when requested, to represent the Department of Labor in actions or proceedings in connection with the Act or the rules and regulations promulgated under the Act.

Authorizes the state, upon recommendation of the Commissioner of Labor, to enter into agreements or arrangements with appropriate federal agencies for the purpose of administering the enforcement of federal statutes, rules, and regulations governing devices subject to the provisions of the Act, consistent with the requirements and conditions provided in the Act and the rules promulgated under the Act.



Provides that all information reported to or otherwise obtained by the Commissioner or the Commissioner's agents or representatives in connection with any inspection or proceeding under the Act or the rules and regulations promulgated under the Act that contains or might reveal a trade secret is to be considered confidential, except as to carrying out the Act and the rules promulgated under the Act or when it is relevant in any proceeding under the same. Provides that in any proceeding the Commissioner or the Court must issue orders as may be appropriate to protect the confidentiality of trade secrets.

Provides that the Act is to be construed liberally to the end of that the welfare of the people may be protected. Contains a severability clause.

The above provisions are effective December 1, 2017.

Allows the Department of Labor to adopt rules, including temporary rules; design and distribute forms; begin accepting applications; and establish and collect fees so that a device subject to the act that is existing on or before December 1, 2017, is in compliance with the provisions of this act and has received a certification of operation from the Department of Labor by that date.

**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 197 (2017-2018) [STUDY/DISTRACTED DRIVING & ROAD RAGE](#). Filed Feb 23 2017, *AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO STUDY THE ISSUES OF DISTRACTED DRIVING AND ROAD RAGE*.

Requires the Division of Motor Vehicles (DMV), in consultation with the Department of Public Safety (DPS), to study distracted driving and sets out issues that must be considered as part of the study, including whether increased penalties should be imposed for acts of distracted driving. Requires the DMV, in consultation with DPS, to study road rage and sets out issues that must be considered as part of the study, including how to define road rage, and the types of crimes that may be initiated as acts of road rage. Requires DMV to report its findings from the required studies by February 1, 2018, to the chairs of the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety.

**Intro. by Pierce.**

STUDY

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Public Safety, Department of Transportation, Transportation**

## PUBLIC/SENATE BILLS

S 131 (2017-2018) [REGULATORY REFORM ACT OF 2016](#). Filed Feb 23 2017, *AN ACT TO AMEND CERTAIN ENVIRONMENTAL, NATURAL RESOURCES, AND OTHER LAWS*.

### Section 1.1

Amends GS 132-6.2 concerning the provision of public records required by public agencies under GS 132-9, enacting new subsection (a1), which establishes that public agencies can satisfy public record access requirements by making its public records and computer databases available online in a format that allows a person to download a copy of the records and databases.

Provides that if such access is provided, then the public agency does not have to provide copies through any other method or medium. Such copies can be voluntarily provided by another method or medium and a reasonable charge for such a service can be negotiated. Also enacts new subsection (f) to define computer database and media or medium.

Requires the State Chief Information Officer, working with specified entities, to report on the development and use of computer databases by State and local agencies and the need for public access to these public records to the General Assembly by February

1, 2018.

Effective July 1, 2017.

#### Section 1.2

Amends GS 87-97 (b1) by adding that when a permit is issued under the statute for the construction or repair of a private drinking water well, the local health department is the exclusive authority for the permitting and inspection of the well system (as defined in the new subdivision). Prohibits requiring a permit under GS 143-138 (the State Building Code) for the connection or disconnection of a well system to the plumbing of the structure served by the well by a certified well contractor.

Amends GS 143-138 by adding that a permit is not required under the Code or any local variant approved under subsection (e) of this statute for the electrical and plumbing activities associated with the installation, construction, maintenance, or repair of a private drinking water well when: (1) the work is performed by a certified contractor under the terms of a permit issued by the local health department pursuant to GS 87-97; (2) the scope of work includes only the well, associated pumps and storage tanks, the electrical wiring from the well pump to the pressure switch, and the plumbing connection from the storage tank to the plumbing of the structure served by the well; and (3) the appropriate building inspector is notified as set forth in GS 87-97(b1).

#### Section 2.1

Repeals GS 113A-109, titled "County letter of intent; timetable for preparation of land-use plan," which required counties in a coastal area to report on their intent to adopt a land use plan under the Coastal Area Management Act in 1974.

#### Section 2.2

Amends GS 143-214.7 to exclude from the definition for built-upon area for purposes of implementing stormwater programs landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not receive the full weight of vehicular traffic. Also provides that an owner or developer of a property can opt out of any of the exemptions from built-upon areas.

#### Section 2.3

Amends the provisions governing fast-track permitting for stormwater management found in GS 143-214.7B, directing the Environmental Management Commission (EMC) to revise its rules by July 1, 2017, to include the specified licensed professionals as qualified to prepare a stormwater management system permit without a technical review, so long as the application complies with the Minimum Design Criteria. These professionals are licensed landscape architects, engineers, geologists, soil scientists, and other licensed professions that the EMC deems appropriate.

#### Section 2.4

Directs the EMC to amend its rules so that mitigation is not required for losses of 300 linear feet or less of stream bed and providing that for losses of 300 linear feet or more of stream bed, mitigation is not required for 300 linear feet of those losses. Provides that the EMC must adopt temporary rules as soon as practicable to implement these new provisions.

Directs the DEQ to submit written comments to the United States Army Corps of Engineers in support of the Wilmington District of the Army Corps of Engineers adopting Regional Conditions that will increase the threshold for the requirement of mitigation for loss of stream bed of perennial or intermittent streams from 150 to 300 linear feet. Specifies that written comments must include a history of the current NC threshold of 150 linear feet and an outline of thresholds in other jurisdictions.

#### Section 2.5

Repeals Section 14.6(p) and 14.6(q) of SL 2015-241 (2015 Appropriations Act), which required the Coastal Resources Commission (CRC) to amend its rules to allow the use of temporary erosion control structures as specified. Allows the CRC to adopt emergency rules for the use of temporary erosion control structures consistent with amendments made to the temporary erosion control structure rules adopted by the CRC on May 11, 2016. Directs the CRC to also adopt temporary and permanent rules to implement the above provisions.

#### Section 2.6

Directs the CRC to amend the Sediment Criteria Rule to exempt sediment from the cape shoals system used as a borrow site and portions of oceanfront beach that receive such sediment from the permitting requirements of the Sediment Criteria Rule. Further

directs the CRC to adopt permanent rules substantively similar to these provisions.

#### Section 2.7

Directs the Division of Coastal Management (Division) in the DEQ, in consultation with the CRC, to study any change in erosion rates directly adjacent to existing and new terminal groins, with the ends of determining if long-term erosion rates should be adjusted to reflect any mitigation of shoreline erosion. Requires the Division to report the results of the study to the Environmental Review Commission (ERC) on or before March 1, 2018.

#### Section 2.8

Amends GS 143-254.5 (Wildlife Resources Commission) and GS 143B-289.52 (Marine Fisheries Commission) to require the respective Commissions to treat email addresses and Commission-issued customer identification numbers as “identifying information” and to be treated as provided in GS 132-1.10, which specifies regulations for the keeping of personal identifying information.

Enacts new GS 132-1.14 concerning personally identifiable information of public utility customers obtained by the Utilities Commission from customers seeking assistance from the Public Staff for rate or service disputes, providing that such information is not considered public record under GS 132-1. Sets out permissible disclosure of such information. Further provides that personally identifiable information means a customer's name, physical address, email address, telephone number, and public utility account number. Effective October 1, 2017.

#### Section 2.9

Amends GS 14-419 concerning the investigation of possession of reptiles by the NC Museum of Natural Sciences (Museum) or the NC Zoological Park (Zoo), providing that if either entity finds that a seized illegally owned reptile is a venomous reptile, large constricting snake, or a regulated crocodylian, the Museum or the Zoo must determine the interim disposition of the seized reptile until a final disposition is determined by a court (previously, an interim disposition was not provided for). Provides that the Museum or Zoo are not liable to the owner of the reptile if it is determined that euthanasia is the appropriate interim disposition, or if the seized reptile dies of natural or unintended causes. Adds new subsection (b1) providing that if convicted of any violation of GS Chapter 14, Article 55 (Regulation of Venomous Reptiles), the court must issue a final disposition of the confiscated reptiles, which could include transfer of title to the State of North Carolina and reimbursement for the cost of seizure, delivery, and storage of the reptiles. Further provides that a law enforcement officer or animal control officer can kill a dangerous reptile if the officer determines there is an immediate threat to public safety. Allows a large constricting snake or crocodylian to be given to the Zoo or to a Zoo representative.

Further directs the Department of Natural and Cultural Resources (DNCR) and the WRC to jointly study and develop a list of potential designated representatives for the storage and safekeeping of venomous reptiles, large constricting snakes, or crocodylians. Also directs them to study and develop potential procedural and policy changes to improve the regulation of dangerous reptiles, with a report to be submitted to the ERC no later than December 31, 2017.

#### Section 2.10

Exempts public water supply systems from the Daily Flow Requirements if flow rates and yields less than those required by the rule (1) are achieved through an engineering design that utilizes low-flow fixtures and low-flow reduction technologies and the design is prepared, sealed, and signed by a professional engineer licensed pursuant to GS Chapter 89C and (2) provide for a flow that is sufficient to sustain the water usage required in the engineering design. Directs the Commission for Public Health to adopt rules substantively identical to the above provisions and requires them to become effective as though 10 or more written objections had been received.

#### Section 2.11

Repeals Section 4(c) of SL 2001-355, concerning a pasture point system by the Soil and Water Conservation Commission.

#### Section 3.1

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

### Section 3.2

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

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

### Section 3.3

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

### Section 3.4

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

### Section 3.5

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

### Section 3.6

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

### Section 3.7

Repeals GS 143B-279.7(c), which required the Department of Environmental Quality to report annually on fish kill activity.

### Section 3.8

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

### Section 3.9

Amends Section 13.9(d) of SL 2000-67, deleting a requirement that the Department of Environment and Natural Resources revise the beach management and restoration plan every two years.

### Section 3.10

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

### Section 3.11

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

### Section 3.12

Amends GS 143-215.3A(c) concerning required reporting from the Department of Environmental Quality (DEQ) to the Environmental Review Commission (ERC) and the Fiscal Research Division about environmental permitting programs, reducing

the reporting to only on or before January 1 of each odd-numbered year (was, November of each year). Also adds language that requires this report to be submitted with the report required in GS 143B-279.17, concerning permit processing times.

Amends GS 143B-279.17, concerning reporting on permit processing times for the One-Stop for Certain Environmental Permits Program and the Express Permit and Certification Reviews, reducing the reporting requirement to only on or before January 1 of each odd-numbered year (was, by March of each year). Adds conforming language reflecting the above requirement that this report be submitted with that required in GS 143-215.3A(c).

Provides that the first joint report is to be submitted no later than January 1, 2018.

#### Section 3.13

Amends GS 143B-282(b) and GS 143-215.1(h), both concerning reporting requirements of the Environmental Management Commission (EMC) (specifically concerning the operation and activities of the EMC as well as information on the modification of existing permits as specified), now providing that the specified reports shall be submitted on an annual basis, by January 1 of each year (was, on a quarterly basis). Further provides that the required reports are to be submitted jointly, with the first combined report to be submitted to the ERC no later than January 1, 2018.

#### Section 3.14

Amends the following statutes concerning reporting requirements: GS 130A-309.140(a) (concerning recycling of discarded computers and televisions), GS 130A-310.40 (concerning evaluation of the Brownfields Property Reuse Act), GS 130A-310.10(a) (concerning the Inactive Hazardous Waste Response Act), GS 143-215.104U(a) (concerning the Dry-Cleaning Solvent Cleanup Act); and GS 130A-294(i) (concerning the implementation and cost of the hazardous waste management program), deleting the reporting requirements and replacing them with language that requires the same information and reports to be included and submitted with the annual solid waste management report required to be submitted by the DEQ on or before January 15 of each year, pursuant to GS 130A-309.06(c). Amends GS 130A-309.06(c) to add and include all of the above reports and information into the annual report on the status of solid waste management submitted by the DEQ to the ERC and the Fiscal Research Division. Provides that the first combined report as provided above will be submitted to the ERC and the Fiscal Research Division no later than January 15, 2018. Makes clarifying and technical changes.

#### Section 3.15

Amends both GS 113A-67 (concerning reporting of the implementation of the Sedimentation Pollution Control Act of 1973) and GS 143-214.7(e) (concerning reporting on stormwater control programs) to require the specified reports to be submitted together to the ERC. Also provides that the report in GS 143-214.7(e) is to be submitted by the DEQ (previously, the NC Environmental Management Commission). Requires the first combined report to be submitted to the ERC no later than October 1, 2017.

#### Section 3.16

Repeals GS 143-355(n) and GS 143-355(o)(9), which respectively included requirements to report on the development of a State water supply plan and a basinwide hydrologic model. These requirements are now found in newly enacted GS 143-355(p), which directs the DEQ to report to the ERC, no later than November 1 of each year, concerning the development of a state water supply plan and a basinwide hydrologic model. Further directs the DEQ to submit this report with the report on basinwide water quality management plans required pursuant to GS 143-215.8B(d) as a single report. Amends GS 143-215.8B(d), making conforming changes reflecting the joint reporting requirements above. Requires the first combined report to be submitted to the ERC no later than November 1, 2017.

#### Section 3.17

Amends GS 159G-26(a) (reporting requirements concerning the Water Infrastructure Fund) and GS 159G-72 (reporting of State Water Infrastructure Authority findings) to combine the required reports into one report to be submitted by November 1 of each year. The report is to be submitted to the ERC, the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources, and the Fiscal Research Division. Previously required the State Water Infrastructure Authority to submit the report to the Senate Appropriations Committee on Natural and Economic Resources and the House of Representatives Appropriations Subcommittee on Natural and Economic Resources; these requirements have now been deleted. Requires the first combined report to be submitted no later than November 1, 2017. Makes clarifying and technical changes.

#### Section 3.18

Amends GS 106-850(e) and GS 106-860(e) (both concerning reporting requirements of the Soil and Water Conservation Commission, either for the Agriculture Cost Share Program or the Community Conservation Assistance Program) to require that the reports be submitted together as one report, no later than January 31 of each year. Also amends GS 139-60(d) (concerning the Agricultural Water Resources Assistance Program) to conform all of its reporting requirements to those of GS 106-850(e) (previously, was not required to submit report to the Fiscal Research Division). Further requires that the first combined report to the ERC and the Fiscal Research Division is to be made no later than January 31, 2018. Makes technical changes.

#### Section 3.19

Amends GS 113A-115.1(i) concerning required reports of the Coastal Resources Commission in regards to the terminal groins pilot project, providing that a report on the implementation of the project must be submitted to the ERC by January 1, 2019, and then every five years after that (previously required submittal of the report every year).

#### Section 3.20

Amends GS 143B-135.48(d) concerning required reports of the Department of Natural and Cultural Resources regarding the Parks System Plan, providing that the report must be submitted to the ERC, the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources, and the Fiscal Research Division no later than October 1, 2018, and then every five years after that (previously required submission of the report every year). Also deletes requirement that the report also be submitted to the Senate and House of Representatives appropriations committees that have jurisdiction over natural and cultural resources. Makes conforming changes.

#### Sections 3.21 to 3.23

Amends reporting requirements found in Section 15.6 of SL 1999-237 (concerning funds used from the Superfund), GS 87-98(e) (concerning expenditures from the Bernard Allen Emergency Drinking Water Fund), and GS 143B-135.56(f) (concerning allocations from the Recreation Trust Fund), deleting various reporting requirements and now providing that the required reports in Section 15.6 of SL 1999-237 be submitted only to the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources; those in GS 87-98(e) be submitted to the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources and the Fiscal Research Division; and those in GS 143B-135.56(f) to the Joint Legislative Oversight Committee on Agricultural and Natural and Economic Resources, the Fiscal Research Division, and the ERC.

#### Section 3.24

Establishes the North Carolina Sentinel Landscape Committee (Committee). 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, (4) Executive Director of the Wildlife Resources Commission or the Executive Director's designee, and (5) Dean of the College of Natural Resources at N.C. State University. 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, 2017.

#### Sections 4.1 and 4.2

Includes a severability clause. Unless otherwise indicated, effective when the act becomes law.

**Intro. by Wells, Cook, Sanderson.**

[STUDY, GS 74, GS 87, GS 106, GS 113A, GS 130A, GS 132, GS 139, GS 143, GS 143B, GS 159G](#)

[View summary](#)

**[Development, Land Use and Housing, Building and Construction, Environment, Aquaculture and Fisheries, Environment/Natural Resources, Government, Public Records and Open Meetings, State Agencies, Department of Environmental Quality \(formerly DENR\), Health and Human Services, Health, Public Health, Military and Veteran's Affairs](#)**

## LOCAL/HOUSE BILLS

H 188 (2017-2018) [SCHOOL CALENDAR FLEX./CERTAIN SYSTEMS](#). Filed Feb 23 2017, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN SCHOOL SYSTEMS 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 local boards of education for the Avery County Schools, McDowell County Schools, and Mitchell County Schools with additional flexibility in adopting its school calendar. Limits application of this provision to the Avery County Schools, McDowell County Schools, and Mitchell County Schools.

Applies beginning with the 2017-18 school year.

**Intro. by Dobson.**

[Avery, McDowell, Mitchell](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

## LOCAL/SENATE BILLS

S 132 (2017-2018) [12TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 23 2017, *AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT*.

Blank bill.

**Intro. by Rabin**

[Harnett, Johnston, Lee](#)

[View summary](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 5: UNEMPLOYMENT INSURANCE TECHNICAL CHANGES.**

*House: Reptd Fav Com Substitute*

*House: Ruled Material*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 02/27/2017*

#### **H 6: ED. FINANCE REFORM TASK FORCE/PED REPORT.**

*House: Amend Failed A1*

*House: Amend Failed A2*

*House: Passed 3rd Reading*

*House: Regular Message Sent To Senate*

#### **H 19: ORGANIZATIONAL MEETING/LOCAL ELECTED BOARDS (NEW).**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 27: CLARIFY EXPIRATION OF VEHICLE REGISTRATION.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

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

*House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 02/27/2017*

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

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 100: RESTORE PARTISAN ELECTIONS/SUP. & DIST. COURT.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 119: CLARIFY VACANCY ELECTIONS - COUNTY COMMISSION.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 158: SPECIAL ASSESSMENTS/CRITICAL INFRASTRUCTURE.**

*House: Serial Referral To State and Local Government II Stricken*

**H 162: AMEND ADMINISTRATIVE PROCEDURE LAWS.**

*House: Passed 1st Reading*

*House: RefTo Com On Judiciary III*

**H 163: ENACT RIGHT TO LIFE AT CONCEPTION ACT.**

*House: Passed 1st Reading*

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

**H 164: CHECK-OFF DONATION: CANCER SCREENING.**

*House: Passed 1st Reading*

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

**H 165: CITIZENS REVIEW BOARDS ESTABLISHED.**

*House: Passed 1st Reading*

*House: Ref to the Com on State and Local Government I, if favorable, Judiciary III*

**H 168: STUDY/DAMAGE FROM ATV USE.**

*House: Passed 1st Reading*

*House: Ref to the Com on Transportation, if favorable, Judiciary IV*



**H 169: KAPPA ALPHA PSI/SPECIAL PLATE FEE.**

*House: Passed 1st Reading*

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

**H 170: PILOT/SPORTS FOR STUDENTS WITH DISABILITIES.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 171: CHANGE EXCLUSION FOR SOLAR ENERGY SYSTEMS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Energy and Public Utilities, if favorable, Finance*

**H 172: INCLUDE SOLAR PROPERTY AS NONSYSTEM PROPERTY.**

*House: Passed 1st Reading*

*House: Ref to the Com on Energy and Public Utilities, if favorable, Finance*

**H 173: REVISIONS TO OUTDOOR ADVERTISING LAWS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Commerce and Job Development, if favorable, Regulatory Reform, if favorable, Finance*

**H 174: CONCEALED CARRY/CHURCH SCHOOL PROP.**

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary I*

**H 175: DEQ/EMPHASIZE URBAN ENVT'L ISSUES.**

*House: Passed 1st Reading*

*House: Ref To Com On Environment*

**H 176: PENSIONS INTEGRITY ACT OF 2017.-AB**

*House: Passed 1st Reading*

*House: Ref To Com On Pensions and Retirement*

**H 177: ELIMINATE SECOND PRIMARIES.**

*House: Passed 1st Reading*

*House: Ref to the Com on Elections and Ethics Law, if favorable, State and Local Government I*

**H 178: EXPAND HUMAN RELATIONS COMMN. EEOC AUTHORITY.**

*House: Passed 1st Reading*

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

**H 179: DOG BREEDING STDS./LAW ENFORCEMENT TOOLS.**

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary II*

**H 180: NAT. GUARD REEMPLOYMENT RIGHTS/ARBITRATION.**

*House: Passed 1st Reading*

*House: Ref To Com On Homeland Security, Military, and Veterans Affairs*

**H 181: FIRST RESPONDERS ACT OF 2017.**

*House: Passed 1st Reading*

*House: Ref to the Com on Finance, if favorable, Judiciary III, if favorable, Transportation*

**H 182: LEADERSHIP TERM LIMITS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Judiciary I, if favorable, Rules, Calendar, and Operations of the House*

**H 183: RETIREMENT ADMIN. CHANGES ACT OF 2017.-AB**

*House: Passed 1st Reading*

*House: Ref To Com On Pensions and Retirement*

**H 187: MODERNIZE PHYSICAL THERAPY PRACTICE.**

*House: Filed*

**H 189: SEARCH & RESCUE NAME/FUNDS.**

*House: Filed*

**H 190: LOCAL FIREFIGHTER RELIEF FUND ELIGIBILITY.**

*House: Filed*

**H 191: 2017 HOUSE UNC BOARD OF GOVERNORS ELECTION.**

*House: Filed*

**H 192: ESTABLISH MUSIC THERAPY PRACTICE ACT.**

*House: Filed*

**H 193: LEGISLATIVE FOUR-YEAR TERMS.**

*House: Filed*

**H 194: SBCC ELECTIONS.**

*House: Filed*

**H 195: VISUAL RECORD/LEO INTERROGATION OF SUSPECT.**

*House: Filed*

**H 196: ZIP LINES/CHALLENGE COURSES/SANDERS' LAW.**

*House: Filed*

**H 197: STUDY/DISTRACTED DRIVING & ROAD RAGE.**

*House: Filed*

**S 16: AMEND ADMINISTRATIVE PROCEDURE LAWS.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 100: AERIAL ADVENTURE FINANCIAL RESPONSIBILITY.**

*Senate: Reptd Fav*

*Senate: Re-ref Com On Finance*

**S 123: RELEASE OF LEO RECORDINGS.**

*Senate: Passed 1st Reading*

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

**S 124: LEO MANAGED CBD OIL DROP BOX.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Rules and Operations of the Senate*

**S 125: CHILDREN OF WARTIME VETERANS MODIFICATIONS.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate*

**S 126: CHANGE THE LOST ADJUSTMENT FACTOR.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate*

**S 128: KAPPA ALPHA PSI/SPECIAL PLATE FEE.**

*Senate: Passed 1st Reading*

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

**S 129: TRACK OUTCOMES OF VETERANS PROGRAMS.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate*

**S 130: PROVIDE FUNDING/NC MILITARY BUSINESS CENTER.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate*

**S 131: REGULATORY REFORM ACT OF 2016.**

*Senate: Filed*

**LOCAL BILLS**

**H 166: SCHOOL CALENDAR FLEXIBILITY/CLEVELAND COUNTY.**

*House: Passed 1st Reading*

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

**H 167: SCHOOL CALENDAR FLEX./FRANKLIN COUNTY.**

*House: Passed 1st Reading*

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

**H 188: SCHOOL CALENDAR FLEX./CERTAIN SYSTEMS.**

*House: Filed*

**S 122: REPEAL CENTERVILLE CHARTER.**

*Senate: Passed 1st Reading*

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

**S 127: 1ST SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

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

**S 132: 12TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Filed*

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