

## The Daily Bulletin: 2017-03-01

### PUBLIC/HOUSE BILLS

H 24 (2017-2018) [STUDY UNFUNDED LIABILITY/RETIREE HEALTH FUND](#). Filed Jan 26 2017, *AN ACT TO ESTABLISH A JOINT COMMITTEE TO STUDY THE UNFUNDED LIABILITY OF THE RETIREE HEALTH BENEFIT FUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

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

Modifies the appointment of members of the Joint Legislative Committee on the Unfunded Liability of the Retiree Health Benefit Fund (Committee), established by this act, providing for five members of the Senate to be appointed by the President Pro Tempore of the Senate, and five members of the House to be appointed by the Speaker of the House (previous edition provided for appointments upon the recommendation of the President Pro Tempore and the Speaker, respectively, with one of those members from each chamber serving as cochair). Provides that the President Pro Tempore and the Speaker are to each designate a member to serve as cochair of the Committee. Adds that members of the Committee serve at the pleasure of the appointing officer and continue to serve until a successor is appointed. Requires the Committee to meet upon the joint call of the cochairs (previously, required to meet at any time upon the joint call of the cochairs). Establishes that a quorum of the Committee is five voting members. Deletes provision requiring expenses relating to the clerical staff of the Committee be borne by the Committee. Instead adds provisions pertaining to all expenses of the Committee, providing that all expenses of the Committee are to be paid from the Legislative Services Commission's Reserve for Studies. Sets out that individual expenses of Committee members of \$5,000 or less, as well as clerical expenses, are to be paid upon the authorization of a cochair of the Committee, and individual member expenses in excess of \$5,000 are to be paid upon the written approval of the President Pro Tempore and the Speaker.

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

[STUDY](#)

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

H 31 (2017-2018) [MATERIAL FACT DISCLOSURE CLARIFICATIONS](#). Filed Feb 1 2017, *AN ACT TO CLARIFY THAT THE MERE FACT THAT REAL PROPERTY IS INCLUDED IN A COMPREHENSIVE TRANSPORTATION PLAN, STANDING ALONE, IS NOT A REQUIRED DISCLOSURE OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE TRANSACTIONS.*

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

Amends proposed GS 39-51 to establish as material the fact of inclusion of real property or any portion thereof being offered for conveyance, rent, or lease in a financially constrained transportation plan, but establishes that the mere fact that the real property or any portion thereof is included in a comprehensive transportation plan that is not financially constrained alone is not material (previous edition did not differentiate between inclusion in a financially constrained transportation plan as a material fact). Makes clarifying changes.

Amends proposed GS 47E-4(b3) to limit the exemption from disclosure in the owner's residential property disclosure statement to a purchaser to when the real property is included in a comprehensive transportation plan that is not financially constrained (previous edition exempted from disclosure the adoption of a comprehensive transportation plan adopted as specified).

Changes the act's long title.

**Intro. by Hastings, Stone, Davis, Floyd.**

[GS 39, GS 47E](#)

[View summary](#)

**Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Government, State Agencies, Department of Transportation**

H 100 (2017-2018) **RESTORE PARTISAN ELECTIONS/SUP. & DIST. COURT**. Filed Feb 14 2017, *AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS FOR NORTH CAROLINA SUPERIOR AND DISTRICT COURTS*.

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

Makes technical change to proposed subdivision (5) of GS 163-122(a), requiring unaffiliated candidates seeking an office of superior court judge or district court judge to file written petitions with the State Board of Elections supporting that voter's candidacy for a specified office, regardless of whether the district lies entirely in one county or in more than one county.

Amends GS 163-123(g) (repealed in the previous edition) to make conforming changes to remove nonpartisan elections from the provision excluding nonpartisan elections from the declaration of intent and petitions for write-in candidates requirements for partisan elections.

**Intro. by Burr, Saine, Bumgardner, Henson.**

GS 18C, GS 163

[View summary](#)

**Courts/Judiciary, Government, Elections**

H 126 (2017-2018) **CONDUCT AND DISCIPLINE FOR MAGISTRATES**. Filed Feb 16 2017, *AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP A CODE OF CONDUCT FOR ALL MAGISTRATES; TO GIVE AUTHORITY FOR CHIEF DISTRICT COURT JUDGES TO DISCIPLINE MAGISTRATES; TO ALLOW FOR MAGISTRATES TO BE ASSIGNED TO TEMPORARY DUTY IN ANOTHER COUNTY; AND TO REQUIRE CHIEF DISTRICT COURT JUDGES OF EACH COUNTY TO APPOINT A CHIEF MAGISTRATE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION*.

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

Clarifies that Section 4 of the act, which amends GS 7A-171, applies to all magistrates appointed to office on or or after January 2018.

**Intro. by Rogers, Duane Hall, Destin Hall, John.**

GS 7A

[View summary](#)

**Courts/Judiciary, Court System**

H 142 (2017-2018) **INCREASE OVERSIGHT OF OLBS**. Filed Feb 21 2017, *AN ACT TO INCREASE OVERSIGHT OF OCCUPATIONAL LICENSING BOARDS*.

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

Amends the definition of *occupational licensing board* in GS 93B-1 to define the term to mean any board, committee, commission, or other agency in NC which receives no General Fund revenue and is given statutory authority to: (1) determine minimum qualifications required for licensure for a particular profession or occupation, (2) issue licenses to qualified applicants, (3) regulate the conduct of licensees within a particular profession or occupation, (4) seek injunctive relief to prohibit licensed individuals or entities from engaging in certain activities as defined by statute, and (5) collect fees to support agency operations. Establishes that occupational licensing boards include only those boards specifically identified in new subsection (b), setting forth an exclusive list of 58 occupational licensing boards. Further prohibits adding additional boards or commissions to the list without first having been approved by the Joint Legislative Administrative Procedure Oversight Committee as being necessary in that the profession subject to licensure affects the health, safety, or welfare of the public and that the mandatory licensure is

necessary to ensure minimum standards of competency so as to protect the public from unqualified persons or unprofessional conduct by persons or entities practicing in the profession.

Amends GS 93B-2, setting forth provisions for annual reports by each occupational licensing board (OLB), to require each OLB to electronically file an annual report by October 31 of each year with the Joint Legislative Oversight Committee, the Department of Commerce, the State Auditor, the Office of State Budget and Management, and the State Controller (currently, with the Secretary of State, the Attorney General, and the Joint Legislative Procedure Oversight Committee). Adds five items each OLB must contain in the annual report in addition to the existing 11 requirements: (1) a financial report including the source and amount of all funds credited to the OLB and the purpose and amount of all funds disbursed during the previous fiscal year by the OLB, (2) the certification of a proper system of internal control and other financial information as required by GS 143D-7, (3) a report of all civil penalties, forfeitures, and fines collected and remitted to the Civil Penalty and Forfeiture Fund pursuant to GS 115C-457.2, (4) specific information for each fee collected, and (5) a financial audit of the OLB's operations if the board has a budget of at least \$50,000. Makes conforming changes to eliminate subsection (b), which requires an annual financial report to be submitted, as that financial report is required to be included in the annual report in accordance with subsection (a) as amended. Requires the annual reports to be posted on the website of the OLB. Makes clarifying change to direct the Joint Legislative Administrative Procedure Oversight Committee to review the reports submitted pursuant to this statute and notify any board that fails to file the reports required by this statute (currently, only directs the Committee to notify any board failing to file the required reports). Makes conforming changes to eliminate the requirement to submit a copy of annual financial audits to the State Auditor for boards with a budget of at least \$50,000, as that requirement is now included in the annual report in accordance with subsection (a) as amended.

Amends GS 93B-5 to establish that occupational licensing board members must receive compensation for their services per diem not to exceed \$200 (currently, \$100) for each day during which they are engaged in the official business of the board.

Requires the complaint process provided for in proposed GS 93B-22 to be implemented and active on each board's website no later than January 1, 2018.

Makes conforming changes to GS 115C-457.2 (remittance of civil penalties, forfeitures, and fines to the Civil Penalty and Forfeiture Fund), GS 143C-9-4 (biennial report by the Office of State Budget and Management on fees charged by state entities), and GS 143D-7 (agency management responsibilities).

Amends GS 150B-38, setting out the scope of Article 3A of GS Chapter 150B (Other Administrative Hearings under the APA), to include occupational licensing boards as defined by GS 93B-1 (currently, occupational licensing agencies) and the Securities Division of the Department of the Secretary of State (currently not included) in the scope of the Article.

Amends GS 150B-45, setting forth the procedure for seeking judicial review of a final decision under Article 4 of GS Chapter 150B, to allow a petition for review of any final decision other than a contested tax case to also be filed in the superior court of the county where the agency has its principal place of business (currently allows only for filing in the county where the person aggrieved by the administrative decision resides or, if the person resides outside the State, in the county where the contested case which resulted in the final decision was filed). Adds that the superior court can order a change of venue under GS 1-83 if a petitioner files a petition in a county other than as provided in subdivision (2) of subsection (a). Prohibits improper venue from being grounds for dismissal of the petition.

Amends GS 86A-3 (qualifications for certificate as a registered barber) to require a person to have received a high school diploma or its equivalency or a high school graduation equivalency certificate and provided documentation thereof to the State Board of Barber Examiners (Board) to qualify for a certificate of registration as a registered barber. Makes conforming change to GS 86A-22 (licensing and regulating barber schools and colleges). Makes technical change.

Amends GS 143B-68, which sets out the membership of the Public Librarian Certification Commission (Commission), to eliminate the membership of the chairman of the North Carolina Association of Library Trustees from the Commission. Instead, increases the number of Commission members named by the Governor upon the nomination of the North Carolina Library Association from one to two members. Makes technical changes.

Makes conforming changes to the act's long title.

H 162 (2017-2018) **AMEND ADMINISTRATIVE PROCEDURE LAWS**. Filed Feb 21 2017, *AN ACT TO AUTHORIZE AGENCIES TO MAKE RULE TECHNICAL CORRECTIONS WITHOUT REVIEW BY THE RULES REVIEW COMMISSION AND TO AUTHORIZE THE CODIFIER OF RULES TO MAKE RULE TECHNICAL CORRECTIONS, TO CLARIFY THAT A PARTY MAY COMMENCE A CONTESTED CASE IN A DISPUTE WITH AN AGENCY WITHOUT PETITIONING THE AGENCY FOR RULE MAKING OR OBTAINING A DECLARATORY RULING, AND TO REVISE THE PROCESS FOR THE REVIEW AND READOPTION OF EXISTING RULES, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.*

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

Amends GS 150B-21.3A, concerning the periodic review and expiration of existing rules, to make conforming changes to the definition of *public comment* to include written comments objecting to an agency's determination of the rule as necessary or unnecessary.

Makes organizational and technical changes to GS 150B-21.3A to combine subsections (e) and (e1), concerning exclusions from the statute's provisions. Makes conforming changes.

**Intro. by Jordan, Stevens, Hardister, Floyd.**

**GS 150B**

[View summary](#)**Government, APA/Rule Making, State Agencies**

H 219 (2017-2018) **TRANSPORTATION MEGAPROJECT FUNDING**. Filed Mar 1 2017, *AN ACT TO ESTABLISH A MEGAPROJECT FUND TO FUND HIGHER-COST AND LARGER-SCALE TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.*

Enacts Article 14C, Megaproject Fund, to GS Chapter 136, establishing the Megaproject Fund (Fund) within the Highway Trust Fund. Provides that the Fund consists of revenue from appropriations or transfers by the General Assembly, and requires the amounts deposited in the Fund to be used as provided in Article 14C. Establishes that the provisions of Article 14B of GS Chapter 136 (Strategic Prioritization Funding Plan for Transportation Investments) do not apply to the application of the Fund.

Directs the Department of Transportation (DOT) to use the Fund to fund transportation projects of statewide and regional significance that exceed \$200 million in total project cost. Provides that projects will be selected by a workgroup overseen by DOT that will establish selection criteria based on the provisions of Article 14C.

Directs DOT to develop and annually update a report containing a completion schedule for all projects funded by the Fund, including the selection criteria and reasoning used for each project, the projects or portions of projects completed during the preceding year, changes in completion schedules and the reasons for the changes, and anticipated schedules for future projects. Requires submission of the report and annual updates to the Joint Legislative Transportation Oversight Committee by November 1 of each year.

Amends GS 136-189.11(b), which sets out funds excluded from the Transportation Investment Strategy Formula, to exclude funds appropriated or transferred to the Megaproject Fund under Article 14C from the Strategy Formula.

Effective July 1, 2017.

Directs DOT to establish a workgroup for developing selection criteria and selecting projects in accordance with GS 136-189.13, as enacted by this act, within 30 days of the effective date of this act. Sets forth six parameters for the megaproject selection criteria. Establishes that DOT is to select members of the workgroup consisting of seven members representing organizations as specified. Designates the workgroup's cochairs and sets parameters for the workgroup's meetings. Requires the workgroup to report to the Joint Legislative Transportation Oversight Committee (Committee) within 45 days from the date the workgroup is convened on its progress in creating project selection criteria. Requires the workgroup to report to the Committee on the selection criteria created by the workgroup prior to the end of the three-month period from the date the workgroup is convened.

**Intro. by Torbett.**

GS 136

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**Transportation**

H 220 (2017-2018) **STATE INFRASTRUCTURE BANK REVISIONS**. Filed Mar 1 2017, *AN ACT TO EXPAND THE PURPOSES FOR WHICH FUNDS FROM THE STATE INFRASTRUCTURE BANK MAY BE USED AND TO CREATE AN OVERSIGHT BOARD FOR THE STATE INFRASTRUCTURE BANK, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.*

Repeals GS 136-18(12a) (authorizing the creation of a transportation infrastructure banking program). Enacts new Article 21, State Infrastructure Bank, in GS Chapter 136, as follows. Enacts new GS 136-277, which is largely substantively identical to repealed GS 136-18(12a), although the text is reorganized into subsections. New GS 136-277 expands the list of federal laws under which the program may receive funds to also include any federal law authorizing and governing the use of federal funds for such a program.

Enacts new GS 136-278, which establishes a State Infrastructure Bank Oversight Board (Board), composed of the Secretary of the DOT, Secretary of the Department of Commerce, State Treasurer, State Auditor, and State Budget Officer. Makes the Board responsible for reviewing and approving loans or other financial assistance under GS 136-277. Quorum of the board is the majority of the entire board. Directs Board members to elect from among themselves a chair and a vice chair, and to meet at least once every six months. Board members may send a voting designee in their place. Directs DOT to provide a meeting space and secretarial support to the Board. Directs Board to review and approve proposed loans under new GS 136-277. Directs Board to develop guidelines for reviewing and approving loans under new GS 136-277, and to publish guidelines online. Directs the Board to report its activities quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Transportation Oversight Committee. Authorizes travel and subsistence for Board members.

Effective July 1, 2017, and applies to loans applied for on or after that date.

**Intro. by Torbett.**

GS 136

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**Government, State Government, State Property,  
Transportation**

H 221 (2017-2018) **REPEAL HB2**. Filed Mar 1 2017, *AN ACT REPEALING S.L. 2016-99 AND S.L. 2016-3.*

Repeals SL 2016-3 (Public Facilities Privacy & Security Act, commonly known as House Bill 2) and SL 2016-99 (Restore State Claim for Wrongful Discharge, which amended House Bill 2).

**Intro. by Jackson.**

UNCODIFIED

[View summary](#)

**Education, Elementary and Secondary Education,  
Employment and Retirement, Government, Local Government**

H 222 (2017-2018) **STATE AUDITOR/SHARING RECORDS.-AB** Filed Mar 1 2017, *AN ACT TO EXPAND THE TYPE OF RECORDS THE OFFICE OF THE STATE AUDITOR MAY SHARE WITH STATE AND FEDERAL AGENCIES.*

Amends GS 147-64.6(d) to authorize the State Auditor to make work papers and other supportive material related to an audit or investigation under this statute, unless otherwise prohibited by law, available for inspection by authorized state and federal government representatives. Makes technical changes.

**Intro. by Cleveland, Riddell.**

GS 147

H 223 (2017-2018) **DISABLED VETERAN PLATE FOR MOTORCYCLES**. Filed Mar 1 2017, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DISABLED VETERAN AND PARTIALLY-DISABLED VETERAN SPECIAL REGISTRATION PLATES FOR MOTORCYCLES.*

Amends GS 20-79.4(b) to authorize disabled and partially disabled veterans to obtain from the Division of Motor Vehicles (DMV) a special registration plate for the registered owner of a motor vehicle or a motorcycle.

Amends GS 20-79.7(a) to direct the DMV to provide and issue the authorized Disabled Veteran registration plate free of charge to persons qualified to receive them for both a motor vehicle and a motorcycle.

Effective July 1, 2017.

**Intro. by Cleveland.**

GS 20

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**Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Military & Veterans Affairs**

H 224 (2017-2018) **WARRANT CHECK OF INMATES IN CUSTODY**. Filed Mar 1 2017, *AN ACT TO REQUIRE THE COURT TO ATTEMPT TO IDENTIFY OUTSTANDING WARRANTS BEFORE ENTERING AN ORDER IN A CRIMINAL CASE ONLY IN CASES IN WHICH THE DEFENDANT IS IN CUSTODY, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.*

Amends GS 15A-301.1(p) (directing the court to attempt to identify outstanding warrants against a defendant prior to the entry of an order in a criminal case) to apply only when a defendant is in custody. Effective December 1, 2017.

**Intro. by Rogers, Duane Hall, Destin Hall, John.**

GS 15A

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**Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure**

H 225 (2017-2018) **PROPERTY TAKEN NOT PRECLUDE ATTEMPTED ROBBERY**. Filed Mar 1 2017, *AN ACT TO ENSURE THAT VALUE IS NOT AN ESSENTIAL ELEMENT FOR A CONVICTION OF ATTEMPTED ROBBERY WITH A DANGEROUS WEAPON, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.*

Currently, GS 14-87 sets out the elements of the offense of robbery or attempted robbery with firearms or other dangerous weapons, and makes the offense a Class D felony. This act adds a new subdivision to establish that evidence that the personal property of another was taken will not prevent conviction under the law.

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

**Intro. by Rogers, Duane Hall, Destin Hall, John.**

GS 14

[View summary](#)

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

H 226 (2017-2018) **CONSULTATION REQUIREMENTS FOR DHHS**. Filed Mar 1 2017, *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONSULT WITH THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY PRIOR TO IMPLEMENTING ANY NEW SAFETY PLANNING POLICY REGARDING SAFETY*

ASSESSMENTS (DSS-5132) AND THE USE OF TEMPORARY PARENTAL SAFETY AGREEMENTS, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

As title indicates.

**Intro. by Rogers, Duane Hall, Destin Hall, John.**

UNCODIFIED

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**Government, General Assembly, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services**

H 227 (2017-2018) **PRESERVE TENANCY BY THE ENTIRETY**. Filed Mar 1 2017, *AN ACT TO MAKE CONFORMING AMENDMENTS TO CLARIFY THAT TENANCY BY THE ENTIRETY IS PRESERVED IN THIS STATE IN LIGHT OF THE UNITED STATES SUPREME COURT DECISION IN OBERGEFELL V. HODGES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends GS 39-13.6 to provide that unless a contrary intention is expressed in the conveyance (currently, no provision providing for contrary intention expressed in the conveyance to control), a conveyance of real property, or any interest therein, to two individuals then married to each other vests title in them as tenants by the entirety when the conveyance is to a named individual and wife, or a named individual and husband, or a named individual and spouse (currently, a named individual and spouse is not included in language creating a tenancy by the entirety) or two named individuals, whether or not identified in the conveyance as being husband and wife, spouses, or married to each other, if at the time of the conveyance they are legally married to each other.

Amends GS 39-13.3, GS 39-13.6, GS 39-13.7, GS 41-2, and GS 41-2.5 to change language from "husband and wife" and "husband or wife" in existing tenancy by the entirety provisions to "spouses," "married grantor," "married individual," or "two individuals married to each other" for the purpose of reflecting rights established under federal law by the decision of the Supreme Court in *Obergefell v. Hodges*, which became effective in North Carolina on October 10, 2014, by application of *General Synod of the United Church of Christ v. Resinger*.

Amends GS 41-2(b) to clarify that any joint tenancy interest held by two individuals then married to each other, unless otherwise specified, is deemed to be held by them (currently, existing language does not include "by them" language) as a single tenancy by the entirety and is to be treated as a single party when determining interests in the joint tenancy with right of survivorship.

Amends GS 41-2.5 concerning tenancy by the entirety in mobile homes to specify that the definition of *mobile home* provided in subsection (c) only applies to this statute (was, Article). Makes clarifying change to GS 41-2.5(b).

This act is effective when it becomes law and applies to conveyances made on or after October 10, 2014.

**Intro. by Davis.**

GS 39, GS 41

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

H 228 (2017-2018) **POSTPONE ASSUMED NAME REVISIONS**. Filed Mar 1 2017, *AN ACT TO POSTPONE THE IMPLEMENTATION OF NEW ARTICLE 14A OF CHAPTER 66 OF THE GENERAL STATUTES, WHICH REVISED THE LAW ON ASSUMED BUSINESS NAMES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Postpones implementation of GS 66 Chapter 14A (intends Article 14A, the Assumed Business Name Act) to July 1, 2018 (was, July 1, 2017).

Amends GS 66-71.15 to extend the validity of certificates of assumed name filed under former Article 14 to July 1, 2023 (currently July 1, 2022), and to extend the filing deadline for new certificates of assumed name under Article 14 to July 1, 2018 (currently July 1, 2017). Prohibits the register of deeds from transmitting information regarding withdrawal or transfer of assumed names if the certificate of assumed name was filed before July 1, 2018 (currently July 1, 2017).

Amends SL 2016-100 to make GS 1-69.1(a)(3) go into effect July 1, 2022 (currently July 1, 2021).

**Intro. by Davis.**

[GS 66](#)

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H 229 (2017-2018) [GSC TECHNICAL CORRECTIONS 2017](#). Filed Mar 1 2017, *AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

To be summarized.

**Intro. by Davis.**

[GS 1](#), [GS 7B](#), [GS 14](#), [GS 20](#), [GS 24](#), [GS 28A](#), [GS 31B](#), [GS 36C](#), [GS 39](#), [GS 42A](#), [GS 97](#), [GS 108A](#), [GS 120](#), [GS 136](#), [GS 143](#), [GS 143B](#), [GS 143C](#), [GS 146](#), [GS 147](#), [GS 153A](#), [GS 160A](#)

[Banking and Finance](#), [Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Civil Procedure](#), [Juvenile Law](#), [Delinquency](#), [Motor Vehicle](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Development](#), [Land Use and Housing](#), [Property and Housing](#), [Employment and Retirement](#), [Government](#), [Budget/Appropriations](#), [General Assembly](#), [State Government](#), [State Property](#), [Local Government](#), [Health and Human Services](#), [Social Services](#), [Transportation](#)

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H 230 (2017-2018) [REVISED UNIFORM ATHLETE AGENTS ACT](#). Filed Mar 1 2017, *AN ACT TO ENACT THE REVISED UNIFORM ATHLETE AGENTS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Repeals GS Chapter 78C, Article 9 (Uniform Athlete Agents Act). Enacts new GS Chapter 78C, Article 10 (Revised Uniform Athlete Agents Act). The new Article contains provisions that are substantively identical to the previous Article, except as indicated below.

Throughout the act, regulations on actions by or toward covered athletes are expanded to include actions by or toward parents or legal guardians of the covered athlete when the covered athlete is a minor.

Re-defines *athlete agent* (expands definition to include (1) individuals who, for compensation, procures or attempts to obtain employment for a covered athlete as a professional athlete or member of a professional sports team, (2) individuals not employed and acting exclusively for an educational institution who, for compensation, advise or manage covered athletes on matters relating to their business career, and (3) individuals who do either of the above in anticipation of representing a covered athlete. Does not include licensed professionals offering services customarily provided by the profession, unless those professionals (1) solicit a covered athlete into an agency contract, (2) for compensation, procures or attempts to obtain employment for the athlete as a professional athlete, or (3) receives compensation for professional services at a different rate from individuals who are not covered athletes. Removes language excluding family members of a covered athlete acting solely on behalf of the athlete).

Expands the definition of *covered athlete* to also include former student athletes.

Defines several new terms, including *interscholastic sport* (sport played between educational institutions that are not community colleges, colleges, or universities), and *recruit or solicit* (attempt to influence the choice of an athlete agent by a covered athlete, not including non-compensated advice given in family or coaching situations).

Authorizes the Secretary of State (Secretary) to adopt rules to implement this Article.

Eliminates the provision authorizing a North Carolina attorney to act as an athlete agent without registering.



Expands the requirements for registration as an athlete agent to include (1) the social security number, date, and place of birth, home address, work and mobile telephone numbers, any means of electronic communication, and social media accounts of the applicant, and a list of states in which the applicant is currently registered or licensed as an athlete agent or has applied to be registered or licensed, (2) the mailing address, telephone number, social media accounts, organization form, and nature of business of applicant's businesses or employers, (3) the name of each athlete who terminated an agency contract or other professional agreement with the applicant, or whose contract was terminated by the applicant, within five years preceding the date of application, (4) information regarding the status of applications for state or federal business, professional, or occupational licenses, status as a defendant or respondent in a civil proceeding, unsatisfied judgments, and bankruptcy petitions within 10 years before the date of application, of specified business associates, (5) the name, date of certification of registration, expiration of certification or registration, date of any denial, suspension, revocation, refusal to renew, withdrawal of, or termination of certification, of any certifying professional league or players association, if applicable, and (6) any additional information required by the Secretary of State. Deletes the requirement of the names and addresses of three individual references, and the provision allowing an applicant who has applied for registration or licensure as an athlete agent in another state to submit a copy of that application in lieu of the prescribed application.

Authorizes the Secretary to consider, in addition to the previously authorized factors, whether an applicant has been refused renewal of registration or licensure as an athlete agent in any state, in determining whether to issue a certificate of registration.

Authorizes the Secretary to, in addition to the previously authorized penalties, limit a registration of an applicant. Deletes the provision requiring the Secretary to provide notice and opportunity for hearing before denying, suspending, revoking, or refusing to renew a certificate of registration or licensure.

Revises the required form of agency contracts to require a statement that the athlete agent is registered in the State and a list of all other states in which the athlete agent is registered as an athlete agent. Revises the text of the required boldface type notice that must be included in an agency contract. Requires an accompanying separate record signed by the covered athlete acknowledging that signing the contract may result in loss of eligibility to participate in the sport as a student athlete. If the covered athlete is a minor, all forms and contracts must be signed by the athlete's parent or guardian.

Expands requirements to notify the athletic director of an educational institution to include circumstances in which (1) a covered athlete enrolls in an educational institute subsequent to the creation of an agency contract between the covered athlete and the athlete agent (notice required not later than 72 hours after the athlete agent knows or should have known of the enrollment), (2) a relationship exists between the athlete agent and a covered athlete, which was motivated by the intention to recruit or solicit the covered athlete into a future agency contract, or in which the athlete agent previously recruited or solicited the covered athlete (notice required not later than 10 days after the enrollment), (3) a covered athlete is already enrolled in an educational institution or was recently enrolled, and the athlete agent has not yet communicated with the covered athlete, and plans to do so (notice required before attempted communication), (4) the covered athlete initiates contact with the athlete agent (notice required not later than 10 days after the communication or attempted communication), or (5) an athlete agent knows or should have known of a violation of this Article that could render a covered athlete ineligible to engage in an interscholastic or intercollegiate sport (notice required not later than 72 hours after becoming aware, or before the covered athlete's next scheduled athletic event, whichever occurs first).

Requires educational institutions that become aware of an athlete agent's violations of this Article to notify the Secretary and any professional league or players association with which the educational institution is aware the athlete agent is licensed or registered.

Deletes the provision waiving an athlete's attorney-client privilege with respect to records required to be retained by an athlete agent.

Deletes and replaces current section on prohibited conduct. Athlete agents are prohibited from (1) giving materially false or misleading information or making a materially false promise or representation, or furnishing anything of value to a covered athlete or an individual other than the covered athlete, with intent to influence a covered athlete, or encouraging any individual to take the same actions, (2) initiating contact with a covered athlete to recruit or solicit the covered athlete to enter an agency contract, and (3) intentionally failing to create, retain, or permit inspection of required records, failing to register as required, providing materially false or misleading information in an application for registration or renewal of registration, pre- or post-dating an agency contract, or failing to notify a covered athlete before signing an agency contract that the signing may make the covered athlete ineligible to participate as a student athlete in that sport. Violations of (1) and (2) are Class H felonies, and violations of (3) are Class 1 misdemeanors.

Authorizes a covered athlete, in addition to the previously authorized educational institution, to bring an action for damages against athlete agents if adversely affected by the agent's violation of this Article. Violations of the Article are unfair trade or deceptive practices for the purposes of GS Chapter 75. Athlete Agents held liable forfeit rights of payment for anything of benefit or value provided to the covered athlete, and shall refund consideration already paid to the athlete agent. Eliminates the provision authorizing actions against former student athletes by educational institutions.

Increases the limit on authorized civil penalty for a violation to \$250,000 (currently \$25,000). Directs the Secretary to consider 16 mitigating and aggravating factors in assessing a civil penalty, including the degree and extent of harm to the covered athlete and educational institution, the nature of the violation, willfulness, and fraud.

Includes of severability clause.

Directs the Revisor of Statutes to print, as annotations to the published General Statutes, all relevant portions of the Official Comments to the Revised Uniform Athlete Agents Act (2015) and the explanatory comments of the drafters of this act as the Revisor deems appropriate.

Effective December 1, 2017 and applies to acts and omissions occurring on or after that date.

**Intro. by Davis.**

[GS 78C](#)

[View summary](#)

[Business and Commerce](#)

H 232 (2017-2018) [MAIN STREET FUNDING FOR POOREST COUNTIES](#). Filed Mar 1 2017, *AN ACT TO PROVIDE ADDITIONAL MAIN STREET SOLUTIONS FUND MONEYS FOR THE MOST ECONOMICALLY DISTRESSED COUNTIES IN THE STATE*.

Appropriates \$1 million in nonrecurring funds for 2017-18 from the General Fund to the Department of Commerce to be allocated to the Main Street Solutions Fund to be used for purposes consistent with the Fund for projects in Alleghany, Avery, Bladen, Columbus, Edgecombe, Graham, Halifax, Hoke, Northampton, Robeson, Scotland, Tyrrell, Warren, Watauga, and Yancey counties.

**Intro. by Pierce, C. Graham.**

[APPROP](#)

[View summary](#)

[Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations, State Agencies, Department of Commerce](#)

H 233 (2017-2018) [BAN THE BOX](#). Filed Mar 1 2017, *AN ACT TO REQUIRE FAIR ASSESSMENTS OF PERSONS WITH CRIMINAL HISTORIES APPLYING FOR PUBLIC EMPLOYMENT*.

Adds a new Article 17, Fair Assessment of Persons with Criminal Histories, to GS Chapter 126. Defines the following terms as they apply in this Article: (1) *criminal history* means a state or federal history of conviction for a misdemeanor or felony relevant to an applicant's fitness for public employment but does not include a record of arrest that did not result in a conviction; (2) *hiring authority* means an agent responsible by law for the hiring of persons for public employment; and (3) *public employment* means any employment, including seasonal or temporary work, where the State or any local political subdivision of the State is the employer.

Prohibits a hiring authority from (1) asking about or considering the criminal history of an applicant for public employment or (2) including such an inquiry on any initial employment application form until the hiring authority has made a conditional offer of employment to the applicant. Declares that this Article does not apply to public employment in positions where the hiring authority is required by law to consider the applicant's criminal record. Provides that nothing in this Article is to be construed to prevent any hiring authority in its discretion from adopting the provisions of this Article.

Prohibits any person from being disqualified for public employment solely or in part because of a previous conviction except as otherwise required by law or if the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after all of the following factors are considered: (1) the level and seriousness of the crime; (2) the date of the crime; (3) the age of the person at the time of conviction; (4) the circumstances surrounding the commission of the crime; (5) the connection between the criminal conduct and the duties of the position; (6) the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and (7) the subsequent commission of a crime by the person. Clarifies that an arrest record that did not result in a conviction cannot be the basis for disqualification from public employment.

Requires a hiring authority to inform an individual of a potential adverse hiring decision based on the background check and provide the applicant an opportunity to provide evidence that the report is incorrect or inaccurate.

Specifies criteria governing data to be collected by the Office of State Personnel.

Declares that the provisions of this Article apply to all applicants for public employment. Makes a conforming change to GS 126-5.

Effective when the act becomes law and applies to applications for employment made on or after that date.

**Intro. by Pierce, R. Moore, Brockman, C. Graham.**

**GS 126**

[View summary](#)

**Courts/Judiciary, Criminal Justice, Employment and Retirement**

H 235 (2017-2018) **TEACHER MENTOR QUALIFICATIONS**. Filed Mar 1 2017, *AN ACT TO MODIFY THE CRITERIA FOR SELECTION OF TEACHER MENTORS*.

Amends GS 115C-296(e), directing the State Board of Education to develop a new teacher mentor program, to provide that in developing criteria for selecting teachers to be participants in the mentor training program, the Board must include criteria requiring mentor teachers to be rated through formal evaluations at least at the proficient level (currently, at least at the accomplished level) as part of the North Carolina Teacher Evaluation System and have met expectations for student growth. Directs the principal to determine which mentor teacher best meets the needs of each new teacher and to assign the mentor teacher most appropriate to that new teacher with priority consideration for those mentor teachers rated as distinguished and accomplished. Directs the principal to maintain records for the reasons for determining that a mentor teacher rated as proficient is the most appropriate mentor teacher for a new teacher. Applies to mentors selected for the 2017-18 school year.

**Intro. by Conrad, Elmore, J. Bell.**

**GS 115C**

[View summary](#)

**Education, Elementary and Secondary Education**

H 236 (2017-2018) **NCAOC OMNIBUS BILL**. Filed Mar 1 2017, *AN ACT TO PROVIDE FOR THE CLERK TO APPOINT AN INTERIM GUARDIAN AD LITEM ON THE CLERK'S OWN MOTION; TO PROVIDE FOR THE CLERK TO EXTEND THE TIME FOR FILING INVENTORY IN THE PROPERTY OF THE DECEASED; TO PROVIDE FOR ISSUANCE OF AN ORDER FOR AN ARREST WHEN A PERSON FAILS TO APPEAR AFTER BEING SERVED WITH A SHOW CAUSE IN A CIVIL PROCEEDING; TO AMEND HOW COSTS IN ADMINISTRATION OF ESTATES ARE ASSESSED; TO ALLOW FOR TEMPORARY ASSISTANCE FOR DISTRICT ATTORNEYS WHEN THERE IS A CONFLICT OF INTEREST; AND TO AMEND OTHER STATUTES GOVERNING THE GENERAL COURT OF JUSTICE, AS RECOMMENDED BY THE NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS*.

Amends GS 1A-1, setting out civil procedure Rule 5 pertaining to service and filing of pleadings and other papers, to establish that the filing of pleadings and other papers with the court as required by the rules of civil procedure must be made by filing them with the clerk of the court, pursuant to the rules promulgated under GS 7A-109 or subsection (e)(2), except as specified (currently, does not clarify filing pursuant to the rules promulgated under GS Chapter 7A or subsection (e)(2)). Provides for filing electronically if rules and procedures are promulgated by the Supreme Court and the Administrative Office of the Courts

(AOC) pursuant to GS 7A-49.5 (statewide electronic filing in courts) in addition to GS 7A-34 (rules of practice and procedure in trial courts) and GS 7A-343 (Duties of the Director of the AOC). Adds a provision to establish that failure to affix a date stamp or file stamp to any pleading or other papers filed in civil action or special proceeding do not affect the sufficiency, validity, or enforceability of the document. Makes clarifying change to Rule 58 in GS 1A-1.

Amends GS 28A-9-2, setting forth grounds for summary revocation of letters testamentary, letters of administration, or letters of collection by the clerk of superior court without a hearing, to add when a personal representative or collector is a licensed attorney and the clerk is in receipt of an order entered pursuant to GS 84-28 (attorney discipline and disbarment by the North Carolina State Bar) enjoining, suspending, or disbaring the attorney as grounds for summary revocation by the clerk without hearing.

Amends GS 35A-1290 to combine existing subsections (b) and (c), setting forth grounds for a clerk to remove an appointed guardian or to take other action sufficient to protect the ward's interests in 16 specified cases (currently, seven specified cases in subsection (b) and nine specified cases in subsection (c)). Additionally, adds the specific case where the guardian is a licensed attorney, and the clerk is in receipt of an order entered pursuant to GS 84-28 enjoining, suspending, or disbaring the attorney.

Amends GS 30-17, pertaining to when surviving children are entitled to an allowance for the child's support for the year next ensuing the death of the parent, to require the specified allowance to be paid to the child's general guardian or guardian of the estate (currently, to the child's general guardian only), if any, if the child does not reside with a surviving spouse or a surviving parent when the allowance is paid.

Amends GS 35A-1114, providing for appointment of an interim guardian, to allow the petitioner or guardian ad litem (currently, only the petitioner) to file a verified motion seeking the appointment of an interim guardian at the time of or subsequent to the filing of a petition under Article 1 of GS 35A (petition for adjudication of incompetence). Requires the motion and notice setting the date, time, and place for the hearing to be served promptly on the petitioner, the respondent and on his counsel or guardian ad litem, and other persons designated by the clerk. Directs the hearing to be held as soon as possible, and in no event later than 15 days after the motion has been served on the respondent. Makes conforming changes.

Amends GS 35A-1112, concerning a hearing on the petition for the adjudication of incompetence, to allow the clerk to appoint an interim guardian pursuant to GS 35A-1114(d) and (e) on the clerk's own motion at the hearing on the petition if the clerk determines that such an appointment is in the best interests of the respondent.

Amends 28A-20-1 to allow the clerk of superior court to extend the time for filing the inventory of all the real and personal property of the deceased by the personal representative or collector of an estate.

Amends GS 28A-21-1 to establish that the annual accounts to be filed by the personal representative or collector required by this statute are due 30 days after the expiration of one year from the date of qualification of the personal representative or collector, or if the fiscal year is selected by the fifteenth day of the fourth month after the close of the fiscal year selected by the personal representative or collector, and annually on the same date thereafter (currently, does not have due date of 30 days after the expiration of one year from the date of qualification).

Amends GS 28A-21-2, providing for the filing of the final account by the personal representative or collector, by adding two new subsections. Requires the personal representative or collector to certify that no estate or inheritance tax return was required to be filed for the estate in the final account filed with the clerk of superior court. Sets forth information the certification must include, and establishes that after being filed and accepted by the clerk of superior court, the certification will be prima facie evidence that the property is free from any State inheritance or State estate tax liability. Applies to estates of decedents who died before January 1, 2013, only. Directs the personal representative or collector to produce vouchers for all payments or verified proof for all payments in lieu of vouchers. Allows for the final account to be filed voluntarily at any time with the approval of the clerk of superior court. Requires the accounting to be reviewed, audited, and recorded by the clerk of superior court in the manner prescribed by GS 28A-21-1 in all cases.

Amends GS 5A-23(b) to make clarifying change to provide that proceedings for civil contempt are before a district court judge, unless a court superior to district court has issued the order in which case the proceedings are before that court, except when the clerk of superior court has original subject matter jurisdiction and issued the order when the General Statutes specifically provide for the exercise of contempt power by the clerk of superior court.

Amends GS 15A-305(b) to clarify that an order for arrest can be issued when the common-law writ of arrest has been issuable, including when a person fails to appear after being served with a show cause order in a civil contempt proceeding.

Amends GS 7A-307 (Costs in administration of estates). Deletes text requiring the assessed cost for the support of the General Court of Justice to be paid when the inventory of the estate of decedents is filed with the clerk. Directs that the fee for additional gross estate value coming into the hands of the fiduciary after the filing of the inventory shall be computed from the information reported in the account. Deletes text requiring facilities fees and General Court of Justice fees to be paid at the time of filing of the first inventory.

Amends GS 7A-64 (Temporary assistance for district attorneys). Adds conflicts of interest to the list of facts required to be shown before the Director of the Administrative Office of the Courts may provide assistance for district attorneys.

Amends GS 7A-343 (Duties of Director). Directs the Director of the Administrative Office of the courts to prescribe uniform administrative and business methods, systems, forms, practices and procedures, and records to be used in the courts (currently there is no direction for practices and procedures, and the direction is only for offices of the clerks of superior court).

Amends GS 122C-268(g) to allow hearings to be held by audio and video transmission between a treatment facility and a courtroom in which the judge and the respondent can see and hear each other. Directs that if the respondent has counsel, the respondent must be allowed to communicate fully and confidentially with counsel during the proceeding, and that the procedures and type of equipment for audio and video transmission must be approved by the Administrative Office of the Courts.

Amends GS 58-76-15 (Summary remedy on official bond) by removing clerks from the list of officials governed by this statute.

Amends GS 58-76-25 (Evidence against principal admissible against sureties) by removing clerks of courts from the list of officials governed by this statute.

Amends GS 1-110(b) to clarify that the clerk of superior court has the responsibility, nunc pro tunc to date of filing, to serve process upon the defendant when an inmate's motion to proceed as an indigent is approved by a judge.

Amends GS 1A-1, Rule 3 (Commencement of action) by deleting provisions requiring the clerk to maintain and provide to the senior regular resident judge an index of medical malpractice actions. Makes a technical change.

Amends GS 122C-264 (Duties of clerk of superior court and the district attorney) by deleting subsection (e), which directed the clerk to keep a separate list regarding outpatient commitment.

Amends GS 14-208.12A(a) (allowing sex offenders to petition the superior court to terminate the registration requirement). Adds a provision that, regardless of where the offense occurred, if the defendant was convicted of a reportable offense in any federal court, the conviction is treated as an out-of-state offense for purposes of the statute. Applies to petitions filed on or after the date the act becomes law.

Amends GS 7B-2901(a), allowing for the destruction of clerks' records of juvenile abuse, neglect, or dependency cases in accordance with a retention schedule approved by the Director of the Administrative Office of the Courts and the Department of Natural and Cultural Resources.

Amends GS 7B-3000(d), allowing for the destruction of recordings of juvenile records in accordance with a retention schedule approved by the Director of the Administrative Office of the Courts and the Department of Natural and Cultural Resources.

Makes a technical change to GS 7B-6023(b1).

Amends GS 84-2 (Persons disqualified). Clarifies that the specified government officials prohibited from the private practice of law are permitted to perform unpaid pro bono legal services.

**Intro. by R. Turner:**

GS 1, GS 1A, GS 5A, GS 7A, GS 7B, GS 14, GS 15A, GS 28A, GS 30, GS 35A, GS 58, GS 84, GS 122C

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Civil Procedure, Juvenile Law, Abuse, Neglect and Dependency, Court System, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing**

H 237 (2017-2018) [AMEND EXPUNCTION](#). Filed Mar 1 2017, *AN ACT TO ALLOW A ONE-TIME EXPUNCTION OF MULTIPLE CRIMINAL OFFENSES*.

Amends GS 15A-145.5, concerning the expunction of certain misdemeanors and felonies, to allow a person to file a petition in the court where the person was most recently convicted (currently, does not specify court where most recently convicted) for expunction of nonviolent misdemeanor and nonviolent felony convictions (currently, may petition for expunction of either nonviolent misdemeanor or nonviolent felony conviction) from the person's criminal record if the person has no other misdemeanor or felony convictions that are excluded from expunction pursuant to this statute, other than a traffic violation. Makes conforming changes to prohibit the petition for expunction from being filed earlier than 15 years after the date of the most recent conviction or when all active sentences, periods of probation, and post-release supervision have been served, whichever occurs later. Makes conforming changes to the provisions setting forth the required contents of the petition, service upon the district attorney, verification of the petitioner's conduct since the most recent conviction, and directives for expungement of convictions from agency records.

Provides that if the court finds after hearing that the petitioner has not previously been granted an expunction under this statute or the existing specified statutes, or that any previous expunction received under any of those statutes occurred prior to December 1, 2017, and the court makes the other required findings, the court may order the person be restored to the status the person occupied before those arrests, indictments, or informations.

Makes conforming change to eliminate subsection (b), which provides for treatment of multiple nonviolent felony convictions or nonviolent misdemeanor convictions in the same session of court as one nonviolent felony or misdemeanor conviction, and requires the expunction order issued to provide the same.

Effective December 1, 2017, and applies to petitions filed on or after that date.

**Intro. by Floyd, C. Graham, Duane Hall, Hanes.**

[GS 15A](#)

[View summary](#)

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

H 238 (2017-2018) [ECONOMIC SECURITY ACT OF 2017](#). Filed Mar 1 2017, *AN ACT TO ADVANCE ECONOMIC SECURITY IN NORTH CAROLINA BY INCREASING THE STATE MINIMUM WAGE IN PHASES TO FIFTEEN DOLLARS PER HOUR OVER FIVE YEARS, MANDATING EQUAL PAY FOR EQUAL WORK, REQUIRING PAID SICK LEAVE AND FAMILY MEDICAL LEAVE, INCREASING THE TIPPED MINIMUM WAGE, ENDING WAGE THEFT, REQUIRING THE FAIR ASSESSMENT OF PERSONS WITH CRIMINAL HISTORIES BY "BANNING THE BOX," REPEALING PUBLIC EMPLOYEE COLLECTIVE BARGAINING RESTRICTIONS, AND REENACTING THE EARNED INCOME TAX CREDIT AND TAX CREDITS FOR CHILD CARE AND CERTAIN EMPLOYMENT-RELATED EXPENSES*.

To be summarized.

**Intro. by Harrison, Fisher, B. Richardson, Holley.**

[GS 95, GS 105, GS 126](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Employment and Retirement, Government, Tax](#)

H 239 (2017-2018) [REDUCE COURT OF APPEALS TO 12 JUDGES](#). Filed Mar 1 2017, *AN ACT TO REDUCE THE NUMBER OF JUDGES ON THE COURT OF APPEALS TO TWELVE; TO PROVIDE AN APPEAL OF RIGHT FOR CASES PURSUANT TO RULES 2.1 AND 3.1 OF THE GENERAL RULES OF PRACTICE; AND TO PROVIDE FOR DISCRETIONARY REVIEW BY THE SUPREME COURT IN CASES WHERE THE SUBJECT MATTER INVOLVES THE JURISDICTION AND INTEGRITY OF THE COURT SYSTEM*.

Amends GS 7A-16, as amended. Provides that on or after January 1, 2017, when a seat on the Court of Appeals becomes vacant prior to the expiration of the judge's term due to the death, resignation, retirement, impeachment, or removal pursuant to GS 7A-

374.2(8) of the incumbent judge, the seat is eliminated until the total number of Court of Appeals seats is decreased to 12 (there are currently 15 judges on the Court of Appeals).

Amends GS 7A-27, as amended to create an appeal of right from the trial courts to the Supreme Court for cases involving the resolution of conflicts pursuant to Rule 3.1 of the General Rules of Practice for the Superior and District Courts, and for any trial court's decision regarding class action certification under GS 1A-1, Rule 23.

Amends GS 7A-31, authorizing the Supreme Court to make certification of discretionary review before a determination by the Court of Appeals when the Supreme Court determines that the subject matter of the appeal is important in overseeing the jurisdiction and integrity of the court system.

**Intro. by Burr, Lewis, Stevens.**

[GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

H 240 (2017-2018) [GA APPOINT FOR DISTRICT COURT VACANCIES](#). Filed Mar 1 2017, *AN ACT TO PROVIDE THAT DISTRICT COURT VACANCIES SHALL BE FILLED BY APPOINTMENT OF THE GENERAL ASSEMBLY.*

Amends GS 7A-142 to require that vacancies in the office of district court judge be filled for the unexpired term by appointment of the General Assembly (was, by the Governor, with nominees selected by the judicial district's bar). Sets out the process for filing the vacancy depending on whether or not the General Assembly is in session.

**Intro. by Burr, K. Hall, Saine, Bumgardner.**

[GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, General Assembly, State Government, Executive](#)

H 241 (2017-2018) [SPECIAL SUP. CT. JUDGESHIP APPOINTED BY GA](#). Filed Mar 1 2017, *AN ACT TO PROVIDE THAT SPECIAL SUPERIOR COURT JUDGES ARE APPOINTED BY THE GENERAL ASSEMBLY.*

Amends GS 7A-45.1 to now allow the General Assembly to appoint special superior court judges to serve a five-year term when any of the following occurs for the special superior court judges holding office on or after January 1, 2017: (1) retirement of the incumbent judge, (2) resignation of the incumbent judge, (3) removal from office of the incumbent judge, (4) death of the incumbent judge, (5) expiration of the term of the incumbent judge, or (6) for any other reason that causes a judgeship to become vacant. Makes conforming changes. Deletes all provisions in the statute related to the Governor's power to appoint specified superior court judges. Provides that appointments are to be made by enacting a bill.

**Intro. by Burr, K. Hall, Saine, Bumgardner.**

[GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, General Assembly, State Government, Executive](#)

## **PUBLIC/SENATE BILLS**

S 88 (2017-2018) [LANDLORD/TENANT-ALIAS & PLURIES SUMMARY EJECT](#). Filed Feb 14 2017, *AN ACT TO ALLOW FOR SEVERANCE OF SUMMARY EJECTMENT AND MONETARY CLAIMS IN SMALL CLAIMS ACTIONS WHEN SERVICE OF PROCESS ONLY MEETS SUMMARY EJECTMENT STANDARDS, TO ALLOW FOR THE SEVERED MONETARY CLAIM TO BE CONTINUED WITH ALIAS AND PLURIES SUMMONS, AND TO ALLOW PRO SE REPRESENTATION ON APPEAL.*

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

Clarifies in new GS 7A-228(e) that any party in an action appealed for a trial de novo is not required to obtain legal representation.

Amends proposed GS 7A-222 to specify that a party in a small claim action is not required to obtain legal representation.

**Intro. by Randleman.**

GS 1A, GS 7A

[View summary](#)

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

S 153 (2017-2018) **MILITARY STATE INCOME TAX RELIEF**. Filed Mar 1 2017, *AN ACT TO PROVIDE INCOME TAX RELIEF FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES*.

Amends GS 105-153.4, which sets forth provisions concerning North Carolina taxable income for individual state residents, to provide that North Carolina taxable income does not include the military pay of an active service member of any branch of the US Armed Forces for any period of time that the service member is not present in this State so long as the member is a North Carolina resident and the member is not present in North Carolina solely in compliance with military orders reassigning the member to a permanent duty station located outside of the state.

Under GS 105-153.2, in calculating North Carolina taxable income, a taxpayer can deduct from the adjusted gross income the itemized deductions set out in subsection (b). This act adds new subdivision (5a) to establish a deduction for the amount received during the taxable year from the US government as retirement pay for a retired member of the US Armed Forces or as survivorship benefits for survivors of active duty or retired members of the US Armed Forces. Prohibits deduction for amounts under both subdivision (5a) and subdivision (5), which provides for a deduction for amounts from one or more State, local, or federal government retirement plans exempt from tax as specified. Makes conforming changes to subdivision (5).

Effective for taxable years beginning on or after January 1, 2017.

**Intro. by Rabin, Sanderson, Britt.**

GS 105

[View summary](#)

**Government, Tax, Military and Veteran's Affairs**

S 154 (2017-2018) **CHARITABLE FUNDRAISING FOR NONPROFIT ORGS**. Filed Mar 1 2017, *AN ACT TO INCREASE THE ABILITY OF NONPROFIT ORGANIZATIONS TO HOLD FUNDRAISING RAFFLES AND TO AUTHORIZE REISSUANCE OF CERTAIN ONE-TIME ALCOHOLIC BEVERAGE CONTROL COMMISSION PERMITS*.

Amends GS 14-309.6 to define *nonprofit organization*. The definition is the same as the definition of nonprofit organization previously found in GS 14-309.15.

Amends GS 14-309.15 to clarify that regional or county chapters of nonprofit organizations may conduct raffles independently of their parent organizations. Increases the number of raffles that nonprofit organizations may hold from two per year to four per year, with no more than one raffle per quarter. Increases the total allowable cash prize, and fair market value of all prizes offered either in cash or in merchandise, for a nonprofit organization's raffle from \$125,000 to \$250,000. Clarifies that the cash prize limit, and fair market value limit of all prizes in either cash or merchandise, for raffles conducted by candidates, political committees, or government entities, remains \$125,000. Makes conforming changes.

Amends GS 18B-308 to allow the sale and consumption of alcoholic beverages while raffles are being conducted.

Enacts new GS 18B-903A, which requires the North Carolina Alcoholic Beverage Control Commission (ABC Commission) to reissue limited special occasion permits and one-time permits, issued pursuant to GS 18B-1001(9) or GS 18B-1002(a)(2), to nonprofit organizations which had previously received the same permit within the last 18 months. Requires the same individual representing the nonprofit organization to request the reissuance, and that the request be for the same location as the original permit. The ABC Commission may only require the street address, county, date, and description of the event, and the contact



information of the individual representing the nonprofit organization, for reissuance. Reissued permit is only valid for 48 hours before and after the event. Authorizes ABC Commission to provide a form for application for reissuance, and sets fee for reissuance at the same level as the fee for the original special permit. Prohibits ABC Commission from investigating the applicant and premises for the reissuance more than once every three years. Creates a new Class 1 misdemeanor for knowingly making a false statement on an application for a permit reissuance. Effective December 1, 2017.

Amends GS 18B-1002(a)(5) to authorize offering alcoholic beverages as raffle prizes, and the sale of alcoholic beverages to raise funds, to recipients of an alcoholic beverage permit for a ticketed fundraising event.

Makes conforming changes.

Unless otherwise indicated, effective October 1, 2017.

**Intro. by Gunn, Lowe, Harrington.**

[View summary](#)

**Alcoholic Beverage Control, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Nonprofits**

S 155 (2017-2018) **ECONOMIC & JOB GROWTH FOR NC DISTILLERIES**. Filed Mar 1 2017, *AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL PERMITS AND ALLOW RESTAURANTS TO SELL ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS, SUBJECT TO LOCAL GOVERNMENT APPROVAL.*

#### Section 1

Amends GS 18B-1105(a), setting forth authorized acts by a holder of a distillery permit, to provide that a permitted distillery may sell spirituous liquor in closed containers at wholesale or retail for delivery outside the State, subject to the laws of other jurisdictions (previously, authorized to sell, deliver, and ship spirituous liquor in closed containers at wholesale or retail to private or public agencies or establishments of other states or nations subject to the laws of other jurisdictions). Increases the maximum amount of spirituous liquor a permitted selling distillery can sell to a consumer at a distillery within a 12-month period under the restrictions set out in subdivision (4) of subsection (a) from one to five bottles. Authorizes a permitted distillery to conduct consumer tastings in accordance with GS 18B-1114.7 (enacted by this act).

Amends GS 18B-804, setting forth a policy of uniform retail pricing for spirituous liquor sold in ABC stores and permitted distilleries, to establish that when a permitted distillery sells spirituous liquor for delivery outside the state pursuant to GS 18B-1105(a)(a2) (enacted above), the distiller sets the retail price for the liquor.

Amends GS 18B-800, providing that spirituous liquor can only be sold in ABC stores operated by local boards, except as provided in Articles 10 and 11 of GS 18B (was, only Article 10; Article 11 is amended by this act).

Directs the Alcoholic Beverage Control Commission to adopt temporary rules to amend its rules consistent with Section 1 of this act.

Effective July 1, 2017.

#### Section 2

Enacts GS 18B-1114.7 to authorize the holder of a distillery permit issued under GS 18B-1105 to obtain a spirituous liquor special event permit. Provides that the special event permit will allow the permittee to give free tastings of its spirituous liquor at ABC stores and various other public places including trade shows, conventions, shopping malls, street festivals and local fundraisers as approved by the Commission. Sets out 13 limitations for consumer tastings, including limiting the total amount of tasting samples a consumer can consume to 1.5 ounces per day and prohibiting the permit holder from offering tastings samples to or allowing consumption of tasting samples by someone who is visibly intoxicated. Prohibits a permit holder conducting a consumer tasting at an ABC store from providing any consideration to the local board, its members, or its employees for any purpose related to the tasting.

Amends GS 18B-301, concerning the lawful possession and consumption of fortified wine and spirituous liquor, to establish that is lawful to consume spirituous liquor at an ABC store if a consumer tasting is being conducted as authorized by GS 18B-1114.7.

Makes conforming changes to the prohibitions set out in subsection (f) to allow any person to consume or offer to another person to consume liquor on the premises of an ABC store, upon property used or occupied by a local board, and on any public road, street, highway, or sidewalk where a consumer tasting authorized by GS 18B-1114.7 is being conducted.

Sets fees for an ABC permit application under GS 18B-902(d) to be \$200 for a spirituous liquor special event permit and \$750 for a special auction permit.

### Section 3

Enacts GS 18B-1002.1 to allow a permit to be issued to an auction firm or auctioneer licensed by the North Carolina Auctioneers Commission (Commission) under GS Chapter 85B to allow the licensed auction firm or auctioneer to sell any quantity of malt beverages, unfortified and fortified wine, and spirituous liquors at auction. Allows an auction held under this statute to receive competing bids in person or by telephone, fax, or online. Limits the issuance of permits under this statute to jurisdictions that allow the sale of malt beverages, unfortified wine, or fortified wine, respectively, and jurisdictions that have approved the establishment of ABC stores. Provides an auction permit is only valid for the auction specified in the permit, and any sales under the permit are subject to the alcoholic beverage purchase amount restrictions of GS 18B-303. Clarifies that an applicant that is denied a permit or a permittee that has the permit revoked is not entitled to a hearing under GS Chapter 150B (APA).

Amends GS 18B-603 to allow the North Carolina Alcoholic Beverage Commission to issue special auction permits under GS 18B-1002.1 without approval at an election. Makes technical changes.

Effective October 1, 2017.

### Section 4

Enacts GS 153A-145.7 and GS 160A-205.3 to allow a county or city to adopt an ordinance allowing licensed restaurants to sell alcoholic beverages for on-premises consumption beginning at 10:00AM on Sunday morning pursuant to the restaurant's on-premises malt beverage, unfortified wine or fortified wine permits, or mixed beverages permit. Makes conforming changes to GS 18B-1004, which sets out the hours for the sale and consumption of alcoholic beverages.

**Intro. by Gunn, Blue, Harrington.**

[GS 18B, GS 153A, GS 160A](#)

[View summary](#)

[Alcoholic Beverage Control, Business and Commerce, Government, Local Government](#)

S 156 (2017-2018) [PLUMBING & HEATING CONTRACTORS CHANGES](#). Filed Mar 1 2017, *AN ACT TO CLARIFY THE TYPES OF ACTIVITY REGULATED BY THE STATE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS AND TO REAUTHORIZE THE BOARD TO ISSUE LICENSES FOR CERTAIN RESTRICTED CLASSIFICATIONS*.

Amends GS 87-21(a) to clarify that any person, firm, or corporation, who for valuable consideration verifies, inspects, evaluates, tests, installs, alters, or restores, or offers the same, either plumbing, heating group number one, heating group number two, or heating group number three (terms defined in this subsection) is deemed and held to be engaged in the business of plumbing, heating, or fire sprinkler contracting regulated by the State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors (Board).

Amends GS 87-21(b) to authorize the Board to establish additional restricted classifications for (1) the licensing of any person, partnership, firm, or corporation desiring to engage in a specific phase of heating, plumbing, or fire sprinkling contracts; (2) the licensing of any person, partnership, firm, or corporation desiring to engage in a specific phase of heating, plumbing, or fire sprinkling contracting that is an incidental part of their primary business that is a lawful business other than heating, plumbing, or fire sprinkling contracting; and (3) licensing of persons desiring to engage in contracting and installing fuel piping from an approved fuel source on the premises to a point inside the residence.

Adds that the provisions of Article 2 of GS Chapter 87 do not apply to home inspectors licensed under Article 9F of GS Chapter 143 or certified Code-enforcement officials licensed under Article 9C of GS Chapter 143 who do not claim to be a plumbing or heating contractor, or who is not acting in the capacity of a plumbing or heating contractor in the course of their respective duties as home inspectors or Code-enforcement officials.

Effective July 1, 2017.

**Intro. by Tucker.**

GS 87

[View summary](#)

**Business and Commerce, Occupational Licensing,  
Development, Land Use and Housing, Building and  
Construction**

S 157 (2017-2018) [AMEND LAWS REGARDING MENTAL COMMITMENT BARS](#). Filed Mar 1 2017, *AN ACT AMENDING THE PROCESS FOR INDIVIDUALS TO REMOVE FIREARM DISABILITIES AFTER RESTORATION TO COMPETENCY*.

Amends GS 14-409.42 to change the name of the law to Restoration process to remove firearm disabilities (currently, Restoration process to remove mental commitment bar). Creates new procedure for individuals seeking relief from firearm disabilities resulting from an adjudication of incompetence under GS 14-409.43(a)(6), which is a finding that an individual lacks the capacity to manage the individual's own affairs due to a marked subnormal intelligence or mental illness, incompetency, condition, or disease. Requires individual to file a petition for restoration to competency under GS 35A-1130, and following entry of an order restoring competency, allows individual to submit a request to the clerk in the incompetency proceeding to update the individual's record in the National Instant Criminal Background Check System (NICS). Directs clerk to update the record in NICS upon verification of restoration of competency.

Preserves current procedure for individuals with firearm disabilities under GS 14-409.43(a)(1-5). Makes conforming changes.

Effective October 1, 2017.

**Intro. by Cook, Randleman.**

GS 14

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and  
Procedure, Health and Human Services, Mental Health**

S 158 (2017-2018) [ENGLISH PROFICIENCY REQ./MASSAGE THERAPY LIC](#). Filed Mar 1 2017, *AN ACT ADDING ENGLISH PROFICIENCY AS A REQUIREMENT FOR MASSAGE AND BODYWORK THERAPIST LICENSURE FOR CONSISTENCY WITH THE REQUIREMENTS FOR MASSAGE AND BODYWORK THERAPIST LICENSURE BY ENDORSEMENT*.

Amends GS 90-629 as title indicates. Effective October 1, 2017.

**Intro. by Cook.**

GS 90

[View summary](#)

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

S 159 (2017-2018) [ACCESS TO SPORTS/EXTRACURR. FOR ALL STUDENTS](#). Filed Mar 1 2017, *AN ACT TO PERMIT STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, OR HOME SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT OR PARTICULAR EXTRACURRICULAR ACTIVITY TO PARTICIPATE IN THAT ACTIVITY AT A PUBLIC HIGH SCHOOL*.

Amends GS 115C-12 by creating a new subsection (23a) and amends GS 115C-47(4) to provide that the powers and duties of the State Board of Education and local boards of education include providing all students with the opportunity to participate in interscholastic athletics programs. Requires the State Board of Education and local boards of education to adopt rules that allow public high school students who attend schools that do not have interscholastic athletics programs in any given sport to participate in the sport at the public high school closest to the student's school which has a program in that sport, subject to the terms and conditions applicable to a regularly enrolled member of that school's student body. Also, that a private school or home-schooled

student may likewise participate in sports programs at the base public high school for the student's home address. Authorizes the public school providing an opportunity for students who attend other schools to participate in interscholastic athletics programs to charge a reasonable fee for participation to the student who is not enrolled in that school as established by the local board of education under GS 115C-47(6).

Makes a conforming change to GS 115C-47(6) regarding the administration of the fee charged to participating students in sports and other extracurricular activities.

Effective when the act becomes law and applies beginning with 2017-18 school year.

**Intro. by Hise, Daniel, Barefoot.**

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 160 (2017-2018) [HANDICAP PARKING PRIVILEGE CERTIFICATION](#). Filed Mar 1 2017, *AN ACT TO CLARIFY THAT MEDICAL CERTIFICATION AND RECERTIFICATION REQUIREMENTS FOR HANDICAPPED PARKING PRIVILEGES MAY BE SATISFIED BY CERTIFICATION OF A LICENSED PHYSICIAN ASSISTANT OR A LICENSED NURSE PRACTITIONER THAT THE PERSON IS HANDICAPPED.*

Amends GS 20-37.6(c1), as the title indicates.

**Intro. by Brock, Meredith, Hise.**

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Health and Human Services, Health, Health Care Facilities and Providers](#)

S 161 (2017-2018) [CONFORMING CHANGES LME/MCO GRIEVANCES/APPEALS](#). Filed Mar 1 2017, *AN ACT TO MAKE CHANGES TO THE NORTH CAROLINA LME/MCO ENROLLEE GRIEVANCES AND APPEALS STATUTES TO CONFORM WITH RECENT CHANGES TO THE FEDERAL LAW.*

Amends GS 108D-1 to define *adverse benefit determination* (as defined in 42 CFR 438.400(b)), and to redefine *contested case hearing* to refer to adverse benefit determinations instead of managed care actions. Deletes the definition of *managed care action*. Replaces the term "notice of managed care action" with "adverse benefit determination."

Extends the period of an enrollee's right to request an LME/MCO level appeal to no later than 60 days (currently 30 days) after the mailing date of the required notice of an adverse benefit determination.

Directs LMC/MCO to resolve the appeal and provide written notice of resolution no later than 30 days (currently 45 days) after receiving the request.

Authorizes enrollees to request a contested case hearing if appeals have been exhausted under either GS 108D-14 or 42 CFR 438.408(c)(3) (currently just GS 108D-14).

Directs LME/MCO to resolve an expedited appeal and provide written notice of resolution no later than 72 hours after receiving the request (currently three working days). Authorizes enrollees to request a contested case hearing if appeals have been exhausted under GS 108D-13 or GS 108D-14, or under 42 CFR 438.408(c)(3).

Authorizes enrollee to file a request for an appeal to the Office of Administrative Hearings no later than 120 days (currently 30 days) after the mailing date of the notice of resolution.

Makes conforming changes, including replacing the term "managed care action" with the term "adverse benefit determination."

**Intro. by Hise, Pate, Krawiec.**

[GS 108D](#)

S 162 (2017-2018) [LEO ASSISTANCE AND PROTECTION ACT OF 2017](#). Filed Mar 1 2017, *AN ACT TO PROVIDE COMPANY POLICE THE AUTHORITY TO ACTIVATE THEIR BLUE LIGHT IN EMERGENCY SITUATIONS; TO DIRECT TRAFFIC ON ALL PUBLIC ROADS ADJACENT TO THE FACILITY WHERE THEY ARE EMPLOYED; TO ENTER INTO MUTUAL AID AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES; AND TO PROVIDE ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES UPON REQUEST REGARDLESS OF WHETHER A MUTUAL AID AGREEMENT IS IN PLACE.*

Amends GS 74E-6 to expand the powers of company police officers. New provisions give company police officers the same powers as municipal and county police officers on public roads adjacent to the facility where company police officers are employed, if the facility is a public school, hospital, or airport, including the authority to direct traffic. Also gives them the authority to activate their blue light in emergency situations on public roadways when they stop to assist a motorist, render assistance to a law enforcement officer or first responder, or in an emergency situation.

Authorizes company police agencies to enter into mutual aid agreements with governing boards of municipalities, or, with the consent of the county sheriff, a county, to the same extent as a municipal police department under GS Chapter 160A.

Authorizes company police officers to provide assistance to law enforcement agencies at the request of agency heads regardless of whether there is an agreement in place to do so.

Makes technical changes.

**Intro. by Daniel, Brock, Randleman.**

[GS 74E](#)

S 163 (2017-2018) [SOLID WASTE AMENDMENTS](#). Filed Mar 1 2017, *AN ACT TO MAKE VARIOUS CLARIFYING AND AMENDATORY CHANGES TO THE SOLID WASTE STATUTES.*

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

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

Amends GS 130A-294(b1)(2) to limit the franchise granted to a sanitary landfill for the life-of-site of the landfill to a period not to exceed 60 years. Excludes franchises amended by agreement of the parties to extend the duration of the franchise to the life-of-site of the landfill, for a period not to exceed 60 years, from the public hearing requirements of subdivision (3) of subsection (b).

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

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

The above provisions are effective retroactively to July 1, 2015.

Directs the Division of Waste Management (Division) of the Department of Environmental Quality (Department) to examine whether solid waste management activities in the state are being conducted in a manner most beneficial to the citizens of the state in terms of efficiency and cost-effectiveness. Details areas the Division is to focus on in its examination. Directs the Department to develop economic estimates of the short- and long-term costs of waste transport as specified. Further requires the Department to provide information on landfill capacity that is permitted but not yet constructed and expansion opportunities for future landfill capacity. Directs the Department to submit a report to the Environmental Review Commission no later than March 1, 2018.

**Intro. by Wade, Brock, Brown.**

[GS 130A, GS 153A, GS 160A](#)

[View summary](#)

[Environment, Government, State Agencies, Department of Environmental Quality \(formerly DENR\), Local Government, Health and Human Services, Health, Public Health](#)

S 165 (2017-2018) [WORKERS' COMP/CLARIFY MEDICARE METHODOLOGY](#). Filed Mar 1 2017, *AN ACT CLARIFYING THE MEDICARE METHODOLOGY FOR SCHEDULE OF MAXIMUM FEES FOR MEDICAL COMPENSATION RELATED TO THE WORKERS' COMPENSATION ACT.*

Amends SL 2013-410, Section 33(a), to set forth the Industrial Commission Schedule of Maximum Fees for Medical Compensation (currently, Industrial Commission Hospital Fee Schedule). Makes conforming changes to refer to medical compensation rather than physician and hospital compensation. Makes technical changes.

**Intro. by Daniel, Newton.**

[UNCODIFIED](#)

[View summary](#)

[Employment and Retirement, Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

S 166 (2017-2018) [EXPAND LOCAL OPTION SALES TAX FOR EDUCATION](#). Filed Mar 1 2017, *AN ACT TO GIVE COUNTIES GREATER FLEXIBILITY TO USE LOCAL OPTION SALES TAX REVENUES FOR EDUCATION, PER CONSTITUENT REQUEST.*

Enacts Article 43A, County Sales and Use Tax for Public Education, to GS Chapter 105 providing that the purpose of the Article is to give the counties of this State an opportunity to obtain an additional source of revenue with which to meet their public education needs.

Authorizes counties to levy a local sales and use tax at a rate of 1/4% or 1/2% if approved by the voters in a referendum. Requires the tax to be equal to the rate that could be levied in that county under Article 43 of GS Chapter 105 (Local Government Sales and Use Taxes for Public Transportation), and prohibits a tax levied under Article 43A to be in effect in a county at the same time as a tax levied by that county or in that county under Article 43 of GS Chapter 105. Sets out additional procedures and requirements for administration of the tax. Exempts from the tax food exempt under GS 105-467(a)(5a) and the sales price of a bundled transaction taxable under GS 105-467(a)(5a). Allows counties to use proceeds from the tax only for public school capital outlay purposes, as defined in GS 115C-426(f), or to retire any indebtedness incurred by the county for these purposes.

Enacts GS 105-506.3 to make conforming changes prohibiting a tax levied under Article 43 of GS Chapter 105 to be in effect at the same time as a tax levied by that county under new Article 43A of GS Chapter 105.

Amends GS 105-164.3(4a) to define *combined general rate* as the term is used in Article 5 of GS Chapter 105 (Sales and Use Tax) as the sum of: (1) the State's general rate of tax set in GS 105.164.4(a); (2) the sum of the rates of the local sales and use taxes authorized for every county in this state by Article 39 of GS Chapter 105 (Local Government Sales and Use Tax) or Chapter 1096 of SL 1967 (Mecklenburg County specific sales and use tax), Article 40 of GS Chapter 105 (First One-Half Cent Local Government Sales and Use Tax), and Article 42 of GS Chapter 105 (Second One-Half Cent Local Government Sales and Use Tax) (currently, the sum of the rates of the local sales and use taxes authorized by Subchapter VIII of GS Chapter 105 for every county in this state); and (3) one-half of the maximum rate of tax authorized by Article 46 of GS Chapter 105 (One-Quarter Cent County Sales and Use Tax; currently not included in the combined general rate).

**Intro. by Randleman.**

GS 105

[View summary](#)

**Education, Government, Tax**

S 168 (2017-2018) **SUBSIDY RECIPIENTS TO COOPERATE/CHILD SUPPORT**. Filed Mar 1 2017, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION AND THE DIVISION OF SOCIAL SERVICES, TO IMPLEMENT THE PLAN REQUIRING CHILD CARE SUBSIDY PAYMENT RECIPIENTS TO COOPERATE WITH COUNTY CHILD SUPPORT SERVICES PROGRAMS AS A CONDITION OF RECEIVING CHILD CARE SUBSIDY PAYMENTS.*

Requires the Department of Health and Human Services, the Division of Child Development and Early Education (DCDEE), and the Division of Social Services (DSS), to, beginning January 1, 2018, implement the plan developed under SL 2015-51 requiring a custodial parent or other relative or person with primary custody of the child who is receiving child care subsidy payments to cooperate with the county child support services program as a condition of receiving child care subsidy payments. Requires the plan to include, at a minimum, the components described in Section 1(a) of SL 2015-51, and any criteria DCDEE and DSS identified in its report on the plan as submitted to the Joint Legislative Oversight Committee on Health and Human Services dated February 1, 2016.

Requires the DCDEE and DSS to report on the plan implementation to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by October 1, 2018.

**Intro. by Randleman.**

UNCODIFIED

[View summary](#)

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

S 169 (2017-2018) **TEACHING EXCELLENCE BONUS EXPANSION**. Filed Mar 1 2017, *AN ACT TO EXPAND TEACHING EXCELLENCE BONUSES FOR CERTAIN TEACHERS WHO WOULD HAVE RECEIVED A BONUS.*

Sets forth that it is the intent of the General Assembly to give a bonus substitute to certain teachers who remain teaching at the same school and would have received a bonus pursuant to one or more subdivisions of Section 9.7(a) or pursuant to Section 8.8 of SL 2016-94 (2016 Appropriations Act), but for the restriction in subdivision (3) of either section (the restriction). The restriction set out in each subdivision (3) requires qualifying third grade teachers or qualifying advanced course teachers to remain employed teaching those courses in the same local administrative unit at least from the school year that the qualifying measuring data is collected until the corresponding school year that the bonus is paid.

Sets forth a \$3,500 substitute bonus for those certain teachers who continued teaching at the same school that would have received a bonus under subdivisions (1) and (2) of Section 9.7(a) but for the restriction, unless the teacher refused to continue teaching third grade in the year the bonus was paid. Sets forth that a substitute bonus equal to the amount the teacher would have received under subdivisions (1) and (2) of Section 8.8 but for the restriction be paid to a teacher if the teacher remains teaching at the same school, unless the teacher refused to continue teaching the advanced course in the year the bonus was paid.

Requires the Department of Instruction to reimburse local school administrative units that paid a teacher an amount in lieu of a bonus a teacher would have received under those provisions but for the restriction as specified.

Requires the State Board of Education to direct the Department of Public Instruction to pay the bonus substitutes and reimbursements required by this act of the funds available to the Department for the 2016-17 fiscal year.

**Intro. by Berger, Harrington, Wade.**

UNCODIFIED

[View summary](#)

**Education, Elementary and Secondary Education,**

**Government, State Agencies, Department of Public  
Instruction**

S 170 (2017-2018) [REMOVE LIMITS ON LIGHT RAIL FUNDING](#). Filed Mar 1 2017, *AN ACT TO REMOVE CERTAIN LIMITATIONS ON FUNDING FROM THE HIGHWAY TRUST FUND FOR LIGHT RAIL TRANSIT SYSTEM PROJECTS*.

Repeals SL 2016-94, Section 35.12(b) (preventing the scoring, reprioritization, or funding of light rail projects until Prioritization 5.0 process).

Amends GS 136-189.10 to delete text that clarifies that the statute does not authorize total State funding in excess of the maximum established elsewhere for commuter rail and light rail projects.

Deletes text restricting total state funding for a commuter rail or light rail project from exceeding 10% of the estimated total project costs used during the prioritization scoring process, protecting the State from liability for project costs in excess of the maximum established here, and requiring state funding agreements for commuter or light rail projects to include language setting out these limitations.

**Intro. by Ford.**

[GS 136](#)

[View summary](#)

[Transportation](#)

S 171 (2017-2018) [REMOVE LIMITS ON LIGHT RAIL FUNDING](#). Filed Mar 1 2017, *AN ACT TO REMOVE THE LIMITATIONS ON FUNDING FROM THE HIGHWAY TRUST FUND FOR LIGHT RAIL TRANSIT SYSTEM PROJECTS*.

Repeals SL 2016-94, Section 35.12(b) (preventing the scoring, reprioritization, or funding of light rail projects until Prioritization 5.0 process).

Amends GS 136-189.10 to delete text that clarifies that the statute does not authorize total State funding in excess of the maximum established elsewhere for commuter rail and light rail projects.

Deletes text (1) restricting programmed funds from exceeding 10% of any distribution region allocation, (2) restricting total state funding for a commuter rail or light rail project from exceeding 10% of the estimated total project costs used during the prioritization scoring process, (3) protecting the State from liability for project costs in excess of the maximum established here, and (4) requiring state funding agreements for commuter or light rail projects to include language setting out these limitations.

**Intro. by Ford.**

[GS 136](#)

[View summary](#)

[Transportation](#)

S 172 (2017-2018) [REMOVE LIMITS ON LIGHT RAIL FUNDING](#). Filed Mar 1 2017, *AN ACT TO REMOVE CERTAIN LIMITATIONS ON FUNDING FROM THE HIGHWAY TRUST FUND FOR LIGHT RAIL TRANSIT SYSTEM PROJECTS*.

Repeals SL 2016-94, Section 35.12(b) (preventing the scoring, reprioritization, or funding of light rail projects until Prioritization 5.0 process).

Amends GS 136-189.10 to delete text that clarifies that the statute does not authorize total State funding in excess of the maximum established elsewhere in the statute for commuter rail and light rail projects.

Deletes text restricting programmed funds from exceeding 10% of any distribution region allocation.

**Intro. by Ford.**

[GS 136](#)



S 173 (2017-2018) **HOUSING JUVENILES UNDER 18 IN COUNTY FACILITY**. Filed Mar 1 2017, *AN ACT TO PROVIDE THAT PERSONS UNDER THE AGE OF EIGHTEEN SHOULD NOT BE HOUSED IN A LOCAL CONFINEMENT FACILITY OCCUPIED BY PERSONS AGE EIGHTEEN AND OLDER UNLESS A SIGHT AND SOUND BARRIER EXISTS BETWEEN THE PERSONS UNDER THE AGE OF EIGHTEEN AND THE OLDER PERSONS.*

Amends GS 153A-218 to add that a person under age 18 must not be housed in the same local confinement facility as those 18 and older unless, in the judgment of the custodian based on the facts other than the underlying offense with which the juvenile is charged, the juvenile has demonstrated that the juvenile is a threat to the security or safety of other juveniles detained or the staff of the home or the facility. Directs a judge to determine whether that juvenile can be transferred to a jail or other facility for the detention of adults. Requires a complete sight and sound barrier to be maintained between those under the age of 18 and those 18 and older if a person under 18 must be housed in a facility also housing people 18 and older. Updates a statutory reference.

Applies to requests for proposals for letting of public contracts issued on or after the date the act becomes law.

**Intro. by Robinson, McKissick, Lowe.**

**GS 153A**

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections  
(Sentencing/Probation)**

S 174 (2017-2018) **ECONOMIC SECURITY ACT OF 2017**. Filed Mar 1 2017, *AN ACT TO ADVANCE ECONOMIC SECURITY IN NORTH CAROLINA BY INCREASING THE STATE MINIMUM WAGE IN PHASES TO FIFTEEN DOLLARS PER HOUR OVER FIVE YEARS, MANDATING EQUAL PAY FOR EQUAL WORK, REQUIRING PAID SICK LEAVE AND FAMILY MEDICAL LEAVE, INCREASING THE TIPPED MINIMUM WAGE, ENDING WAGE THEFT, REQUIRING THE FAIR ASSESSMENT OF PERSONS WITH CRIMINAL HISTORIES BY "BANNING THE BOX," REPEALING PUBLIC EMPLOYEE COLLECTIVE BARGAINING RESTRICTIONS, AND REENACTING THE EARNED INCOME TAX CREDIT AND TAX CREDITS FOR CHILD CARE AND CERTAIN EMPLOYMENT-RELATED EXPENSES.*

#### Section 1.1

Amends GS 95-25.3(a) to delete the provision requiring wages of at least \$6.15 per hour. Replaces deleted text with a provision requiring a minimum wage of (1) \$8.00 per hour, effective Labor Day, September 1, 2017, (2) \$9.50 per hour, effective Labor Day, September 1, 2018, (3) \$11.00 per hour, effective Labor Day, September 1, 2019, (4) \$13.00 per hour, effective Labor Day, January 1, 2020 (likely means September 1, 2020), and (5) \$15.00 per hour, effective Labor Day, January 1, 2021 (likely means September 1, 2021). Each of the provisions states that if the minimum wage in the federal Fair Labor Standards Act is higher than the stated new minimum wage, that the rate specified in the Fair Labor Standards Act is the state minimum wage.

#### Section 2.1

Enacts Article 2B, entitled Equal Pay Act, to GS Chapter 95 as follows.

Enacts GS 95-25.27 to establish that no employer can pay any person in the employer's employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work. Establishes that any employer who violates the statute is liable to the employee affected in the amount of the wages that the employee is deprived by reason of the violation. Defines employer to include the state and any local political subdivision of the state and every person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another who employs more than five employees. Defines an employee as any woman or man in receipt of or entitled to compensation for labor performed for another.

Establishes that nothing in the statute prohibits a variation of rates of pay for male and female employees engaged in the same classification of work based upon seniority; a difference in length of service; ability; skill; difference in duties or services performed, whether regularly or occasionally; difference in the shift or time of day worked; hours of work; or restrictions or

prohibitions on lifting or moving objects in excess of specified weight or other reasonable differentiation; or factor or factors other than sex, when exercised in good faith.

Bars an employer who is in violation of the statute from reducing the pay of any employee in order to bring the employer into compliance with Article 2B. Bars an employer from retaliating against any employee who seeks redress pursuant to Article 2B or who participates in the investigation of a complaint under Article 2B.

Enacts GS 95-25.28, which allows an affected employee to file a complaint with the Department of Labor (Department) and requires the Department to investigate the complaint and notify the employer and the employee of the results of the investigation. Allows an employee receiving less than the wage to which the employee is entitled under the statute to recover in a civil action the balance of those wages, together with costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage. Provides that the employee is not required to exhaust administrative remedies before filing the civil action. Establishes that a civil action pursuant to the statute is to be instituted within two years after the date that the alleged violation is discovered by the affected employee.

### Section 3.1

Enacts new Article 3A of GS Chapter 95, to be cited as the Healthy Families and Healthy Workplaces Act (HFHW Act). Denotes that state public policy in promoting the general welfare of the people of North Carolina requires the enactment of new Article 3A under the police power of the state.

Provides definitions for the following terms as used in the HFHW Act: (1) child, (2) domestic violence, (3) employee, (4) employ, (5) employer, (6) federal act, (7) health care provider, (8) immediate family member, (9) parent, (10) paid sick time or paid sick days, (11) sexual assault, (12) stalking, and (13) small business.

Provides that the proposed HFHW Act does not apply to (1) bona fide volunteers in an organization where an employer-employee relationship does not exist or (2) any person who is exempt from the Wage and Hour Act under GS 95-25.14(a)(2) through (8), GS 95-25.14(b), GS 95-25.14 (b1), GS 95-25.14(c), and GS 95-25.14(e). Makes an exception regarding domestic workers, providing that they are exempt only if they are employed in the place of residence of their employer.

Provides that paid sick time begins to accrue at the start of employment at a rate of one hour of paid sick time for every 30 hours worked. Provides additional guidelines regarding discretionary advancement of sick time by the employer, limits on the amount of paid sick time accrued, and the accrual of paid sick time when there is a separation of employment followed by a rehiring by the same employer. Provides that with the exception of the specified exemptions to the proposed HFHW Act, any employee who works in North Carolina and who must be absent from work for the reasons delineated in proposed new GS 95-31.5(a) is entitled to paid sick time.

Directs that paid sick time is to be provided by an employer to an employee who meets any of the following reasons listed in proposed new GS 95-31.5: (1) to care for a member of the employee's immediate family suffering from health issues or to care for the employee's own health, unless the care is covered under federal law or (2) to allow an employee to address the psychological, physical, or legal effects on himself or herself or an immediate family member of domestic violence, sexual assault, or stalking. Permits the employer to require certification of the qualifying health issue or event when a paid sick time period covers more than three consecutive work days. Provides guidelines for determining what may be deemed acceptable certification. Provides that an employer may not require certification from a health care provider that is employed by the employer. Prohibits an employer from requiring the disclosure of details relating to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing paid sick time to an employee. Directs an employer to treat as confidential any information that the employer acquires about the employee or the employee's immediate family regarding domestic violence, sexual assault, stalking, or health conditions. Prohibits the employer from requiring an employee to secure a replacement worker as a condition of providing sick time under the proposed HFHW Act. Directs the employee to make a good faith effort, when the use of sick time is foreseeable, to provide the employer with advance notice. States that this act provides minimum requirements regarding paid sick time and should not be construed to limit, preempt, or otherwise affect other applicability of law, regulation, or policy that extends additional or greater protections to employees, nor should this proposed act be construed to discourage employers from adopting more generous paid sick time policies. Provides that employers already offering a paid sick time policy do not have to modify that policy providing that the paid sick time policy currently in place offers an employee, at his or her discretion, the option to take paid sick time that is equivalent to the amount and for the same purposes offered under the proposed HFHW Act.

Requires employers to provide notice to employees, in Spanish and English, of their entitlement to paid sick time as well as other related information. Notice may be provided by supplying each employee with a notice in Spanish and English or by conspicuously displaying a poster in the place of employment in both languages. Prohibits employers from retaliating against employees who request or use paid sick time. Provides that an employee has a right to file a complaint with the Commissioner of Labor (Commissioner) or in the General Court of Justice if an employer (1) denies an employee paid sick time or (2) retaliates against an employee for requesting or taking paid sick time.

Authorizes the Commissioner to enforce and administer the provisions of the proposed HFHW Act. Provides criteria regarding employer's liability for a violation under the proposed HFHW Act, including provisions for the potential awarding of liquidated damages for a violation of the act. Directs that actions under the proposed HFHW Act must be brought within two years pursuant to GS 1-53. Also provides that the rights and remedies created under the HFHW Act are supplementary to all existing common law and statutory rights and remedies. Directs the Commissioner to adopt rules to implement the proposed act. Provides that the provisions of the proposed act are severable.

Makes conforming changes to GS 95-241(a).

Effective July 1, 2017, and applies only to covered employment on or after that date and does not apply to any collective bargaining agreement entered into before July 1, 2017, still in effect on that date.

#### Section 4.1

Amends the labor laws of North Carolina to reduce the amount of tips that may be counted as wages of tipped employees through December 1, 2017, and subsequently requires that no tips may be counted as wages.

#### Section 5.1

Amends GS 95-25.2 modifying the format of the definitions section and adding subsection (5a) defining employment status, subsection (8a) defining intentional, and subsection (16a) defining willful. Makes technical changes.

Amends GS 95-25.13(1) requiring only written (not oral) notification to employees at the time of hiring and upon any material change of (1) the promised wages and basis upon which wages will be calculated; (2) the method, day and place for payment; (3) the full name, mailing address, and telephone number of the employer and the federal and state tax identification number of each employer who is not a natural person; and (4) the employment status of the employee.

Amends GS 95-25.22 requiring the court to award liquidated damages in an amount equal to twice the amount found to be due to an employee when the employer has violated provisions relating to minimum wage, overtime, or wage payment unless the employer shows the act or omission constituting a violation was in good faith and the employer had reasonable grounds for believing the act or omission was not a violation of this article.

Amends GS 95-25.22 adding subsection (a2) clarifying liability of an employer found in violation of GS 95-25.13 to be in the form of actual damages, including but not limited to lost wages and benefits plus interest.

Amends GS 95-25.22 adding subsection (a3) expanding the forms of damages available to employees to include statutory damages of up to \$500 per employee per violation.

Amends GS 95-25.22(d) to require awarding costs and fees and attorneys' fees in addition to a judgment awarded to a plaintiff.

Amends GS 95-25.22 adding an exception to the statute of limitations for actions arising out of a willful violation. Such actions may be brought within three years. Actions may also be brought within one year after notification to the employee of final disposition by the state of a complaint for the same violation.

Amends GS 95-25.23 expanding civil penalties to include violations of provisions relating to minimum wage, overtime, youth employment, wage payment, or notification.

Enacts GS 95-25.23D entitling an employee to enumerated liens for the purpose of wage claims and collections under this Article and outlining perfection and priority of liens. Liens recorded pursuant to subsection (f) take precedence over all other debts, decrees, liens, or mortgages against the employer. A successful action to foreclose a lien pursuant to this section entitles the employee to court costs and reasonable attorney's fees. Provides further regulations of the liens.

#### Section 6.1

Adds a new Article 17, Fair Assessment of Persons with Criminal Histories, to GS Chapter 126. Defines the following terms as they apply in this Article: (1) criminal history means a state or federal history of conviction for a misdemeanor or felony relevant to an applicant's fitness for public employment but does not include a record of arrest that did not result in a conviction; (2) hiring authority means an agent responsible by law for the hiring of persons for public employment; and (3) public employment means any employment, including seasonal or temporary work, where the State or any local political subdivision of the State is the employer.

Prohibits a hiring authority from (1) asking about or considering the criminal history of an applicant for public employment or (2) including such an inquiry on any initial employment application form until the hiring authority has made a conditional offer of employment to the applicant. Declares that this Article does not apply to public employment in positions where the hiring authority is required by law to consider the applicant's criminal record. Provides that nothing in this Article is to be construed to prevent any hiring authority in its discretion from adopting the provisions of this Article.

Prohibits any person from being disqualified for public employment solely or in part because of a previous conviction except as otherwise required by law or if the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after all of the following factors are considered: (1) the level and seriousness of the crime; (2) the date of the crime; (3) the age of the person at the time of conviction; (4) the circumstances surrounding the commission of the crime; (5) the connection between the criminal conduct and the duties of the position; (6) the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and (7) the subsequent commission of a crime by the person. Clarifies that an arrest record that did not result in a conviction cannot be the basis for disqualification from public employment.

Requires a hiring authority to inform an individual of a potential adverse hiring decision based on the background check and provide the applicant an opportunity to provide evidence that the report is incorrect or inaccurate.

Specifies criteria governing data to be collected by the Office of State Personnel.

Declares that the provisions of this Article apply to all applicants for public employment. Makes a conforming change to GS 126-5.

Effective when the act becomes law and applies to applications for employment made on or after that date.

#### Section 7.1

Repeals GS 95-98 (prohibiting public employee union collective bargaining agreements).

#### Section 8.1

Reenacts GS 105-151.31 (earned income tax credit), which provides an individual who claims an income tax credit under section 32 of the Internal Revenue Code (IRS Code) for the taxable year with a credit against the tax imposed by the Individual Income Tax Act (Act), as it existed immediately before its specified sunset expiration. Also amends the statute by establishing that the allowable credit against the tax imposed by the Act is to be equal to 5% (was, a percentage of up to 5% based on the taxable year) of the amount of credit the individual qualified for under section 32 of the Code. Amends the sunset provision to repeal the statute effective for taxable years beginning on or after January 1, 2021.

Effective for taxable years on or after January 1, 2017.

#### Section 9.1

Reenacts GS 105-151.11 (tax credit for child care), which provides an individual who claims an income tax credit under section 21 of the IRS Code for the taxable year to receive a credit against the tax imposed by the Act as it existed immediately before its specified sunset expiration. Makes a conforming change to the statute.

Effective for taxable years beginning on or after January 1, 2017.

#### Section 10.1

Act is effective when it becomes law, except as otherwise provided.

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections  
(Sentencing/Probation), Criminal Law and Procedure,  
Employment and Retirement, Government, Tax**

## LOCAL/HOUSE BILLS

H 12 (2017-2018) **COMMUNITY COLLEGE BOARDS OF TRUSTEES (NEW)**. Filed Jan 25 2017, *AN ACT TO MODIFY THE APPOINTMENT METHODS OF CERTAIN COMMUNITY COLLEGE BOARDS OF TRUSTEES*.

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

Amendment #1 makes the proposed changes to GS 115D-12 set out in Section 2 of the act, concerning the appointment of the Cleveland Community College board of trustees, also applicable to the Davidson County Community College board of trustees. Makes conforming changes. Eliminates Davidson County Community College from the proposed changes to GS 115D-12 set out in Section 3 of the act that apply to Brunswick Community College, Craven Community College, Gaston College, James Sprunt Community College, Lenoir Community College, and Rowan-Cabarrus Community College.

Amendment #2 amends proposed changes to GS 115D-12(a) as set forth in Sections 1, 2, and 3 of the act, concerning the appointment of the board of trustees to the community colleges identified in each section by the General Assembly. Requires the Speaker and the President Pro Tempore to consult with their respective members whose districts include counties within the administrative areas of the identified community college prior to recommending individuals for appointments to the specified terms.

**Intro. by Burr:**

**Brunswick, Cabarrus, Cleveland, Craven, Davidson, Duplin,  
Gaston, Lenoir, Rowan, Stanly**

[View summary](#)

**Education, Higher Education**

H 14 (2017-2018) **COMMUNITY COLLEGE BOARDS OF TRUSTEES**. Filed Jan 25 2017, *AN ACT TO MODIFY THE APPOINTMENT METHODS OF CERTAIN COMMUNITY COLLEGE BOARD OF TRUSTEES*.

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

Amendment #1 makes a technical change to Section 1.(b) of the act.

Amendment #2 makes the proposed changes to GS 115D-12 set out in Section 1 of the act, concerning the appointment of the Cape Fear Community College, Montgomery Community College, Nash Community College, and Wayne Community College board of trustees, also applicable to the Rockingham Community College board of trustees.

Amendment #3 amends proposed changes to GS 115D-12(a) as set forth in Sections 1 and 2 of the act, concerning the appointment of the board of trustees to the community colleges identified in each section by the General Assembly. Requires the Speaker and the President Pro Tempore to consult with their respective members whose districts include counties within the administrative areas of the identified community college prior to recommending individuals for appointments to the terms as previously specified.

**Intro. by Burr:**

**Montgomery, Nash, New Hanover, Rockingham, Rutherford,  
Wayne**

[View summary](#)

**Education, Higher Education**

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

House committee substitute makes the following changes to the 1st edition. Amends Section 1 of the act by correcting the references to the Session Laws that have previously amended SL 1947-926.

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

[Mecklenburg](#)

[View summary](#)

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

H 151 (2017-2018) [STANLY CTY/ECONOMIC DEVELOPMENT COMMISSION](#). Filed Feb 21 2017, *AN ACT CHANGING THE COMPOSITION OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION AND MAKING TECHNICAL CHANGES TO THE ACT THAT CREATED THE COMMISSION*.

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

Further amends SL 1961-141, as amended, concerning the Economic Development Commission (Commission) of Stanly County, to direct the Board of County Commissioners (Board) to fill a vacancy in the membership of the Commission in the event of death, resignation, or otherwise. Requires that if the member who vacated the seat represented business or industry from one of the Board's five electoral districts, the vacancy must be filled by a person representing the same filing district as the member being replaced.

Clarifies that Board approval is required before the County Manager can appoint the executive officer of the Commission.

Eliminates provisions authorizing the Board of Commissioners of Stanly County to call a special election for voters to approve levying an economic development tax (previous edition made technical changes to these provisions).

Makes technical and clarifying changes.

**Intro. by Burr.**

[Stanly](#)

[View summary](#)

H 231 (2017-2018) [SCHOOL CALENDAR FLEX./MARTIN COUNTY](#). Filed Mar 1 2017, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO MARTIN COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Includes several whereas clauses.

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 board of education for the Martin County Schools with additional flexibility in adopting their school calendars by requiring the opening date for students be set no earlier than the Monday closest to August 10 (currently August 26). Establishes that all first semester examinations can be given before winter break, regardless of the opening date selected for students. Eliminates provisions authorizing the State Board of Education to grant a waiver to allow the opening date for students to be earlier than the specified date on a showing of good cause.

Applies only to the Martin County Schools. Applies beginning with the 2017-18 school year.

**Intro. by Willingham.**

[Martin](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 234 (2017-2018) [SCHOOL CALENDAR FLEX./CALDWELL COUNTY](#). Filed Mar 1 2017, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CALDWELL COUNTY SCHOOLS 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 board of education for the Caldwell County Schools with additional flexibility in adopting its school calendar. Limits application of this provision to the Caldwell County Schools.

Applies beginning with the 2017-18 school year.

**Intro. by Destin Hall.**

Caldwell

[View summary](#)

**Education, Elementary and Secondary Education**

## LOCAL/SENATE BILLS

S 164 (2017-2018) [27TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 1 2017, *AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.*

Blank bill.

**Intro. by Wade.**

Guilford

[View summary](#)

S 167 (2017-2018) [30TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Mar 1 2017, *AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.*

Blank bill.

**Intro. by Randleman.**

Stokes, Surry, Wilkes

[View summary](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

### **H 5: UNEMPLOYMENT INSURANCE 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 9: ALLOW ELECTION DAY SERVICE - RETIRED LEOS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

### **H 24: STUDY UNFUNDED LIABILITY/RETIREE HEALTH FUND.**

*House: Reptd Fav Com Substitute*  
*House: Cal Pursuant Rule 36(b)*  
*House: Placed On Cal For 03/02/2017*

**H 31: MATERIAL FACT DISCLOSURE CLARIFICATIONS.**

*House: Reptd Fav Com Substitute*  
*House: Cal Pursuant Rule 36(b)*  
*House: Placed On Cal For 03/02/2017*

**H 32: LIMITED CIVIL IMMUNITY/SKI PATROL VOLUNTEERS.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

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

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

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

*House: Placed On Cal For 03/02/2017*

**H 81: STI/REGIONAL & DIVISION WEIGHTING.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

**H 87: ESSA PLAN SUBMISSION.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

**H 92: BLUE RIBBON COMMITTEE/TRANSPORTATION FUNDING.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

**H 97: ARTS EDUCATION REQUIREMENT.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

**H 98: CRIM. OFFENSE/VANDALIZE FIRE & EMS EQUIPMENT.**

*House: Placed On Cal For 03/02/2017*

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

*Senate: Withdrawn From Com*  
*Senate: Re-ref to Select Committee on Elections. If fav, re-ref to Rules and Operations of the Senate*  
*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Re-ref Com On Rules and Operations of the Senate*

**H 115: RETIREMENT TECHNICAL CORRECTIONS ACT OF 2017.-AB**

*House: Reptd Fav*  
*House: Re-ref Com On Appropriations*

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

*Senate: Withdrawn From Com*  
*Senate: Re-ref to Select Committee on Elections. If fav, re-ref to Rules and Operations of the Senate*  
*Senate: Reptd Fav*  
*Senate: Re-ref Com On Rules and Operations of the Senate*



**H 126: CONDUCT AND DISCIPLINE FOR MAGISTRATES.**

*House: Reptd Fav Com Substitute*

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

**H 142: INCREASE OVERSIGHT OF OLBS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 157: CERTIFYING QUESTION MECHANISM.**

*House: Withdrawn From Com*

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

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

*House: Passed 3rd Reading*

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

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/02/2017*

**H 194: SBCC ELECTIONS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 201: NC CONSTITUTIONAL CARRY ACT.**

*House: Passed 1st Reading*

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

**H 204: SCHOOL-JUSTICE PARTNERSHIP/TRAINING SROS.**

*House: Passed 1st Reading*

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

**H 205: WORKERS' COMPENSATION/PRISON INMATES.**

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary III*

**H 206: NC CANCER TREATMENT FAIRNESS.**

*House: Passed 1st Reading*

*House: Ref To Com On Health*

**H 207: MOTORCYCLE LICENSE/EXEMPT ANTIQUE SCOOTERS.**

*House: Passed 1st Reading*

*House: Ref To Com On Transportation*

**H 208: OCCUP. THERAPY/CHOICE OF PROVIDER.**

*House: Passed 1st Reading*

*House: Ref To Com On Insurance*

**H 215: STATE OF STATE.**

*House: Rules Suspended*

*House: Passed 1st Reading*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/02/2017*

**H 219: TRANSPORTATION MEGAPROJECT FUNDING.**

*House: Filed*

**H 220: STATE INFRASTRUCTURE BANK REVISIONS.**

*House: Filed*

**H 221: REPEAL HB2.**

*House: Filed*

**H 222: STATE AUDITOR/SHARING RECORDS.-AB**

*House: Filed*

**H 223: DISABLED VETERAN PLATE FOR MOTORCYCLES.**

*House: Filed*

**H 224: WARRANT CHECK OF INMATES IN CUSTODY.**

*House: Filed*

**H 225: PROPERTY TAKEN NOT PRECLUDE ATTEMPTED ROBBERY.**

*House: Filed*

**H 226: CONSULTATION REQUIREMENTS FOR DHHS.**

*House: Filed*

**H 227: PRESERVE TENANCY BY THE ENTIRETY.**

*House: Filed*

**H 228: POSTPONE ASSUMED NAME REVISIONS.**

*House: Filed*

**H 229: GSC TECHNICAL CORRECTIONS 2017.**

*House: Filed*

**H 230: REVISED UNIFORM ATHLETE AGENTS ACT.**

*House: Filed*

**H 232: MAIN STREET FUNDING FOR POOREST COUNTIES.**

*House: Filed*

**H 233: BAN THE BOX.**

*House: Filed*

**H 235: TEACHER MENTOR QUALIFICATIONS.**

*House: Filed*

**H 236: NCAOC OMNIBUS BILL.**

*House: Filed*

**H 237: AMEND EXPUNCTION.**

*House: Filed*

**H 238: ECONOMIC SECURITY ACT OF 2017.**

*House: Filed*

**H 239: REDUCE COURT OF APPEALS TO 12 JUDGES.**

*House: Filed*

**H 240: GA APPOINT FOR DISTRICT COURT VACANCIES.**

*House: Filed*

**H 241: SPECIAL SUP. CT. JUDGESHIP APPOINTED BY GA.**

*House: Filed*

**S 15: TEACHERS/ISOLATED K-12 SCHOOLS.**

*Senate: Withdrawn From Com*

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

**S 81: SALES TAX ECONOMIC NEXUS FOR REMOTE SALES.**

*Senate: Withdrawn From Com*

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

**S 88: LANDLORD/TENANT-ALIAS & PLURIES SUMMARY EJECT.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Rules and Operations of the Senate*

**S 134: SENATE 2017 UNC BOARD OF GOVERNORS ELECTION.**

*Senate: Reptd Fav*

**S 136: RESTORE PARTISAN ELECTIONS/SUP. & DIST. COURT.**

*Senate: Passed 1st Reading*

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

**S 137: SURCHARGE TRANSPARENCY.**

*Senate: Passed 1st Reading*

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

**S 138: ACCOUNTABILITY FOR TAXPAYER INVESTMENT BOARD.**

*Senate: Passed 1st Reading*

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

**S 140: REVISE STATE NATURE AND HISTORIC PRESERVE.**

*Senate: Passed 1st Reading*

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

**S 141: DESIGNATE OFFICIAL STATE GOLD FESTIVAL.**

*Senate: Passed 1st Reading*

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

**S 142: DESIGNATE OFFICIAL STATE SPIDER.**

*Senate: Passed 1st Reading*

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

**S 143: CDBG: MODIFY USES TO INCLUDE SCATTERED SITES.**

*Senate: Passed 1st Reading*

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

**S 145: GOVERNMENT IMMIGRATION COMPLIANCE.**

*Senate: Passed 1st Reading*

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

**S 146: JUVENILE REINVESTMENT ACT.**

*Senate: Passed 1st Reading*

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

**S 147: REENACT SCHOOL SALES TAX HOLIDAY.**

*Senate: Passed 1st Reading*

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

**S 148: JUROR EXCUSED BY CLERK OF SUP. CT.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

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

**S 149: MODIFY SCHOOL PERFORMANCE GRADES.**

*Senate: Passed 1st Reading*

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

**S 150: AUTO INS./NOTICE TO LIENHOLDER OF TERMINATION.**

*Senate: Passed 1st Reading*

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

**S 151: INACCESSIBLE LIQUID RESOURCES/D-SNAP.**

*Senate: Passed 1st Reading*

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

**S 152: NC CANCER TREATMENT FAIRNESS.**

*Senate: Passed 1st Reading*

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

**S 153: MILITARY STATE INCOME TAX RELIEF.**

*Senate: Filed*

**S 154: CHARITABLE FUNDRAISING FOR NONPROFIT ORGS.**

*Senate: Filed*

**S 155: ECONOMIC & JOB GROWTH FOR NC DISTILLERIES.**

*Senate: Filed*

**S 156: PLUMBING & HEATING CONTRACTORS CHANGES.**

*Senate: Filed*

**S 157: AMEND LAWS REGARDING MENTAL COMMITMENT BARS.**

*Senate: Filed*

**S 158: ENGLISH PROFICIENCY REQ./MASSAGE THERAPY LIC.**

*Senate: Filed*

**S 159: ACCESS TO SPORTS/EXTRACURR. FOR ALL STUDENTS.**

*Senate: Filed*

**S 160: HANDICAP PARKING PRIVILEGE CERTIFICATION.**

*Senate: Filed*

**S 161: CONFORMING CHANGES LME/MCO GRIEVANCES/APPEALS.**

*Senate: Filed*

**S 162: LEO ASSISTANCE AND PROTECTION ACT OF 2017.**

*Senate: Filed*

**S 163: SOLID WASTE AMENDMENTS.**

*Senate: Filed*

**S 165: WORKERS' COMP./CLARIFY MEDICARE METHODOLOGY.**

*Senate: Filed*

**S 166: EXPAND LOCAL OPTION SALES TAX FOR EDUCATION.**

*Senate: Filed*

**S 168: SUBSIDY RECIPIENTS TO COOPERATE/CHILD SUPPORT.**

*Senate: Filed*

**S 169: TEACHING EXCELLENCE BONUS EXPANSION.**

*Senate: Filed*

**S 170: REMOVE LIMITS ON LIGHT RAIL FUNDING.**

*Senate: Filed*

**S 171: REMOVE LIMITS ON LIGHT RAIL FUNDING.**

*Senate: Filed*

**S 172: REMOVE LIMITS ON LIGHT RAIL FUNDING.**

*Senate: Filed*

**S 173: HOUSING JUVENILES UNDER 18 IN COUNTY FACILITY.**

*Senate: Filed*

**S 174: ECONOMIC SECURITY ACT OF 2017.**

*Senate: Filed*

**LOCAL BILLS**

**H 12: COMMUNITY COLLEGE BOARDS OF TRUSTEES (NEW).**

*House: Amend Adopted A1*

*House: Amend Adopted A2*

*House: Passed 2nd Reading*

**H 14: COMMUNITY COLLEGE BOARDS OF TRUSTEES.**

*House: Amend Adopted A1*

*House: Amend Adopted A2*

*House: Amend Adopted A3*

*House: Passed 2nd Reading*

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

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Pensions and Retirement*

**H 151: STANLY CTY/ECONOMIC DEVELOPMENT COMMISSION.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/02/2017*

**H 202: SCHOOL CALENDAR FLEX./RUTHERFORD COUNTY.**

*House: Passed 1st Reading*

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

**H 203: SCHOOL CALENDAR FLEX./WATAUGA COUNTY.**

*House: Passed 1st Reading*

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

**H 209: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.**

*House: Passed 1st Reading*

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

**H 210: SCHOOL CALENDAR FLEXIBILITY/GUILFORD COUNTY.**

*House: Passed 1st Reading*

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

**H 211: INCREASE SAMPSON COUNTY OCCUPANCY TAX AUTH.**

*House: Passed 1st Reading*

*House: Ref to the Com on State and Local Government II, if favorable, Finance*

**H 231: SCHOOL CALENDAR FLEX./MARTIN COUNTY.**

*House: Filed*

**H 234: SCHOOL CALENDAR FLEX./CALDWELL COUNTY.**

*House: Filed*

**S 135: DOMESTIC VIOLENCE FATALITY REVIEW IN BUNCOMBE.**

*Senate: Passed 1st Reading*

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

**S 139: 47TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

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

**S 144: FAYETTEVILLE/SMALL BUSINESS ENTERPRISE PGM.**

*Senate: Passed 1st Reading*

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

**S 164: 27TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Filed*

**S 167: 30TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Filed*