

The Daily Bulletin: 2017-03-20

PUBLIC/HOUSE BILLS

H 119 (2017-2018) [CLARIFY VACANCY ELECTIONS - COUNTY COMMISSIONER](#). Filed Feb 15 2017, *AN ACT TO CLARIFY THE TIME OF THE NEXT GENERAL ELECTION TO FILL CERTAIN VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER.*

AN ACT TO CLARIFY THE TIME OF THE NEXT GENERAL ELECTION TO FILL CERTAIN VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER. Enacted March 16, 2017. Effective March 16, 2017.

Intro. by Lewis, Bert Jones.

[GS 153A](#)

[View summary](#)

[Government, Elections, Local Government](#)

H 405 (2017-2018) [IMPACT FEES/REFUND TO HOMEOWNERS](#). Filed Mar 20 2017, *AN ACT PROVIDING THAT HOMEBUILDERS WHO ARE REFUNDED IMPACT FEES BECAUSE THE CITY OR COUNTY LACKED AUTHORITY TO IMPOSE THE FEES SHALL REIMBURSE HOMEOWNERS WHO PAID ANY PORTION OF THE FEES AS PART OF THE PURCHASE PRICE OF THEIR HOME.*

Enacts new GS 153A-327 (regarding counties) and GS 160A-367 (regarding cities), both captioned "Impact fees imposed without authority." Requires homebuilders to refund impact fees (fees that require a developer or homeowner to pay an amount to help defray capital costs associated with new construction) to homeowners who paid any portion of the fee as part of the purchase price of the home, when the homebuilder is awarded a refund of the impact fees paid to a city or county due to the ordinance imposing the fees exceeding the city or county's authority under law.

Intro. by Stevens.

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

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Property and Housing, Government, Local Government](#)

H 406 (2017-2018) [REPEAL ORANGE COUNTY IMPACT FEES](#). Filed Mar 20 2017, *AN ACT REPEALING THE AUTHORITY OF ORANGE COUNTY TO IMPOSE IMPACT FEES.*

Repeals SL 1987-460, Title VI, as amended, which authorized Orange County to adopt a system of impact fees to be paid by developers to help defray costs to the County for capital improvements.

Intro. by Stevens.

[Orange](#)

[View summary](#)

H 409 (2017-2018) [STATE AGENCIES/ADJUST HIRING PRACTICES](#). Filed Mar 20 2017, *AN ACT DIRECTING STATE AGENCIES TO ADJUST EMPLOYMENT PRACTICES TO REDUCE BARRIERS TO EMPLOYMENT FOR INDIVIDUALS WITH A CRIMINAL HISTORY.*

Enacts new GS 126-20 (State agency hiring practices; criminal histories). Applies to all State agencies and State government employment, except for public employers required by State or federal law to conduct a criminal history inquiry as a preliminary qualification to be considered for public employment, positions that include law enforcement or public safety, and positions that involve direct interaction with minors or the elderly.

Provides that applicants for State jobs will not be asked to disclose information regarding the applicant's criminal record or history until the applicant has signed the appropriate waiver authorizing release, is being considered for a specific position, and has received an interview.

Establishes five criteria for the State agency to consider before either proffering or denying an offer of employment to an applicant with a criminal history, including the nature and gravity of the offense. Requires the agency to inform the applicant of the potential adverse employment decision prior to a final decision, and provide the applicant the opportunity to demonstrate that the criminal background check was inaccurate.

Provides that arrests not resulting in conviction may not be the basis of disqualification for public employment.

Authorizes applicants to file a grievance for violations of this statute under GS 126-34.01 (Grievance, resolution) and GS 126-34.02 (Grievance appeal process, grounds).

Directs the Office of State Human Resources to record and log the positions statutorily required to conduct background checks, determine compliance with this statute on a quarterly basis and report annually on its findings to the General Assembly, and to collect and make available to the public specified data related to this statute.

Encourages comparable hiring practices among local governments and private employers.

Includes General Assembly findings and defines terms used in the statute.

Amends GS 126-34.02(b) and GS 126-5 to make conforming changes.

Intro. by R. Turner, Hardister, Grange, Pierce.

GS 126

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Employment and Retirement,
Government, State Agencies, State Government, State
Personnel**

H 410 (2017-2018) **ROOT OUT POVERTY/TASK FORCE FUNDS**. Filed Mar 20 2017, *AN ACT CREATING A STATEWIDE POVERTY TASK FORCE, ESTABLISHING TWO NEW PERSONNEL POSITIONS IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES DEDICATED TO POVERTY REDUCTION AND ECONOMIC RECOVERY, AND APPROPRIATING FUNDS FOR THOSE PURPOSES.*

Enacts new Article 82 in GS Chapter 143, creating the North Carolina Statewide Poverty Task Force (Task Force) within the Department of Health and Human Services (DHHS). Provides for membership of the Task Force to include 15 voting members appointed by the Speaker of the House, the President Pro Tempore, and the Governor, as well as seven nonvoting, ex officio members, as specified. Sets forth provisions for the appointment of cochaIRS, filling member vacancies, Task Force meetings, and member expenses. Sets forth powers and duties of the Task Force, including the duty to develop an integrated and ongoing approach among State entities to reduce poverty in the State by establishing and implementing poverty reduction targets. Requires the Task Force to submit a report to the Governor and the General Assembly beginning January 1, 2018, and biennially thereafter, containing recommendations to reduce poverty and increase economic recovery. Directs the Task Force to determine whether there has been a reduction in poverty in the State beginning January 1, 2019, and biennially thereafter. Directs the Task Force to make its final report when the Task Force determines that poverty has been reduced by at least 50%. Terminates the Task Force upon submitting its final report.

Appropriates to DHHS \$150,000 for the 2017-18 fiscal year and \$150,000 for the 2018-19 fiscal year from the General Fund to fund the work of the Task Force. Appropriates to DHHS from the General Fund \$150,000 for the 2017-18 fiscal year and \$150,000 for the 2018-19 fiscal year to fund the salaries and support costs associated with two new personnel positions within

DHHS dedicated to staffing the Task Force and implementing interdepartmental collaboration among State entities to advance poverty reduction and economic recovery in the State.

Effective July 1, 2017.

Intro. by Pierce.

APPROP, STUDY, GS 143

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Public Assistance

H 411 (2017-2018) [HYPERTENSION AWARENESS DAY](#). Filed Mar 20 2017, *AN ACT DESIGNATING THE THIRD WEDNESDAY IN MAY OF EACH YEAR AS HYPERTENSION/HIGH BLOOD PRESSURE AWARENESS DAY.*

Identical to [S 317](#), filed 3/16/17.

Enacts new GS 103-15, as the title indicates.

Intro. by Carney, Murphy, Holley, Yarborough.

GS 103

[View summary](#)

Government, Cultural Resources and Museums, Health and Human Services, Health

H 412 (2017-2018) [UNC PUBLIC RECORDS/ATHLETIC CONFERENCES](#). Filed Mar 20 2017, *AN ACT TO PROVIDE THAT COMMUNICATIONS AND OTHER DOCUMENTARY MATERIAL POSSESSED BY THE UNIVERSITY OF NORTH CAROLINA OR ANY OF ITS CONSTITUENT INSTITUTIONS REGARDING MEMBERSHIP IN THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), IN THE ATLANTIC COAST CONFERENCE (ACC) OR OTHER NCAA CONFERENCES, OR IN ANY OTHER COLLEGIATE SPORTS ASSOCIATION OR ORGANIZATION ARE PUBLIC RECORDS.*

Enacts new GS 132-1.3A to categorize the following as public records (as defined in GS 132-1): all documents, papers, letters, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material in the possession of UNC or any of its constituent institutions related to membership in or communication with the National Collegiate Athletic Association (NCAA), the Atlantic Coast Conference, or any other athletic conference in any division of the NCAA, or any other collegiate sports association or organization.

Intro. by Bert Jones, Blust, Collins, Jordan.

GS 132

[View summary](#)

Education, Higher Education, Government, Public Records and Open Meetings, State Agencies, UNC System

H 413 (2017-2018) [LIMIT LEGISLATIVE SERVICE TO 16 YEARS](#). Filed Mar 20 2017, *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO LIMIT SERVICE IN THE GENERAL ASSEMBLY TO SIXTEEN YEARS.*

Subject to approval by voters at the statewide election in November 2018, adds new Section 25 to Article II of the North Carolina Constitution restricting service in the North Carolina General Assembly to no more than 16 years, not including terms of office beginning before January 1, 2019. If approved, effective upon the convening of the General Assembly on or after January 1, 2019.

Intro. by Bert Jones, Stevens, Riddell, Faircloth.

CONST

PUBLIC/SENATE BILLS

S 318 (2017-2018) [SCHOOL CALENDAR FLEXIBILITY/PED REPORT](#). Filed Mar 20 2017, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO SCHOOLS AND SCHOOL DISTRICTS IDENTIFIED AS LOW-PERFORMING*.

Amends GS 115C-84.2 to provide flexibility in setting the opening and closing dates for low-performing schools. Requires a local board of education to determine the opening and closing dates for any specific school in the local school administrative unit identified as a low-performing school in the previous school year. Requires the local school board to thereafter determine the dates for opening and closing regardless of whether the school is identified as low performing in subsequent school years if the school receives a school performance grade of D or F. Provides that if in three subsequent, consecutive years, the school is not identified as low-performing and receives a grade of C or higher, the local board of education must determine the opening and closing dates for that school in the following year under the current statutory provisions. Requires the local board of education to determine the opening and closing dates for all schools in a local school administrative unit that was identified as low-performing in the previous school year. Provides that if in three subsequent, consecutive years, the local school administrative unit is not identified as low-performing, the local board of education must determine the opening and closing dates for that school in the following year under the current statutory provisions.

Requires the Department of Public Instruction to study whether the modified calendar has an effect on student performance, including reviewing specified types of information. Requires DPI to compare low-performing schools following the traditional calendar to low-performing schools following the modified calendar and requires DPI to report the results annually to the Joint Legislative Education Oversight Committee by March 15, beginning in 2019.

Amends GS 115C-105.27 by adding that if a local board of education adopts a modified calendar, the school improvement team for each school operating under the modified calendar must include five specified pieces of information in its school improvement plan, including an outline of the goals to be achieved by operating under a modified calendar, a description of the calendar, and a description of how the school will measure student and parent satisfaction with the modified calendar to determine how it is affecting families.

Applies beginning with the 2017-18 school year.

Intro. by Foushee, Robinson, Smith-Ingram.

[GS 115C](#)

**Education, Elementary and Secondary Education,
Government, State Agencies, Department of Public
Instruction**

[View summary](#)

LOCAL/HOUSE BILLS

H 407 (2017-2018) [CABARRUS COUNTY COMMISSIONERS REDISTRICTING](#). Filed Mar 20 2017, *AN ACT TO PROVIDE FOR A REFERENDUM TO INCREASE THE SIZE OF THE BOARD OF COMMISSIONERS OF CABARRUS COUNTY AND TO PROVIDE FOR SIX ELECTORAL DISTRICTS AND ONE AT-LARGE SEAT FOR THAT BOARD*.

Allows a referendum, to be held in Cabarrus County on November 6, 2018, to add two seats to the Cabarrus County Board of Commissioners effective in 2020. Divides Cabarrus County into six districts, as described, and assigns one commissioner seat to each district, with the final commissioner seat being elected from the county at large. Sets staggered elections for the Board of Commissioners, with three or four seats on the Board being elected every two years, to four-year terms. Sets the text of the referendum.

Amends SL 1977-205, Section 1, as described above, effective upon the passing of the referendum described above. Provides that commissioners elected in 2018 whose terms would expire in 2022 will serve two-year terms if the referendum passes.

Intro. by Pittman.

Cabarrus

[View summary](#)

Government, Elections

H 408 (2017-2018) [FILLING VACANCY/CABARRUS COUNTY BD. OF COMM.](#) Filed Mar 20 2017, *AN ACT TO PROVIDE THAT VACANCIES ON THE CABARRUS COUNTY BOARD OF COMMISSIONERS ARE FILLED IN ACCORDANCE WITH G.S.153A-27.1.*

As title indicates, provides that vacancies on the Cabarrus County Board of Commissioners are to be filled in accordance with the provisions of GS 153A-27.1, which sets forth parameters for the eligibility, appointment, and term of the person filling a vacancy on boards of commissioners for the specified counties.

Intro. by Pittman.

Cabarrus

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 235: TEACHER MENTOR QUALIFICATIONS.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 260: ATTORNEY GENERAL/NORTH SHORE RD. PAYMENT.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 384: INCREASE PENALTIES/ORGANIZED RETAIL THEFT.

House: Passed 1st Reading

House: RefTo Com On Judiciary II

H 386: INTENSIVE FAMILY PRESERVATION SERVICES FUNDS.

House: Passed 1st Reading

House: RefTo Com On Appropriations

H 387: CORNER STORE INITIATIVE.

House: Passed 1st Reading

House: Ref to the Com on Agriculture, if favorable, Appropriations

H 388: MODERNIZE MUTUAL ASSISTANCE STATUTES.

House: Passed 1st Reading

House: RefTo Com On State and Local Government II

H 389: SCHOOL CALENDAR FLEXIBILITY PILOT PROGRAM.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Commerce and Job Development

H 390: COUNTIES/INTERNET INFRASTRUCTURE.

House: Passed 1st Reading

House: RefTo Com On State and Local Government II

H 391: AMERICAN ECONOMIC RECOVERY.

House: Passed 1st Reading

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

H 392: NOTARY PUBLIC/NONCITIZENS.

House: Passed 1st Reading

House: RefTo Com On Judiciary I

H 395: ADD MEMBER TO NC TRAINING STANDARDS COMMISS.

House: Passed 1st Reading

House: RefTo Com On State and Local Government II

H 396: MUNICIPAL BROADBAND SERVICE AREA.

House: Passed 1st Reading

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

H 399: STOP IMAGES TAKEN W/O CONSENT FROM DISSEMIN.

House: Passed 1st Reading

House: RefTo Com On Judiciary II

H 400: EXEMPT VACATION LINEN RENTALS FROM SALES TAX.

House: Passed 1st Reading

House: RefTo Com On Finance

H 401: SUPPORTING CLEAN ENERGY/CREATING GREEN JOBS.

House: Passed 1st Reading

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

H 402: LIMIT ENV. LIABILITY FOR CERTAIN RECYCLERS.

House: Passed 1st Reading

House: RefTo Com On Environment

H 403: LME/MCO CLAIMS REPORTING/MENTAL HEALTH AMDTS.

House: Passed 1st Reading

House: Ref to the Com on Health Care Reform, if favorable, Appropriations

H 405: IMPACT FEES/REFUND TO HOMEOWNERS.

House: Filed

H 406: REPEAL ORANGE COUNTY IMPACT FEES.

House: Filed

H 409: STATE AGENCIES/ADJUST HIRING PRACTICES.

House: Filed

H 410: ROOT OUT POVERTY/TASK FORCE FUNDS.

House: Filed

H 411: HYPERTENSION AWARENESS DAY.

House: Filed

H 412: UNC PUBLIC RECORDS/ATHLETIC CONFERENCES.

House: Filed

H 413: LIMIT LEGISLATIVE SERVICE TO 16 YEARS.

House: Filed

S 8: EASE OCC. LIC. BURDENS ON MILITARY FAMILIES.

House: Regular Message Received From Senate

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

House: Regular Message Received From Senate

S 69: LOCAL GOV'T COMM/FINANCE OFFICER TRAINING.

House: Regular Message Received From Senate

S 100: AERIAL ADVENTURE FINANCIAL RESPONSIBILITY.

House: Regular Message Received From Senate

S 131: REGULATORY REFORM ACT OF 2016.

House: Regular Message Received From Senate

S 292: ORDINANCE VIOLATION NOT A MISDEMEANOR.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

S 301: NEED-BASED SCHOLARSHIPS/PRIVATE COLLEGES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 302: CONCUSSION PROTOCOL/COUNTY REC.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 303: USE OF PASSING LANE/INCREASED PENALTY.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 304: REQUIRED FINANCIAL AUDITS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 305: RAISE AWARENESS ABOUT ALZHEIMER'S & DEMENTIAS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 306: SUBDIVIDE MECKLENBURG COUNTY DISTRICT COURTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 307: OCCUP. THERAPY/CHOICE OF PROVIDER.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 308: AMEND VARIOUS DWI STATUTES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 309: 9/11 AS FIRST RESPONDERS DAY.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 310: ADVISORY COUNCIL REVIEW OF RARE DISEASE BILLS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

Senate: Withdrawn From Com

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

S 311: DHHS STUDY/MATERNAL AND NEONATAL CARE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 312: SURPLUS COMPUTERS FOR LOW-INCOME STUDENTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 313: INCREASE SMALL BREWERY LIMITS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 314: GIVE RETIREES 2% COLA/FUNDS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 315: IMPLEMENT UNC UNDERGRAD COMPLETION PLAN.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 316: SUICIDE PREVENTION/AWARENESS SCHOOL PERSONNEL.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 317: HYPERTENSION AWARENESS DAY.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 318: SCHOOL CALENDAR FLEXIBILITY/PED REPORT.

Senate: Filed

LOCAL BILLS

H 42: ROWAN-SALISBURY BD. OF ED. ELECTION METHOD.

House: Passed 2nd Reading

House: Amend Failed A1

House: Passed 3rd Reading

H 385: IMPAIRED HUNTING/ORANGE COUNTY.

House: Passed 1st Reading

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

H 393: MEBANE CHARTER REVISED & CONSOLIDATED.

House: Passed 1st Reading

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

H 397: CAROLINA SHORES DEANNEXATION.

House: Passed 1st Reading

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

H 398: BRUNSWICK COUNTY/MUNICIPAL MEALS TAXES.

House: Passed 1st Reading

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

H 407: CABARRUS COUNTY COMMISSIONERS REDISTRICTING.

House: Filed

H 408: FILLING VACANCY/CABARRUS COUNTY BD. OF COMM.

House: Filed

S 122: REPEAL CENTERVILLE CHARTER.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

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