

The Daily Bulletin: 2017-03-27**PUBLIC/HOUSE BILLS**

H 159 (2017-2018) [CHARTER SCHOOL TSERS ELECTION](#). Filed Feb 21 2017, *AN ACT TO EXTEND THE AMOUNT OF TIME A CHARTER SCHOOL HAS TO ELECT TO BECOME A PARTICIPATING EMPLOYER IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.*

House amendment #1 amends the proposed language in GS 135-5.3 to make a technical change.

Intro. by R. Turner, Williams.

GS 135

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 174 (2017-2018) [CONCEALED CARRY/CHURCH SCHOOL PROP.](#) Filed Feb 22 2017, *AN ACT TO PROVIDE THAT A PERSON WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY A HANDGUN ON EDUCATIONAL PROPERTY THAT IS THE LOCATION OF BOTH A SCHOOL AND A PLACE OF RELIGIOUS WORSHIP OUTSIDE THE OPERATING HOURS OF THE SCHOOL.*

House amendment amends proposed GS 14-269.2(k1) of the 2nd edition, clarifying that property owned by a local board of education or county commission is not to be construed as a building that is a place of religious worship as defined by GS 14-54.1 for purposes of new subsection (k1).

Intro. by R. Turner.

GS 14

[View summary](#)

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

H 482 (2017-2018) [COUNTY COMM. ROLE IN SCHOOL BLDG ACQUISITION](#). Filed Mar 27 2017, *AN ACT TO CLARIFY THE ROLE OF THE COUNTY COMMISSIONERS IN SCHOOL BUILDING ACQUISITION.*

Amends GS 115C-517 to require county commissioner approval of the amount that a local board of education may spend on acquiring a site for a schoolhouse or school facilities.

Intro. by Blackwell.

GS 115C

[View summary](#)

[Education, Elementary and Secondary Education, Government, Local Government](#)

H 483 (2017-2018) [VET. POSTTRAUMATIC STRESS/MITIGATING FACTOR](#). Filed Mar 27 2017, *AN ACT TO PROVIDE THAT A COURT MAY CONSIDER POSTTRAUMATIC STRESS DISORDER AS A MITIGATING FACTOR WHEN SENTENCING A PERSON WHO IS A VETERAN.*

Amends GS 15A-1340.16(e) concerning aggravated and mitigated sentences, enacting new subdivision (14a), which provides that it is a mitigating factor that the defendant has been diagnosed as suffering from posttraumatic stress disorder (PTSD) as a result of his or her military service and is undergoing treatment for that condition. Sets out and defines *PTSD* for use in this

section. Requires documentary evidence to be submitted to the court to verify military service and PTSD diagnosis. Effective October 1, 2017.

Intro. by G. Martin, Zachary, Reives, Rogers.

GS 15A

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Government, State Agencies,
Department of Military & Veterans Affairs**

H 484 (2017-2018) [SERVICEMEMBERS CIVIL RELIEF ACT](#). Filed Mar 27 2017, *AN ACT TO ENACT THE NORTH CAROLINA SERVICEMEMBERS CIVIL RELIEF ACT*.

Enacts new Article 4 (Servicemembers Civil Relief Act) in GS Chapter 127B, consisting of new GS 127B-25 through GS 127B-33.

Expands the definition of *military service* beyond its definition in the federal Servicemembers Civil Relief Act, 50 USC s. 3911(2), to include State active duty by a member of the North Carolina National Guard, under an order of the Governor, for a period of more than 30 consecutive days, and State active duty by members of other states' National Guard under an order of that state's Governor, for a period of more than 30 consecutive days. Applies the federal Servicemembers Civil Relief Act to servicemembers engaged in military service, as defined in this Article. Requires servicemembers who are the defined National Guard members under the expanded definition in this statute to give a person a written or electronic copy of an order to military service for that person to be subject to the remedies or penalties of this Article. Extends the rights and protections of the contract-termination provisions of this Act, described below, and of USC Title 50, Chapter 50, Subtitle 2 (Rent, Installment Contracts, Mortgages, Liens, Assignment, Leases, Telephone Service Contracts) to dependents of servicemembers engaged in military service. Authorizes servicemembers to terminate contracts for telecommunication, internet, television, or satellite radio service at any time after the date the servicemember receives an order to relocate for a period of military service of at least 90 days to a location that does not support the contract, without any early termination charge, or unusual or uncustomary resubscription fees, and with a refund for any fee paid for service that extends beyond the termination date of the contract. Provides a notice requirement, and provides that unpaid obligations at the time of termination remain the obligation of the servicemember. Authorizes the Attorney General or any aggrieved servicemembers to commence a civil action against persons who violate this Act, and provides remedies for their respective suits. Authorizes the court to assess a civil penalty of up to \$5,000 in a case brought by the Attorney General, and court costs in cases brought by aggrieved servicemembers. Supercedes any agreement that reduces, limits, or eliminates any right or benefit under this Article.

Enacts GS 127A-65 to direct the North Carolina National Guard to post a list of rights a servicemember or servicemember's dependent has under the state and federal Servicemembers Civil Relief Acts on its website.

Effective October 1, 2017, and applies to contracts entered into, renewed, or modified on or after that date.

Intro. by G. Martin, Grange.

GS 127A, GS 127B

[View summary](#)

**Business and Commerce, Consumer Protection,
Courts/Judiciary, Civil, Civil Law, Military and Veteran's
Affairs**

H 485 (2017-2018) [UNC & CC CREDIT/NATIONAL GD ON SAD](#). Filed Mar 27 2017, *AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND THE STATE COMMUNITY COLLEGE SYSTEM TO ADOPT AND IMPLEMENT A UNIFORM POLICY TO REQUIRE THAT A STUDENT WHO IS A NATIONAL GUARD SERVICE MEMBER PLACED ON ACTIVE DUTY STATUS BE GIVEN AN EXCUSED ABSENCE FOR THE PERIOD OF TIME THE STUDENT IS ON ACTIVE DUTY AND TO PROVIDE*

ADDITIONAL OPTIONS TO THE STUDENT FOR COMPLETION OR WITHDRAWAL FROM CLASSES THAT WILL NOT PENALIZE THE STUDENT ACADEMICALLY.

Amends GS 116-11 and GS 115D-5 to require the UNC Board of Governors and the State Board of Community Colleges, respectively, to adopt a policy that gives any enrolled student who is a National Guard service member placed onto State active duty status during an academic term an excused absence for the period of time the student is on active duty. Requires that the policy: (1) give the student the opportunity to make up any test or other work missed during the excused absence; (2) give the student the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty; (3) give the student the option of receiving a temporary grade of "incomplete" or "absent from the final exam" for any course that the student was unable to complete as a result of being placed on State active duty status; however, requires the student to complete the course requirements within a specified period of time to avoid receiving a failing grade; and (4) allow the student to drop, without penalty, any course that the student was unable to complete as a result of being placed on State active duty status.

Requires the UNC Board of Governors and the State Board of Community Colleges to adopt the policies set out in the amended statutes by July 1, 2017, and direct that the policies be implemented beginning with the 2017 fall semester.

Intro. by G. Martin, Szoka, Grange.

GS 115D, GS 116

[View summary](#)

[Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Military and Veteran's Affairs](#)

H 486 (2017-2018) [NATIONAL GUARD TUITION ASSISTANCE PROGRAM](#). Filed Mar 27 2017, *AN ACT TO BROADEN THE NATIONAL GUARD TUITION ASSISTANCE PROGRAM TO COVER STUDENTS ENROLLED IN AN APPROVED PROFESSIONAL CERTIFICATION PROGRAM.*

Amends GS 116-209.54 to make the tuition benefits package for North Carolina National Guard members also available to students in professional certification programs recommended by the Director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer. Applies beginning with the 2017 fall academic semester.

Intro. by G. Martin, Szoka.

GS 116

[View summary](#)

[Education, Higher Education, Military and Veteran's Affairs](#)

H 487 (2017-2018) [NAT. GUARD REEMPLOYMENT RIGHTS/DEFINITIONS](#). Filed Mar 27 2017, *AN ACT TO PROVIDE DEFINITIONS TO CLARIFY THE NATIONAL GUARD REEMPLOYMENT RIGHTS AND TO EXTEND THE REEMPLOYMENT APPLICATION PERIOD FOR NATIONAL GUARD MEMBERS WHO HAVE INCURRED AN INJURY DURING THE PERFORMANCE OF STATE ACTIVE DUTY.*

Amends Article 16 of GS Chapter 157A, National Guard Reemployment Rights, as follows.

Enacts GS 127A-201.1, defining the terms *benefit of employment*, *qualified*, and *seniority*.

Amends GS 127A-202, amending and adding to previous provisions and making organizational changes. New subsection (a) requires an employee's previous employer to reemploy the employee in the employee's previous position within five days of the employee's release from state duty. Defines *state duty* as (1) in the case of a member of the NC National Guard, State active duty under an order of the Governor pursuant to GS Chapter 127A or (2) in the case of a member of the National Guard of another state, service under an order of the governor of that state, which is similar to State active duty. Amends existing language to provide that, if the employee's state duty lasted more than 30 days, the employee is required to make written application to the employee's previous employer for reemployment within 14 days of the employee's release from state duty, and requires the employee to be restored to the employee's previous position or placed in another position as previously specified. New subsection

(b) establishes that if an employee is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of state duty, the employee is required to make written application for reemployment within the period of recovery. Defines the period of recovery to be the period necessary for the employee to recover from the illness or injury. Limits the period of recovery to not exceed two years, unless the Commissioner of Labor (Commissioner) extends the period. Allows the Commissioner to extend the period only if the employee files a written request for extension at least 15 days prior to the expiration of the two-year period of recovery and the Commissioner finds that reemployment during the two-year period would place an undue burden on the employee. Directs the Commissioner to notify the employee's previous employer of the amount of the extension. Allows a party who is dissatisfied with a decision of the Commissioner to commence a contested case under Article 3 of GS Chapter 150B.

Makes clarifying change to GS 127A-203, requiring an employer denying employee rights under GS 127A-202 to compensate the employee for any loss of wages or benefits of employment suffered by reason of the employer's unlawful failure or refusal.

Makes technical changes.

Applies to state duty commencing on or after the date the act becomes law.

Intro. by G. Martin, Szoka.

GS 127A

[View summary](#)

Employment and Retirement, Military and Veteran's Affairs

H 488 (2017-2018) **EARLY RENTAL TERMINATION BY MILITARY MEMBERS**. Filed Mar 27 2017, *AN ACT TO ADD ADDITIONAL PROTECTIONS FOR ACTIVE AND RESERVE NATIONAL GUARD MEMBERS, MILITARY TECHNICIANS, AND THEIR FAMILY MEMBERS UPON EARLY TERMINATION OF A RENTAL AGREEMENT*.

Amends GS 42-45 to further extend the protections there for early termination of a rental agreement for members of the Armed Forces to active and reserve National Guard members and military technicians. Deletes the provision in subsection (b) requiring tenants to pay liquidated damages. Provides that rent amounts that are unpaid for the period preceding the effective date of the lease termination are to be paid on a prorated basis, without an early termination charge. Requires the tenant to pay any other obligations under the terms of the lease, including reasonable charges for excess wear and tear.

Intro. by G. Martin.

GS 42

[View summary](#)

Business and Commerce, Consumer Protection, Military and Veteran's Affairs

H 489 (2017-2018) **CHILD ABUSE & NEGLECT/MILITARY AFFILIATION**. Filed Mar 27 2017, *AN ACT AUTHORIZING A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN APPLICABLE*.

Amends GS 7B-302 to direct the director of the department of social services to include information concerning the military affiliation of the parent, guardian, custodian, or caretaker of an allegedly abused or neglected juvenile in the investigation following a report of abuse, neglect, or dependency. Directs the department of social services to further disclose otherwise confidential information to the appropriate military authority, in order to protect a juvenile from abuse or neglect, if the department determines that the parent, guardian, custodian, or caretaker of the allegedly abused juvenile has a military affiliation. Amends GS 7B-307 to make a conforming change.

Intro. by G. Martin, Szoka, Hardister, Strickland.

GS 7B

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Military and Veteran's Affairs

H 492 (2017-2018) [INCREASE PENALTIES FOR CERTAIN ASSAULTS](#). Filed Mar 27 2017, *AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR ASSAULT ON ANY OF THE FOLLOWING PERSONS WHILE THE PERSON IS DISCHARGING OR ATTEMPTING TO DISCHARGE OFFICIAL DUTIES: FIREFIGHTERS, LAW ENFORCEMENT OFFICERS, EMERGENCY MEDICAL TECHNICIANS, MEDICAL RESPONDERS, HOSPITAL PERSONNEL, LICENSED HEALTH CARE PROVIDERS, STATE AND LOCAL GOVERNMENT OFFICERS AND EMPLOYEES, EXECUTIVE OFFICERS, LEGISLATIVE OFFICERS, JUDICIAL OFFICERS, AND ELECTED EXECUTIVE, LEGISLATIVE, AND JUDICIAL OFFICERS.*

Amends GS 14-16.6 to increase the criminal penalty for assault on an executive, legislative, or court officer to a Class H felony (currently, Class I felony). Makes any person who commits the assault using a deadly weapon or who commits the assault and inflicts serious bodily injury to any legislative, executive, or court officer guilty of a Class E felony (currently, Class F felony).

Amends GS 14-16.7 to increase the criminal penalty for threats against executive, legislative, or court officers to a Class H felony (currently, Class I felony). Makes it a Class H felony (currently, Class I felony) for any person to knowingly and willfully deposit for conveyance in the mail any letter, writing, or other document or send an electronic communication (currently, electronic communication not specified) containing a threat to inflict serious bodily injury upon or kill any legislative, executive, or court officer, or a threat to inflict serious bodily injury upon or kill any other person in retaliation against any legislative, executive, or court officer because of the exercise of that officer's duties. Defines *electronic communication* to include transmissions through an electronic device including but not limited to a telephone, cell phone, computer, or pager, which communication includes but is not limited to email, instant message, text message, or voice mail.

Amends GS 14-33(c), which makes any person who commits any assault, assault and battery, or affray guilty of a Class A1 misdemeanor if in the course of the offense the person satisfies any of the eight specified aggravated conditions, to remove affray from the offenses to which subsection c's aggravated provisions apply.

Amends GS 14-34.2 to make it a Class F felony to assault a firefighter with a firearm or other deadly weapon.

Amends GS 14-34.6 to make it a Class H felony (currently, Class I felony) to assault or affray a firefighter, an emergency technician, medical responder, or hospital personnel in the discharge or attempt to discharge their official duties. Makes any person who commits the offense and inflicts serious injury or uses a deadly weapon other than a firearm guilty of a Class F felony (currently, Class H felony). Makes any person who commits the offense and uses a firearm guilty of a Class E felony (currently, Class F felony).

Enacts GS 14-34.11 to make it a Class I felony for any person to assault an officer or employee of the State or any political subdivision of the State when the officer or employee is discharging or attempting to discharge the officer's official duties, unless the conduct is covered under another provision of law providing greater punishment.

Amends GS 14-288.9 to make it a Class H felony (currently, Class I felony) for any person to commit an assault causing physical injury upon emergency personnel. Makes it a Class E felony (currently, Class F felony) for any person to commit the offense with or through the use of any dangerous weapon or substance. Amends the term *emergency personnel* to include firefighters and emergency medical responders (was, firemen and ambulance attendants).

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

Intro. by Clampitt, Saine, Dollar.

GS 14

[View summary](#)

Courts/Judiciary, Court System, Government, General Assembly, Public Safety, State Government, Executive, State Personnel, Local Government

H 493 (2017-2018) [COMBINE BARBER & COSMETOLOGY LICENSURE BOARDS](#). Filed Mar 27 2017, *AN ACT TO COMBINE THE FUNCTIONS OF THE STATE BOARD OF BARBER EXAMINERS AND THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS.*

Repeals GS Chapters 88B (regarding Cosmetic Art) and 86A (regarding Barbers).

Enacts new GS Chapter 86B (Barbers and Cosmetic Art). Prohibits a person from practicing barbering or cosmetic art, opening or operating a barbershop or cosmetic art shop, or teaching barbering or cosmetic art in a school, on or after January 1, 2018, without a state license issued pursuant to the new chapter, with specified exemptions. Makes practice without a license in violation of this Chapter a Class 3 misdemeanor. Provides for all such licenses and renewal of licenses. Defines *barber*, *cosmetic art*, and 19 other associated terms, to include various forms of cutting, treating, or arranging hair, manicuring, and skin care. Establishes the NC Board of Barber and Cosmetic Art Examiners (Board), with eight members (three appointed by the President Pro Tem. of the Senate, three by the Speaker of the House of Representatives, and two by the Governor), to be appointed on or before October 1, 2017, with their terms beginning on January 1, 2018. Charges the board with administration of GS Chapter 86B, and authorizes a schedule of fees that the Board may assess. Sets out qualifications for licensed barbers, cosmetologists, esthetician, manicurists, natural hair care specialists, apprentices, and accompanying teachers and instructors. Provides for temporary employment permits for persons who have completed the required hours of a barber school or cosmetic art school, but have not yet taken the required examination, allowing them to practice under the supervision of a licensed barber or other cosmetic artist, as appropriate. Provides for the licensure of applicants licensed and in good standing in other states. Authorizes the practice of barbering and other cosmetic arts by licensed individuals outside of barbershops and cosmetic art shops to attend to the needs of sick and disabled individuals, as specified. Requires specified bonds for barber and cosmetic art schools. Directs the Board to conduct examinations for licensure under this Chapter, and to adopt sanitary rules applicable to licensees under this Chapter, as specified. Authorizes the Board to take disciplinary actions, including a civil penalty of up to \$500, against licensees for violations of the Chapter or rules adopted by the Board.

The section establishing the initial appointments by the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate, to the Board is effective when the act becomes law. The remainder of the act is effective January 1, 2018, and applies to applications for licensure, examination, and renewal submitted on or after that date.

Licenses and registrations issued by the NC Board of Cosmetic Art Examiners and the State Board of Barber Examiners, prior to the effective date of this act, remain in full force.

Intro. by Cleveland, Stevens.

[GS 86A, GS 86B, GS 88B](#)

[View summary](#)

[Business and Commerce, Occupational Licensing](#)

H 494 (2017-2018) [SALES TAX EXEMPTION - AGRICULTURAL FAIRS](#). Filed Mar 27 2017, *AN ACT TO EXEMPT ADMISSION CHARGES TO AGRICULTURAL FAIRS FROM THE SALES TAX IMPOSED ON AN ADMISSION CHARGE TO AN ENTERTAINMENT ACTIVITY*.

Amends GS 105-164.4G(f) to exempt specified commercial agricultural fairs from the tax imposed on admission charges for entertainment activities. Effective July 1, 2017, and applies to gross receipts derived on or after that date.

Intro. by C. Graham.

[GS 105](#)

[View summary](#)

[Agriculture, Government, Tax](#)

H 495 (2017-2018) [INCREASE TEXTBOOK FUNDS & SPENDING FLEX](#). Filed Mar 27 2017, *AN ACT TO INCREASE FUNDING FOR INSTRUCTIONAL RESOURCES, INCLUDING TEXTBOOKS, INSTRUCTIONAL SUPPLIES, AND EQUIPMENT, AND TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS THE FLEXIBILITY TO SPEND THESE FUNDS ON THE RESOURCES THEY DETERMINE ARE MOST IMPORTANT*.

Appropriates \$35 million for 2017-18 and \$35 million for 2018-19 from the General Fund to the Department of Public Instruction to increase funding for textbooks and digital resources. Gives local school administrative units the flexibility to use all funds in this allotment category for instructional resources, including textbooks, instructional supplies, and equipment, that they determine are most important. Effective July 1, 2017.

Intro. by Horn, Lucas.

[APPROP](#)

[View summary](#)

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

H 496 (2017-2018) **FAIR AND NONPARTISAN BALLOT PLACEMENT**. Filed Mar 27 2017, *AN ACT REGARDING THE PLACEMENT OF CANDIDATES ON OFFICIAL ELECTION BALLOTS*.

Amends GS 163-165.6 to require that candidates appear on a ballot in either alphabetical or reverse alphabetical order by the candidates's last name, with the order determined each election by drawing at the State Board of Elections after the closing of the filing period for all offices on the ballot. Makes a conforming deletion of the the statute's provisions that established ballot placement for candidates on a county's ballots, for candidates on a general election ballot, and for candidates for judge of the Court of Appeals on general election ballots.

Intro. by Bert Jones.

GS 163

[View summary](#)

Government, Elections

PUBLIC/SENATE BILLS

S 390 (2017-2018) **PILOT/SPORTS FOR STUDENTS WITH DISABILITIES**. Filed Mar 27 2017, *AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO USE FUNDS TO CONDUCT A PILOT PROGRAM ON INTEGRATED COMMUNITY-BASED ADAPTED SPORTS PROGRAMS FOR STUDENTS WITH DISABILITIES*.

Identical to [H 170](#), filed 2/22/17.

Allows the Department of Public Instruction (Department) to use up to \$300,000 each fiscal year, from the funds appropriated to the Department or State Aid for Public Schools for the 2017-19 fiscal biennium, to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades K-12. Requires the pilot program to be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the US Department of Education, Office for Civil Rights, on January 25, 2013. Sets out further requirements for the program. Effective July 1, 2017.

Intro. by Woodard.

STUDY

[View summary](#)

Education, Government, State Agencies, Department of Public Instruction

S 391 (2017-2018) **FERRY TRANSPORTATION AUTHORITY**. Filed Mar 27 2017, *AN ACT TO AUTHORIZE THE CREATION OF A FERRY TRANSPORTATION AUTHORITY*.

Enacts new Article 29, General Transportation Authority, in GS Chapter 160A to authorize the creation of an Authority to provide reliable and safe public ferry transportation services in its service area. Defines *ferry transportation service* as the transportation of passengers or freight by any means of conveyance, including ferry, barge, vehicle, or tram.

Details the boundaries of the service area of a Ferry Transportation Authority (Authority) that are to be determined by the Board of Trustees (Board).

Authorizes an Authority to be organized in accordance with new Article 29 upon adoption of a resolution creating an Authority by (1) the elected board of a municipality only accessible by vessel, (2) the elected board of a municipality where any mainland terminal of the Authority is located, or (3) the board of commissioners of the county where the Authority is located. Defines

Ferry Transportation Authority as a public body corporate and politic organized in accordance with the provisions of new Article 29 for the purposes, with the powers and subject to the restrictions set forth in the Article. Defines *vessel* to mean watercraft or other artificial contrivance used, or capable of being used, as means of transportation of passengers or freight on water. Sets forth public hearing and publication of notice requirements that must be satisfied prior to the adoption of a resolution to form an Authority under this Article. Requires a resolution to form an Authority to include articles of incorporation, and requires a certified copy of the resolution signifying the determination to organize an Authority, along with proof of publication of the notice of hearing, to be filed with the Secretary of State. Directs the Secretary of State to issue a certificate of incorporation and record the certificate upon finding that the resolution, articles of incorporation, publication of notice, and public hearing conform to the provisions of the new Article. Directs the Authority to certify to the Secretary of State the names and addresses of its elected officers and the address of the principal office of the Authority when the Authority has been duly organized.

Details the membership of the Board of Trustees (Board) of the Authority, consisting of 11 members, with the mayor and mayor pro tempore of the municipality only accessible by vessel serving as ex officio members. Provides for the appointment of the nine voting members to serve staggered three-year terms. Limits service to no more than two consecutive terms on the Board. Sets out parameters for the Board's meetings and election of its officers. Subjects the Board members to the provisions of GS 136-13, GS 136-13.1, and GS 136-14 (ethics provisions for Department of Transportation officers, employees, members, and contractors). Directs the Board to submit an annual report by October 1 each year of its activities, holdings, and finances to the Secretary of the Department of Transportation (DOT) and the Joint Legislative Commission on Governmental Operations.

Establishes that an Authority created under new Article 29 is a public authority subject to the provisions of GS Chapter 159. Provides that the establishment and operation of an Authority are governmental functions and constitute a public purpose, and the State or any unit of local government can appropriate funds to support its establishment and operation. Allows the State or any unit of local government to dedicate, sell, convey, donate, or lease any of its interests in any property to the Authority, and the Authority can apply for grants or any type of financing from the State, the United States, or any instrumentality thereof. Details 27 general powers of the Authority, including the power to make, enter into, and perform contracts with private parties and transportation companies with respect to the management and operation of ferry transportation services, and the power to issue bonds and bond anticipation notes under the the Local Government Revenue Bond Act (Article 5 and 9 of GS Chapter 159) for specified purposes.

Requires the Board to give at least 30 days' public notice of any change in rates, fees, charges, routes, or schedules, except in emergency situations. Requires the Board to report any changes in rates, fees, charges, routes, or schedules to the Secretary of DOT and the Joint Legislative Commission on Governmental Operations. Clarifies that the NC Utilities Commission does not have jurisdiction over the provisions of ferry transportation service within the Authority's service area.

Prohibits equipment of the Authority from being used as a charter, tour, or sight-seeing service. Allows for the equipment to be used for one-time charter service events if (1) the use of the equipment is approved in writing by the Board, (2) the revenues received by the Authority from the provision of the charter service exceed fully allocated expenses, and (3) the charter service does not adversely affect regularly scheduled ferry transportation services provided by the Authority.

Provides for the Authority to exercise the power of eminent domain to acquire fee or any lesser interest in real or personal property in accordance with GS Chapter 40A for use by the Authority.

Allows the Board to terminate the Authority at any time when it has no outstanding indebtedness. Directs that all property and assets of the Authority that are not encumbered upon its termination automatically become property of the State, and the State succeeds to all rights, obligations, and liabilities of the Authority.

Makes conforming changes to GS 62-3(23) (excluding an Authority created under new Article 29 from the term *public utility*), GS 159-81(1) (adding an Authority created under new Article 29 to the meaning of *municipality* under Article 5, Revenue Bonds), and GS 160A-20(h) (adding an Authority to the meaning of *unit of local government* under the statute, pertaining to security interests).

Details the terms for individuals serving on the initial Board of Trustees to achieve the staggered terms established in new GS 160A-684, effective upon the issuance of a certificate of incorporation by the Secretary of State for a Ferry Transportation Authority created under new Article 29 of GS Chapter 160A, as enacted.

Provides that if an Authority created under new Article 29 and an existing, privately owned ferry transportation service is currently operating a ferry transportation system in the service area of the Authority, pursuant to a Certificate of Public

Convenience and Necessity issued by the NC Utilities Commission, the assets used and useful for the ferry transportation system and owned by the private ferry transportation service or its affiliates are to be acquired by purchase, gift, lease, or otherwise by that Authority at or below their appraised value. Provides that the Authority is to finance the purchase by bonds or notes, or other financing mechanisms, permitted by new Article 29. Terminates the Certificate of Public Convenience and Necessity issued by the NC Utilities Commission to the privately owned ferry transportation service upon purchase of the assets by the Authority, with all franchise rights to operate a ferry transportation system using the assets to be transferred to the Authority without any further action by the NC Utilities Commission. Requires an Authority that acquires the assets used and useful for the ferry transportation system from the privately owned ferry transportation service to initially maintain the same rates, fees, charges, routes, and schedules of the existing privately owned ferry transportation service as of the date of its acquisition by the Authority. Effective upon the issuance of a certificate of incorporation by the Secretary of State for an Authority created pursuant to new Article 29 of GS Chapter 160A, as enacted.

Intro. by Rabon.

[GS 62, GS 159, GS 160A](#)

[View summary](#)

[Government, Local Government](#)

S 392 (2017-2018) [CONFIRMATION/SECRETARY OF DHHS](#). Filed Mar 27 2017, *A SENATE RESOLUTION RELATING TO THE APPOINTMENT, NOMINATION, AND CONFIRMATION OF DR. MANDY COHEN AS SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.*

Includes whereas clauses. Requires the Senate to consider whether to confirm Dr. Mandy Cohen as the Secretary of the Department of Health and Human Services.

Intro. by Rabon.

[SENATE RES](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Health and Human Services](#)

S 393 (2017-2018) [CONFIRMATION/SECRETARY DEQ](#). Filed Mar 27 2017, *A SENATE RESOLUTION RELATING TO THE APPOINTMENT, NOMINATION, AND CONFIRMATION OF MICHAEL REGAN AS SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.*

Includes whereas clauses. Requires the Senate to consider whether to confirm Michael Regan as the Secretary of the Department of Environmental Quality.

Intro. by Rabon.

[SENATE RES](#)

[View summary](#)

[Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality \(formerly DENR\)](#)

S 394 (2017-2018) [LEGISLATIVE CYBERSECURITY COMMITTEE](#). Filed Mar 27 2017, *AN ACT ESTABLISHING THE LEGISLATIVE CYBERSECURITY COMMITTEE.*

Makes the following changes to Article 26 of GS Chapter 120. Renames the chapter as Joint Legislative Oversight Committee on Information Technology and the Legislative Cybersecurity Committee (previously, did not include the Legislative Cybersecurity Committee). Makes organizational changes to place existing language into Part 1, and adds Part 2 pertaining to the Legislative Cybersecurity Committee as follows.

Creates the Legislative Cybersecurity Committee (Committee), consisting of 12 members with six each appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Establishes terms on the Committee to be for two years, and begin on the convening of the General Assembly in each odd-numbered year. Provides that resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee. Requires a vacancy to be filled within 30 days by the appointing officer. Directs the President Pro Tempore and the Speaker to each designate a cochair for the Committee. Provides that the Committee is to meet upon the joint call of the cochairs. Provides a quorum of the Committee of eight members is required for action to be taken. Details provisions for the powers the Committee may exercise in the discharge of its official duties, member expenses, staffing the Committee, and clerical expenses of the Committee.

Charges the Committee with examining the cybersecurity practices of State agencies on a continuing basis in order to make ongoing recommendations to the General Assembly on ways to improve the effectiveness, efficiency, and quality of the State's cybersecurity and data loss prevention practices and measures. Specifies five powers and duties of the Committee in order to carry out its charge, including reviewing any issues that affect State agency information resources that arise during the interim period between sessions of the General Assembly, in the discretion of the Committee. Defines *information resources* to mean data and the means for storing, retrieving, connecting, or using data, including but not limited to records, files, databases, documents, software, equipment, and facilities that a State agency owns or leases. Directs the Committee to make periodic reports to the General Assembly, which can contain legislative proposals to implement its recommendations. Other powers of the Committee include (1) monitoring State agency and Department of Information Technology cybersecurity and data loss prevention activities; (2) reviewing and monitoring State agency compliance with budgetary and other directives of the General Assembly relating to State agency cybersecurity and data loss prevention and monitoring State agency expenditures, deviations, and changes to the certified budget related to cybersecurity and data loss prevention; (3) requesting and receiving presentations and reports from State agencies on security incidents and information security assessments as well as audits, studies, and other reports; and (4) identifying opportunities for agencies to coordinate and collaborate to eliminate duplicative cybersecurity functions. Defines *security incident* as the term is defined in GS 143B-1320(a)(15). Defines *information security assessment* as (1) an organized method to determine a risk to or a vulnerability of a State agency's information system or a third-party information service to which the State subscribes and (2) an independent examination and review of records, logs, policies, activities, and practices used to: (a) access whether a State agency's information system is vulnerable to an information security incident; (b) ensure compliance with the rules, policies, standards, and procedures that the State Chief Information Officer or a State agency, under the State agency's independent authority, adopts or promulgates; and (c) recommend necessary changes to a State agency's rules, policies, standards, and procedures to ensure compliance and prevent information security incidents.

Requires each member of the Committee to execute a nondisclosure agreement upon appointment and any subsequent nondisclosure agreements, as appropriate. Specifies that the nondisclosure agreement is to be provided by the Committee and include (1) a description of the parties to the agreement; (2) a definition of the types of information covered by the agreement; (3) the period of nondisclosure; (4) exclusions from the agreement; (5) description of how to handle information covered by the agreement that is received by the member; and (6) types of permissible disclosure. Provides that disclosure of information covered by the nondisclosure agreement constitutes grounds for the member's removal from the Committee, and willful or intentional disclosure of information covered by the nondisclosure agreement constitutes a Class I felony.

Authorizes the Committee to conduct its business in closed session and exclude the public under GS 143-318.11 when required in four circumstances, in addition to the permitted purposes provided in GS 143-318.11. Specifies the four circumstances to be (1) to receive reports, audits, studies, or testimony that could provide sensitive information relating to the State agency cybersecurity, data loss prevention measures, protocols, or related budgetary expenditures; (2) discuss information technology security incidents affecting State agencies; (3) discuss the provision or status of measures taken to prevent information technology security incidents by the departments and agencies of this State; and (4) discuss budgetary items and requests relating to the prevention and mitigation of security interests. Defines *information technology security incident* to be as defined by GS 143B-1320(a)(12), and includes any incident that creates a risk of harm to a State agency or the State agency's operations and in which: (1) access to or viewing, copying, transmission, theft, or usage of a State agency's sensitive information occurs without authorization from the State agency; (2) a failure of compliance with a State agency's security or acceptable use policies or practices occurs that results in access to a State agency's information system or information resources for viewing, copying, transmission, theft, or use without the State agency's authorization; or (3) a State agency's information system or information resources or a third party information service to which a State agency subscribes becomes available in a reliable and timely manner to authorized individuals or organizations, or is modified or deleted under circumstances that the State agency does not intend, plan, or initiate. Establishes that all minutes, documents, testimony, or other records relating to Committee proceedings

occurring during closed session under this statute are subject to the nondisclosure provisions of GS 120-283.3 and are not public records. Authorizes the Committee to release information it has received pursuant to new Part 2 of Article 26 in the Committee's discretion and upon unanimous vote of the members. Requires the Committee to consider the potential impact upon private and proprietary interests in exercising its discretion.

Amends GS 143B-1322(c) to add to the powers and duties of the State Chief Information Officer the power to enter into nondisclosure agreements with the Legislative Cybersecurity Committee and the Chief Information Officers and department heads of participating agencies relating to the sharing of information on cybersecurity and data loss prevention practices and measures used by the Department of Information Technology and participating agencies. Amends GS 143B-1322(d) to direct the Office of State Budget and Management and the Office of State Controller to cooperate with the Department of Information Technology in the assignment of budget codes in a manner that protects the security of the State's information technology assets.

Enacts GS 143B-1380 to require the State CIO to at least quarterly thereafter report to the Legislative Cybersecurity Committee on: (1) known instances of and attempts at cyber attack or data breach within the Department of Information Technology or participating agencies; (2) quantifiable data on losses stemming from instances of cyber attack or data breach; (3) identification of issues surrounding cybersecurity and data loss prevention practices and measures in place at the time of the cyber attack or data breach; (4) steps taken to prevent future cyber attacks and data breaches of a similar nature; and (5) recommendation to the Committee on potential legislative action. Establishes that the report by the State CIO is not public records, but are subject to the provision of GS 120-238.3, as enacted.

Directs that the initial appointment of members to the Legislative Cybersecurity Committee to be made on or before January 1, 2018, with initial members serving a one-year term during the 2018 Regular Session of the 2017 General Assembly, unless reappointed by the appointing official.

Intro. by Tarte, Brock, Hise.

GS 120, GS 143B

[View summary](#)

Government, General Assembly, State Agencies, Department of Information Technology

S 395 (2017-2018) **HOSPITALITY LAW REVISIONS & GAME NIGHT**. Filed Mar 27 2017, *AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE GAME NIGHTS, REPEAL CERTAIN INNKEEPER POSTING LAWS, AND MAKE THE DEFINITION OF "BED AND BREAKFAST HOME" AND "BED AND BREAKFAST INN" UNIFORM.*

Enacts Part 4 in Article 37 of GS Chapter 14 authorizing and regulating "game nights" held by nonprofit organizations. A nonprofit organization operating a game night must first obtain a permit by submitting an application with complete information including a \$250 fee to either the central office or district office of the Alcohol Law Enforcement Section of the Department of Public Safety. Nonprofit organizations are prohibited from operating more than four game night events per year and each event must not exceed 5 hours. Regulates the timing of the events and sets out other limitations on the games. Limits the costs of prizes and expenses to 50% of the event proceeds. Cash prizes are prohibited and prizes are required to be awarded by raffles. Games are limited to roulette, blackjack, poker, craps, simulated horse racing, and merchandise wheel of fortune. Violations of game night regulations constitute gambling. Limits the applicability of the Part to areas of the state located east of I-26 as it was located on November 28, 2011. Does not prohibit an employer from holding an annual game night event for employees and guests or a trade association from holding an annual game night for its members and guests, so long as there is no charge to the attendees. Makes conforming changes. Effective October 1, 2017. If any portion of new Part 4 is held unconstitutional, or if the passage of new Part 4 would cause the State to forfeit payments due under a compact entered into between the State and a federally recognized Indian tribe, then new Part 4 is void.

Repeals GS 72-6, requiring innkeepers to post copies of GS Chapter 72, Article 1 in guests' rooms and the innkeeper's office. Makes a conforming change to GS 72-7.1.

Amends GS 130A-247 to redefine bed and breakfast home (now requiring bed and breakfast homes to include the price of breakfast, as opposed to any meals served, in the room rate) and bed and breakfast inn (authorizing them to serve, in addition to breakfast, lunch and dinner, or a combination of all or some of these three meals). Makes technical changes.

Effective July 1, 2017, except as otherwise provided.

Intro. by Tarte, Gunn.

[View summary](#)

**Alcoholic Beverage Control, Business and Commerce,
Consumer Protection, Lottery and Gaming, Nonprofits**

S 396 (2017-2018) **SPECIAL SEPARATION ALLOWANCE FOR FIREFIGHTERS**. Filed Mar 27 2017, *AN ACT TO CREATE A SPECIAL SEPARATION ALLOWANCE FOR STATE AND LOCAL FIREFIGHTERS*.

Identical to [H 340](#), filed 3/14/17.

Enacts new GS Chapter 143, Article 12I (Special Separation Allowances for State and Local Firefighters).

Applies to firefighters employed both by State departments, agencies, or institutions, and by employers participating in the Local Governmental Employees' Retirement System.

Provides firefighters who meet specified criteria with an annual separation allowance equal to .85% of the annual equivalent of the base rate of compensation most recently applicable to the firefighter for each year of creditable service, to be paid in equal installments on the payroll frequency used by the employer, beginning in the month in which the firefighter retires under basic service retirement. To qualify, the firefighter, must have either completed 30 or more years of creditable service or attained 60 years of age with 25 or more years of creditable service, must have not attained 62 years of age, and must have completed at least five years of continuous service rendered on or after July 1, 2017, as a firefighter immediately preceding a service retirement. Payment ceases upon either the death of the firefighter, the last day of the month in which the firefighter attains 62 years of age, or the first day of reemployment by any State department, agency or institution, or local government employer in any capacity, with certain exceptions required by other statutes. Does not affect other State, local, federal, or private retirement benefits. Directs the head of each state department, agency, or institution, or the governing body of a local employer, to determine the eligibility of employees for the benefits of this statute. Authorizes the Director of the Budget to authorize the transfer of funds within the budgets of each State department, agency, or institution to carry out the statute. Directs the head of each State department, agency, or institution, or governing body of a local employer, to make the payments described above.

Intro. by Tarte, Horner.

[GS 143](#)

[View summary](#)

Employment and Retirement, Government, Public Safety

S 397 (2017-2018) **UTILIZATION REVIEW LAWS CLARIFICATION**. Filed Mar 27 2017, *AN ACT TO CLARIFY THAT UTILIZATION REVIEW DOES NOT INCLUDE STATISTICAL REVIEW OF A HEALTH CARE PROVIDER'S OR FACILITY'S PRACTICE PATTERNS THAT IS NOT USED TO ADJUDICATE CLAIMS OR APPROVE OR DENY THE PROVISION OF, OR PAYMENT FOR, SERVICES TO AN INSURED INDIVIDUAL*.

Amends GS 58-50-61 to revise the definitions of *utilization review* and *utilization review organization* to exclude statistical review of a health care provider's or facility's practice patterns that are not used to adjudicate claims or approve or deny the provision of, or payment for, services to an insured person.

Intro. by Tarte, Hise, Pate.

[Buncombe, GS 58](#)

[View summary](#)

**Health and Human Services, Health, Health Care Facilities
and Providers**

S 398 (2017-2018) **DIRECT SELLERS NOT EMPLOYEES FOR UI**. Filed Mar 27 2017, *AN ACT TO EXCLUDE DIRECT SELLERS FROM THE DEFINITION OF EMPLOYMENT FOR UNEMPLOYMENT INSURANCE*.

Amends GS 96-1 to provide that service performed by direct sellers, as defined in the IRS Code, is not employment for the purpose of unemployment insurance. Applies to claims for benefits filed on or after July 1, 2017, and to tax calculation on or after that same date.

Intro. by Tarte, Newton, Chaudhuri.

[GS 96](#)

[View summary](#)

[Employment and Retirement](#)

S 399 (2017-2018) [UNC & CC CREDIT/NATIONAL GD ON SAD](#). Filed Mar 27 2017, *AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND THE STATE COMMUNITY COLLEGE SYSTEM TO ADOPT AND IMPLEMENT A UNIFORM POLICY TO REQUIRE THAT A STUDENT WHO IS A NATIONAL GUARD SERVICE MEMBER PLACED ON ACTIVE DUTY STATUS BE GIVEN AN EXCUSED ABSENCE FOR THE PERIOD OF TIME THE STUDENT IS ON ACTIVE DUTY AND TO PROVIDE ADDITIONAL OPTIONS TO THE STUDENT FOR COMPLETION OR WITHDRAWAL FROM CLASSES THAT WILL NOT PENALIZE THE STUDENT ACADEMICALLY.*

Identical to [H 485](#), filed 3/27/17.

Amends GS 116-11 and GS 115D-5 to require the UNC Board of Governors and the State Board of Community Colleges, respectively, to adopt a policy that gives any enrolled student who is a National Guard service member placed onto State active duty status during an academic term an excused absence for the period of time the student is on active duty. Requires that the policy: (1) give the student the opportunity to make up any test or other work missed during the excused absence; (2) give the student the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty; (3) give the student the option of receiving a temporary grade of "incomplete" or "absent from the final exam" for any course that the student was unable to complete as a result of being placed on State active duty status; however, requires the student to complete the course requirements within a specified period of time to avoid receiving a failing grade; and (4) allow the student to drop, without penalty, any course that the student was unable to complete as a result of being placed on State active duty status.

Requires the UNC Board of Governors and the State Board of Community Colleges to adopt the policies set out in the amended statutes by July 1, 2017, and direct that the policies be implemented beginning with the 2017 fall semester.

Intro. by Britt, J. Jackson.

[GS 115D, GS 116](#)

[View summary](#)

[Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Military and Veteran's Affairs](#)

S 400 (2017-2018) [NATIONAL GUARD TUITION ASSISTANCE PROGRAM](#). Filed Mar 27 2017, *AN ACT TO BROADEN THE NATIONAL GUARD TUITION ASSISTANCE PROGRAM TO COVER STUDENTS ENROLLED IN AN APPROVED PROFESSIONAL CERTIFICATION PROGRAM.*

Identical to [H 486](#), filed 3/27/17.

Amends GS 116-209.54 to make the tuition benefits package for North Carolina National Guard members also available to students in professional certification programs recommended by the Director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer. Applies beginning with the 2017 fall academic semester.

Intro. by Britt, J. Jackson.

[GS 116](#)

[View summary](#)

[Education, Higher Education, Military and Veteran's Affairs](#)

S 401 (2017-2018) [EARLY RENTAL TERMINATION BY MILITARY MEMBERS](#). Filed Mar 27 2017, *AN ACT TO ADD ADDITIONAL PROTECTIONS FOR ACTIVE AND RESERVE NATIONAL GUARD MEMBERS, MILITARY TECHNICIANS, AND THEIR FAMILY MEMBERS UPON EARLY TERMINATION OF A RENTAL AGREEMENT*.

Identical to [H 488](#), filed 3/27/17.

Amends GS 42-45 to further extend the protections there for early termination of a rental agreement for members of the Armed Forces to active and reserve National Guard members and military technicians. Deletes the provision in subsection (b) requiring tenants to pay liquidated damages. Provides that rent amounts that are unpaid for the period preceding the effective date of the lease termination are to be paid on a prorated basis, without an early termination charge. Requires the tenant to pay any other obligations under the terms of the lease, including reasonable charges for excess wear and tear.

Intro. by Britt, J. Jackson.

GS 42

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing, Military and Veteran's Affairs](#)

S 402 (2017-2018) [VET. POSTTRAUMATIC STRESS/MITIGATING FACTOR](#). Filed Mar 27 2017, *AN ACT TO PROVIDE THAT A COURT MAY CONSIDER POSTTRAUMATIC STRESS DISORDER AS A MITIGATING FACTOR WHEN SENTENCING A PERSON WHO IS A VETERAN*.

Identical to [H 483](#), filed 3/27/17.

Amends GS 15A-1340.16(e) concerning aggravated and mitigated sentences, enacting new subdivision (14a), which provides that it is a mitigating factor that the defendant has been diagnosed as suffering from posttraumatic stress disorder (PTSD) as a result of his or her military service and is undergoing treatment for that condition. Sets out and defines PTSD for use in this section. Requires documentary evidence to be submitted to the court to verify military service and PTSD diagnosis. Effective October 1, 2017.

Intro. by Britt, J. Jackson.

GS 15A

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Government, State Agencies, Department of Military & Veterans Affairs](#)

S 403 (2017-2018) [CHILD ABUSE & NEGLECT/MILITARY AFFILIATION](#). Filed Mar 27 2017, *AN ACT AUTHORIZING A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN APPLICABLE*.

Identical to [H 489](#), filed 3/27/17.

Amends GS 7B-302 to direct the director of the department of social services to include information concerning the military affiliation of the parent, guardian, custodian, or caretaker of an allegedly abused or neglected juvenile in the investigation following a report of abuse, neglect, or dependency. Directs the department of social services to further disclose otherwise confidential information to the appropriate military authority, in order to protect a juvenile from abuse or neglect, if the department determines that the parent, guardian, custodian, or caretaker of the allegedly abused juvenile has a military affiliation. Amends GS 7B-307 to make a conforming change.

Intro. by Britt, J. Jackson.

GS 7B

[View summary](#)

**Courts/Judiciary, Juvenile Law, Abuse, Neglect and
Dependency, Military and Veteran's Affairs**

S 404 (2017-2018) [NAT. GUARD REEMPLOYMENT RIGHTS/DEFINITIONS](#). Filed Mar 27 2017, *AN ACT TO PROVIDE DEFINITIONS TO CLARIFY THE NATIONAL GUARD REEMPLOYMENT RIGHTS AND TO EXTEND THE REEMPLOYMENT APPLICATION PERIOD FOR NATIONAL GUARD MEMBERS WHO HAVE INCURRED AN INJURY DURING THE PERFORMANCE OF STATE ACTIVE DUTY.*

Identical to [H 487](#), file 3/27/17.

Amends Article 16 of GS Chapter 157A, National Guard Reemployment Rights, as follows.

Enacts GS 127A-201.1, defining the terms benefit of employment, qualified, and seniority.

Amends GS 127A-202, amending and adding to previous provisions and making organizational changes. New subsection (a) requires an employee's previous employer to reemploy the employee in the employee's previous position within five days of the employee's release from state duty. Defines state duty as (1) in the case of a member of the NC National Guard, State active duty under an order of the Governor pursuant to GS Chapter 127A; or (2) in the case of a member of the National Guard of another State, service under an order of the governor of that state, which is similar to State active duty. Amends existing language to provide that, if the employee's state duty lasted more than 30 days, the employee is required to make written application to the employee's previous employer for reemployment within 14 days of the employee's release from state duty, and requires the employee to be restored to the employee's previous position or placed in another position as previously specified. New subsection (b) establishes that if an employee is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of state duty, the employee is required to make written application for reemployment within the period of recovery. Defines the period of recovery to be the period necessary for the employee to recover from the illness or injury. Limits the period of recovery to not exceed two years, unless the Commissioner of Labor (Commissioner) extends the period. Allows the Commissioner to extend the period only if the employee files a written requires for extension at least 15 days prior to the expiration of the two-year period of recovery and the Commissioner finds that reemployment during the two-year period would place an undue burden on the employee. Directs the Commissioner to notify the employee's previous employer of the amount of the extension. Allows a party who is dissatisfied with a decision of the Commissioner to commence a contested case under Article 3 of GS Chapter 150B.

Makes clarifying change to GS 127A-203, requiring an employer denying employee rights under GS 127A-202 to compensate the employee for any loss of wages or benefits of employment suffered by reason of the employer's unlawful failure or refusal.

Makes technical changes.

Applies to state duty commencing on or after the date that the act becomes law.

Intro. by Britt.

[GS 127A](#)

[View summary](#)

Employment and Retirement, Military and Veteran's Affairs

S 405 (2017-2018) [SERVICEMEMBERS CIVIL RELIEF ACT](#). Filed Mar 27 2017, *AN ACT TO ENACT THE NORTH CAROLINA SERVICEMEMBERS CIVIL RELIEF ACT.*

Identical to [H 484](#), filed 3/27/17.

Enacts new Article 4 (Servicemembers Civil Relief Act) in GS Chapter 127B, consisting of new GS 127B-25 through GS 127B-33.

Expands the definition of military service beyond its definition in the federal Servicemembers Civil Relief Act, 50 USC s. 3911(2), to include State active duty by a member of the North Carolina National Guard, under an order of the Governor, for a period of more than 30 consecutive days, and State active duty by members of other states' National Guard under an order of that

state's Governor, for a period of more than 30 consecutive days. Applies the federal Servicemembers Civil Relief Act to servicemembers engaged in military service, as defined in this Article. Requires servicemembers who are the defined National Guard members under the expanded definition in this statute to give a person a written or electronic copy of an order to military service for that person to be subject to the remedies or penalties of this Article. Extends the rights and protections of the contract-termination provisions of this Act, described below, and of USC Title 50, Chapter 50, Subtitle 2 (Rent, Installment Contracts, Mortgages, Liens, Assignment, Leases, Telephone Service Contracts) to dependents of servicemembers engaged in military service. Authorizes servicemembers to terminate contracts for telecommunication, internet, television, or satellite radio service at any time after the date the servicemember receives an order to relocate for a period of military service of at least 90 days to a location that does not support the contract, without any early termination charge, or unusual or uncustomary resubscription fees, and with a refund for any fee paid for service that extends beyond the termination date of the contract. Provides a notice requirement, and provides that unpaid obligations at the time of termination remain the obligation of the servicemember. Authorizes the Attorney General or any aggrieved servicemembers to commence a civil action against persons who violate this Act, and provides remedies for their respective suits. Authorizes the court to assess a civil penalty of up to \$5,000 in a case brought by the Attorney General, and court costs in cases brought by aggrieved servicemembers. Supercedes any agreement that reduces, limits, or eliminates any right or benefit under this Article.

Enacts GS 127A-65 to direct the North Carolina National Guard to post a list of rights a servicemember or servicemember's dependent has under the state and federal Servicemembers Civil Relief Acts on its website.

Effective October 1, 2017, and applies to contracts entered into, renewed, or modified on or after that date.

Intro. by Britt.

[GS 127A, GS 127B](#)

[View summary](#)

[Business and Commerce, Consumer Protection, Courts/Judiciary, Civil, Civil Law, Military and Veteran's Affairs](#)

LOCAL/HOUSE BILLS

H 490 (2017-2018) [CALDWELL CC/BD. OF TRUSTEES APPOINTMENTS](#). Filed Mar 27 2017, *AN ACT TO MODIFY THE APPOINTMENT METHOD OF THE CALDWELL COMMUNITY COLLEGE AND TECHNICAL INSTITUTE BOARD OF TRUSTEES*.

Applies only to Caldwell Community College and Technical Institute.

Amends GS 115D-12 to make the third group of trustees, currently appointed by the Governor, appointed by the General Assembly, two by the Speaker of the House of Representatives, and two by the President Pro Tempore of the Senate, beginning with the terms that expire in 2017 and 2019, for the Speaker of the House of Representatives, and the terms that expire in 2018 and 2020 for the President Pro Tempore of the Senate. Provides that vacancies in the third group are filled as provided in GS 120-122. Does not affect the terms of the currently serving trustees.

Intro. by Destin Hall, Jordan.

[Caldwell](#)

[View summary](#)

[Education, Higher Education, Government, General Assembly, State Government, Executive](#)

H 491 (2017-2018) [HENDERSON COUNTY FIRE TAX DISTRICTS](#). Filed Mar 27 2017, *AN ACT TO ALLOW HENDERSON COUNTY TO CHANGE THE BOUNDARY OF CERTAIN FIRE TAX DISTRICTS BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS*.

Amends SL 2000-4, as amended, to authorize the Henderson County Board of Commissioners to change the boundaries of any fire protection district in Henderson County to transfer areas from one protection district to another, by resolution, when the

transfer is jointly requested by the fire departments serving those areas, and a description or map of the areas to be transferred is included as an appendix to the resolution.

Intro. by McGrady, Henson.

Henderson

[View summary](#)

Government, Public Safety, Tax

ACTIONS ON BILLS

PUBLIC BILLS

H 7: LRC/STRENGTHEN SAVINGS RESERVE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 134: PISTOL PERMIT/MENTAL HEALTH RECORD TO SHERIFF.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 138: REVISE GANG LAWS.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 159: CHARTER SCHOOL TSERS ELECTION.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 161: DIVESTMENT FROM COMPANIES THAT BOYCOTT ISRAEL.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 164: CHECK-OFF DONATION: CANCER SCREENING.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 174: CONCEALED CARRY/CHURCH SCHOOL PROP.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 277: EXPAND RX DRUG ABUSE ADVISORY COMMITTEE.

House: Withdrawn From Cal

House: Placed On Cal For 03/28/2017

H 315: KELSEY SMITH ACT.

House: Placed On Cal For 03/28/2017

H 362: CHANGES TO THE JUVENILE CODE.-AB

House: Passed 2nd Reading

House: Passed 3rd Reading

H 452: CREATE DEBTOR EXEMPTION FOR FIREARMS.

House: Passed 1st Reading

House: RefTo Com On Judiciary I

H 453: "WE THE PEOPLE" ACT/REFERENDUM.

House: Passed 1st Reading

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

H 454: SURVEYING AND PLAT RECORDING CHANGES.

House: Passed 1st Reading

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

H 455: INCREASE FUNERAL EXPENSE ALLOWANCE.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Finance

H 456: ESTABLISH MANDATORY DEMENTIA CARE TRAINING.

House: Passed 1st Reading

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

H 457: PERFORMANCE GUARANTEES/SUBDIVISION STREETS.

House: Passed 1st Reading

House: RefTo Com On Transportation

H 458: SCHOOL ANNUAL REPORT CARD.

House: Passed 1st Reading

House: RefTo Com On Education - K-12

H 460: ECONOMIC & JOB GROWTH FOR NC DISTILLERIES.

House: Passed 1st Reading

House: Ref to the Com on Alcoholic Beverage Control, if favorable, Finance

H 461: MH/SA CENTRAL ASSESSMENT & NAVIGATION PILOT.

House: Passed 1st Reading

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

H 462: BANKING LAW AMENDMENTS.

House: Passed 1st Reading

House: Ref to the Com on Banking, if favorable, Finance

H 463: STUDY/FAIR TREATMENT OF COLLEGE ATHLETES.

House: Passed 1st Reading

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

H 464: REVISE SCHEDULE OF CONTROLLED SUBSTANCES.

House: Passed 1st Reading

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

H 465: MILITARY OPERATIONS PROTECTION ACT OF 2017.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Energy and Public Utilities, if favorable, Appropriations

H 466: THE PHARMACY PATIENT FAIR PRACTICES ACT.

House: Passed 1st Reading

House: Ref to the Com on Insurance, if favorable, Health

H 467: AGRICULTURE AND FORESTRY NUISANCE REMEDIES.

House: Passed 1st Reading

House: Ref To Com On Judiciary III

H 468: DOT/FUNDING FOR PRELIMINARY ENGINEERING.

House: Passed 1st Reading

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

H 469: REGULATION OF FULLY AUTONOMOUS VEHICLES.

House: Passed 1st Reading

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

H 470: RESPONSIBLE WIND ENERGY IMPLEMENTATION.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Energy and Public Utilities, if favorable, Environment

H 471: FAIL TO OBTAIN DL/INCREASE PUNISHMENT.

House: Passed 1st Reading

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

H 472: MOTOR VEHICLE DEALER LAW REVISIONS.

House: Passed 1st Reading

House: Ref To Com On Transportation

H 473: FILM & ENTERTAINMENT GRANT FUND APPROPRIATION.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 474: UP MINIMUM WAGE/SET RATES/COLA.

House: Passed 1st Reading

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

H 475: SE NC AG EVENTS CENTER/FUNDS.

House: Passed 1st Reading

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

H 476: REQUIRED TRAINING POLICE TELECOMMUNICATORS.

House: Passed 1st Reading

House: Ref To Com On State and Local Government II

H 477: BEHAV. HEALTH CRISIS EMS TRANSPORTS/MEDICAID.

House: Passed 1st Reading

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

H 478: REQUIRED EXPERIENCE FOR MH/DD/SA QPS.

House: Passed 1st Reading

House: Ref To Com On Health

H 482: COUNTY COMM. ROLE IN SCHOOL BLDG ACQUISITION.

House: Filed

H 483: VET. POSTTRAUMATIC STRESS/MITIGATING FACTOR.

House: Filed

H 484: SERVICEMEMBERS CIVIL RELIEF ACT.

House: Filed

H 485: UNC & CC CREDIT/NATIONAL GD ON SAD.

House: Filed

H 486: NATIONAL GUARD TUITION ASSISTANCE PROGRAM.

House: Filed

H 487: NAT. GUARD REEMPLOYMENT RIGHTS/DEFINITIONS.

House: Filed

H 488: EARLY RENTAL TERMINATION BY MILITARY MEMBERS.

House: Filed

H 489: CHILD ABUSE & NEGLECT/MILITARY AFFILIATION.

House: Filed

H 492: INCREASE PENALTIES FOR CERTAIN ASSAULTS.

House: Filed

H 493: COMBINE BARBER & COSMETOLOGY LICENSURE BOARDS.

House: Filed

H 496: FAIR AND NONPARTISAN BALLOT PLACEMENT.

House: Filed

S 74: UPDATE RABIES CONTROL LAWS.

Senate: Withdrawn From Com

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

S 78: COST TO COMPLY/FED ED FUNDS/PED STUDY.

Senate: Withdrawn From Com

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

S 104: REQUIRE CRIMINAL BGC/PHARMACIST LICENSURE.

Senate: Withdrawn From Com

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

S 145: GOVERNMENT IMMIGRATION COMPLIANCE.

Senate: Withdrawn From Com

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

S 169: TEACHING EXCELLENCE BONUS EXPANSION.

House: Passed 1st Reading

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

S 223: HABITUAL FELONS/CLARIFY PREVIOUS CONVICTIONS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 252: NORTH CAROLINA TEACHING FELLOWS.

Senate: Withdrawn From Com

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

S 325: BILLION DOLLAR MIDDLE CLASS TAX CUT.

Senate: Withdrawn From Com

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

S 350: AMEND DRUG LAWS/ELLISON V. TREADWAY.

Senate: Withdrawn From Com

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

S 351: SHORT-TERM LEASE TAX/HIGHWAY FUND.

Senate: Withdrawn From Com

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

S 353: AUDIENCE FACTOR FOR APPORTIONMENT.

Senate: Withdrawn From Com

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

S 357: FUNDS/FORT DOBBS REPLICA.

Senate: Withdrawn From Com

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

S 359: COMMUNITY HEALTH CENTERS GRANT PROGRAM/FUNDS.

Senate: Withdrawn From Com

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

S 364: BRIAN GARLOCK ACT.

Senate: Passed 1st Reading

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

S 365: SCHOOL BUSES/ALLOW USE OF BLUE LIGHTS.

Senate: Passed 1st Reading

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

S 366: RESPONSIBLE WIND ENERGY IMPLEMENTATION.

Senate: Passed 1st Reading

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

S 367: ACCOUNT FOR IMPACT FUTURE BENEFITS/TSEERS.

Senate: Passed 1st Reading

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

S 368: NOTICE OF MEDICAID SPA SUBMISSIONS.

Senate: Passed 1st Reading

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

S 369: SUPPORT COMMUNITY REHABILITATION PROGRAMS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 370: SOUTH ATLANTIC FEDERAL FISHERIES RESOURCES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 371: BUILDING CODE REGULATORY REFORM.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 372: SURVEYING AND PLAT RECORDING CHANGES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 373: PERFORMANCE GUARANTEES/SUBDIVISION STREETS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 374: STATE AUDITOR/VERIFICATIONS & ACCESS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 375: STATE EMPS./NO PAYROLL DUES DEDUCTIONS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 376: LIMIT REVOLVING DOOR EMPLOYMENT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 377: WIRELESS COMMUNICATIONS INFRASTRUCTURE SITING.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 378: UPDATE NC FALSE CLAIMS ACT.-AB

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 379: UNC FUNDING MODEL STUDY.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 380: ENCOURAGE HIGH SCHOOLERS TO ATTEND CCS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 381: RTPO/ESTABLISH ATTENDANCE POLICY.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 382: MOBILE BEAUTY SALONS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 383: BEHAV. HEALTH CRISIS EMS TRANSPORTS/MEDICAID.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 384: THE PHARMACY PATIENT FAIR PRACTICES ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 385: RESTORATION OF FIREARMS RIGHTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 386: INNOVATE NC INITIATIVE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 387: LIMIT SESSION LENGTH.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 388: INCAPACITY TO PROCEED.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 389: OPEN ENROLLMENT/CONTRIBUTORY DEATH BENEFIT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 390: PILOT/SPORTS FOR STUDENTS WITH DISABILITIES.

Senate: Filed

S 391: FERRY TRANSPORTATION AUTHORITY.

Senate: Filed

S 392: CONFIRMATION/SECRETARY OF DHHS.

Senate: Filed

S 393: CONFIRMATION/SECRETARY DEQ.

Senate: Filed

S 394: LEGISLATIVE CYBERSECURITY COMMITTEE.

Senate: Filed

S 395: HOSPITALITY LAW REVISIONS & GAME NIGHT.

Senate: Filed

S 396: SPECIAL SEPARATION ALLOWANCE FOR FIREFIGHTERS.

Senate: Filed

S 397: UTILIZATION REVIEW LAWS CLARIFICATION.

Senate: Filed

S 398: DIRECT SELLERS NOT EMPLOYEES FOR UI.

Senate: Filed

S 399: UNC & CC CREDIT/NATIONAL GD ON SAD.

Senate: Filed

S 400: NATIONAL GUARD TUITION ASSISTANCE PROGRAM.

Senate: Filed

S 401: EARLY RENTAL TERMINATION BY MILITARY MEMBERS.

Senate: Filed

S 402: VET. POSTTRAUMATIC STRESS/MITIGATING FACTOR.

Senate: Filed

S 403: CHILD ABUSE & NEGLECT/MILITARY AFFILIATION.

Senate: Filed

S 404: NAT. GUARD REEMPLOYMENT RIGHTS/DEFINITIONS.

Senate: Filed

S 405: SERVICEMEMBERS CIVIL RELIEF ACT.

Senate: Filed

LOCAL BILLS

H 459: CARTERET LOCAL OPTION SALES TAX FOR DREDGING.

House: Passed 1st Reading

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

H 490: CALDWELL CC/BD. OF TRUSTEES APPOINTMENTS.

House: Filed

H 491: HENDERSON COUNTY FIRE TAX DISTRICTS.

House: Filed

S 6: CORNELIUS ANNEXATION.

Senate: Passed 2nd Reading

S 37: ROANOKE ISLAND FIRE DISTRICT CHANGES.

Senate: Passed 2nd Reading