

The Daily Bulletin: 2017-04-12

PUBLIC/HOUSE BILLS

H 746 (2017-2018) **NC CONSTITUTIONAL CARRY ACT**. Filed Apr 11 2017, *AN ACT TO PROTECT A PERSON'S RIGHT TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT, TO PURCHASE A HANDGUN WITHOUT A PISTOL PURCHASE PERMIT, AND TO CONTINUE ALLOWING PERSONS TO ACQUIRE A CONCEALED HANDGUN PERMIT FOR THE PURPOSES OF RECIPROCITY OR FOR ANY OTHER REASON DESIRED.*

Amends GS 14-269, which prohibits carrying concealed weapons, to establish that the term weapon does not include a firearm for purposes of the statute. Makes conforming changes to eliminate subsections (a1) and (a2) pertaining to carrying a concealed handgun with a permit and the punishments set out for violations of those subsections in subsection (c). Makes further conforming changes to eliminate related requirements in the exceptions and defenses to prosecution under this statute. Makes technical changes.

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

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

Enacts GS 14-415.35 to allow any person who is a citizen of the United States and at least 18 years old to carry a handgun in this State, openly or concealed and without a concealed handgun permit, unless provided otherwise by State law or by 18 USC 922 or any other federal law. Defines handgun to mean a firearm that has a short stock and is designed to be held and fired by the use of a single hand.

Prohibits anyone from carrying a handgun on another person's private property if notice of the prohibition is given by posting a conspicuous notice or statement by the person in legal possession or control of the premises. Exempts from this prohibition law enforcement officers discharging their official duties. Makes a violation of this provisions an infraction and establishes that a person found responsible for the infraction can be required to pay a fine of up to \$500.

Prohibits carrying a handgun while consuming alcohol, or at any time while the person has alcohol remaining in the person's body, or in the person's blood a controlled substance previously consumed. Exempts from this prohibition (1) a person who has a controlled substance in the person's blood that was lawfully obtained and taken in therapeutically appropriate amounts, or (2) a person that is on the person's own property. Makes any violations of this provisions a Class 1 misdemeanor.

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

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

Enacts GS 14-415.36 making it a Class 1 misdemeanor for a person to carry a firearm, either openly or concealed, into any assembly where a fee is charged for admission if notice of the prohibition is given by either a conspicuous posting or statement by the person in legal possession or control of the premises. Also makes it a Class 1 misdemeanor to carry a firearm, either openly or concealed, into any establishment where alcoholic beverages are sold and consumed if notice of the prohibition is given either by posting a conspicuous notice or by statement by the person in legal possession or control of the premises. Exempts from both of the prohibitions (1) the owner or lessee of the premises or business establishment, (2) a person participating in the event if the person is carrying a firearm with the permission of the owner, lessee, or person or organization sponsoring the event, (3) a

person registered or hired as a security guard by the owner, lessee, or person or organization sponsoring the event, and (4) any person exempted by GS 14-415.41 (enacted below, consisting of 15 specified exemptions).

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

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

Enacts GS 14-415.39 making it a Class 1 misdemeanor for any person participating in, affiliated with, or present as a spectator at any parade or funeral procession to willfully or intentionally possess or have immediate access to a firearm or any other dangerous weapon if notice of the prohibition is given by either a conspicuous posting or statement by the person in legal possession or control of the premises. Establishes that it is presumed that any rifle or gun carried on a rack in a pickup truck at a holiday parade or a funeral procession does not violate this prohibition. Also, makes it a Class 1 misdemeanor for any person participating in, affiliated with, or present as a spectator at any picket line or demonstration upon any private health care facility or upon any public place owned or controlled by the State or any of its political subdivisions to willfully or intentionally possess or have immediate access to a firearm or any other dangerous weapon. Exempts from both of the prohibitions (1) persons exempted by GS 14-415.41, (2) any person authorized by State or federal law to carry dangerous weapons in the performance of his or her duties, and (3) any person who obtains a permit to carry a dangerous weapon at a parade, funeral procession, picket line or demonstration from the sheriff or police chief of the locality where the parade, funeral procession, picket line or demonstration is to take place. Defines dangerous weapon to include those weapons specified in GS 14-269, GS 14-269.2; GS 14-284.1, or GS 14-288.1 or any other object capable of inflicting serious bodily injury or death when used as a weapon.

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

Enacts new GS 14-415.41, which exempts 15 classes of individuals from new GS 14-415.36 (prohibiting firearms into any assembly that charges a fee or an establishment where alcoholic beverages are sold and consumed), GS 14-415.37 (prohibiting firearms or weapons on the premises of the State Capitol, Executive Mansion, or Western Residence of the Governor), new GS 14-415.38 (prohibiting firearms or weapons in courthouses or buildings housing any court); new GS 14-415.39 (prohibiting firearms and weapons at parades, funeral processions, picket lines and certain demonstrations); and new GS 14-415.40 (making it unlawful to carry a concealed handgun into specified areas). The 15 classes of individuals granted the exception are: (1) officers and enlisted personnel of the US Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons; (2) civil and law enforcement officers of the United States; (3) officers and soldiers of the militia and the National Guard when called into actual service; (4) a member of the North Carolina National Guard who has been designated in writing by the Adjutant General, State of North Carolina, and is acting in the discharge of his or her official duties; (5) officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties; (6) any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney in this State. Requires the district attorney, assistant district attorney, or investigator to secure the weapon in a locked compartment when the weapon is not on the person. Allows a district attorney may carry a concealed weapon while in a courtroom; (7) any person who is a qualified retired law enforcement officer; (8) detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, if specified conditions are met; (9) a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate. Requires the judge or magistrate to secure the weapon in a locked compartment when the weapon is not on the person of the judge or magistrate; (10) a clerk of court or a register of

deeds. Requires the clerk of court or register of deeds to secure the weapon in a locked compartment when the weapon is not on the person of the clerk of court or register of deeds. Specifies that this subdivision does not apply to assistants, deputies, or other employees of the clerk of court or register of deeds; (11) sworn law enforcement officers; (12) state probation or parole certified officers, when off-duty; (13) a person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department and has in the person's possession written proof of the designation by the Secretary of the Department; (14) an administrative law judge; and (15) state correctional officers, when off-duty; however, the correctional officer is required to meet the firearms training standards of the Division of Adult Correction of the Department of Public Safety.

Enacts new GS 14-415.42, authorizing any person who can legally carry a handgun under new GS 14-415.35 to carry any firearm openly or concealed at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation. Additionally authorizes any person who can legally carry a handgun under GS 14-415.35 to carry a handgun, openly or concealed, on the grounds or waters of a park within the State Parks System as defined in GS 143B-269.1.

Amends GS 14-269.1 to include convictions under new GS 14-415.35 to the convicted offenses for which the presiding trial judge must order the confiscation and disposal of the deadly weapon referenced in the conviction, in the judge's discretion as specified. Also establishes that this provision applies to a conviction of any offense in addition to those specified involving the use of a firearm or other deadly weapon.

Amends GS 14-269.2, which prohibits the carrying of weapons on any kind of educational property or to a curricular or extracurricular school-sponsored activity, as follows. Amends subsection (g), exempting from the prohibition persons exempted by the provisions of GS 14-415.41 (was, GS 14-269(b)). Amends subsection (i) to exempt employees who reside on the higher education institution or nonpublic post-secondary educational institution at which the person is employed, who in addition to meeting other specified qualifications, has a handgun on the premises of the employee's residence or in a closed compartment or container within the employee's locked vehicle located in a parking area of the property at which the person is employed and resides (previously, exempted persons carrying a concealed handgun with a valid permit or who is exempt from obtaining a permit under Article 54B of GS Chapter 14). Makes conforming changes to eliminate provisions concerning employees who are not authorized to carry a concealed handgun pursuant to Article 54B of GS Chapter 14. Makes identical changes to subsection (j) exempting employees of a public or nonpublic school who reside on the campus of the school at which the person is employed. Makes conforming changes to eliminate reference to concealed handgun permits in the exemption set out in subsection (k), which sets out parameters for how a handgun must be kept in a locked compartment within the person's locked vehicle.

Makes conforming changes to GS 14-288.8.

Amends GS 14-401.24, which sets out the provisions for the unlawful possession and use of unmanned aircraft systems, to make a clarifying change to define the term weapon to include firearms.

Amends GS 14-409.40, which establishes the regulation of firearms as an issue of general statewide concern, to provide that nothing in this statute prohibits municipalities or counties from application of their authority under new GS 14-415.35, GS 14-415.36, GS 14-415.38, and GS 14-415.39. Makes conforming changes to delete references to authority granted under statutes repealed by the act.

Amends GS 14-415.4, which directs the court to deny the petition to restore the firearms rights of any petitioner if the court finds the petitioner is or has been adjudicated guilty of or received prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, as specified. Adds to the specified misdemeanors those provided under new GS 14-415.36, GS 14-415.37, GS 14-415.38, and GS 14-415.39. Makes conforming changes to delete references to misdemeanors set out under statutes repealed by the act.

Enacts GS 14-415.10A to provide that the State of North Carolina is to continue to make a concealed handgun permit available, even though it is lawful to carry a concealed handgun without a permit under new GS 14-415.35, to any person who applies for and is eligible to receive a concealed handgun permit pursuant to Article 54B of GS Chapter 14, reasoning that a permit is convenient for purposes of reciprocity when traveling out of state and to make the purchase of a firearm.

Amends GS 14-415.11(a) to eliminate the provision that allows a military concealed handgun permittee to carry a concealed handgun during the 90 days following the end of deployment when that permittee's permit has expired during deployment. Modifies and adds to the areas in which a permit does not authorize a person to carry a concealed handgun, except as provided in GS 14-415.27. Amends subdivision (c)(1) to prohibit carrying in areas prohibited by GS 14-462.2, new GS 14-415.36, and new

GS 14-415.39. Amends subdivision (c)(2) to prohibit carrying in an area prohibited by new GS 14-415.37, except that a person can have a concealed handgun if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. Adds new subdivision (c)(2a) to prohibit carry in an area prohibited by new GS 14-415.38, except that a person can have a concealed handgun if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. Further, makes conforming change to replace the statutory reference in subsection (c3) to now refer to new GS 14-415.42.

Amends GS 14-415.12 (Criteria to qualify for the issuance of a concealed handgun permit) to make conforming changes.

Repeals GS 14-415.22 (the construction provisions of Article 54B of GS Chapter 14).

Amends GS 74E-6 to provide that company police officers have the authority to carry concealed weapons pursuant to and in conformity with new GS 14-415.35 in addition to GS 14-269(b)(4) and (5) if duly authorized by the superior officer in charge. Company police agencies can be a hospital, a State institution, or a corporation engaged in providing on-site police security personnel service for persons or property under GS 74E-2 that is certified by the Attorney General in accordance with The Company Police Act, GS Chapter 74E.

Amends GS 74G-6 to provide that campus police officers have the authority to carry concealed weapons pursuant to and in conformity with new GS 14-415.35 in addition to GS 14-269(b) if duly authorized by their campus police agency and by the sheriff of the county in which the campus police agency is located. Campus police agencies can be public educational institutions operating under the authority of the UNC Board of Governors or the State Board of Community Colleges and private educational institutions licensed by the UNC Board of Governors pursuant to GS 116-15 or that are exempt from licensure by the Board of Governors pursuant to GS 116-15(c) and certified by the Attorney General in accordance with The Campus Police Act, GS Chapter 74G.

Amends GS 113-136 to authorize inspectors and protectors of the Department of Environmental Quality to arrest for violations of new GS 14-415.35, subject to the direction of administrative superiors, relating to matters within the jurisdiction of the Department concerning the conservation of marine and estuarine resources and relating to matters within the jurisdiction of the Wildlife Resources Commission concerning boating and water safety, hunting and trapping, fishing, and activities in woodlands and on inland waters.

Repeals GS 14-402 through GS 14-405 (prohibiting sale of certain weapons without permit, form and issuance or refusal of permit by sheriff and related record keeping), and GS 14-407.1 (sale of blank cartridge pistols).

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

Intro. by Millis, Pittman, Burr, Speciale.

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

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 749 (2017-2018) [LIMITED IDENTIFICATION CARDS](#). Filed Apr 11 2017, *AN ACT TO REDUCE IDENTITY THEFT BY INCREASING PENALTIES FOR THE MANUFACTURE OR SALE OF COUNTERFEIT DOCUMENTS AND TO ALLOW UNDOCUMENTED ALIENS TO OBTAIN LIMITED IDENTIFICATION CARDS*.

Part I

Amends GS 14-100.1, establishing that it is unlawful for any person to knowingly possess, manufacture, or sell (currently, the sale is not included in this offense) a false or fraudulent form of identification for the purpose of deception, fraud, or other criminal conduct. Adds that a violation involving the manufacture or sale of a false or fraudulent form of identification is a Class G felony, while possession is a Class 1 misdemeanor (currently, all violations of the statute are a Class 1 misdemeanor). Makes conforming and technical changes.

Amends GS 20-30, which sets out several offenses pertaining to a license, learner's permit, and special identification card, to expand the scope of the existing provisions to include violations concerning a limited identification card. Additionally, adds to the offense set out in subdivision (2) for counterfeiting, selling, lending to, or knowingly permitting the use of a driver's license,

learner's permit, limited identification card, or special identification card, by one who is not entitled. Makes a violation of this provision by a person under the age of 21 for the purpose of the underage purchase of alcohol a Class 1 misdemeanor, and a violation by a person under the age of 18 for the purpose of the underage purchase of tobacco products or cigarette wrapping papers a Class 2 misdemeanor. Provides that any other violation of the provision is a Class G felony. Also, modifies the offense set out in subdivision (7) for selling or offering to sale any reproduction or facsimile or simulation of a driver's license, learner's permit, limited identification card, or special identification card, making the offense a Class G felony (currently, a Class I felony). Adds a new offense for possession of more than one special identification card for a fraudulent purpose. Makes technical changes.

Makes a conforming repeal of GS 20-38.8, concerning fraudulent uses or possession of a special identification card.

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

Part II

Amends GS 20-7 (Issuance and renewal of drivers licenses) to specify that the identification card referred to in the statute is a special identification card.

Renames Article 2B of GS Chapter 20 as Special Identification Cards and Limited Identification Cards for Nonoperators.

Amends GS 20-37.7 (Special Identification Card), adding to the eligibility provisions that eligibility is also subject to the applicable provisions of GS 20-7. Deletes subsection (e) that made any fraud or misrepresentation in the application for or use of a special identification card issued under the statute a Class 2 misdemeanor. Makes technical changes.

Enacts GS 20-37.8A, establishing that a person who is an NC resident and who is not lawfully present in the US is eligible for a limited identification card. Directs the Division of Motor Vehicles (DMV) to issue a limited identification card to an applicant who: (1) is not lawfully present in the US; (2) completes the application form used to obtain a driver's license; and (3) agrees to a criminal history check, and that check shows that the applicant does not have a criminal history. Provides that an applicant that is under the age of 16 is not required to agree to a criminal history check. Defines criminal history for purposes of the statute.

Details the format of the limited identification card, including that the card must clearly bear statements providing that (1) the card is not a valid means of demonstrating eligibility for voter registration or for public benefits, (2) the card does not legitimize the holder's presence in the US or NC, and (3) the card is not valid for any other purpose other than demonstrating identity.

Provides that an initial limited identification card expires on the birthday of the person to whom it is issued in the first year after the initial issuance, provided that the initial card expires no later than 18 months after the date of initial issuance. A renewal limited identification card expires one year after the expiration date of the limited identification card that is renewed. Allows a person to apply to the DMV to renew a limited identification card during the 180-day period before the card expires. Prohibits the DMV from accepting an application for renewal made before the 180-day period begins.

Directs the Secretary of Transportation to set the fee for an initial identification card equal to the actual cost of processing the relevant application and furnishing the card. Sets the renewal fee at \$25. Requires the fee to be paid before the person receives the card.

Requires the DMV to maintain a record of all recipients of a limited identification card. Provides immunity for the State or any agency from liability for the misuse of a limited identification card. Permits the DMV to use various communications media to inform NC residents of the statute's provisions.

Prohibits a State agency or official from using any information submitted as part of the application process to seek the removal from the US of the applicant or for any purpose other than the issuance of the limited identification card. Further prohibits a State agency or official from releasing information pertaining to the immigration status of an applicant for a limited identification card unless expressly required by law to do so. Clarifies that the statute does not prohibit the use of the information in the prosecution of crimes that (1) are committed by the applicant after the issuance of the identification card, or (2) are revealed by the criminal history check undertaken pursuant to the statute.

Directs the DMV to work with other State and local agencies, including the State Board of Elections, the Department of Health and Human Services, the Department of Public Instruction, and the Department of Public Safety, on an ongoing basis to ensure that limited identification cards are not used to obtain public benefits for which only citizens and lawfully present persons are eligible.

Amends GS 20-37.9 (Notice of change of address or name) to expand the scope of the existing provisions to include a person whose address or name changes from that stated on a limited identification card. Adds that GS 20-37.8A sets the fee for a limited identification card.

Enacts GS 143B-967, directing the Department of Public Safety (DPS) to, upon request, provide the DMV the criminal history from the State and National Repositories of Criminal Histories of applicants age 16 or older for limited identification cards. Requires the DMV to provide with the request the fingerprints of the person who is the subject of the record check and a signed consent form, as specified, by the person who is the subject of the record check. Provides for the fingerprints to be sent to the State Bureau of Investigation and the Federal Bureau of Investigation for criminal history searches and checks. Directs that the DMV is to keep information obtained pursuant to the statute confidential. Allows (DPS) to charge a fee for costs incurred in conducting the criminal record check, not to exceed the actual costs of locating, editing, researching, and retrieving the information. Permits DPS to enter into a contract with a third party to conduct the criminal history record check.

Amends GS 18B-302 (concerning the sale to or purchase by underage persons of alcohol) to expand the existing defenses to a violation of the statute, providing a defense when (1) the seller shows that the purchaser produced a limited identification card issued under GS 20-37.8A showing the purchaser to be at least the required age to purchase and bearing a physical description of the person named on the card that reasonably describes the purchaser, or (2) the seller shows at the time of purchase that the purchaser used a biometric identification system that demonstrated the purchaser to be at least of age and the purchaser had previously registered with the seller or the seller's agent a limited identification card issued under GS 20-37.8A. Makes clarifying and technical changes.

Amends GS 18C-131 (Sales and sale price of tickets and shares; sales to minors prohibited) to expand the existing defense to a violation of the statute, providing a defense when the seller shows that the purchaser produced a limited identification card issued under GS 20-37.8A showing the purchaser to be at least 18 years old and bearing a physical description of the person named on the card that reasonably describes the purchaser. Makes technical changes.

Amends GS 19A-32.1 (Minimum holding period for animals in animal shelter; public viewing of animals in animal shelters; disposition of animals) to add a limited identification card issued under GS 20-37.8A to the valid forms of identification that can be presented to an animal shelter by a person to whom an animal is released.

Amends GS 20-7.3 (Availability of organ, eye, and tissue donor cards at motor vehicle offices) to make donor cards and organ donation information available at DMV offices authorized to issue limited identification cards. Makes technical changes.

Makes conforming changes to GS 20-43 (Records of Division).

Amends GS 20-43.2 (Internet access to organ donation records by organ procurement organizations) to include the specified data of a donor or prospective donor's special identification card or limited identification card number on the Donor Registry. Makes conforming changes.

Amends GS 20-52 (Application for registration and certificate of title) to allow an application to the DMV for a certificate of title, a registration plate, and a registration card for a vehicle to provide the owner's NC limited identification card number alternatively to the owner's NC driver's license number or NC special identification card number.

Amends GS 20-34.1 (Violations for wrongful issuance of a drivers license or an identification card) to make the existing provisions applicable to both special identification cards and limited identification cards.

Amends GS 25-9-503 (Name of debtor and secured party) to establish that a financing statement sufficiently provides the name of the debtor if, along with meeting other existing requirements, the debtor is an individual to whom the State has issued a limited identification card that has not expired and the financing statement provides the name of the individual which is indicated on the limited identification card. Makes conforming, technical and clarifying changes.

Amends GS 66-253 (Display of identification card upon request) to include a limited identification card issued under GS 20-37.8A to the forms of identification that must be presented by an individual who is a peddler, an itinerant merchant, specialty market operator, or specialty market vendor upon request of any customer, State or local revenue agent, or law enforcement agent, as specified.

Amends GS 66-254 (Records of source of new merchandise), to allow a limited identification card issued by the DMV to be used in the place of the seller's driver's license for the purpose of providing and verifying information required under the statute.

Amends GS 90-106.1 (Photo ID requirement for Schedule II controlled substances) to allow a person seeking the dispensation of the specified substances to present a permitted pharmacy a valid, unexpired limited identification card issued under GS 20-37.8A.

Effective January 1, 2018.

Part III

Enacts GS 64-6, providing that possession of a limited identification card issued under GS 20-37.8A by itself cannot be used for a criminal investigation, arrest, or detention in circumstances in which a person who possesses some other form of identification would not be criminally investigated, arrested, or detained. Effective January 1, 2018.

Part IV provides a severability clause.

Intro. by Warren, Collins, Jordan, Adams.

[GS 14](#), [GS 18B](#), [GS 18C](#), [GS 19A](#), [GS 20](#), [GS 25](#), [GS 64](#), [GS 66](#), [GS 90](#), [GS 143B](#)

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[Business and Commerce](#), [Courts/Judiciary](#), [Motor Vehicle](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Government](#), [State Agencies](#), [Department of Transportation](#), [Immigration](#), [Military and Veteran's Affairs](#)

H 772 (2017-2018) [AMEND NC INT'L ARBITRATION/CONCILIATION ACT](#). Filed Apr 11 2017, *AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION AND CONCILIATION ACT*.

Amends GS Chapter 1, Article 45B (International Commercial Arbitration and Conciliation) as follows:

Amends GS 1-567.31 (Scope of application) to provide that the Article is subject to any applicable international agreement and any federal law (was, applicable international agreement or federal statute). Requires an agreement between parties that an arbitration or conciliation concerns more than one nation to be in a record. Clarifies that an arbitration or conciliation is commercial if the underlying commercial relationship relates to any of the listed subjects, but does not limit commercial arbitrations and conciliations to those concerning those subjects. Adds plant variety protection to the list of intellectual property subjects that make a commercial relationship. Provides that the Article does not govern arbitrations under GS Chapter 90, Article 1H (Voluntary Arbitration of Negligent Health Care Claims). Makes additional clarifying and technical changes.

Amends GS 1-567.32 (Definitions and rules of interpretation) to delete the definition of *superior court*, and add the definition of *court* and *record*. Throughout the remainder of the act, judicial actions currently required to be performed in superior court are now required to be performed in a court of competent jurisdiction in this State. Provides that provisions in the Article referring to claims also apply to counterclaims or setoffs, and that defenses also refer to defenses to counterclaims or setoffs.

Amends GS 1-567.33 (Receipt of written communications or submissions) to provide that an agreement to the contrary of that statute's requirements must be in a record. Provides for transmission of written communications by electronic transmission, if in a record, and requires a valid receipt of transmission to be in a record. Provides for written communication by certified mail as a contingency, in addition to the other listed forms contingency communication.

Amends GS 1-567.39 (Interim relief and the enforcement of interim measures), deleting the provision authorizing a party to an arbitration to request a superior court to enforce an order of an arbitral tribunal granting interim measures under GS 1-567.47. Authorizes a court to grant any of the listed orders or actions (currently, does not specify any or all). Requires an agreement between the parties limiting the availability of interim relief to be in a record.

Amends GS 1-567.41 (Appointment of arbitrators) to require a court, when appointing an arbitrator, to consider all of the currently listed factors.

Repeals GS 1-567.42 (Grounds for challenge) and GS 1-567.43 (Challenge procedure).

Enacts new GS 1-567.43A (Disclosure by arbitrator). Requires an individual who is requested to serve as an arbitrator to disclose to all parties to the agreement, the arbitration proceeding, and other arbitrators, any known facts that a reasonable person

would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding. The arbitrator has a continuing obligation to disclose any such facts that the arbitrator learns after accepting appointment. If an arbitrator discloses a fact, either prior to or after accepting appointment as an arbitrator, and a party makes a timely objection to the appointment or continued service of the arbitrator based on that fact, the objection may be a ground for vacating an award made by the arbitrator. Failure of an arbitrator to disclose a required fact is grounds, upon timely objection of a party, for vacating an award made by the arbitrator. Failure to disclose a known, direct, and material interest in the outcome of the arbitration proceeding or a known, existing, and substantial relationship with a party creates a presumption that the arbitrator acted with evident partiality. Provides for compliance with an agreement between parties on procedures for challenges to arbitrators.

Amends GS 1-567.47 (Power of arbitral tribunal to order interim measures). Provides that a court has the same power to issue an interim measure in an arbitration proceeding, regardless of whether the arbitration proceeding is in this State, as it has in a court proceeding. Directs the court to exercise this power in accordance with its own procedures in consideration of the specific features of international arbitration.

Amends GS 1-567.49 (Determination of rules of procedure). Directs the arbitral tribunal to select the rules for conducting the arbitration after hearing all parties and taking particular reference to model rules. Authorizes a court to order the use of rules, taking particular reference to model rules, in the event a tribunal cannot decide on rules for conducting the arbitration. Specifies that each party has the burden of proving the facts relied on to support its counterclaims.

Enacts new GS 1-567.50A (Consolidation) Authorizes a court, upon motion of a party, to order consolidation of separate arbitration proceedings as to all or some of the claims if each of four listed circumstances are true, including that the claims subject to the arbitration agreements arise in substantial part from the same transaction or series of related transactions. Prohibits a court from ordering consolidation of the claims if the arbitration agreement prohibits consolidation.

Amends GS 1-567.51 (Commencement of arbitral proceedings) to provide an exception to that statute for contrary requirements in the rules and procedures upon which the parties have agreed. Requires the commencement to begin on the date on which a request for that dispute to be referred to arbitration is received by a party (currently, received by the respondent).

Amends GS 1-567.53 (Statements of claim and defense). Requires the respondent to state its defenses, counterclaims, or setoffs (currently, defenses and counterclaims or setoffs). Requires each party, when there are more than two parties to the arbitration, to state their claims, defenses, counterclaims, or setoffs (currently, claims setoffs, and defenses).

Amends GS 1-567.57 (Court assistance in obtaining discovery and taking evidence). Deletes the provisions regarding consolidation of two or more arbitrations.

Amends GS 1-567.61 (Form and contents of award). Requires the award to be made in writing in a record (currently, in writing). Requires awards to be made within the time specified by the agreement to arbitrate or the arbitration institution, or if not specified, within the time ordered by the court. Provides for extension of time upon court instruction or agreement of the parties in a record. Provides that a party waives any objection of an untimely award unless the party gives notice of the objection to the tribunal before receiving notice of the award. Clarifies that the arbitral tribunal may include any of the currently listed fees and expenses in an order for costs. Clarifies that the arbitral tribunal may specify any of the currently listed pieces of information in the order for costs. Authorizes an arbitral tribunal to award punitive damages if each of three listed circumstances are true, including that the arbitration agreement provides for an award of punitive damages or exemplary relief. Requires an arbitral tribunal that awards punitive damages or other exemplary relief to specify the basis in fact justifying and the basis in law authorizing the award, and to state separately the amount of the punitive damages or other exemplary relief.

Amends GS 1-567.64 (Modifying or vacating of awards) to provide that that statute is subject to relevant provisions of federal law and any applicable international agreement (currently, federal law or applicable international agreement). Directs (currently, the court has regard to do so) a reviewing court under this statute to consider the provisions of this Article (currently, this Article and two other statutes).

Amends GS 1-567.65 (Confirmation and enforcement of awards) to provide that that statute is subject to relevant provisions of federal law and any applicable international agreement (currently, federal law or applicable international agreement). Authorizes a court to seal or redact, in whole or in part, an order, judgment, or arbitral award issued under this Article. Authorizes the court, upon good cause, to open a sealed or redacted order, judgment, or arbitral award, or seal or redact an opened order, judgment, or arbitral award.

Amends GS 1-567.66 (Applications to court), to provide that notice of an initial application for an order must be served in the manner for the service of a summons in a civil action (currently, an action).

Enacts new GS 1-567.88 (Uniformity of application and construction). Requires consideration of the need to promote uniformity of the law among the states that have enacted the Revised Uniform Arbitration Act, with respect to this subject matter, with particular consideration given to the Revised Uniform Arbitration Act as enacted in this State, while applying and construing this Article.

Enacts new GS 1-567.89 (Relationship to federal Electronic Signatures in Global and National Commerce Act). Provides that this Article conforms to the requirements of the Electronic Signatures in Global and National Commerce Act or other federal or State law governing electronic records and signatures.

Makes technical and conforming changes.

Effective October 1, 2017.

Intro. by Destin Hall, Grange, Rogers, John.

GS 1

[View summary](#)

[Business and Commerce, Courts/Judiciary, Civil, Civil Law](#)

H 773 (2017-2018) [ABC SALES/SPORTS & ENTERTAINMENT VENUES](#). Filed Apr 11 2017, *AN ACT TO REVISE THE ABC LAWS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES AT SPORTS AND ENTERTAINMENT VENUES*.

Modifies GS 18B-1009 to now provide that nothing in GS Chapter 18B prohibits a retail permittee from selling for consumption alcoholic beverages authorized to be sold under the applicable permit in the seating areas of sports and entertainment venues (previously, the seating areas of stadiums, ballparks, and other similar public places) with a seating capacity of 3,000 or more, provided that five conditions are met, as described. Makes conforming and technical changes. Adds two defined terms. Defines *premises* to include all areas where the owner of the sports and entertainment venue has control of the property through a lease, deed, or other legal process. Defines *sports and entertainment venue* to mean stadiums, ballparks, and other similar public places.

Intro. by Dulin, Zachary.

GS 18B

[View summary](#)

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

H 775 (2017-2018) [UNC CAPITAL EFFICIENCIES](#). Filed Apr 11 2017, *AN ACT RELATED TO THE UNIVERSITY OF NORTH CAROLINA SYSTEM BUDGET REQUESTS AND CAPITAL PROJECTS*.

Amends GS 116-11, which sets out the powers and duties of the UNC Board of Governors (BOG). Amends subdivision (9), concerning the appropriation of funds for the continuing operation of constituent institutions, to authorize funds in the third category of subdivision (a) to be allocated in whole or in part for other items within the list of priorities or for items not included in the list of priorities when the BOG deems it to be in the best interest of the State (currently, requires both the BOG and the Director of Budget to deem it to be in the best interest of NC). The third category of funds in subdivision (a) includes funds requested by the BOG without reference to constituent institutions, itemized as to priority and covering such areas as new programs and activities, expansions of programs and activities, increases in enrollments, increases to accommodate internal shifts and categories of persons served, capital improvements, improvements in levels of operation and increases to remedy deficiencies, as well as other areas.

Additionally, authorizes the BOG, unless otherwise provided in Article 1 of GS Chapter 116 (currently, authorizes the Director of Budget upon the recommendation of the BOG), to transfer appropriated funds from one institution to another to provide adjustments for over or under enrollment, or make any other adjustments among institutions that would provide for the orderly and efficient operation of the institutions.

Amends GS 116-14, concerning the UNC President and staff, to authorize the President to establish procedures for transferring funds to and from Budget Code 16010, including but not limited to, transfers to the constituent institutions for nonrecurring expenditures (currently, authorized to establish procedures only for transferring funds to the Budget Code 16010 to the constituent institutions for nonrecurring expenditures). Authorizes the President to identify funds for capital improvement projects and transfer funds for capital improvement projects to and from Budget Code 16010 (currently, only authorized to identify funds for capital improvement projects from Budget Code 16010).

Amends GS 116-30.2 (Appropriations to special responsibility constituent institutions) authorizing the UNC President, in addition to the existing authority of responsibility constituent institutions, to transfer appropriations between budget codes. Adds a new requirement for a special responsibility constituent institution to submit to the Director of Budget its requests for allotments quarterly.

Amends GS 143C-3-3 (Budget request from State agencies in the executive branch), requiring UNC to complete conceptual planning (currently, complete planning through schematic design) of a project with funds other than General Fund appropriations before submitting a capital funds request proposing to construct a new facility, expand the building area of an existing facility, or rehabilitate an existing facility.

Amends GS 143C-6-3 (Allotments) to direct UNC to submit to the Director of Budget requests for allotments at intervals as prescribed in Article 1 of GS Chapter 116.

Makes clarifying change to GS 143C-6-4 (Budget adjustments authorized) pertaining to authorized transfers in the UNC budget.

Modifies Section 31.14 of SL 2015-241, authorizing state agencies to undertake small repairs and renovations projects with available funds subject to the specified requirements and limitations. Changes the cap for the total cost of a project pursuant to the provision to \$1 million (was, \$300,000). Adds a new provision establishing that general funds contractually obligated for a project cannot revert at the end of the fiscal year and must remain available to fund the completion of the project.

Intro. by Arp, Strickland.

GS 116, GS 143C

[View summary](#)

Government, General Assembly

H 776 (2017-2018) **ADOPTION LAW CHANGES**. Filed Apr 11 2017, *AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE LAWS GOVERNING ADOPTIONS*.

Amends GS 48-3-605 (Execution of consent; procedures). Amends the provision authorizing minor parents who have not reached the age of 18 to be identified by an affidavit to additionally apply that provision to adoptees who have not reached the age of 18. Requires a social worker providing the affidavit to be employed by an agency or a county department of social services. Authorizes an affidavit by an adult who has known the minor for more than two years, in the event that no other listed person to whom the minor does not object is available.

Amends GS 48-2-205 (Recognition of adoption decrees from other jurisdictions). Requires two persons (currently, a man and a woman) who adopted a child in a foreign country while married to one another to readopt jointly. Provides for adoption by one person, where two persons adopted a minor child in a foreign country while married to one another and one of them has died.

Amends GS 48-2-301 (Petition for adoption; who may file). Provides that two persons (currently, a man and a woman) who jointly adopted a minor child in a foreign country. Provides for the survivor of two persons who jointly adopted a minor child in a foreign country while married to each other to file to readopt in the names of both persons.

Amends GS 48-3-606 (Content of consent; mandatory provisions) and GS 48-3-703 (Content of relinquishment; mandatory provisions). Authorizes the consent to adoption and relinquishment to designate the minor's name as "Baby [Last Name of Biological Mother]" or a similar designation.

Amends GS 48-3-607 (Consequences of consent) and GS 48-3-705 (Consequences of relinquishment). Authorizes prospective adoptive parents with whom a minor has been placed in an independent adoption and who have filed a petition for adoption of the minor, and agencies or county departments of social services to whom a minor has been relinquished, to apply ex parte to a clerk of superior court for an order finding that the child has been placed with the petitioner and confirming that the petitioner has legal

and physical custody of the minor for the purposes of obtaining a certified copy of the child's birth certificate, a Social Security number, or federal and State benefits for the minor, after the time within which the relinquishing parent or guardian may revoke the relinquishment has expired.

Amends GS 48-2-206 (Prebirth determination of right to consent) to provide that if the identity or whereabouts of a biological father cannot be ascertained and the biological father is served by publication, then the 30-day notice requirements otherwise required by this statute do not apply, and the biological father has 40 days from the date of first publication to answer in accordance with this statute.

Makes a conforming change to GS 7B-1105.

Amends GS 48-2-402 (Manner of service). Provides that the statute does not require an agency or other proper person to file a petition to terminate the parental rights of unknown, known, or possible parents who have been notified by publication, when the parent or guardian placing a child for adoption and the adopting parent have consented to the release of identifying information under GS 48-9-109(2).

Amends GS 48-3-303 (Content and timing of preplacement assessment). Provides that the most recent amended or updated preplacement assessment that meets the requirements of this statute and GS 48-3-301 constitutes the preplacement assessment for the purpose of meeting any requirement of GS Chapter 48 that a copy of the preplacement assessment be delivered to a court or a placing parent, guardian, or agency.

Effective October 1, 2017.

Intro. by Jordan, Rogers.

GS 7A, GS 48

[View summary](#)

Courts/Judiciary, Civil, Civil Procedure, Family Law, Juvenile Law, Abuse, Neglect and Dependency, Health and Human Services, Social Services, Child Welfare

H 777 (2017-2018) **AMEND LAW REGARDING UNIVERSITY DISCIPLINE**. Filed Apr 11 2017, *AN ACT TO ESTABLISH DUE PROCESS SAFEGUARDS FOR STUDENTS FACING UNIVERSITY DISCIPLINARY PROCEEDINGS*.

Amends GS 116-11 to require the UNC Board of Governors (BOG) to adopt mandatory, systemwide policies governing a student's due process rights during disciplinary investigations and hearings. Specifies five items that must be included in the policy with regard to allegations of sexual misconduct by a student, including that the accused student be promptly provided adequate notice including details of the allegations, details of any alleged violation of the Student Code of Conduct, and copies of all evidence at a meaningful time and in a meaningful manner and be advised of the right to consult legal counsel and to an appeal, as well as requiring that the standard of proof of responsibility for proving sexual misconduct be no less than clear and convincing evidence.

Enacts new Part 8, Student Disciplinary Proceedings, under Article 1 of GS Chapter 116. Enacts new GS 116-44.20 requiring each UNC constituent institution to adopt policies to govern student conduct and to establish adequate due process procedures to be followed when conducting disciplinary proceedings against students. Requires the policies to comply with the policies adopted by the BOG under GS 116-11, as described above, Article 1, and US and State laws and regulations. Requires that the University policies include or provide for the development of a Code of Student Conduct that notifies students of the standards of behavior, conduct that may subject a student to discipline, and the range of disciplinary measures that may be used. Allows the suspension, but not expulsion, of a student for conduct not occurring on campus, if the conduct violates the Code of Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the constituent institution or the safety of individuals in the educational environment. Prohibits allowing a student to be long-term suspended or expelled without first providing a hearing and prohibits imposing mandatory suspensions or expulsions for specific violations unless otherwise provided by State or federal law. Requires minimizing the use of long-term suspension and expulsion. Requires University policies to include the hearing notification procedures and due process procedures to be followed by university officials and students for cases involving a disciplinary outcome that may result in suspension or expulsion, consistent with Article 1.

Recodifies GS 116-40.11 as GS 116-44.21 and includes it in new Part 8. Also amends the statute to give any student enrolled at a constituent institution who is accused of a violation of the Student Code of Conduct (was, violation of the disciplinary or conduct rules), the right to be represented, at the student's expense, by a licensed attorney or nonattorney advocate who must be (was, may be) allowed to participate during any disciplinary hearing or procedure. Provides that a student does not have the right to be represented by an attorney or advocate for any allegation of academic dishonesty (previously also included situations where the institution has implemented a student honor court that is fully staffed by students to address such violations). Makes additional conforming changes.

Applies to investigations and proceedings initiated on or after October 1, 2017.

Intro. by Setzer.

[GS 116](#)

[View summary](#)

[Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System](#)

H 778 (2017-2018) [LRC/OPIOID MISUSE PREVENTION](#). Filed Apr 11 2017, *AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY EFFECTIVE EVIDENCE-BASED STRATEGIES FOR PREVENTING OPIOID MISUSE AND OVERDOSE*.

Authorizes the Legislative Research Commission (LRC) to study effective evidence-based strategies for preventing opioid misuse and overdose, including examining the average age of individuals misusing opioids, how individuals began misusing opioids, and the length of time individuals have been misusing opioids. Allows the LRC to make an interim report to the 2017 General Assembly, 2018 Regular Session, and requires a final report to the 2019 General Assembly. Effective July 1, 2017.

Intro. by B. Richardson.

[STUDY](#)

[View summary](#)

[Government, General Assembly, Health and Human Services, Health](#)

H 780 (2017-2018) [UPHOLD HISTORICAL MARRIAGE ACT](#). Filed Apr 11 2017, *AN ACT TO AFFIRM THAT SECTION 6 OF ARTICLE XIV OF THE NORTH CAROLINA CONSTITUTION IS THE LAW OF THE STATE*.

Includes whereas clauses.

Amends GS 51-1.2 (marriage between persons of the same gender not valid) to declare the *Obergefell v. Hodges* decision of the US Supreme Court of 2015 null and void in the State of North Carolina, and that the State of North Carolina must henceforth uphold and enforce Section 6 of Article XIV of the North Carolina Constitution, notwithstanding the opinion and objection of the US Supreme Court.

Intro. by Pittman, Speciale, Ford.

[GS 51](#)

[View summary](#)

[Constitution, Courts/Judiciary, Civil, Family Law, Court System](#)

H 781 (2017-2018) [JMAC MODIFICATIONS](#). Filed Apr 11 2017, *AN ACT TO MAKE CERTAIN MODIFICATIONS TO THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND*.

Amends GS 143B-437.012 (Job Maintenance and Capital Development Fund).

Adds new subdivision (1a) to subsection (d), providing that a business that is a major employer is additionally eligible for consideration for a grant under the statute if (1) it satisfies the provisions of existing subdivision (4) (requires all newly hired

employees of the business to be US citizens or have proper identification and documentation of their authorization to reside and work in the US), and (2) the business previously received a grant as a major employer under subdivision (1) and meets three requirements. Sets out the three requirements as being: (1) the Department of Commerce certifies that the business has invested or intends to invest at least \$200 million of private funds in improvements to real property and additions to tangible personal property in the project within a six-year period beginning with the time the investment commences (clarifies that amounts certified as invested under subdivision (1) are not included in the amount requirement of new subdivision (1a)); (2) the business employs at least 2,000 full-time employees or equivalent full-time contract employees at the project that is the subject of the grant at the time the application is made, and the business agrees to maintain at least 2,000 full-time employees or equivalent full-time contract employees at the project for the full term of the grant agreement; and (3) the project is at the same location as that for which a grant was previously awarded under subdivision (1) of subsection (d).

Additionally, modifies subsection (n) to authorize the Department of Commerce to enter into no more than six agreements (currently, five) under the statute. Caps the total aggregate cost of all agreements entered into under the statute at \$139 million (currently, \$79 million).

Intro. by S. Martin, Farmer-Butterfield.

[GS 143B](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Community and Economic Development](#)

H 782 (2017-2018) [PAID HOLIDAY/PRIMARY AND GENERAL ELECTIONS](#). Filed Apr 11 2017, *AN ACT AUTHORIZING A LOCAL BOARD OF EDUCATION AND THE STATE HUMAN RESOURCES COMMISSION TO ESTABLISH BOTH PRIMARY AND GENERAL ELECTIONS IN EVEN-NUMBERED YEARS AS PAID HOLIDAYS FOR TEACHERS AND STATE EMPLOYEES*.

Amends GS 115C-84.2(b) to make the date of the primary election (the Tuesday after the first Monday in May preceding the general election in even-numbered years) and the date of the general election (the Tuesday after the first Monday in November in even-numbered years) a holiday for all public school personnel and for all students enrolled in the public schools.

Amends GS 126-4 to require the State Human Resources Commission to include the date of the primary election and the general election as paid holidays for State employees. Makes conforming changes.

Intro. by Brockman.

[GS 115C, GS 126](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Elections, State Government, State Personnel](#)

H 783 (2017-2018) [PROHIBIT RESALE OF LOTTERY TICKETS](#). Filed Apr 11 2017, *AN ACT TO PROHIBIT THE RESALE OR TRANSFER OF LOTTERY TICKETS AND TO LIMIT THE AMOUNT PAYABLE TO AN UNLAWFUL PRIZE CLAIMANT*.

Amends GS 18C-132 to make it a Class 1 misdemeanor to purchase, sell, transfer, or assign the rights to claim a lottery prize. Limits payout for prize claims made by a person who is not the lawful claimant to the amount of consideration paid by the unlawful claimant to obtain the claim. Specifies that in the case of an overpayment, the amount overpaid to the unlawful claimant is subject to the debt setoff provisions under GS 18C-134. Effective December 1, 2017.

Intro. by Collins, Bert Jones.

[GS 18C](#)

[View summary](#)

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

H 784 (2017-2018) [SUITABILITY IN ANNUITY](#). Filed Apr 11 2017, *AN ACT TO IMPLEMENT REVISED MODEL REGULATIONS OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS GOVERNING RECOMMENDATIONS MADE TO CONSUMERS REGARDING THE PURCHASE OR EXCHANGE OF ANNUITIES*.

Require the Department of Insurance (Department) to adopt rules substantially similar to the model regulation on suitability in annuity transactions (as revised in March 2010) issued by the National Association of Insurance Commissioners. Specifies that the rules are not subject to Part 3 of Article 2A of GS Chapter 150B (Administrative Procedure Act).

Makes a conforming repeal of Part 4 (Suitability in Annuity Transactions) of Article 60 of GS Chapter 58. Effective on the date that rules adopted, as required above, become effective.

Requires the Codifier of Rules to notify the Revisor of Statutes of the effective date of rules adopted as required by this act.

Intro. by Collins, Corbin.

UNCODIFIED

[View summary](#)

**Banking and Finance, Government, State Agencies,
Department of Insurance**

H 785 (2017-2018) [DUTY TO CALL 911/VIOLATION MISDEMEANOR](#). Filed Apr 11 2017, *AN ACT PROVIDING THAT ANY PERSON WHO KNOWS OR HAS REASON TO KNOW THAT ANOTHER IS IN NEED OF EMERGENCY ASSISTANCE HAS A DUTY TO DIAL 911 TO SUMMON POLICE, FIRE DEPARTMENT, OR AMBULANCE*.

Enacts GS 14-202.7, establishing a duty to dial 911 to summon police, fire department, or ambulance to the scene or use other means to summon emergency assistance when a person who knows or has reason to know that another is in need of emergency assistance. Provides that a person is not required to summon emergency assistance if doing so would place the person in danger or emergency assistance is being summoned by others. Makes a violation of the statute a Class A1 misdemeanor, and makes a violation a Class I felony if the failure to dial 911 is willful or grossly negligent and the person in need of emergency assistance dies as a result of the failure to dial 911. Specifies that the felony of failure to summon emergency assistance is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

Grants limited civil immunity for any person who renders first aid or emergency care to a person in need of emergency medical assistance.

Effective December 1, 2017.

Intro. by Iler.

GS 14

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and
Procedure, Government, Public Safety**

H 786 (2017-2018) [NC ENERGY AND WATER EFFICIENT SCHOOLS ACT](#). Filed Apr 11 2017, *AN ACT TO ENACT THE ENERGY-EFFICIENT AND WATER-EFFICIENT SCHOOLS ACT*.

Includes whereas clauses.

Enacts new GS 115C-524.5 to require local school administrative units and charter schools to report, on or before January 31 of each year, to the Department of Public Instruction (DPI) on the amount of energy and water used at each building during the previous year. Requires that usage be measured and reported using a management portfolio tool created by the US EPA and the US Department of Energy, and bearing the international Energy Star service mark. Requires DPI to report the date, on or before March 1 of each year, with the information categorized in specified ways. Requires local school administrative units to use the published data as follows: (1) use the most recent two years of published data to establish energy and water efficiency improvement goals for facility operations and maintenance; and (2) use those goals to set minimum efficiency requirements for all new construction and major renovations performed on school facilities.

Allows a county that has a revolving loan fund to use the fund to give local school administrative units loans for qualified uses, defined as including acquisitions for new construction and major renovation projects that meet federal programmatic requirements and the minimum benchmark requirements of this statute, energy modeling fees, performance contracting, infrastructure supporting electric or hybrid-electric buses, and buses powered by electricity or compressed natural gas.

Makes conforming changes to GS 115C-521.

Enacts GS 115C-218.36 requiring charter schools to report annually on energy and water usage to DPI.

Applies beginning with the 2017-18 school year.

Intro. by Harrison.

GS 115C

[View summary](#)

**Education, Elementary and Secondary Education,
Environment, Energy**

H 790 (2017-2018) **SOLITARY CONFINEMENT IN PRISONS**. Filed Apr 11 2017, *AN ACT TO ESTABLISH UNIFORM GUIDELINES AND PROCEDURES FOR THE USE OF SOLITARY CONFINEMENT FOR MINOR OFFENDERS*.

Amends GS 143B-704 (Division of Adult Correction of the Department of Public Safety--Functions). Directs the Division to establish uniform guidelines and procedures for the use of solitary confinement of minor offenders. Provides three requirements for the guidelines, including that solitary confinement shall not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety of any other minor, inmate, or staff.

Amends GS 148-11 (Authority to adopt rules; authority to designate uniforms). Requires the printed copy of rules made available to prisoners to include the guidelines and procedures for solitary confinement, as promulgated above.

Enacts new GS 148-13.1 (Regulations and restrictions on time spent in solitary confinement). Requires the placement of minor offenders in solitary confinement to conform with the guidelines promulgated above, and be for an initial period of four hours. After four hours, directs staff to either return the minor to general population, consult with mental health or medical staff, develop an individualized plan that includes the goals or objectives that must be met to reintegrate the minor into general population, or a combination of any or all of these things. If a minor must be held in solitary confinement for more than four hours, directs staff to document the reason and need for the extended confinement, and the date and time of first solitary confinement and release from solitary confinement, to develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the minor into general population, and to obtain documented authorization by the facility superintendent or designee every four hours thereafter. Does not apply during an extraordinary, emergency circumstance that requires significant departure from normal institutional operations. Such an exception applies for the shortest amount of time needed to address the imminent and substantial risk of harm. Requires the Department of Public Safety to report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the use of solitary confinement with minor offenders under 18 years old.

Effective December 1, 2017.

Intro. by Cunningham.

GS 143B, GS 148

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

H 791 (2017-2018) **ELECTORAL DISTRICTS/WAKE CO DISTRICT CT**. Filed Apr 11 2017, *AN ACT TO ESTABLISH ELECTORAL DISTRICTS FOR WAKE COUNTY DISTRICT COURT JUDGES*.

Amends GS 7A-133 to divide the 10th district court district, which consists of Wake County, into districts 10A through 10F, each consisting of a specified part of Wake County based on superior court district territories. Districts 10A through 10E contain

three judges while 10F contains four judges. Effective January 1, 2019, with elections in 2018 and thereafter held in accordance with amended GS 7A-133, as terms expire.

Intro. by Dollar, Malone, Williams.

GS 7A

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections](#)

H 792 (2017-2018) [2017 APPROPRIATIONS ACT](#). Filed Apr 11 2017, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.*

Blank bill.

Intro. by Dollar, Johnson, McGrady, Lambeth.

APPROP

[View summary](#)

[Government, Budget/Appropriations](#)

H 793 (2017-2018) [IHE POLICIES SEXUAL ASSAULT/SEXUAL CONSENT](#). Filed Apr 11 2017, *AN ACT TO DIRECT THE STATE BOARD OF COMMUNITY COLLEGES AND THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP SYSTEMWIDE POLICIES AND PREVENTION AND OUTREACH PROGRAMS CONCERNING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING AND TO ENCOURAGE PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO ADOPT SIMILAR POLICIES AND PREVENTION AND OUTREACH PROGRAMS.*

Requires the State Board of Community Colleges to adopt a systemwide policy to be implemented at each community college concerning sexual assault, domestic violence, dating violence, and stalking, involving a student, both on and off a community college campus. Requires that the policy include at least the following: (1) establish an affirmative consent standard that includes specified items, to be applied in the determination of whether consent was given by all parties to sexual activity with affirmative consent defined to mean an affirmative, conscious, and voluntary agreement to engage in sexual activity; (2) address circumstances in which affirmative consent cannot be assumed, including specified instances, including intoxication; (3) provide that the standard used in determining whether the elements of a complaint are demonstrated concerning sexual assault, domestic violence, dating violence, and stalking is the preponderance of the evidence; (4) detailed procedures, that include specified elements, regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards and take into account the victim's circumstances.

Requires the State Board of Community Colleges to direct each community college enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers, and providing support services and resources for both the victim and the accused, as appropriate, including counseling, health care, victim advocacy, and legal assistance.

Requires the State Board of Community Colleges to direct each community college to develop prevention strategies and outreach programs to be included as part of every incoming student's orientation and to continue to be offered throughout the academic year. Specifies what is to be included in the prevention and outreach strategies.

Requires, by February 1, 2018, the State Board of Community Colleges to report to the Joint Legislative Education Oversight Committee on the development of the policy and the plan for implementation of the policy at each community college beginning with the 2018-19 academic year, including in the report the implementation of victim assistance programs and prevention and outreach programs.

Sets out identical requirements of the UNC Board of Governors, with the policy to be implemented at each constituent institution.

Sets out identical requirements for nonprofit postsecondary institutions of higher education, but does not require reporting to the Joint Legislative Education Oversight Committee.

Intro. by Meyer.

UNCODIFIED

H 794 (2017-2018) [NC PERMITTING EFFICIENCY ACT OF 2017](#). Filed Apr 11 2017, *AN ACT TO IMPROVE EFFICIENCY OF CONSTRUCTION PERMITTING BY REMOVING REDUNDANCIES IN REVIEWS AND APPROVALS BY STATE AND LOCAL AGENCIES, IMPROVE ACCOUNTABILITY AND TRANSPARENCY OF REVIEWING AGENCIES, AND MAKE NORTH CAROLINA A NATIONAL LEADER IN PERMITTING EFFICIENCY, WHICH WILL ENCOURAGE INVESTORS TO CHOOSE NORTH CAROLINA TO CREATE JOBS.*

Contains several whereas clauses.

Section 1

Enacts GS 153A-145.7 (pertaining to counties) and GS 160A-205.3 (pertaining to cities), detailing 10 general requirements that are applicable to permits issued by counties and cities, including building permits and land use permits. The requirements include: (1) all requirements for the issuance of a permit must be included in an ordinance adopted by the governing body, and the ordinance must be available for public inspection in the same manner as other ordinances; (2) where feasible, a county or city must make its online permit review and approval program accessible by municipalities in the county or the county (respectively to the statute) to facilitate concurrent review and approval of permits; and (3) prohibits a fee in lieu of payments related to off-site improvements authorized by law from exceeding 20% of the estimated actual costs associated with the direct impact of the permittee's development. Effective October 1, 2017.

Section 2

Enacts new Article 3C to GS Chapter 136 to be known as the Local Government Permitting Act of 2017.

New GS 136-166.51 sets out that the purpose of the Article is to delegate to certain municipalities the authority to issue construction permits and approval established standards for State-maintained roads located within the municipality and the municipality's extraterritorial jurisdiction. Provides that the delegated authority includes the authority to issue driveway permits and approve construction activities or encroachment within the Department of Transportation's rights-of-way. Expressly authorizes all municipalities with a population of 50,000 or more the permitting authority provided for in new Article 3C unless the municipality specifically declines the delegation. Clarifies that (1) the authority of municipalities to review and approve permits or establish standards for State-maintained roads in its municipal boundary exists only to the extent explicitly provided in the Article or otherwise granted by the Board of Transportation; (2) the Article does not modify the Department of Transportation's responsibility to perform typical maintenance activities on State-maintained roads and bridges; and (3) the Article does not modify the process for review of erosion and sediment control plans or stormwater plan, including authorities of the Department of Environmental Quality or any delegated authority for the same under GS Chapter 113.

New GS 136-166.52 permits a municipality that does not otherwise qualify for the delegation of authority provided for under the Article to request that the Board of Transportation (Board) grant the authority. Requires the municipality to develop a review program for its jurisdiction and submits its program to the Board for review and approval. Directs the Board to review each program submitted by a municipality and within 90 days of receipt of the application notify the municipality whether it has been approved, approved with modifications, or disapproved. Requires the Board to only approve an application upon determining the municipality's review staff have adequate experience and technical expertise related to the review of transportation design and construction activities.

New GS 136-166.53 details the Department of Transportation's authority under the new Article, including establishing review guidelines for local governments to follow, assuming administration of a program in a municipality that has failed to correct deficiencies within 60 days of the Department's notification, and retaining the authority to review and approve certain construction activities.

New GS 136-166.54 details the actions municipalities with delegated authority can do under the Article, including: (1) adopting ordinances and regulations necessary to establish and enforce transportation review programs, but not exceeding the minimum requirements established by the Department of Transportation for State-maintained roads as specified; (2) creating or designating agencies or subdivisions to administer and enforce the programs; and (3) establishing standards and ordinances for roads to make

road design consistent with local roads, including landscaping requirements, on-street parking, signage, and signalization. Details parameters that a municipality must follow in its review and approval or disapproval of a plan. Establishes that, unless there is a compelling reason for a change in a technical standard, such as implementation to local land use objectives, public safety goals, local development standards, or site-specific conditions, the municipality delegated authority is to refer to State standards when reviewing construction plans which have activities within State-maintained rights-of-way. Authorizes an ordinance adopted by a municipality to establish a fee for the review of a transportation-related or right-of-way impacting construction plan and related activities. Prohibits a local government that already performs reviews of the same construction plans under the Article from establishing an additional fee for review of a construction activity impacting a State-maintained road or its right-of-way.

Effective October 1, 2017.

Section 3

Enacts new Article 82 to GS Chapter 143, Transparency and Efficiency in State and Local Permitting; Fees.

New GS 143-765 requires State and local government agencies that have the authority to review and approve permits to maintain published records that present a summary of adherence to their published review schedules with data on frequency of reviews that were not performed within the established time lines, as well as those reviews performed ahead of schedule. Further requires agencies to publish summary data that present the number of reviews and submittals for each project. Requires this data to be published on the agency's or municipal government's public website.

New GS 143-766 requires State and local government agencies that have the authority to review and approve permits to make accommodations to incorporate and facilitate access by staff of other agencies, departments, or local governments so that all entities can utilize the system concurrently and collaboratively. For municipalities that have separate local governments with separate areas of responsibility, such as a county review of building permits and a city with review authority of site plans, but both are reviewing the same construction project, the municipalities are required to coordinate their review processes so that submittals and reviews are done online through the same online system or portal.

New GS 143-767 authorizes State or local governments that incur costs associated with the creation or adoption of an online permitting system to establish a fee or increase an existing fee for the review. Prohibits the fee from exceeding the anticipated actual cost associated with implementation distributed equally among all permit applicants over the course of one year. Limits the duration of the fee or increased fee to only the first 12 months following the initiation of the online permitting process. Directs the State or local government to estimate the anticipated number of permit applications for the program's first 12 months based on the number of applicants from the previous 12 months.

Directs State agencies that review construction documents and have permit authority to develop and implement an online system for submittal, review, and approval, by 2020.

Intro. by Stone, Saine, Bradford, Torbett.

[GS 136, GS 153A, GS 160A](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Environment, Government, Local Government, Transportation](#)

H 795 (2017-2018) **[ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS](#)**. Filed Apr 11 2017, *AN ACT TO MAKE CERTAIN CHANGES TO ECONOMIC DEVELOPMENT INCENTIVES OF THE STATE AND TO THE USE OF DEVELOPMENT TIERS AND RANKINGS*.

Part I.

Amends GS 143B-431.01 by also prohibiting the Department of Commerce (Department) from contracting with a nonprofit for (1) site certification functions and activities performed by the Department or (2) the performance of functions, powers, duties, or obligations of any other State agency. Amends the mandatory contract terms for any contract that the Department enters into with a nonprofit for the performance of any of the Department's functions, powers, duties, and obligations, as follows: (1) requires the nonprofit's report on prior State fiscal year program activities, objectives, and accomplishments, as well as expenditures and fund sources, to also include for jobs anticipated to result from the nonprofit's efforts, the name and contact person of each company

creating new jobs in the State and the location of each project; and (2) adds that the contract must include a provision prohibiting the nonprofit from contracting with any State agency other than the Department for the performance of one or more of the agency's functions, powers, duties, or obligations.

Part II.

Amends the definitions used in Part 2F, E-NC Initiative, of Article 10 (Department of Commerce) of GS Chapter 143B. Specifies that the term eligible position does not include a position filled by a worker with an H-1B visa or H-1B status.

Amends GS 143B-437.52 by amending the conditions that the Economic Investment Committee must find before entering into an agreement with business to provide grants, to require that the project be consistent with economic development goals for the State and for the area where it will be located, including anticipated effects the project described in the application will have on the development factors, as calculated under GS 143B-437.08, of the area.

Amends GS 143B-437.56 by adding that for any eligible position located in a county designated as an attainment area, 70% of the annual grant is payable to the business and 30% is payable to the Industrial Development Fund Utility Account (Utility Account). For any position located in a development tier three area that is not designated as an attainment area, 75% of the grant is payable to the business and 25% is payable to the Utility Account.

The above portions of Part II are effective January 1, 2017.

Amends GS 143B-437.52(c) to limit the application of the existing maximum amount of grant liability to grants awarded for projects that are not wholly located in development tier one areas. Makes conforming changes.

Amends GS 143B-437.72 by amending the provisions that must be included in an agreement between a local government and a grantee business. Prohibits the provisions concerning a commitment to create or retain a specified number of jobs within a specified salary range at a specified location from including the number of jobs filled by workers with H-1B visas or H-1B status. Amends the provisions that must be included in an agreement between the State and local governments by making the current matching requirements for local governments in a tier three area applicable to those that are not designated as an attainment area. Adds that for a local government in an attainment area, the State will provide no more than \$1 for every \$2 provided by the local government. Effective January 1, 2017.

Amends GS 143B-437.01, concerning the Utility Account, by adding that the Utility Account is to provide funds to assist in retaining, as well as creating, jobs, including expanding the existing job base. Makes conforming changes.

Part III.

Amends GS 143B-437.08 by deleting the provisions requiring adjustments to the development factor and specified exceptions. Adds that the Secretary of Commerce (Secretary) must cost adjust the national value for per capita income to determine the State value for that factor and determine the State value for the specified factors used in calculating the development factor. Using these metrics, requires the Secretary to create an index, as follows: (1) the State average rate of unemployment divided by the county's average rate, (2) the county's per capita income divided by the per capita income value for the State determined pursuant to this subsection, (3) the county's percentage growth in population divided by the State's percentage growth, and (4) the county's adjusted assessed property value per capita divided by the State adjusted assessed property value per capita. Requires the Secretary to then rank and publish all the counties according to their index scores, along with the value against which the factor is compared, from lowest to highest, with a separate designation for any county with performance greater than that of the benchmarks for all indexed development factors as an attainment area. An index score average and achievement area designation is effective only for the calendar year following the designation. Makes conforming changes to GS 143B-437.01, GS 143B-472.127, and GS 143B-472.128. Applies to economic development awards made and related determinations occurring on or after January 1, 2018.

Part IV.

Requires for each Collaboration for Prosperity Zone established in GS 143B-28.1, the employees of the Department in the zone must examine each annual update of the plan; collate all information relevant to the zone, county, region, and other unit of local government in the zone; and provide a copy of the collated information to each unit of local government within the zone. Requires that the collated information also identify any additional regional assets not otherwise contained in the annual update. Requires for any asset identified in the annual update or identified by the employees an analysis to be performed to identify appropriate potential industries best suited to maximize the beneficial economic impact of each asset. Requires the Department to give the

Joint Oversight Committee on Economic Development and Global Engagement a list of any assets remaining in the collated information for more than two years by January 1 of each year.

Requires, for each Collaboration for Prosperity Zone established in GS 143B-28.1, the employees of the Department in the zone to submit a report to the Joint Legislative Economic Development and Global Engagement Oversight Committee and the Fiscal Research Division on the following: (1) jobs anticipated to result from efforts of the employees, including the name and contact person of each company creating new jobs in the zone; (2) the location of each project, including the development tier designation of the location; and (3) project leads that were not submitted to the Department for possible discretionary incentives.

Part V.

Amends GS 143B-437.07 to require the Department to use the index required by GS 143B-437.08(c1) to create a plan for improving the performance of each county underperforming the benchmark in one or more indexed development factors to the benchmark performance level at the time the plan was created. Requires the plan to cover five years, and requires a new plan upon the plan's expiration. Requires the Department to publish and submit an annual progress report to the Joint Legislative Oversight Committee on Economic Development and Global Engagement that includes specified information. Requires that a copy of a plan for the first year be submitted after it is created and each progress report be submitted on or before April 1 of each year. Makes additional clarifying changes.

Specifies that for purposes of the initial plan required under GS 143B-437.07, the Department must consult with and use data compiled by the Center for Competitive Economies at the Kenan-Flagler Business School at UNC-CH for the study performed for the Joint Legislative Oversight Committee on Economic Development and Global Engagement.

Part VI.

Requires all entities to, by July 1, 2017, elect whether to discontinue the use of the development tier designations for all purposes and programs, including taxes, the North Carolina Development Farmland Preservation Trust Fund, the Spay and Neuter Program, the Abandoned Manufactured Home Cleanup Grants Program, the State Wastewater Reserve, the State Drinking Water Reserve, the Public Safety Assistance Points Grant Program, Oral Health Preventive Services, Medication Assistance, Qualified Allocation Plan for Low-Income Housing Tax Credits, and the Strategic Prioritization Funding Plan for Regional Impact Transportation Investment Projects. This section applies to: (1) the Department of Agriculture and Consumer Services; (2) the Department of Environmental Quality; (3) the Department of Information Technology; (4) the Department of Health and Human Services; (5) the North Carolina Housing Finance Agency; (6) the Department of Transportation; and (7) the Department of Revenue.

Requires each entity that decides to discontinue the use of the development tier designations to independently develop criteria designed to achieve each program's objectives to be used in place of development tier designations and report by October 1, 2017, on the developed criteria to the Fiscal Research Division and to their respective joint oversight committees. Also requires an entity electing to discontinue use of the development tier designations to annually update, as of January 1 of each calendar year, usage of the development tier designations to those published latest by the Department of Commerce until the developed replacement criteria are enacted into law.

Part VII.

Unless otherwise indicated, effective when the act becomes law.

Intro. by S. Martin, Szoka, Ross, Fraley.

[GS 143B](#)

[View summary](#)

[Development, Land Use and Housing, Community and Economic Development, Government, State Agencies](#)

H 796 (2017-2018) [EXPUNCTIONS RELATED TO 50B ORDERS](#). Filed Apr 11 2017, *AN ACT TO PROVIDE FOR MANDATORY EXPUNCTIONS OF 50B ACTIONS WHERE A DISMISSAL IS TAKEN BY THE PLAINTIFF OR WHERE A JUDGE FINDS THAT THE DEFENDANT DID NOT COMMIT ACTS OF DOMESTIC VIOLENCE AND TO PROVIDE FOR PERMISSIVE EXPUNCTIONS OF 50B ACTIONS UNDER SPECIFIC CONDITIONS.*

Enacts new GS 15A-154 (Petitioning for expunction of 50B ex parte order/temporary order). Provides that defendants are entitled to an expungement of a 50B complaint and all associated materials when either a judge finds after a hearing, or court proceeding in which evidence is presented, that the defendant did not commit acts of domestic violence as alleged in the complaint, or a voluntary dismissal is filed or taken in favor of the defendant by the plaintiff. Provides that a defendant against whom a 50B domestic violence protective order is extended for some period of time may be allowed an expunction upon a showing of six listed factors, including that at least three years have passed since the date that the ex parte order was entered, and that no other 50B orders have been issued against the defendant and no other violent or domestic related crimes have been charged against the defendant since the date that the last domestic violence order was entered.

Effective October 1, 2017, and applies to actions arising on or after that date.

Intro. by Faircloth.

[GS 15A](#)

[View summary](#)

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

H 797 (2017-2018) [CHANGES TO CURRENT BWC LAW](#). Filed Apr 11 2017, *AN ACT TO AMEND THE BODY-WORN CAMERA LEGISLATION TO CLARIFY THE DEFINITION OF A DECEASED PERSON AND TO PROVIDE FOR DISCLOSURE TO CITIZEN REVIEW BOARDS.*

Amends GS 132-1.4A (Law enforcement agency recordings). Defines *deceased person* to refer to persons whose voice or image is captured in a recording who died during or subsequent to the event captured in the recording. Allow a person seeking disclosure of a recording to apply to the superior court for a review of the disclosure denial, if a law enforcement agency has failed to provide disclosure more than five (was, three) business days after the request was made. Amends the provision authorizing the disclosure or release of a recording within the custodial law enforcement agency for administrative, training, or law enforcement purposes to clarify that these purposes encompass disclosure to the city manager, city council, and any other city commission designated to review police matters or complaints against the police offices, so long as these parties have executed a confidential statement agreeing to maintain the confidentiality of the recording. Authorizes disclosure to any person of a limited number of still images, not to exceed 10 images, extracted from a recording for the purpose of identifying a potential criminal suspect, provided that the images depict only the face and/or identifying characteristics of the suspect.

Makes a conforming change to GS 143-318.11 (regarding closed sessions of public bodies).

Intro. by Faircloth.

[GS 132, GS 143](#)

[View summary](#)

[Government, Public Records and Open Meetings, Public Safety](#)

H 798 (2017-2018) [INCOME TAX DEDUCTION FOR TOLLS PAID](#). Filed Apr 11 2017, *AN ACT TO PROVIDE AN INCOME TAX DEDUCTION FOR TOLLS PAID FOR THE USE OF TURNPIKE FACILITIES.*

Amends GS 105-153.5(c1) to permit a taxpayer, in calculating NC taxable income, to deduct from the taxpayer's adjusted gross income the amount paid by the taxpayer during the taxable year for the actual cost of tolls paid to facilities operated by private entities pursuant to GS 136-18(39a) for the use of Turnpike Facilities. Clarifies that this new deduction does not include (1) processing fees assessed for unpaid tolls under GS 136-89.215, or (2) civil penalties assessed for unpaid tolls under GS 136-89.216. Makes conforming, clarifying, and technical changes. Effective for taxable years beginning on or after January 1, 2017.

Intro. by Bradford, Beasley.

[GS 105](#)

[View summary](#)

[Government, Tax, Transportation](#)

H 799 (2017-2018) **UTILITY BILLING BY LESSORS**. Filed Apr 11 2017, *AN ACT TO ALLOW FOR LANDLORDS TO CHARGE INDIVIDUAL TENANTS FOR SHARED COST OF NATURAL GAS SERVICE PROVIDED TO LEASED PREMISES*.

Amends GS 42-42.1 to authorize landlords to charge for the cost of providing natural gas service pursuant to GS 62-110(i), as enacted by this act. Makes conforming and technical changes.

Amends GS 62-110 (Certificate of convenience and necessity), as follows.

Modifies subsection (g), which authorizes the NC Utilities Commission (Commission) to adopt procedures that allow a lessor to charge for the costs of providing water and sewer service to persons who occupy the leased premises. Make clarifying changes to the subsection to refer to the leased premises instead of the contiguous premises, and to refer to the lessee instead of the tenant.

Also clarifies that the subsection applies to leased premises that are contiguous dwelling units. Modifies the directive in subdivision (3) to now require the Commission to adopt rules to implement subsection (g) (currently, requires the Commission to also adopt rules to define contiguous premises). Adds new subdivision (4a), requiring the Commission to develop an application that lessors must submit for authority to charge for water or sewer service at single-family dwellings that allows the applicant to serve multiple dwellings in the State, subject to approval by the Commission. Details information that must be included in the form, including a description of the proposed billing method and billing statements.

Amends subsection (h) to now provide that the Commission can, consistent with the public interest, adopt procedures that allow a lessor of a single-family dwelling, residential building, or multiunit apartment complex that has individually metered units for electric service in the lessor's name to charge for the actual costs of providing electric service to each lessee (currently, adopt procedures that allow a lessor of a residential building or complex that has individually metered units for electric service in the lessor's name to charge for the actual costs of providing electric service to each tenant when the lessor has a separate lease for each bedroom in the unit). Makes conforming changes throughout the subsection to refer to the lessee instead of the tenant, and to the leased premises instead of the unit/building/complex. Amends subdivision (4), which lists the information that bills for electric service sent by the lessor to the lessee must include, to clarify that the bill is required to contain the bill charged by the electric supplier for the units as a whole and the amount of charges allocated to the lessee during the billing period only when the lessor of a residential building or multiunit apartment complex has a separate lease for each bedroom in the unit. Adds new subdivision (7a) to permit an applicant to submit for authority to charge for electric service for more than one property in a single application, with the information relating to all properties covered by the application needing only to be provided once in the application.

Adds new subsection (i), authorizing the Commission, consistent with public interest, adopt procedures to allow a lessor of single-family dwelling, a residential building, or multiunit apartment complex that has individually metered units for natural gas service in the lessor's name to charge for the actual costs of providing natural gas service to each lessee. Similar to existing subsections (g) and (h) pertaining to charges for water, sewer and electricity services, sets out nine provisions that apply to the charges authorized under new subsection (i), as follows.

Requires the lessor to equally divide the actual amount of the individual natural gas bill for a unit among all the lessees in the unit and must send a bill to each lessee. Requires the amount charged to be prorated when a lessee has not leased the unit for the same number of days as the other lessees in the unit during the billing period. Provides that each bill can include an administrative fee up to the amount of the then-current administrative fee authorized by the Commission in Rule 18-6 for water service and, when applicable, a late fee in an amount determined by the Commission. Prohibits the lessor from charging the cost of natural gas service from any other unit or common area in a lessee's bill. Allows the lessor to, at the lessor's option, pay any portion of any bill sent to a lessee.

Provides that a lessor who charges for natural gas service under new subsection (i) is solely responsible for the prompt payment of all bills rendered by the natural gas utility providing service to the leased premises, and is the customer of the natural gas utility subject to all rules, regulations, tariffs, riders, and service regulations associated with the provision of natural gas service to retail customers of the utility.

Directs the lessor to maintain records for a minimum of 36 months that demonstrate each lessee's allocated costs were calculated for natural gas service. Provides for a lessee's inspection of the records during reasonable business hours, and provides that the lessee can obtain copies of the records for a reasonable copying fee. Details information that bills for natural gas service sent by the lessor to the lessee are required to contain, including the usage period, the past-due date that cannot be less than 25 days after

the bill is mailed to the lessee, and a local or toll-free phone number and address that the lessee can use to obtain more information about the bill.

Directs the Commission to develop an application that lessors must submit for Commission approval to charge natural gas service as provided in new subsection (i). Details the information that must be included in the form, including a description of the proposed billing method and billing statements.

Directs the Commission to approve or disapprove an application within 60 days of the filing of a completed application with the Commission. Provides that the application is deemed approved if the Commission has not issued a timely order disapproving a completed application.

Establishes that a lessor who charges for natural gas service is not required to file annual reports pursuant to GS 62-36.

Permits an applicant to submit for authority to charge for natural gas for more than one property in a single application, with the information relating to all properties covered by the application needing only to be provided once in the application.

Directs the Commission to adopt rules to implement the provisions of new subsection (i).

Effective October 1, 2017.

Intro. by Bradford.

[GS 42, GS 62](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Public Enterprises and Utilities](#)

H 800 (2017-2018) [VARIOUS CHANGES TO CHARTER SCHOOL LAWS](#). Filed Apr 11 2017, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER SCHOOLS*.

Part I.

Amends GS 115C-218.45 to allow a charter school to give enrollment priority to children of permanent employees of a charter partner, limited to no more than 50% of the school's total enrollment. Defines a charter partner as any legal entity authorized to transact business in this State under GS Chapters 55, 55A, 55B, 57D, or 59 and that has donated one or more of the following to the charter school: (1) the land on which the school is built; (2) the school building or the space the school occupies (with additional provisions governing when the charter partner is leasing the building or space to the school); or (3) major renovations (as defined in the act) to the existing school building or other capital improvements, including major investments in technology. Requires the charter partner and the charter school to enter into a memorandum of understanding each year that the charter school provides the charter partner with enrollment priority, that specifies the duration of the priority and the methods by which the charter partner will support the charter school. Prohibits implementing the enrollment priority in a way that displaces students who are enrolled at the school at the time the charter application or the material revision providing for the priority is approved by the State Board of Education.

Amends GS 115C-218.1 to require a nonprofit corporation's application to establish a charter school to also include whether the school intends to give enrollment priority to the child of a charter partner, and requires that the partner be identified.

Amends GS 115C-218.7 to consider adoption of the enrollment priority in GS 115C-218.45(f)(3)c (appears to intend the new priority for children of charter partners) as a material revision of the charter.

Amends GS 115C-218.15 to allow a person affiliated with a charter partner to be a member on the board of directors of the charter school that provides enrollment priority and sets parameters related to that membership.

Part II.

Amends GS 115C-218.90 to allow a charter school's board of directors to contract with an education management organization or charter management organization to provide teachers.

Part III.

Enacts GS 115C-218.106 to mandate, for each student enrolled in a charter school, the board of county commissioners of the county in which the local administrative unit is located where the student resides must appropriate to that charter school an amount equal to the per pupil appropriation from the county to the local school administrative unit(s) for local current expenses. Directs the total membership of the charter school of students residing in the county for the budget year to be determined and certified to the charter school and the board of county commissioners by the State Board of Education by October 1 of each school year. Provides that the amount of the per pupil appropriation that consists of revenue derived from supplemental taxes is only to be provided to a charter school located in the tax district for which the taxes are levied and in which the student resides. Directs funds to be transferred from the board of county commissioners to a charter school at the same time that funds are transferred to the local school administrative unit or units.

Amends GS 115C-218.105 to eliminate all provisions pertaining to local funds for a charter school. Makes conforming change to repeal GS 115C-448(d).

Amends GS 153A-149(b) to provide that each county can levy property taxes without restriction as to the rate or amount for the purpose of providing the county's share of the cost of kindergarten, elementary, and secondary public schools, which includes charter schools chartered under Article 14A of GS Chapter 115C (currently, does not specify charter schools are included), and post-secondary public education.

Amends statutory references in Section 8.35(e) of SL 2014-100, to now require the State Board of Education to provide State funding to a virtual charter school participating in the virtual charter school pilot program as provided in GS 115C-218.105, and to provide the amount of local funds provided to participating charter schools pursuant to GS 115C-218.106 is to be the lesser of \$790 per pupil or the amount computed in accordance with GS 115C-218.106.

Applies beginning with county budget ordinances adopted on or after the date the act becomes law.

Part IV.

Amends Section 6.5 of SL 2014-101, as amended, to require the State Board of Education to ensure that the rules for a fast-track replication process provide that the decision on whether to grant a charter through the replication process be completed in less than 90 days from the application submission date and requires a decision no later than October 15 of the year immediately preceding the year of the proposed school opening.

Part V.

Applies beginning with the 2017-18 school year, unless otherwise provided.

Intro. by Bradford, Saine, Stone, Grange.

GS 115C

[View summary](#)

**Business and Commerce, Corporation and Partnerships,
Education, Elementary and Secondary Education**

H 801 (2017-2018) **REENTRY COLLABORATIVE**. Filed Apr 11 2017, *AN ACT TO ESTABLISH A STATE REENTRY COUNCIL COLLABORATIVE UTILIZING PERSONNEL FROM THE DIVISION OF MOTOR VEHICLES, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE ADMINISTRATIVE OFFICE OF THE COURTS, THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM, AND THE COMMUNITY CORRECTIONS DIVISION WITHIN THE ADULT CORRECTIONS DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY TO ENHANCE THE MISSION OF THE JUSTICE REINVESTMENT ACT.*

Requires the Joint Legislative Oversight Committee on Justice and Public Safety to establish a reentry council collaborative to study the needs of ex-offenders who have been recently released from a correctional institution. Require the council to include at least one but not more than two representatives from the specified entities. Requires the Joint Legislative Oversight Committee on Justice and Public Safety to submit a final report of its findings and recommendations to the 2018 Regular Session of the 2017 General Assembly, and quarterly thereafter, by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Intro. by G. Graham, C. Graham.

STUDY

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Government, Public Safety](#)

H 803 (2017-2018) [LANDLORD LIABILITY CHANGES](#). Filed Apr 11 2017, *AN ACT TO CODIFY DAVENPORT V. D.M. RENTAL PROPERTIES, INC., REGARDING CRIMINAL RECORDS OF TENANTS, OCCUPANTS, AND GUESTS AND TO ALLOW FOR AUTHORIZED INDIVIDUALS TO DIRECT THE REMOVAL OR DISPOSAL OF CERTAIN PERSONAL PROPERTY OF A DECEDENT LOCATED IN LEASED PREMISES.*

Enacts new GS 42-14.5. Provides that the criminal record of any prospective or current lessee, occupant, or guest does not make a future injury or damage arising from that person foreseeable by the lessor or lessor's agent, nor does a lessor or a lessor's agent have the duty to screen for, or refuse to rent because of, the criminal record of a prospective or current lessee, occupant, or guest.

Amends GS 42-25.7 to provide that landlords have rights to the personal property of their residential tenants in accordance with GS 28A-25-2, or the other currently listed statutes.

Amends GS 28A-25-1 (Collection of property by affidavit when decedent dies intestate). Provides that a public administrator or heir that has presented an affidavit under this statute is entitled to remove or otherwise dispose of a decedent's personal property located in demised premises.

Amends GS 28A-25-1.1 (Collection of property by affidavit when decedent dies testate). Provides that a public administrator, executor of a will, devisee, or heir that has presented an affidavit is entitled to remove or otherwise dispose of the decedent's personal property located in the demised premises.

Amends GS 28A-25-2 (Effect of an affidavit). Provides that a lessor of the demised premises that, pursuant to an affidavit, removes, throws away, or otherwise disposes of the personal property located in demised premises is discharged and released to the same extent as if the lessor dealt with a duly qualified personal representative of the decedent. Provides that the lessor is not required to see to the application of the personal property or evidence thereof, or to inquire into the truth of the affidavit.

Effective when the bill becomes law, and applies to affidavits submitted on or after that date.

Intro. by Hardister, Ross, Goodman, W. Richardson.

[GS 28A, GS 42](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Criminal Justice, Corrections \(Sentencing/Probation\), Development, Land Use and Housing, Property and Housing](#)

H 804 (2017-2018) [ADD ADDITIONAL ADA TO DISTRICT 9](#). Filed Apr 11 2017, *AN ACT TO ADD AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY TO PROSECUTORIAL DISTRICT NINE.*

Amends GS 7A-60, as the title indicates.

Intro. by B. Richardson, Garrison.

[GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

H 805 (2017-2018) [DISCLOSURE OF COSMETICS INGREDIENTS](#). Filed Apr 11 2017, *AN ACT TO REQUIRE THAT COSMETICS MANUFACTURERS DISCLOSE ON MANUFACTURER WEB SITES THE FULL LIST OF INGREDIENTS, INCLUDING THE COMPONENT INGREDIENTS OF FRAGRANCES, FLAVORS, AND COLOR ADDITIVES.*

Enacts new GS 106-137.1. Requires cosmetic manufacturers to disclose on their website the name and Chemical Abstract Service Registry Number, in descending order of predominance (ingredients composing less than 1% of a cosmetic may be listed without respect to predominance), of each ingredient in cosmetics manufactured, distributed, or offered for retail sale in this State. Does

not require disclosure of the concentration of an ingredient. Violation subjects the manufacturer to civil penalties under GS 160-124.1, but does not constitute misbranding. Violation is not a misdemeanor, notwithstanding GS 106-124. Makes a conforming change to GS 106-124. Effective July 1, 2018.

Directs the Commissioner of Agriculture, notwithstanding 02 NCAC 09B .0116(o)(145) (Rule) to require cosmetics manufacturers to disclose ingredients as directed by GS 106-137.1. Directs the Board of Agriculture (Board) to amend the Rule consistent with this requirement of the Director, and directs the Board to implement the Rule subject to the requirement of the Director until the effective date of the amendment to the rule. Effective when the bill becomes law.

Intro. by Belk, Harrison, Ball, Fisher.

GS 106

[View summary](#)

Business and Commerce, Health and Human Services, Health

H 806 (2017-2018) **STUDENT NOTICE/CHARTER SCHOOL CLOSURE/RESTR.** Filed Apr 11 2017, *AN ACT TO REQUIRE STUDENT AND FAMILY FAIR NOTICE AND AN IMPACT STATEMENT PRIOR TO THE CLOSING OR RESTRUCTURING OF A CHARTER SCHOOL.*

Amends GS 115C-218, which sets forth the purpose of charter schools and establishes the NC Charter Schools Advisory Board and the the NC Office of Charter Schools. Adds new subsection (a1) to define the terms notice, parent, and significant restructuring, as the terms are used in Article 14A.

Enacts GS 115C-218.98, requiring that fair and timely notice be provided to parents of students at a charter school in the event of a proposal to involuntarily or voluntarily dissolve or significantly restructure the charter school. Defines *significant restructuring* to mean any action that requires the charter school to change curriculum, enrollment, grade, or programs offered, leadership, governing board composition, employment of more than one-third of its teaching staff, or contractors for educational services. Requires a Student and Family Impact Statement to be prepared by the State Board of Education or the charter school intending to take the action in accordance with GS 115C-218.99, enacted by this act.

Requires a charter school to provide notice to parents of all impacted students within five days of receiving any communication from the State Board of Education initiating a process that could lead to the dissolution, termination, revocation, nonrenewal, or significant restructuring as a condition of continued operation. Requires the notice to include a copy of the communication received from the State Board, any reasons or data used to support the communication, and provide detailed information on the subsequent process, including statutory requirements, related to operation of the charter school.

Requires a charter school to provide notice to parents of all impacted students within five days of the board of directors' resolution to dissolve and surrender its charter or amend the charter to significantly restructure the school. Requires the notice to include reasons for the decision to dissolve and surrender the charter or significantly restructure and provide detailed information on the subsequent process, including statutory requirements, related to the operation of the charter school.

Enacts GS 115C-218.99, requiring the State Board or the charter school to prepare a Student and Family Impact Statement (Impact Statement) within 60 days of providing notice to parents in accordance with GS 115C-218.98, (1) if the State Board has commenced an action against the charter school to involuntarily dissolve or significantly restructure the charter school (in which case the State Board prepares the Impact Statement), or (2) if the charter school intends to dissolve and surrender its charter or amend the charter to significantly restructure the charter school (in which case the charter school prepares the Impact Statement). Directs the Impact Statement be prepared after a mandatory survey of the parents of all students enrolled in the charter school. Requires the survey to be conducted in a manner that maximizes parental participation. Requires the study to seek the input of the parents on all issues that the Impact Statement must address pursuant to subsection (b) of the statute. Directs the State Board to cooperate with the board of directors of the charter school when the State Board is preparing the Impact Statement.

Requires the Impact Statement to concisely describe and analyze the proposed action that has been noticed that may have a significant impact on students and families. Requires the Impact Statement to be made available to the public for information and comment. Details eleven informational components that must be included in the Impact Statement, at minimum, including: (1) a description of the proposed action, including the charter school's needs and benefits related to the action; (2) if the charter school were to close, a full review of the public school that each student will be assigned to; and (3) identification of ways to reduce or

avoid an adverse impact on students and families, with the analysis including a separate section on the impact on student with disabilities.

Requires a notice and a copy or readily available access to a copy of the Impact Statement to be provided to the parents of all impacted students. Provides that within 60 days after providing notice of the completed Impact Statement, but no sooner than within 15 days of the delivery of the notice, the State Board or the charter school, as applicable, is required to hold a public hearing where the specified interested parties must be allowed to present testimony on the findings of the Impact Statement, as well as expert testimony. Requires that, when the State Board prepared the Impact Statement, the board of directors of the charter school must be allowed to present for consideration a student and school improvement plan in place of the proposed action by the State Board.

Prohibits, until at least 30 days after the public hearing, except in the presence of imminent health or safety issues, the State Board from taking final action to dissolve, terminate, revoke, nonrenew, or significantly restructure a charter school, and the charter school from dissolving and surrendering its charter or amend its charter to significantly restructure.

Applies to actions commenced to involuntarily or voluntarily dissolve or significantly restructure a charter school on or after the date that the act becomes law.

Intro. by Saine, Conrad, Hardister.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 807 (2017-2018) [CREATE DIVISIONS - ALE AND CAP. POLICE IN DPS](#). Filed Apr 11 2017, *AN ACT TO ESTABLISH ALCOHOL LAW ENFORCEMENT AND THE STATE CAPITOL POLICE AS SEPARATE DIVISIONS OF THE DEPARTMENT OF PUBLIC SAFETY.*

Relocates the Alcohol Law Enforcement Branch (ALE) of the State Bureau of Investigation as a Division of the Department of Public Safety.

Enacts new GS Chapter 143B, Article 13, Part 4, Subpart F (Alcohol Law Enforcement Division), creating the ALE as a Division of the Department of Public Safety.

Repeals GS 143B-928 (locating ALE within the State Bureau of Investigation).

Amends GS 18B-500 (Alcohol law-enforcement agents). Authorizes the Director of the Division of Alcohol Law Enforcement (Director) to appoint a sufficient number of assistants who shall be competent and qualified to do the work of the Division. Makes the Director responsible for all hiring and personnel decisions of the Division, and authorizes the Director to hire or fire personnel and transfer personnel within the Division, notwithstanding GS Chapters 143A or 143B. Further provides ALE agents with the responsibility of enforcing GS Chapter 90, Article 5 (North Carolina Controlled Substances Act).

Directs the Department of Public Safety to continue to consolidate ALE and SBI regions and regional offices in the same manner so that all district offices remain co-located.

Makes conforming changes.

Relocates the State Capitol Police Section of the State Highway Patrol as a Division of the Department of Public Safety.

Amends GS 143B-911, creating the State Capitol Police Division of the Department of Public Safety.

Amends GS 143B-602 (Powers and duties of the Secretary of Public Safety) to direct the Secretary to appoint the Chief of the State Capitol Police Division (currently, this position requires approval from the Governor). Directs the Secretary to appoint the Director of the Division of Alcohol Law Enforcement.

Makes technical and conforming changes.

Effective July 1, 2017.

Intro. by Boles, J. Bell, Willingham, McNeill.

[GS 18B](#), [GS 143](#), [GS 143B](#)

[View summary](#)

[Alcoholic Beverage Control, Government, Public Safety, State Agencies, Department of Public Safety](#)

H 809 (2017-2018) [HONOR THE LIFE AND MEMORY OF ROBERT DALRYMPLE](#). Filed Apr 11 2017, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT W. DALRYMPLE, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Reives, Sauls.

[JOINT RES](#)

[View summary](#)

[Government, Cultural Resources and Museums, General Assembly](#)

H 810 (2017-2018) [PET BOARDING FACILITIES](#). Filed Apr 11 2017, *AN ACT TO CLARIFY STAFFING STANDARDS FOR BOARDING KENNELS OFFERING DOG DAY CARE SERVICES.*

Amends GS 19A-23 to amend the definition of *housing facility* to include common areas and to define *common area* (an area within a housing facility providing an open space where more than four dogs are free to exercise or play together). Changes the definition of *primary enclosure* to mean any structure used to immediately restrict four or fewer (was, restrict an animal) animals to a limited amount of space.

Amends GS 19A-24(a)(1). Provides that boarding kennels that offer dog care services, and, as to each common area, (1) has a ratio of dogs to employees within the housing facility of no more than 15 to one, and (2) has no more than 50 dogs in any common area at any time, shall not as to such day care services be subject to any regulations issued by the Board of Agriculture that impose further supervisory requirements on the number of dogs that are permitted within the common area or any primary enclosure beyond a requirement that at least one staffer be present in a common area at all times that five or more dogs are within the common area.

Effective October 1, 2017.

Intro. by Destin Hall, Bradford, Stone, Saine.

[GS 19A](#)

[View summary](#)

[Animals, Business and Commerce](#)

H 812 (2017-2018) [MINIMUM WAGE/AGRICULTURE/DOMESTIC WORKERS](#). Filed Apr 11 2017, *AN ACT AMENDING THE STATE WAGE AND HOUR ACT TO MAKE AGRICULTURAL AND DOMESTIC WORK SUBJECT TO MINIMUM WAGE, OVERTIME, AND RECORD KEEPING REQUIREMENTS.*

As title indicates. Effective Labor Day, September 4, 2017.

Intro. by Fisher, Farmer-Butterfield, Harrison.

[GS 95](#)

[View summary](#)

[Agriculture, Employment and Retirement](#)

H 813 (2017-2018) [VETERAN RETIREMENT INCOME TAX BENEFIT](#). Filed Apr 11 2017, *AN ACT TO PROVIDE INCOME TAX RELIEF FOR RETIRED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.*

Under GS 105-153.5, in calculating North Carolina taxable income, a taxpayer can deduct from the adjusted gross income the itemized deductions set out in subsection (b). This act adds new subdivision (5a) to establish a deduction for the amount received

during the taxable year from the US government as retirement pay for a retired member of the US Armed Forces or as survivorship benefits for survivors of active duty or retired members of the US Armed Forces. Prohibits deduction for amounts under both subdivision (5a) and subdivision (5), which provides for a deduction for amounts from one or more State, local, or federal government retirement plans exempt from tax as specified. Makes conforming changes to subdivision (5).

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

Intro. by Ager.

[GS 105](#)

[View summary](#)

[Government, Tax, Military and Veteran's Affairs](#)

H 815 (2017-2018) [NONDISCRIM. & ACCOUNT./CERTAIN PRIVATE SCHS.](#) Filed Apr 11 2017, *AN ACT TO BROADEN NONDISCRIMINATION REQUIREMENTS AND IMPROVE TESTING TRANSPARENCY FOR CERTAIN NONPUBLIC SCHOOLS.*

Part I.

Enacts new GS 115C-112.10 prohibiting a nonpublic school that accepts eligible students receiving special education scholarships for children with disabilities from discriminating with respect to color, disability, national origin, race, religion, gender identity, or sexual orientation.

Enacts new GS 115C-112.11 to require nonpublic schools that accepts eligible students receiving special education scholarships for children with disabilities to report the results of all test required under Article 39 to the Department of Public Instruction (DPI) and requires DPI to publish the information on its website.

Part II.

Amends GS 115C-218.45 to expand the basis on which charter schools may not limit admission to also include sexual orientation. Also prohibits a charter school whose mission is single-sex education from limiting admission on the basis of gender identity (was, on the basis of sex).

Amends GS 115C-218.55 to expand the basis on which charter schools may not discriminate against students to also include discrimination on the basis of gender identity, or sexual orientation.

Part III.

Amends GS 115C-562.5, concerning the obligations of a nonpublic school that accepts eligible students receiving scholarship grants, to prohibit discrimination with respect to color, disability, national origin, race, religion, gender identity, or sexual orientation.

Enacts new GS 115C-562.8 to require a nonpublic school that accepts eligible students receiving scholarship grants to report the results of all test required under Article 39 to the Department of Public Instruction (DPI) and requires DPI to publish the information on its website.

Part IV.

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

Intro. by Brockman, Morey, Butler.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 816 (2017-2018) [CONSUMER PROTECTION/ROOFING CONTRACTORS.](#) Filed Apr 11 2017, *AN ACT TO PROVIDE CONSUMER PROTECTIONS RELATED TO ROOFING REPAIR CONTRACTORS.*

Enacts new Article 9, Roofing Repair Contractors in GS Chapter 75, which provides as follows.

Provides that the Article is to be in addition to, not in lieu of, a required licensure.

Requires written contracts for roofing repairs and specifies items to be included in those contracts. Defines roofing repairs as repairs to an existing roofing system with an estimated cost of more than \$750, including a total replacement of the existing roofing system. Sets out additional required provisions for contracts for roofing repairs for which the consumer anticipates using insurance proceeds to pay for the performance of the contract and the roofing repair contractor is aware of the source of funds. The additional requirements include the inclusion of specified notice of cancellation.

Allows a consumer who has entered into a written contract for roofing repair with a roofing repair contractor to provide materials, labor, or services to be paid from insurance proceeds to cancel the contract at any time before midnight of the third business day after the consumer has received written notice that the insurer will not be paying a claim for the repair. Sets out the procedure for cancellation. Requires the roofing repair contractor to return any payments or deposits and cancel any indebtedness within 10 days after a contract has been cancelled. Specifies that the roofing repair contractor has performed any emergency services, acknowledged by the consumer in writing to be necessary to prevent further damage to the premises, the roofing repair contractor is entitled to the reasonable value of the emergency services. Any provision in a written contract for roofing repairs that in the event of cancellation requires the payment of any fee for anything except emergency services is a violation of GS 75-1.1 and is not be enforceable against any consumer who has cancelled a contract under this statute.

Prohibits a roofing repair contractor from: (1) advertise or otherwise promise or offer to pay, or pay, all or any portion of any insurance deductible as an inducement to the sale of any materials, labor, and or services; (2) offering, or providing, any upgraded work, material, or product, grant any allowance or offer any discount against the fees to be charged or pay the consumer any form of compensation, gift, prize, bonus, coupon, credit, referral fee, trade-in or trade-in payment, advertising, or other fee or payment as an inducement to the sale of any materials, labor, or services; (3) offering, or providing, anything of value in exchange for permitting the roofing repair contractor to display a sign or any other type of advertisement at the consumer's premises; or (4) with respect to any insurance claim in connection with the repair or replacement of roof systems, or the performance of any other exterior repair, replacement, construction, or reconstruction work, obtain a power of attorney from or on behalf of a consumer, offer to report or adjust a claim on behalf of a consumer, represent or negotiate or obtain or attempt to obtain, an assignment of claims, rights, benefits, or proceeds from or on behalf of a consumer, or offer or advertise to represent or negotiate, obtain, or attempt to obtain an assignment of claims, rights, benefits, or proceeds.

Prohibits an adjuster or a public adjuster from acting as a roofing repair contractor.

Violations of the Article are an unfair and deceptive trade practice.

Applies to contracts for roofing repair entered into on or after October 1, 2017.

Intro. by Arp.

[GS 75](#)

[View summary](#)

[Business and Commerce, Consumer Protection, Development, Land Use and Housing, Building and Construction](#)

H 817 (2017-2018) [REPEAL PISTOL PERMIT REQUIREMENTS](#). Filed Apr 11 2017, *AN ACT REPEALING PISTOL PERMIT REQUIREMENTS*.

Repeals GS 14-402 which requires a pistol permit to sell a pistol, and the following statutes related to a pistol permit: GS 14-403, GS 14-404, GS 14-405. Makes conforming changes to GS 14-406 and GS 14-407.1. Effective December 1, 2017.

Intro. by Burr, Millis.

[GS 14](#)

[View summary](#)

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

H 818 (2017-2018) [CHIROPRACTORS PERFORM PHYSICALS FOR ATHLETICS](#). Filed Apr 11 2017, *AN ACT TO ALLOW CHIROPRACTORS TO PERFORM MEDICAL EXAMINATIONS FOR STUDENTS PARTICIPATING IN INTERSCHOLASTIC ATHLETIC COMPETITIONS*.

Amends GS 115C-12 to require middle and high school students participating in interscholastic athletic competitions to undergo a medical examination at least once each calendar year and allows the exam to be performed by a physician, chiropractor, nurse practitioner, or physician assistant licensed to practice in this State. Applies beginning with the 2017-18 school year.

Intro. by Burr, R. Turner, Shepard.

[GS 115C](#)

[View summary](#)

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

H 822 (2017-2018) [REGULATE ARBITRATION AGRMTS/LTC FACILITIES](#). Filed Apr 11 2017, *AN ACT REGULATING ARBITRATION AGREEMENTS BETWEEN RESIDENTS AND CERTAIN LONG-TERM CARE FACILITIES BY PROHIBITING PRE-DISPUTE BINDING ARBITRATION AGREEMENTS AND ESTABLISHING STANDARDS FOR POST-DISPUTE BINDING ARBITRATION AGREEMENTS*.

Enacts new GS 131E-114.10, which provides as follows. Prohibits a long-term care facility from entering into a pre-dispute binding arbitration agreement with any resident or the resident's representative or requiring that a resident or the resident's representative sign a pre-dispute arbitration agreement as a condition of admission to the facility. Defines a pre-dispute binding arbitration agreement as an agreement between the facility and a resident or the resident's representative to use binding arbitration to resolve a dispute between the parties, which is entered into before a dispute arises between parties.

Allows a facility, after a dispute between a long-term care facility and a resident arises, to request the resident or the resident's representative to enter into a post-dispute binding arbitration agreement if: (1) the long-term care facility explains the agreement to the resident and the resident's representative in a form and manner that the resident and the resident's representative understand, including in a language that the resident and the resident's representative understand; (2) the resident acknowledges that he or she understands the agreement; (3) the agreement satisfies is entered into voluntarily, provides for the selection of a neutral arbitrator agreed upon by both parties, provides for selection of a venue convenient to both parties, does not contain any language that prohibits or discourages the resident or any other person from communicating with federal, State, or local officials, including federal and State surveyors, other federal or State health department employees, and representatives of the Department of Health and Human Services and the State Office of Long-Term Care Ombudsman. The act defines a post-dispute binding arbitration agreement as an agreement between the facility and a resident or the resident's representative to use binding arbitration to resolve a dispute between the parties, which is entered into after a dispute arises between the parties.

Specifies that a resident's right to remain in a long-term care facility is not contingent upon signing a binding arbitration agreement.

Specifies the conditions under which an individual other than the facility resident may sign a binding arbitration agreement on behalf of the resident.

Requires the facility to retain and provide for inspection, a copy of the signed binding arbitration agreement and the final decision of the arbitrator for at least five years from the date a long-term care facility and a resident resolve a dispute with binding arbitration.

Effective when the act becomes law and applies to binding arbitration agreements entered into by residents of long-term care facilities as enacted by this act, on or after that date.

Intro. by Ball, Earle, White.

[GS 131E](#)

[View summary](#)

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

H 823 (2017-2018) [ADULT ADOPTEE/ACCESS ORIGINAL BIRTH CERT.](#) Filed Apr 11 2017, *AN ACT TO ALLOW AN ADULT ADOPTEE WHO WAS ADOPTED ON OR AFTER JANUARY 1, 1977, AND WHO IS AT LEAST FORTY YEARS OF AGE ACCESS TO A COPY OF THE ADULT ADOPTEE'S ORIGINAL BIRTH CERTIFICATE.*

Amends GS 48-9-106 (Release of original certificate of birth). Places existing language into new subsection (a). Adds new subsection (b) to establish, upon application of an adult adoptee who provides proof of the adult adoptee's biological parent's name, the State Registrar must give the adult adoptee a copy of the adult adoptee's original birth certificate with a certification that the copy is a true copy of a record that is no longer a valid certificate of birth. Directs the State Registrar to prescribe a reasonable procedure for verifying the identity, age, or other relevant characteristics of an adult adoptee applying for a copy of the adoptee's original birth certificate. Provides that, in accordance with GS 161-10(a)(8), the fees for issuance of a certified copy of a birth certificate in NC must apply to a copy of an adoptee's original birth certificate issued pursuant to new subsection (b). Sets forth that new subsection (b) applies only to an adult adoptee seeking an original birth certificate who was adopted on or after January 1, 1977, and who is at least 40 years of age or older upon application. Makes conforming changes to subsection (a). Applies to applications made on or after the date the act becomes law.

Intro. by Hurley, Fairecloth.

GS 48

[View summary](#)

[Health and Human Services, Health, Social Services, Child Welfare](#)

H 824 (2017-2018) [CONTRACEPTIVE EDUCATION FOR WOMEN IN RECOVERY.](#) Filed Apr 11 2017, *AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO DEVELOP AND MAKE AVAILABLE TO WOMEN RECEIVING TREATMENT OR SERVICES FOR ALCOHOL OR SUBSTANCE USE DISORDERS EDUCATIONAL MATERIALS ON LONG-ACTING, REVERSIBLE CONTRACEPTION.*

Enacts new GS 122C-82. Defines *long-acting, reversible contraceptive drug or device* (LARC method). Authorizes the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Division), in consultation with the Division of Public Health, to develop and make available, free of charge on its website, in a downloadable format, printable publications containing medically accurate information that is sufficient to allow a woman receiving treatment or services for alcohol or substance use disorder to make an informed decision about whether to use a LARC method while in recovery from alcohol or substance use disorder. Provides requirements for the contents of the publication. Directs the Division to make available, free of charge, printed copies of the materials, to four listed types of entities, including local health departments. Does not require, or authorize another entity to require, a woman to use a LARC method as a condition for receiving alcohol or substance use disorder treatment or services.

Effective October 1, 2017.

Intro. by Fisher, Insko, Harrison, Ager.

GS 122C

[View summary](#)

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

H 826 (2017-2018) [MODIFY LOW-PERFORMING SCHOOL DEFINITION.](#) Filed Apr 11 2017, *AN ACT TO MODIFY THE DEFINITION OF LOW-PERFORMING SCHOOL.*

Amends GS 115C-105.37 (Identification of low-performing schools). Provides that low performing schools are those that receive a school performance grade of D or F and a school growth score of "not met expected growth" (was, either "met expected growth" or "not met expected growth"). Makes conforming changes.

Makes a conforming change to GS 115C-105.39A and GS 115C-218.94.

Applies beginning with the 2017-18 school year.

Intro. by Riddell, Saine, Dulin, Fraley.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

H 828 (2017-2018) [IT CHANGES/LIBRARIES & TELEMEDICINE](#). Filed Apr 11 2017, *AN ACT MAKING CHANGES RELATED TO THE PROCUREMENT OF INFORMATION TECHNOLOGY GOODS AND SERVICES TO SUPPORT PUBLIC AND PRIVATE LIBRARIES AND PROVIDING FOR THE PROVISION OF HEALTH CARE SERVICES VIA TELEMEDICINE*.

Amends SL 2015-241, Section 8.14. Includes public and private libraries and regional library systems within the list of institutions included within the definition of *public school cooperative purchasing agreement*, to which an agreement for the purchase of information technology goods and services under that Section is available.

Enacts new GS 58-50-305. Defines terms. Requires health benefit plans to provide coverage for health care services that are provided via telemedicine if the health care service would be covered were it provided through in-person consultation or delivery, between an insured and a health care provider. Prohibits health plans from excluding services provided via telemedicine from coverage under the plan solely because the service is not provided through an in-person consultation or delivery.

Effective July 1, 2017.

Intro. by Saine, Brenden Jones, Wray.

GS 58

[View summary](#)

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

H 830 (2017-2018) [WC/INDEPENDENT TRUCKERS](#). Filed Apr 11 2017, *AN ACT TO AMEND THE WORKERS' COMPENSATION ACT CONCERNING THE STATUS OF TRUCK DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS*.

Amends GS 97-19.1, pertaining to the status of drivers of trucks, tractors, and truck tractors as employees or independent contractors.

Modifies subsection (a), providing that an individual in the interstate or intrastate carrier industry who operates a truck, tractor, or tractor trailer for a motor carrier as defined by GS 20-4.01(21b) (currently, those licensed by a governmental motor vehicle agency) can be an employee or an independent contractor under Article 1 of GS Chapter 97 (Workers' Compensation Act) dependent upon the application of the common law test for determining employment status. Further provides that any principal contractor, intermediate contractor, or subcontractor, who contracts with an individual in the interstate or intrastate carrier industry who operates a truck, tractor, or truck trailer for a motor carrier as defined by GS 20-4.01(21b) (currently, licensed by the US Department of Transportation), and who has not secured the payment of compensation in the manner provided for employers set forth in GS 97-93 for himself personally or his employees and subcontractors, is liable as an employer under the Workers' Compensation Act for the payment of compensation and other benefits on account of the injury or death of the independent contractor and his employees or subcontractors due to an accident arising out of and in the course of the performance of the work covered by the conduct.

Amends subsection (b), providing that a principal contractor, intermediate contractor, or subcontractor is not liable as an employer under the Workers' Compensation Act as described if the principal contractor, intermediate contractor, or subcontractor (1) contracts with an independent contractor who owns or leases the vehicle providing service (currently, who is an individual licensed by the US DOT), (2) the independent contractor personally operates or is responsible for hiring or engaging and paying personnel who operate the vehicle (currently, personally is operating the vehicle solely pursuant to the US DOT license), and (3) the independent contractor is covered under an occupational accident policy either issued to the independent contractor or motor carrier (currently not included).

Deletes and replaces the existing provisions of subsection (c). Permits a motor carrier and an independent contractor meeting the criteria contained in subsection (b) to, if mutually agreed to by the independent contractor and motor carrier in writing, provide that the independent contractor and any of the independent contractor's employees be covered by the motor carriers' workers' compensation insurance policy or self-insurance and that the independent contractor and any of the independent contractor's employees would be deemed employees of the motor carrier for purposes of workers' compensation only. Permits the motor carrier to charge the independent contractor for any agreed upon premiums or, if self-insured, for any equitable assessment for such coverage. Establishes that the agreement does not affect the independent contractor status of the independent contractor for any purpose other than for workers' compensation.

Adds new subsection (d) to define the term *occupational accident insurance* for purposes of the statute. Defines the term to mean the type of insurance policy obtained by independent contractor owners operators in the trucking industry that includes the following benefit categories: (1) temporary total disability type wage replacement benefit, (2) permanent disability or impairment benefit, (3) a medical expense payment benefit, and (4) a death benefit. Provides that the occupational accident insurance policy can be issued directly to the independent contractor owner operator or issued as a master policy for which the motor carrier can charge the independent contractor owner operator an equitable sum for the coverage.

Adds new subsection (e) to require any occupational accident policy or workers' compensation policy be purchased from an insurance company having an AM Best A rating to satisfy the statute's requirements.

Intro. by Wray.

GS 97

[View summary](#)

Business and Commerce, Employment and Retirement

H 831 (2017-2018) **BRIAN GARLOCK ACT**. Filed Apr 11 2017, *AN ACT TO MAKE USING A MOBILE TELEPHONE OR ELECTRONIC COMMUNICATION DEVICE UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET, HIGHWAY, OR PUBLIC VEHICULAR AREA UNLESS HANDS-FREE EQUIPMENT IS USED BY THE OPERATOR.*

Identical to [S 364](#) filed on 3/23/17.

Repeals the following statutes: (1) GS 20-137.3 (Unlawful use of a mobile phone by persons under 18 years of age), (2) GS 20-137.4 (Unlawful use of a mobile phone), and (3) GS 20-137.4A (Unlawful use of mobile telephone for text messaging or electronic mail).

Enacts new GS 20-137.3A to prohibit driving while using a mobile telephone or electronic communication device unless it is done using hands free equipment; violations are an infraction with a \$200 fine and no court costs. Prohibits a person under age 18 from driving while using a mobile phone or electronic communication device except when communicating an emergency to a specified entity; violations are an infraction with a \$50 fine, with no court costs. Prohibits driving a school bus while using a mobile phone or electronic communication device except when communicating an emergency to a specified entity; violations are a Class 2 misdemeanor, including a fine of not less than \$200 and court costs. Prohibits operating a commercial motor vehicle while using a mobile telephone or electronic communication device; however, does not (1) prohibit the use of hands-free equipment or (2) supersede any more restrictive provisions for operators of commercial motor vehicles prescribed by federal law or regulation. Violations while operating a commercial motor vehicle are an infraction with a \$200 fine and no court costs. Specifies exceptions to these prohibitions, including using a global positioning system, navigation system, or portable music player affixed, mounted, or installed in a motor vehicle (although does not authorize a person to manually type or enter text, numbers, or symbols into a global positioning system, navigation system, or portable music player while driving) and use of a mobile telephone or electronic communication device by specified public safety officers while in the performance of, and for a purpose related to, their official duties. Creates a rebuttable presumption that a person holding a mobile telephone or electronic communication device in his or her hand or hands while driving is using a mobile telephone or electronic communication device. Prohibits an insurance premium surcharge or assessment of driver's license points for a violation of the statute. Prohibits local governments from passing any ordinance regulating the use of mobile telephones or electronic communication devices while operating a motor vehicle, commercial motor vehicle, or school bus.

Effective December 1, 2017, and applies to offenses committed on or after that date. Does not affect prosecutions for offenses committed before that date, and statutes applicable but for this act remain applicable to those prosecutions.

H 842 (2017-2018) [SOLITARY CONFINEMENT IN PRISONS](#). Filed Apr 11 2017, *AN ACT TO ESTABLISH UNIFORM GUIDELINES AND PROCEDURES FOR THE USE OF SOLITARY CONFINEMENT FOR MINOR OFFENDERS*.

Amends GS 143B-704 (Division of Adult Correction of the Department of Public Safety--Functions). Directs the Division to establish uniform guidelines and procedures for the use of solitary confinement of minor offenders. Provides three requirements for the guidelines, including that solitary confinement shall not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety of any other minor, inmate, or staff.

Amends GS 148-11 (Authority to adopt rules; authority to designate uniforms). Requires the printed copy of rules made available to prisoners to include the guidelines and procedures for solitary confinement, as promulgated above.

Enacts new GS 148-13.1 (Regulations and restrictions on time spent in solitary confinement). Requires the placement of minor offenders in solitary confinement to conform with the guidelines promulgated above, and be for an initial period of four hours. After four hours, directs staff to either return the minor to general population, consult with mental health or medical staff, develop an individualized plan that includes the goals or objectives that must be met to reintegrate the minor into general population, or a combination of any or all of these things. If a minor must be held in solitary confinement for more than four hours, directs staff to document the reason and need for the extended confinement, and the date and time of first solitary confinement and release from solitary confinement, to develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the minor into general population, and to obtain documented authorization by the facility superintendent or designee every four hours thereafter. Does not apply during an extraordinary, emergency circumstance that requires significant departure from normal institutional operations. Such an exception applies for the shortest amount of time needed to address the imminent and substantial risk of harm. Requires the Department of Public Safety to report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the use of solitary confinement with minor offenders under 18 years old.

Amends GS 7B-1501 to define *solitary confinement*.

Enacts new GS 7B-2003 (Limitations on solitary confinement of a juvenile). Restricts solitary confinement for juveniles detained in a detention facility or commuted to the Division under GS 7B-2513 as provided for in this statute. Prohibits solitary confinement prior to an attempt to use other less restrictive options and the exhaustion of those options, unless attempting those options poses a threat to the safety or security of any other detained juvenile or staff person. Prohibits solitary confinement for the purposes of punishment, coercion, convenience, or retaliation by staff persons. Prohibits solitary confinement to the extent that it compromises the mental and physical health of a juvenile. Prohibits solitary confinement more than four consecutive hours in a 24-hour period. After four hours, directs staff to either allow the juvenile access areas of the facility provided to the general population, consult with mental health or medical staff, develop an individualized plan that includes the goals or objectives that must be met to reintegrate the juvenile into areas provided for general population, or a combination of any or all of these things. If a juvenile must be held in solitary confinement for more than four hours, directs staff to document the reason and need for the extended confinement, and the date and time of first solitary confinement and release from solitary confinement, to develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the juvenile into areas provided for general population, and to obtain documented authorization by the facility superintendent or designee every four hours thereafter. Does not apply during an extraordinary, emergency circumstance that requires significant departure from normal institutional operations. Such an exception applies for the shortest amount of time needed to address the imminent and substantial risk of harm.

Effective January 1, 2018.

PUBLIC/SENATE BILLS

S 114 (2017-2018) [ANNUAL REPORT MODERNIZATION](#). Filed Feb 21 2017, *AN ACT REVISING THE LAWS GOVERNING THE SUBMISSION OF ANNUAL REPORTS BY VARIOUS BUSINESS ENTITIES TO THE SECRETARY OF STATE*.

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

Amends GS 55-16-22 (Annual reports for corporations). Deletes the proposed amendment authorizing the Secretary of State to assess a \$250 penalty for an annual report containing incomplete or inaccurate information, and punishing persons who willfully fail to completely and accurately provide required information. Amends the current 30 day timeline for correcting an annual report with incomplete information to provide that a report is timely filed if it is submitted (currently, delivered) within 30 days of the Secretary's notification of incompleteness.

Makes a conforming change to GS 55-1-22 (Filing, service, and copying fees).

Amends GS 57D-2-24 (Annual reports for LLCs). Deletes the proposed amendment authorizing the Secretary of State to assess a \$250 penalty for an annual report containing incomplete or inaccurate information, and punishing persons who willfully fail to completely and accurately provide required information. Amends the current 30 day timeline for correcting an annual report with incomplete information to provide that a report is timely submitted if it is submitted (currently, delivered) within 30 days of the Secretary's notification of incompleteness.

Deletes proposed amendments to GS 57D-1-22 (Filing, service, and copying fees).

Amends GS 57D-6-06(c). Provides that penalties, fees, or other payments due under GS Chapter 57D must be paid prior to reinstatement of an administratively dissolved LLC.

Amends proposed GS 55A-16-22.1 (Annual report for Nonprofits). Directs the corporation to submit its annual reports to the Secretary of State by November 15 of each year, beginning with the year following the formation of the corporation, and annually thereafter until the effective date of a voluntary or judicial dissolution. Deletes the provision authorizing the Secretary of State to assess a \$250 penalty for an annual report containing incomplete or inaccurate information, and punishing persons who willfully fail to completely and accurately provide required information. Directs the Secretary of State to promptly notify the reporting corporation in writing of an incomplete report, and to return the report for correction. Provides that a corrected report is timely submitted if submitted within 30 days after the effective date of notice.

Deletes the proposed amendment to GS 55A-1-22 prohibiting the Secretary of State from charging an additional amount for the use of electronic filing and/or payment.

Allows the Secretary of State, until January 1, 2021, to waive the fee charged to a corporation seeking reinstatement following administrative dissolution for delinquent filing.

Amends GS 59-84.4 (Annual report for Secretary of State for limited liability partnerships). Deletes the proposed amendment authorizing the Secretary of State to assess a \$250 penalty for an annual report containing incomplete or inaccurate information, and punishing persons who willfully fail to completely and accurately provide required information. Amends the current 30 day timeline for correcting an annual report with incomplete information to provide that a report is timely submitted if it is submitted (currently, delivered) within 30 days of the Secretary's notification of incompleteness. Requires penalties, fees, or other payments due under GS Chapter 59 to be paid prior to reinstatement of a revoked limited liability partnership.

Deletes proposed amendments to GS 59-35.2 (Filing, service, and copying fees) prohibiting the Secretary of State from charging an additional amount for the use of electronic filing and/or payment, and requiring the State Treasurer to remit \$2 from fees to the Secretary of State.

Amends the effective date provision so that various parts of the bill are effective for entities at different times, depending on the entity's gross revenue.

Makes organizational changes to the bill.

[View summary](#)

**[Business and Commerce, Corporation and Partnerships,
Government, General Assembly, Tax, Nonprofits](#)**

S 145 (2017-2018) **GOVERNMENT IMMIGRATION COMPLIANCE**. Filed Feb 28 2017, *AN ACT TO CREATE ADDITIONAL INCENTIVES FOR LOCAL GOVERNMENTS TO COMPLY WITH STATE LAWS RELATED TO IMMIGRATION, TO PROHIBIT UNC CONSTITUENT INSTITUTIONS FROM BECOMING SANCTUARY UNIVERSITIES, AND TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY.*

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

Amends proposed GS 64-54 by amending the list of statutes under which a local government determined to be non-compliant with immigration laws is ineligible to receive distribution of funds to include GS 105-187.19(b) (was, GS 105-187.16).

Intro. by Sanderson.

[GS 15A, GS 64, GS 105, GS 116, GS 136, GS 153A, GS 160A](#)

[View summary](#)

**[Education, Higher Education, Government, State Agencies,
UNC System, Department of Justice, Department of Public
Safety, Tax, Local Government, Immigration](#)**

ACTIONS ON BILLS

No public actions on bills

No local actions on bills

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