

The Daily Bulletin: 2017-08-03

PUBLIC/HOUSE BILLS

H 162 (2017-2018) [AMEND ADMINISTRATIVE PROCEDURE LAWS](#). Filed Feb 21 2017, *AN ACT TO AMEND VARIOUS ADMINISTRATIVE PROCEDURE LAWS*.

Conference report makes the following changes to the 3rd edition.

Amends proposed GS 150B-19.4, requirements on rules with substantial financial costs, by amending the conditions for legislative review to no longer require that a bill specifically disapproving the rule or set of rules have been introduced in a house of the General Assembly before the thirty-first legislative day. Requires the Rules Review Commission to provide a list of the rules and sets of rules subject to legislative review under (c) of the statute to the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Commission on Governmental Operations before the convening of each applicable regular session of the General Assembly.

Intro. by Jordan, Stevens, Hardister, Floyd.

[GS 150B](#)

[View summary](#)

[Government, APA/Rule Making](#)

H 527 (2017-2018) [RESTORE/PRESERVE CAMPUS FREE SPEECH](#). Filed Mar 29 2017, *AN ACT TO RESTORE AND PRESERVE FREE SPEECH ON THE CAMPUSES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA*.

AN ACT TO RESTORE AND PRESERVE FREE SPEECH ON THE CAMPUSES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. Enacted July 31, 2017. Effective June 30, 2017.

Intro. by Millis, Jordan.

[GS 116](#)

[View summary](#)

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

H 528 (2017-2018) [BUDGET TECHNICAL CORRECTIONS. \(NEW\)](#) Filed Mar 29 2017, *AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2017*.

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2017. Enacted July 31, 2017. Effective July 1, 2017, except as otherwise provided.

Intro. by Millis, Torbett.

[APPROP, STUDY, GS 7A, GS 7B, GS 20, GS 115C, GS 136, GS 143, GS 143B](#)

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[Agriculture, Courts/Judiciary, Civil, Civil Procedure, Court System, Education, Elementary and Secondary Education, Environment, Government, Budget/Appropriations, Cultural Resources and Museums, Elections, General Assembly, Public Safety, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Commerce, Department of Natural and Cultural Resources](#)

(formerly Dept. of Cultural Resources), Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Military & Veterans Affairs, Department of Public Instruction, Department of Public Safety, Office of State Budget and Management, State Board of Elections, State Government, State Personnel, Health and Human Services, Health, Military and Veteran's Affairs

H 704 (2017-2018) [DIVIDE SCHOOL SYSTEMS/STUDY COMMITTEE](#). Filed Apr 10 2017, *AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE DIVISION OF APPROPRIATE SIZE OF LOCAL SCHOOL ADMINISTRATIVE UNITS.*

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON THE DIVISION OF APPROPRIATE SIZE OF LOCAL SCHOOL ADMINISTRATIVE UNITS. Enacted July 31, 2017. Effective July 31, 2017.

Intro. by Brawley, Malone, Bradford.

[STUDY](#)

[View summary](#)

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

H 719 (2017-2018) [IMPROVE SECURITY/UPPER LEVEL/PKING LOT 65](#). Filed Apr 10 2017, *AN ACT TO ALLOCATE THE PARKING SPACES IN THE UPPER LEVEL OF STATE PARKING DECK 65 TO THE LEGISLATIVE SERVICES COMMISSION TO SUPPORT SECURITY MEASURES FOR THE LEGISLATIVE COMPLEX.*

AN ACT TO ALLOCATE THE PARKING SPACES IN THE UPPER LEVEL OF STATE PARKING DECK 65 TO THE LEGISLATIVE SERVICES COMMISSION TO SUPPORT SECURITY MEASURES FOR THE LEGISLATIVE COMPLEX. Enacted July 31, 2017. Effective July 31, 2017.

Intro. by Arp, Dollar, Saine, Lewis.

[GS 120, GS 143](#)

[View summary](#)

[Government, General Assembly, State Agencies, Department of Administration](#)

H 770 (2017-2018) [VARIOUS CLARIFYING CHANGES \(NEW\)](#). Filed Apr 11 2017, *AN ACT TO MAKE CLARIFYING CHANGES TO ENSURE ESSA COMPLIANCE; CLARIFY PROPERTY TAX COMMISSION SALARIES; CLARIFY ADMINISTRATIVE COSTS FOR THE HEALTHY FOOD SMALL RETAILER PROGRAM; CLARIFY SINGLE-STREAM FUNDING FOR LME/MCOS; CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD; PROHIBIT ATTORNEYS SERVING AS TRUSTEES FROM REPRESENTING NOTEHOLDERS OR BORROWERS WHILE INITIATING A FORECLOSURE PROCEEDING; MAKE CHANGES TO REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY; AND MAKE CHANGES TO THE NORTH CAROLINA STATE LOTTERY COMMISSION.*

Conference report deletes all content of the 5th edition and replace it with the following.

Part I.

Amends GS 115C-83.15 to require the State Board of Education (State Board), using EVAAS, to calculate the overall growth score earned by schools, but no longer requiring it to be a measure of school quality and student success. Adds that for schools serving students in 9-12th grades, the growth score includes only growth values for measures calculated under (b)(2) a and b (one point for each percent of students who score at or above proficient on either the Algebra I or Integrated Math I end-of-course test, or for students who completed Algebra I or Integrated Math I before night grade, another math course with an end-

of-course test; and one point for each percent of students who score at or above proficient on the English II end-of-course test). Makes conforming changes.

Amends GS 115C-83.16 by removing the requirement that the State Board weight the measures in accordance with the requirements of GS 115C-83.15. Amends the components that are to be used to define school performance indicators for schools serving students in 9-12th grades, by (1) including the growth score earned by the schools in calculating the academic achievement indicator and (2) deleting the requirement that the other academic indicator include proficiency on the Biology end of course test, the percentage of students who complete Algebra II or Integrated Math III with a passing grade, the percentage of students who achieve the minimum score required for admission into a constituent institution of the University of North Carolina on a nationally normed test of college readiness, and the percentage of students enrolled in Career and Technical Educational courses who meet the standard when scoring at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness. Allows the State Board, only for the purpose of conforming with ESSA, to label measures as indicators different from those described in the statute if each measure is calculated in accordance with GS 115C-83.15.

These provisions are effective when they become law and apply beginning with the 2017-18 school year.

Part II.

Amends GS 105-288 to prohibit members of the Property Tax Commission (Commission) whose salaries or any portion of whose salaries are paid from State funds from receiving travel and subsistence expenses, but allows them to receive a salary as provided for by the Commission. Effective when the act becomes law and applies retroactively to expenses of the Commission incurred on or after April 1, 2017.

Part III.

Amends Section 12.5(a) of SL 2017-57 by adding that the Department of Agriculture and Consumer Services may retain up to 10% of the funds allocated under this section to the Healthy Food/Small Retailer program for administrative costs associated with the program. Effective July 1, 2017.

Part IV.

Amends Section 11F.2(b) of SL 2017-57 by increasing and decreasing the specified reductions that the DMH/DD/SAS is required to allocate for single-stream funding among the listed LME/MCOs for fiscal years 2017-18 and 2018-19. Effective July 1, 2017.

Part V.

Amends GS 90-2, which sets forth the membership of the North Carolina Medical Board. Currently the Medical Board consists of 13 members appointed by the Governor, with seven members being duly licensed physicians recommended by the Review Panel, and the remaining six members meeting provided specifications, including three public members.

This act reduces the total number of public members appointed by the Governor from three to one, with the Governor now appointing only one public member not subject to recommendation of the Review Panel pursuant to GS 90-3. Adds a new provision establishing that the General Assembly will now appoint two public members in accordance with GS 120-121, one upon the recommendation of the Speaker and one upon the recommendation of the President Pro Tempore. Makes the existing provision prohibiting a public member appointed by the Governor under subdivision (a)(2)(b) from being a health care provider or the spouse of a health care provider also applicable to a public member appointed by the General Assembly under new subdivision (a)(3). Makes organizational changes and conforming changes.

Provides that for the term of the public member appointed by the Governor expiring in 2017, that member must be appointed by the General Assembly upon the recommendation of the Speaker; and for the term of the public member appointed by the Governor expiring in 2018, that member must be appointed by the General Assembly upon the recommendation of the President Pro Tempore, with both appointments complying with GS 120-121. Provides that for terms expiring thereafter or as vacancies occur prior to the expiration of a term, members of the NC Medical Board are to be appointed in accordance with GS 90-2 as amended by this act.

Applies to vacancies occurring after June 30, 2017.

Part VI.

Amends GS 45-10 (Substitution of trustees in mortgages and deeds of trust). Provides that an attorney who serves as the trustee or substitute trustee shall not represent either the noteholders or the interests of the borrower while initiating a foreclosure proceeding. Makes a clarifying change.

Part VII.

Repeals SL 2008-107, Section 7.18(b), which directs the Department of Public Instruction to report to the Joint Legislative Oversight Committee by April 15 of each year on the effectiveness of the Plant Operation Section of the School Support Division's efforts to assist local school administrative units in managing environmental issues.

Amends SL 2015-241, Section 31.7(b). Amends the due date of the reports of each State agency on the status of agency capital projects semiannually to the Joint Legislative Commission on Governmental Operations, and quarterly to the Fiscal Research Division and the Office of State Budget and Management, to begin on October 15, 2017 (was, October 1, 2015), and periodically thereafter as specified.

Part VIII.

Amends GS 18C-112 to allow the member of the State Lottery Commission who is appointed by the Governor and required to have at least five years' experience in law enforcement to be an elected law enforcement official.

Makes conforming changes to the act's short and long titles.

Unless otherwise provided, effective when the act becomes law.

Intro. by K. Hall, McElraft, B. Turner, Harrison.

[GS 18C, GS 45, GS 90, GS 105, GS 115C](#)

[View summary](#)

[Banking and Finance, Education, Elementary and Secondary Education, Government, State Agencies, Department of Agriculture and Consumer Services, Tax, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Lottery and Gaming](#)

H 926 (2017-2018) [ADJOURN AUGUST RECONVENED SESSION](#). Filed Aug 3 2017, *A JOINT RESOLUTION ADJOURNING THE SESSION RECONVENED PURSUANT TO SECTION 1.1 OF RESOLUTION 2017-12 AND AMENDING RESOLUTION 2017-12.*

Provides that when the House and Senate adjourn on the date this resolution is ratified, they stand adjourned to reconvene as provided in Resolution 2017-12 (Adjournment Resolution).

Amends Resolution 2017-12 as follows. Provides that when the House and Senate jointly adjourn the session convened on August 3, 2017, they stand adjourned to reconvene at noon on Friday, August 18, 2017 (was, on Wednesday, September 6, 2017). Expands upon the bills that may be considered during that reconvened session to also include: (1) bills revising the Senate or districts and the apportionment of Senators or Representatives among those districts and containing no other matter; (2) bills returned on or after June 28 to the house in which the bill originated for concurrence; (3) adoption of conference reports for bills which were in conference on or after June 28, 2017, and conferees had been appointed by both houses on or after that date; and (4) bills related to election laws. Makes conforming changes.

Intro. by Lewis.

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[Government, General Assembly](#)

PUBLIC/SENATE BILLS

Conference report makes the following changes to the 4th edition.

Deletes the following provisions that were found in the 4th edition: (1) Section 1 of the act, concerning the authorization of rule technical corrections, which amended GS 150B-21.5 and GS 150B-21.20; (2) Section 2 of the act concerning contested case policy, which amended GS 150B-22 and GS 150B-43; (3) Section 3, which amended the process for the periodic review of rules in GS 150B-21.3A; (4) Section 9, which concerned inspection requirements for used vehicles sold by dealers on a salvage certificate of title, amending GS 20-183.4C; (5) Section 10, which amended requirements for health benefit plans covering small employers under GS 58-50-130; (6) Section 12, which amended the law on contracts with automatic renewal clauses in GS 75-41; (7) Section 16, concerning staffing standards for boarding kennels offering dog day care services, which amended GS 19A-23 and GS 19A-24; (8) Section 17, which required the Legislative Research Commission to study the regulatory, financial, and infrastructure burdens in coastal communities; (9) Section 20.1, which removed Onslow County from the motor vehicle emissions inspection program under GS 143-215.107A; (10) Section 21, which required the Legislative Research Commission to study the creation of a board to mediate and arbitrate disputes between local governments and owners and developers of property; and (11) Section 21.2, which required the Legislative Research Commission to study flood prevention measures in the Lower Neuse River Basin.

Changes the effective date of the changes to GS 150B-20 from October 1, 2017, to January 1, 2018.

Changes the effective date of the changes to GS 130A-247 from October 1, 2017, to January 1, 2018.

Eliminates the change in GS 40A-3 that would have restricted private condemners to exercising the power of eminent domain to a public use (instead of a public use or benefit).

Requires the Building Code Council to report on electrical safety requirements for swimming pools to the Joint Legislative Oversight Committee on Justice and Public Safety instead of to the General Assembly.

Requires the Building Code Council to report on the use of ungraded lumber to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources instead of to the General Assembly.

Changes the effective date of the changes to GS 20-129 from January 1, 2018, to March 1, 2018.

Requires the Legislative Research Commission to study the creation of a process for (was, study the creation of a mediation and arbitration board) the mediation and arbitration of disputes between the owners of property located in a homeowners or property owners association and the governing entities of such associations.

Adds the following new provisions:

Section 14.

Amends GS 95-25.5(a) to direct the Commissioner of Labor to issue youth employment certificates, both directly and electronically (currently certificate issuance is subject to review by the Department of Labor and county directors of social services).

Amends GS 95-117(4) to define *annual gross volume*, *owner*, and *person*. Amends the definition of *passenger tramway* to include *funicular devices* and *gondola*, as defined. Makes additional clarifying and technical changes.

Enacts new GS 95-125.1 (Operation of unsafe device). Prohibits the operation and use of devices under GS Chapter 95, Article 15 (Passenger Tramway Safety), if the operator knows or reasonably should know that operation or use will expose the public to an unsafe condition likely to result in personal injury or property damage. Effective January 1, 2018.

Enacts new GS 95-125.2 (Reports required). Requires owners of any device regulated under Article 15 to notify the Commissioner within 24 hours of every occurrence involving the device resulting in death or injury requiring medical treatment by a physician, or damage to the device indicating a substantial defect. Directs the Commissioner, without delay, to make a complete and thorough investigation of the occurrence, and to file a report and give in detail all facts and information available. Prohibits, after an occurrence reported under this statute, the operation or moving of the device without approval of the Commissioner, except as to prevent injury, or the removal of any part of the device or attempt to repair any damaged part necessary to an investigation.

Enacts new GS 95-125.3 (Violations, civil penalties, appeal, criminal penalties). Creates civil penalties in different amounts for violations of GS 95-118 (concerning registration), GS 95-120.1 (concerning liability insurance) and GS 95-125.1 (concerning operation of an unsafe device). Commissioner's determination of the amount of the penalty is final, subject to objection by the person charged with violation, at which point a final determination is made pursuant to the Administrative Procedures Act. Authorizes the Commissioner to file a certified copy of a final order with the clerk of court, at which point the clerk shall enter judgment in accordance with the final order and notify the parties. A willful violation that causes the serious injury or death of any person is a Class E felony, including a fine. Nothing in the article prevents a prosecutor from proceeding against a person who violates this Article on a prosecution charging any degree of willful or culpable homicide.

Amends GS 95-174, GS 95-191(a), GS 95-192, GS 95-194, GS 95-208, and GS 95-216 to replace references to the Standard Industrial Classification with references to the North American Industry Classification System and references to "material safety data sheets" with "safety data sheets." Makes technical changes.

Effective October 1, 2017.

Section 15.

Enacts new GS 95-127(2a) to define the *Carolina Star Program* as a voluntary program that recognizes work sites that implement effective safety and health management systems and meet specified standards.

Enacts new GS 95-157 (Carolina Star Program). Authorizes the Commissioner of Labor (Commissioner) to adopt rules for the operation of the Carolina Star Program in a way that will promote safe and healthy workplaces throughout the State, and lists seven matters the rule should address, including assessment of occupational hazards. Directs that applications for participation should be submitted by management. Directs the Department of Labor (Department) to provide on-site evaluations by Carolina Star Program evaluation teams of applicant workplaces. Workplaces that participate in the Carolina Star Program are exempt from inspections under GS 95-136, except for those arising from complaints, referrals, fatalities, catastrophes, nonfatal accidents, or significant toxic chemical releases.

Allows a workplace that participated in the uncodified Carolina Star Program prior to October 1, 2017, to continue as a participant, conditioned upon that workplace's ability to meet the relevant requirements and expectations established by guidelines for participation adopted by the Commissioner.

Effective October 1, 2017.

Section 16.

Repeals Section 3.2(a) of SL 2017-10, amending Section 14.20(f) of SL 2015-241, making the landfill modifications made in Section 14.20 of SL 2015-241 apply to franchise agreements executed on or after October 1, 2015, and on or before October 1, only if all parties to a valid and operative agreement consent to modify the agreement for the purpose of extending the agreement's duration of the life-of-site of the landfill for which the agreement was executed, and public notice and hearing is provided for the modification in compliance with the requirements of GS 130A-294(b1)(3). Makes conforming change to Section 3.2(e) of SL 2017-10, making Section 3.2(a), amending Section 14.20(f) of SL 2015-241, apply only to franchise agreements executed on or after October 1, 2015 (deleting expanded application to franchise agreements executed on or before October 1, 2015, as previously specified).

Amends GS 130A-294 (Solid waste management program). Amends subsection (a2), defining *life of site* to mean the period from the initial receipt of solid waste at the facility until the facility reaches its final permitted elevations, not to exceed 60 years (currently, until the Department approves final closure of the facility). Adds new subsection (a3), establishing that a life-of-site permit issued for a sanitary landfill survives the expiration of a local government approval or franchise. Authorizes the county to extend the franchise under the same terms and conditions for the term of the life-of-site permit. Adds that the extension of a franchise does not trigger the requirements for a new permit, a major permit modification, or a substantial amendment to the permit. Amends subdivision (b1)(3), providing that the hearing and notice requirements of this subdivision do not apply to franchises extended pursuant to new subsection (a3). Makes conforming changes to subsection (a2).

Section 17.

Amends GS 44A-24.2(3) to amend the definition of *commercial real estate* as used in the Commercial Real Estate Broker Lien Act to include any real property or interest therein which at the time the property or interest is made the subject of an agreement for broker services is lawfully used primarily for agriculture or forestry.

Section 18.

Amends GS 95-69.10(b)(8), exempting from the provisions of Article 7A (Uniform Boiler and Pressure Vessel Act) a pressure vessel that does not exceed the listed limitations and is not equipped with a quick actuating closure, and is five cubic feet in volume when the pressure vessel is constructed and operated on the same real property zoned industrial and where its operation is undertaken using commercially acceptable safety precautions for the application.

Section 19.

Amends GS 130A-336, establishing that an improvement permit or authorization for wastewater system construction issued by a local health department from January 1, 2000, to January 1, 2015, which has not been acted on and would have otherwise expired, remains valid until January 1, 2020, without penalty. Provides this extension does not apply where there are changes in the hydraulic flows or wastewater characteristics from the original local health department evaluation. Permits are transferable with ownership of the property. Requires permits to retain the site, soil evaluations, and construction conditions of the original permit.

Intro. by Wells, Barringer, Daniel.

[STUDY, GS 20, GS 40A, GS 44A, GS 66, GS 74D, GS 95, GS 130A, GS 143, GS 143B, GS 150B](#)

[Agriculture, Animals, Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Property and Housing, Employment and Retirement, Environment, Government, APA/Rule Making, State Agencies, Department of Environmental Quality \(formerly DENR\), Department of Labor, Department of Transportation, Health and Human Services, Health, Public Health, Public Enterprises and Utilities, Transportation](#)

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S 407 (2017-2018) [EMPLOYEE MISCLASSIFICATION/IC CHANGES \(NEW\)](#). Filed Mar 28 2017, *AN ACT TO ENACT THE EMPLOYEE FAIR CLASSIFICATION ACT, TO REQUIRE THE INDUSTRIAL COMMISSION TO IMPLEMENT RULES RELATED TO OPIOIDS AND PAIN MANAGEMENT, TO REMOVE THE REQUIREMENT THAT THE INDUSTRIAL COMMISSION STUDY CAUSES OF INJURY AND RECOMMEND WAYS TO PREVENT INJURIES, AND TO DELAY THE EFFECTIVE DATE FOR A REQUIREMENT THAT EMPLOYERS RESPOND TO UNEMPLOYMENT INSURANCE CLAIMS IN TEN DAYS.*

Conference report makes the following changes to the 3rd edition.

Amends Section 3.2(b) of SL 2017-8, making Section 3.2 (which amended GS 96-15 to reduce the required time period for which any interested employer must be allowed to file its protest of the claim in order to have the claim referred to an adjudicator from 14 days from the mailing or delivery of the notice of the filing of the claim against the employer's account to 10 days) effective on July 1, 2018, instead of October 1, 2017.

Makes Section 1 (enacting the Employee Fair Classification Act), Section 2 (amending GS 105-259), and Section 3 (amending GS 95-25.15) of the act effective December 31, 2017, instead of October 1, 2017.

Makes conforming changes to the act's long title.

Intro. by Wells.

[GS 95, GS 97, GS 105, GS 143](#)

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[Employment and Retirement, Government, Tax](#)

S 628 (2017-2018) [VARIOUS CHANGES TO THE REVENUE LAWS](#). Filed Apr 4 2017, *AN ACT TO MAKE VARIOUS CHANGES TO THE REVENUE LAWS.*

Conference report makes the following changes to the 5th edition.

Deletes Section 1.10(a), which would have amended GS 105-228.4A, related to taxes imposed on captive insurance companies.

Deletes language in Section 11 requiring a study related to gross premiums on insurance contracts for property coverage. Replaces it with three new subsections. Subsection (a) amends GS 105-228.5(d)(3) to provide that the additional tax imposed on property coverage contracts is a special purpose assessment based on gross premiums and not a gross premiums tax. Subsection (b) provides that if a taxpayer elected to take a business energy and tax credit against the gross premiums tax for a taxable year beginning before January 1, 2017, that taxpayer may take an installment or carryforward of the credit in certain circumstances. The taxpayer may also, for a limited period of time, apply to the Department of Revenue for a refund of excess tax paid related to this clarification of law. Subsection (c) explains the legislative intent behind the changes in Section 11, which includes clarification of the law and avoiding potential litigation.

Revises Section 2.8A, which adds a new GS 105-244.4, related to reduction of certain sales tax assessments. Amends new GS 105-244.4(a)(5) to extend the period of time a taxpayer has to submit to the Secretary of Revenue either a request for a reduction in the amount of a tax assessed or a statement disagreeing with the assessment. The time period is extended from 45 to 120 days.

Adds Section 4.1(e), which amends GS 105-241.16, to provide that any aggrieved party (was, taxpayer) may seek judicial review of a decision in a contested case hearing.

Revises Section 4.8, which previously included several changes to GS 143B-1325(d) related to consolidation of information technology under the Department of Information Technology. Most of those changes were included in SL 2017-57, Section 37.4(b). This conference report retains amendments to GS 143B-1325(d), as amended by SL 2017-57, which require reports on transition planning to be made to the Department of Revenue, as well as other state agencies. The changes also provide that the information technology transfers and consolidation from Revenue to Information Technology may not take place until the system complies with federal security standards related to federal taxpayer information.

Revises Section 4.9 to change the effective dates applicable to Part 4. Provides that Section 4.1(e), which governs judicial review of contested cases, is effective retroactively to January 1, 2012. Provides that the remainder of the part is effective when it becomes law.

Revises Section 5.4(b) to change the effective date for Part 5 from July 1, 2017 to July 1, 2018. Part 5 includes several changes related to property tax.

Revises Section 6.1(a), which amends GS 159-32, related to daily deposits by local governments. Increases the amount a local governing board may authorize the local government to retain before depositing from \$250 to \$500.

Enacts new GS 105-269.8 to allow an individual entitled to a refund of income taxes under Part 2 of Article 4 of GS Chapter 105 to elect to contribute all or part of the refund to be used for early detection of breast and cervical cancer at the Cancer Prevention and Control Branch of the Division of Public Health of the Department of Health and Human Services. Directs the Secretary of Revenue to provide appropriate language and space on the individual income tax form with an explanation that the contribution is irrevocable and will be used for early detection of breast and cervical cancer only. Directs the Secretary of Revenue to transmit contributions made pursuant to this statute to the State Treasurer, and directs the State Treasurer to distribute the contributions to the Cancer Prevention and Control Branch to be used in accordance with North Carolina's Breast and Cervical Cancer Control Program's policies and procedures. Expires for taxable years beginning on or after January 1, 2021. Clarifies that funds generated by this act are not intended to replace current appropriations for early detection of breast and cervical cancer. Effective for taxable years beginning on or after January 1, 2017.

Amends GS 105-449.81, as amended, to impose an excise tax at the motor fuel rate on motor fuel that is fuel grade ethanol or biodiesel fuel if it is imported to the State by a transport truck, a railroad tank car, a tank wagon, or a marine vessel where ethanol or biodiesel from the vessel is not delivered to a terminal that has been assigned a terminal control number by the IRS (previously had no requirement related to the terminal). Directs the Department of Revenue to notify taxpayers impacted by this change within 15 days of the legislation being enacted into law that motor fuel tax is not due at the time of importation when that fuel is delivered to a terminal that has been assigned a terminal control number by the IRS.

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Government, General Assembly, State Agencies, Department of Revenue, Tax

S 688 (2017-2018) **ADJOURN GOV'S RECONVENED SESSION**. Filed Aug 3 2017, *A JOINT RESOLUTION ADJOURNING THE SESSION RECONVENED PURSUANT TO THE GOVERNOR'S PROCLAMATION*.

Provides that when the House of Representatives and the Senate jointly adjourn the Reconvened 2017 Session of the 2017 General Assembly, they are adjourned to reconvene as provided in Section 1.1 of Resolution 2017-12 (which provides that the House and Senate are to reconvene on Thursday, August 3, 2017, at 12:00 noon).

Intro. by Rabon.

JOINT RES

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Government, General Assembly

S 689 (2017-2018) **2017 APPOINTMENTS BILL MODIFICATIONS**. Filed Aug 3 2017, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2017 APPOINTMENTS BILL*.

Part I appoints the specified persons to the following boards and commissions upon the recommendation of the President Pro Tempore, effective on the specified dates, with terms expiring as provided: 911 Board, North Carolina Brain Injury Advisory Council, North Carolina Recreational Therapy Licensure Board, North Carolina Child Care Commission, North Carolina Oil and Gas Commission, Professional Educator Preparation and Standards Commission, North Carolina Teaching Fellows Commission, and the Fayetteville State University Board of Trustees.

Part II appoints the specified persons to the following boards and commissions upon the recommendation of the Speaker, effective on the specified dates, with terms expiring as provided: North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors, Professional Educator Preparation and Standards Commission, North Carolina Teaching Fellows Commission, State Human Resources Commission, State Board of Proprietary Schools, and the Fayetteville State University Board of Trustees.

Part III makes the following change to previously made appointments. Amends Section 1.33 of SL 2013-353 by shortening the term of a member of the State Human Resources Commission (which was the State Personnel Commission). Amends GS 2017-75 to amend appointments to the following boards and commissions: North Carolina Capital Facilities Finance Agency Board of Directors; Board of Directors of the North Carolina Institute of Medicine; North Carolina Real Estate Commission; Board of Directors of Roanoke Island Historical Association; North Carolina Board of Science, Technology, and Innovation; North Carolina Charter Schools Advisory Board; Board of Directors of Roanoke Island Historical Association, Rules Review Commission; North Carolina Museum of Art Board of Trustees; 911 Board; North Carolina Appraisal Board; UNC-Pembroke Board of Trustees; and the Board of Directors of the North Carolina Partnership for Children.

Intro. by Rabon.

UNCODIFIED

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Business and Commerce, Occupational Licensing, Government, General Assembly, State Agencies, UNC System, State Government, Executive

S 690 (2017-2018) **ADJOURN AUGUST RECONVENED SESSION**. Filed Aug 3 2017, *A JOINT RESOLUTION ADJOURNING THE SESSION RECONVENED PURSUANT TO SECTION 1.1 OF RESOLUTION 2017-12 AND AMENDING RESOLUTION 2017-12*.

Identical to [H 926](#), filed 8/3/17.

Provides that when the House and Senate adjourn on the date this resolution is ratified, they stand adjourned to reconvene as provided in Resolution 2017-12 (Adjournment Resolution).

Amends Resolution 2017-12 as follows. Provides that when the House and Senate jointly adjourn the session convened on August 3, 2017, they stand adjourned to reconvene at noon on Friday, August 18, 2017 (was, on Wednesday, September 6, 2017). Expands upon the bills that may be considered during that reconvened session to also include: (1) bills revising the Senate or districts and the apportionment of Senators or Representatives among those districts and containing no other matter; (2) bills returned on or after June 28 to the house in which the bill originated for concurrence; (3) adoption of conference reports for bills which were in conference on or after June 28, 2017, and conferees had been appointed by both houses on or after that date; and (4) bills related to election laws. Makes conforming changes.

Intro. by Rabon.

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Government, General Assembly

LOCAL/SENATE BILLS

S 560 (2017-2018) **CLARIFY CLEVELAND BOARD OF EDUCATION ELECTION (NEW)** Filed Mar 30 2017, *AN ACT TO CLARIFY THE PROCESS FOR ELECTION OF THE CLEVELAND COUNTY BOARD OF ELECTION.*

House committee substitute deletes the contents of the 1st edition and replaces it with the following.

Amends Section 3.1 of SL 2017-78 by adding that unaffiliated candidates for election to the Cleveland County Board of Education are to be nominated by petition as provided in GS 163-296.

Adds new Section 3.3 to SL 2017-78 specifying that for the 2017 elections for the Cleveland County Board of Education only, petitions for an unaffiliated candidate to be placed on the ballot must be signed by at least 500 voters of the county that are qualified to vote in the Cleveland County Board of Education election.

Makes conforming changes to the act's short and long titles.

Intro. by J. Jackson, Britt, Tucker.

Cleveland

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**Education, Elementary and Secondary Education,
Government, Elections**

ACTIONS ON BILLS

PUBLIC BILLS

H 140: DENTAL PLANS PROVIDER CONTRACTS/TRANSPARENCY.

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

H 162: AMEND ADMINISTRATIVE PROCEDURE LAWS.

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

Senate: Conf Report Adopted

House: Conf Com Reported

House: Added to Calendar

House: Withdrawn From Cal

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

H 205: WC CHANGES/LEGAL NOTICE MODERNIZATION (NEW).

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

H 511: GAME NIGHTS/NONPROFIT FUND-RAISER.

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

H 576: ALLOW AEROSOLIZATION OF LEACHATE.

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

H 770: VARIOUS CLARIFYING CHANGES (NEW).

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

House: Conf Com Reported

House: Added to Calendar

House: Conf Report Adopted

Senate: Conf Report Adopted

House: Ordered Enrolled

H 926: ADJOURN AUGUST RECONVENED SESSION.

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

S 16: BUSINESS & AGENCY REG. REFORM ACT OF 2017 (NEW).

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

House: Conf Com Reported

House: Added to Calendar

House: Conf Report Adopted

Senate: Conf Report Adopted

Senate: Ordered Enrolled

S 223: EXCLUDE TIERS 1 & 2 FROM JDIG CAP (NEW).

Senate: Withdrawn From Cal

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

S 407: EMPLOYEE MISCLASSIFICATION/IC CHANGES (NEW).

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

House: Conf Com Appointed

Senate: Conf Com Reported

Senate: Placed on Today's Calendar
Senate: Conf Report Adopted
House: Conf Com Reported
House: Added to Calendar
House: Conf Report Adopted
Senate: Ordered Enrolled

S 552: OMNIBUS OCCUPANCY TAXES. (NEW)

Senate: Conf Report Adopted 3rd
Senate: Ordered Enrolled

S 628: VARIOUS CHANGES TO THE REVENUE LAWS.

Senate: Conferees Changed
Senate: Conf Com Reported
Senate: Placed on Today's Calendar
House: Conf Com Reported
House: Added to Calendar
House: Conf Report Adopted
Senate: Conf Report Adopted
Senate: Ordered Enrolled

S 688: ADJOURN GOV'S RECONVENED SESSION.

Senate: Filed
Senate: Passed 1st Reading
Senate: Placed on Today's Calendar
Senate: Passed 2nd Reading
Senate: Passed 3rd Reading
Senate: Special Message Sent To House
House: Special Message Received From Senate
House: Passed 1st Reading
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled
Ratified
Ch. Res 2017-13

S 689: 2017 APPOINTMENTS BILL MODIFICATIONS.

Senate: Filed
Senate: Passed 1st Reading
Senate: Placed on Today's Calendar
Senate: Passed 2nd Reading
Senate: Passed 3rd Reading
Senate: Special Message Sent To House
House: Special Message Received From Senate
House: Passed 1st Reading
House: Ref To Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled

S 690: ADJOURN AUGUST RECONVENED SESSION.

Senate: Filed

LOCAL BILLS

S 560: CLARIFY CLEVELAND BOARD OF EDUCATION ELECTION (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

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