



## The Daily Bulletin: 2018-05-29

### PUBLIC/HOUSE BILLS

H 1010 (2017-2018) [BUILD NC BOND ACT](#). Filed May 24 2018, *AN ACT TO ENACT THE BUILD NC BOND ACT OF 2018, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.*

Correction:

Under new GS 142-97 each individual issuance of Build NC bonds is limited to no more than \$300 million in each fiscal year, not \$3 million each fiscal year.

**Intro. by Torbett, Iler, Presnell, Shepard.**

[GS 142](#)

[View summary](#)

**Government, State Agencies, Department of State Treasurer, Department of Transportation, Transportation**

H 1024 (2017-2018) [SUPPORT SHELLFISH INDUSTRY](#). Filed May 29 2018, *AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE STATE'S SHELLFISH INDUSTRY BY REFORMING AND MODERNIZING THE STATUTES GOVERNING SHELLFISH AND AQUACULTURE BOTTLAND LEASING AND BY APPROPRIATING FUNDS TO STUDY THE IMPACT OF OYSTER RESTORATION ON NUTRIENT REDUCTION LEVELS.*

Identical to [S 738](#), filed 5/23/18.

Section 1

Amends GS 113-202, modifying several provisions relating to shellfish cultivation leases.

Modifies subsection (a), adjusting several standards which must be met when the Secretary grants shellfish cultivation leases. Specifically, removes requirement that grantees of shellfish cultivation leases reside in North Carolina. Defines natural shellfish bed as an area containing at least 10 bushels of shellfish per acre that does not include a previously leased area terminated by the Secretary for failure to meet the requirements of this section within the 12 months directly preceding the date of the lease application. Requires that the cultivation of shellfish in the leased area need only be compatible with the public use of other marine and estuarine resources near the leased area. Previously required compatibility with public use generally, with no provision for proximity. Requires that the cultivation of shellfish in the leased area does not unreasonably conflict with the riparian rights of adjacent property owners. Previously required that cultivation would not impinge upon the rights of riparian owners at all. Adds new standard (4a), requiring that the leased area be located a minimum of 100 feet from the shoreline of any private property, unless the private property is owned by the lessee or the owner provides written and notarized consent. Requires that the area leased does not include waters that have been classified as prohibited, restricted, or conditionally approved closed with respect to shellfish harvesting at the time of the filing of the lease application. Previously only required that the area was not closed for shellfish harvest because of pollution. Adds new standard (7), requiring that the area leased under a single lease is between one-half acre and 10 acres large, except in areas designated by the Department of Shellfish Aquaculture Enterprise Areas.

Sets limits on the acreage of a lease depending on whether the coastal fishing waters are located in and south of Core Sound.

Modifies subsection (n), allowing the Secretary, upon termination of any leasehold, to either re-lease the area to the first qualified applicant to file an application, or to designate the area as a Shellfish Aquaculture Enterprise Area. Adds requirement that the former leaseholder remove all abandoned gear in addition to markers. Allows the State to bring suit to recover the cost

of removal and cleanup of abandoned markers and gear, including legal fees. Previously, did not include requirement to remove gear, or provision granting legal fees.

Pursuant to SL 2017-57 Section 13.13, directs the North Carolina Policy Collaboratory and the Division of Marine Fisheries to study and recommend whether the establishment of a Shellfish Mariculture Commission to oversee shellfish bottom leasing and other aspects of shellfish aquaculture would substantially advance the State's shellfish aquaculture industry. Effective July 1, 2018.

Amends GS 143B-289.57, adding new subsection (f), requiring the Chair of the Marine Fisheries Commission to appoint a three-member Shellfish Cultivation Lease Review Committee (the committee) to hear appeals of decisions of the Secretary regarding shellfish cultivation leases issued under GS 113-202. The committee consists of one Commission member who will serve as hearing officer, and two public members, one with experience in shellfish aquaculture, and the other with experience in coastal property or property assessment. The Commission is to adopt procedures for the appeals.

Modifies GS 113-202(g) to amend the administrative remedy for shellfish bottom leasing appeals. Allows a dissatisfied applicant or other aggrieved person to appeal the decision of the Secretary to the committee under GS 143B-289.57(f). A party to such an appeal who is dissatisfied with the committee's decision may then commence a contested case by filing a petition under GS 150B-23 within 20 days after receiving notice of the committee's decision. If the applicant agrees with the decision of the committee or the Secretary, the applicant must furnish an amended map or diagram before the lease can be issued. Previously the statute did not provide for an appeal to the committee, so that the first stage of the remedy process was to commence a contested case.

Amends GS 113-203 subdivision (a2)(3), prohibiting transplant of oysters or clams from public grounds or permitted aquaculture operations utilizing waters in the prohibited classification to private beds except when transplanting is done in accordance with the provisions of this section. Modifies subsection (a3) to allow the transplant of seed oysters or seed clams taken from permitted aquaculture operations that use waters in the prohibited classification to private beds pursuant to an Aquaculture Seed Transplant Permit. Forbids the transplant of seed oysters or seed clams from permitted aquaculture operations that use waters in the prohibited, restricted, or conditionally approved classification to private beds if the Secretary determines that the nursery of shellfish in an area will present a risk to public health. Amends GS 113-210(c) to allow the Director of the Division of Marine Fisheries to issue an Under Dock Oyster Culture Permit for an area that the State Health Director has recommended be closed to shellfish harvest due to pollution or that has been closed to harvest by statute, rule, or proclamation due to suspected pollution only if the owner of the dock has signed a written acknowledgment that said oysters are intended for restoration purposes and not for consumption. Effective July 1, 2018.

Amends GS 113-202, adding new subsection (s), allowing the Secretary to establish Shellfish Aquaculture Enterprise Areas (Areas). The Secretary can only issue nontransferable leases to residents of North Carolina within designated Areas. Any leased parcel within an Area that is relinquished or terminated will revert to the State and be made available for other applicants.

Amends GS 113-201.1, adding new subdivision (3a), defining Shellfish Aquaculture Enterprise Area as an area designated and permitted by the Department that is subdivided into parcels and made available for shellfish aquaculture leasing.

Contains other clarifying language.

## Section 2

Amends SL 2016-94, Section 14.11(f), to allow the University of North Carolina at Chapel Hill to extend the deadline to report the result of its oyster studies from December 31, 2018, to June 30, 2019, on written notice to the Fiscal Research Division, if the University determines that additional time is needed to complete the study.

Amends SL 2017-57, Section 13.13(b), to allow the North Carolina Policy Collaboratory to extend the delivery date of the Shellfish Mariculture Plan from December 31, 2018, to June 30, 2019, on written notice to the Fiscal Research Division, if the Collaboratory determines that additional time is needed to complete the study.

Amends SL 2017-57, Section 13.13(d), as amended by SL 2017-97 Section 4.1, to include the North Carolina Sea Grant in the list of stakeholders to be included in the planning of economic development related to promotion of the State's shellfish harvesting heritage. Removes the requirement to create a North Carolina Oyster Festival, and adds an allowance to create other public engagement events. Allows the Collaboratory to extend the due date for the recommendations to June 30, 2019, on

written notice to the Fiscal Research Division if the Collaboratory and stakeholders determine that additional time is needed to complete the study.

### Section 3

Appropriates \$100,000 in nonrecurring funds for the 2018-19 fiscal year from the General Fund to the University of North Carolina at Chapel Hill for the University's North Carolina Policy Collaboratory to study the impact of oyster restoration and shellfish mariculture on nitrogen and phosphorus levels in the Pamlico Sound and whether the use of oyster restoration and shellfish mariculture as mitigation or offsets for nutrient input to the Pamlico Sound from the Neuse and Tar-Pamlico river basins could contribute to achievement of the policy and water quality goals of the nutrient strategies for those basins. The report is due March 1, 2020.

Directs the Division of Marine Fisheries of the Department of Environmental Quality to review real estate owned by the State and allocated to the Division in Carteret, Hyde, and Dare counties that were acquired with funding from the Waterfront Access and Marine Industry Fund and develop an inventory of sites suitable to be used for commercial aquaculture, hatcheries, or other aquaculture support operations. The Division is to further develop a plan to publicize the availability of the sites and a streamlined process for lease of the sites. The Division must report on its implementation of this section by February 1, 2019.

### Section 4

Includes a severability clause.

**Intro. by Boswell, McElraft, Shepard, Speciale.**

[APPROP, STUDY, GS 113, GS 143B](#)

[View summary](#)

[Environment, Aquaculture and Fisheries, Government, Budget/Appropriations, State Agencies, UNC System, Department of Environmental Quality \(formerly DENR\)](#)

H 1025 (2017-2018) [GSC TECHNICAL CORRECTIONS 2018](#). Filed May 29 2018, *AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Makes technical and clarifying changes to GS 14-151, concerning interference with gas, electric, and steam appliances or meters. Makes language gender-neutral. Applies to violations committed on or after the effective date of the act.

Makes technical and clarifying changes to GS 20-9, concerning persons who cannot be licensed to drive by the Division of Motor Vehicles (DMV). Makes language gender-neutral.

Makes technical and clarifying changes to GS 20-37.7, concerning the issuance of special identification cards by the DMV.

Repeals Section 4 of SL 1989-168, which modifies the statutory reference regarding hazardous waste in GS 20-111(c)(10) (intended to amend GS 20-118(c)(10)). Makes technical, clarifying, and organizational changes to GS 20-118, concerning weight limitations of vehicles and loads on state highways. Further amends the statute to correct the statutory reference in subsection (c)(10) to refer to vehicles transporting hazardous waste as defined in GS 130A-290(a)(8) instead of GS 130A-290(4). Also, makes language gender-neutral.

Makes technical and clarifying changes to GS 39-23.1, which sets forth defined terms applicable to Article 3A of GS Chapter 39 (the Uniform Voidable Transactions Act). Removes the term "voidable transaction" from the statute.

Makes technical and clarifying changes to GS 39-23.8, concerning driving while license revoked or while disqualified.

Amends GS 44A-11.2, concerning identification of and notices to lien agents, by making technical and clarifying changes. Changes to the portion of the statute that goes into effect on October 1, 2018, also do not go into effect until that date.

Amends GS 48-3-303, concerning the content and timing of preplacement assessments, to require that the preplacement (was, replacement) assessment state concerns that support the determination that an individual is not suitable to be an adoptive parent.

Amends GS 59-32, which contains the definition of terms used in Chapter 59, concerning partnerships, to make organizational, technical, and clarifying changes.

Amends Article 7B of GS Chapter 120 to change the name of the Research Division to the Legislative Analysis Division.

Repeals Article 18A of GS Chapter 136, which was the North Carolina and South Carolina Rail Compact Act.

Amends GS 150B-1, concerning exemptions from rule making by deleting extraneous language.

Amends GS 150B-21.11, concerning procedure when a permanent rule is approved, by deleting extraneous language.

Amends Section 16D.4 of SL 2017-57, Appropriations Act of 2017, by correcting cross references to other provisions in the section, thereby correctly referring to sections concerning the development and implementation of education and training.

Amends Section 16D.4(tt) of SL 2017-57 by amending the effective date provision to clarify that it refers only to the section and not the act itself.

Repeals SL 2017-206, Section 7(b), which amended Section 31.7(b) of SL 2015-241 to change the due dates of reports on the status of agency capital projects from October 1, 2015, to October 15, 2017.

Amends Section 36.7(b) of SL 2017-57 to delay the due dates of reports on the status of agency capital projects from October 1, 2017, to October 15, 2017.

Amends GS 32C-1-108 to provide that the power of attorney executed by a principal is not terminated and the agent's authority continues unless suspended or terminated by the clerk of superior court pursuant to GS 32C-1-116(a)(2) or terminated by the guardian of the principal's estate or general guardian pursuant to GS 32C-1-110(a)(7) or GS 32C-1-110(b)(5) (was, the power of attorney is not terminated and the agent's authority continues unless limited, suspended, or terminated by the court in accordance with GS Chapter 32C). Amends GS 32C-1-116 by making clarifying changes and removing references to a clerk of superior court limiting an agent's authority over a power of attorney when a guardian of the estate or a general guardian has been appointed.

Amends GS 32C-1-109, concerning when power of attorney is effective, to change statutory cross references from GS 32C-1-105(5)a and b to GS 32C-1-106(6)a and b. Amends GS 32C-1-116, concerning judicial relief, to correct the statutory cross reference from GS 32C-1-102(5) to GS 32C-1-102(6).

Amends GS 32C-1-110, concerning the termination of power to attorney, to add references to a subsequent power of attorney revoking a previous power of attorney. Makes conforming changes.

Amends GS 32C-1-112 to specify that an agent is entitled to reimbursement of expenses incurred on behalf of the principal, upon request to the clerk of superior court.

Amends GS 32C-1-114, concerning an agent's duties, to no longer require accounting to the principal or a designated person. Also adds that a designated person, in addition to the principal, may request that an agent disclose receipts, disbursements, or transactions conducted on behalf of the principal. Amends GS 32C-3-301, containing the statutory form power of attorney, by making conforming changes.

Amends GS 32C-4-403 to provide that the rule of GS 32C-1-104 regarding durability of a power of attorney applies to powers of attorney executed before January 1, 2018, unless there is a clear indication of a contrary intent or if application of the rule of construction or presumption would substantially impair rights of a party created under state law in effect before January 1, 2018.

Amends GS 90-21.13, concerning informed consent to health care treatment or procedure, and GS 90-322, concerning procedures for natural death in the absence of a declaration, to no longer require agents to have been appointed pursuant to GS Chapter 32C.

Requires the Revisor of Statutes to print, as annotations to the published General Statutes, all explanatory comments of the drafters, as the Revisor deems appropriate.

**Intro. by Davis.**

[GS 14](#), [GS 20](#), [GS 32C](#), [GS 39](#), [GS 44A](#), [GS 59](#), [GS 90](#), [GS 120](#),  
[GS 136](#), [GS 150B](#)

[View summary](#)

**Banking and Finance, Business and Commerce, Corporation and Partnerships, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Government, APA/Rule Making, General Assembly, Public Safety, Health and Human Services, Social Services, Adult Services, Transportation**

H 1026 (2017-2018) **STATE EMPLOYEE PAY RAISE/\$2,400**. Filed May 29 2018, *AN ACT AWARDING A TWO-THOUSAND-FOUR-HUNDRED-DOLLAR PAY INCREASE TO STATE EMPLOYEES EARNING LESS THAN ONE HUNDRED THOUSAND DOLLARS AND APPROPRIATING FUNDS FOR THOSE PURPOSES.*

#### Section 1

Increases the annual salaries of all State employees who earn less than \$100,000 by \$2,400 in the 2018-19 fiscal year. Eligible employees include permanent full-time State officials and persons whose salaries are set in accordance with the State Human Resources Act, permanent full-time State officials and persons in positions exempt from the State Human Resources Act, Permanent part-time State employees on a pro rata basis, and hourly State employees. Effective July 1, 2018.

Increases the annual salaries of noncertified public school employees whose salaries are supported by State funds and who earn less than \$100,000 as follows: \$2,400 increase for permanent full time employees on a 12-month contract; a prorated and equitable amount based upon the \$2,400 increase for permanent full-time employees on a contract for less than 12 months, permanent part-time employees, and hourly employees. Teachers, principals, and assistant principals are not eligible to receive this increase. Effective July 1, 2018.

Provides that salary increases in this act do not apply to persons no longer working for the State due to resignation, dismissal, reduction in force, death, retirement, or for persons whose last workday is prior to July 1, 2018. Employees eligible for statutory increases under GS 20-187.3, 7A-102, and 7A-171.1 who earn less than \$100,000 annually are eligible to receive the increases detailed in this section. Payroll checks issued to employees after July 1, 2018, for payment of services prior to July 1, 2018, are not eligible for this salary increase.

For salaries and related benefits that are funded partially from the General Fund or Highway Fund and partially from other sources, the appropriation from that Fund will be increased only to the extent of the proportionate part of the salary paid from that Fund. For salaries and related benefits funded fully from sources other than the General Fund or Highway Fund, that source will be increased as provided in this act. The Director of the Budget may increase expenditures of receipts from these sources by the amount necessary to provide the legislative increase to receipt-supported personnel in the certified budget. Nothing in this act authorizes the transfer of funds between the General Fund and the Highway Fund for salary increases.

#### Section 2

Directs that the annual salaries of employees of the Judicial Department earning less than \$100,000 and whose salaries are not itemized in this Current Operations Appropriations Act will be increased by \$2,400 in the 2018-19 fiscal year. The district attorney of a judicial district, with the approval of the Administrative Officer of the Courts, will increase the salary of each assistant district attorney earning less than \$100,000 by \$2,400. The public defender of a judicial district, with the approval of the Commission on Indigent Defense Services, will increase the salary of each assistant public defender earning less than \$100,000 by \$2,400 for the 2018-19 fiscal year. Increases the annual salaries of elected clerks of court earning less than \$100,000, and of full-time clerks of court and magistrates by \$2,400 in the 2018-19 fiscal year. Effective July 1, 2018.

#### Section 3

Increases the annual salaries of nonelected employees of the General Assembly, in effect on June 30, 2018, who earn less than \$100,000 by \$2,400 for the 2018-19 fiscal year. Increases the salaries of sergeants-at-arms, pro rata, by \$439 for the 2018-19 fiscal year. Increases the salaries of reading clerks, pro rata, by \$468 for the 2018-19 fiscal year. Effective July 1, 2018.

#### Section 4

Increases the minimum annual salaries for nine-month, full-time curriculum community college faculty who earn less than \$100,000 by \$2,400 for the 2018-19 fiscal year. Effective July 1, 2018.

#### Section 5

Increases the annual salaries for all full-time University of North Carolina SHRA and EHRA employees who earn less than \$100,000 by \$2,400 for the 2018-19 fiscal year. Effective July 1, 2018.

#### Section 6

Increases the annual salaries for eligible employees of schools operated by the Department of Health and Human Services, the Department of Public Safety, the State Board of Education, and the School of Science and Mathematics of the University of North Carolina who are paid on the Teacher Salary Schedule who earn less than \$100,000 by \$2,400 for the 2018-19 fiscal year. Effective July 1, 2018.

#### Section 7

Appropriates \$438,288,275 from the General Fund to the Reserve for Compensation Increases for the 2018-19 fiscal year to provide the salary increases authorized in this act.

Appropriates \$15,358,229 from the Highway Fund to the Reserve for Compensation Increases for the 2018-19 fiscal year to provide the salary increases authorized in this act.

#### Section 8

This act becomes effective July 1, 2018.

**Intro. by Malone, Setzer, R. Turner, Jordan.**

**APPROP**

**Courts/Judiciary, Court System, Education, Higher Education, Government, Budget/Appropriations, General Assembly, State Agencies, Community Colleges System Office, UNC System, Department of Justice, State Government, State Personnel**

[View summary](#)

H 1029 (2017-2018) [DOT/DMV LEGISLATIVE REQUESTS](#). Filed May 29 2018, *AN ACT TO MAKE CHANGES TO THE TRANSPORTATION LAWS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE*.

Identical to [S 744](#), filed 5/24/18.

Amends GS 136-19.6 to allow the Department of Transportation (DOT) to prepare a Right-of-Way Claim Report instead of an appraisal of the value of the land when the DOT estimates that the land to be acquired has a value of \$40,000 or less. The owner of the land to be acquired may request that the DOT provide an appraisal for any right-of-way claim of \$10,000 or more. The DOT may contract with a qualified third party to prepare a Right-of-Way Claim Report so long as the third party has a sufficient understanding of the real estate market. Makes additional clarifying changes.

Amends GS 93E-1-3 to include a person who prepares a Right-of-Way Claim Report pursuant to GS 136-19.6 in those who are not required to have a registration, license, or certificate. Makes other clarifying changes.

Amends GS 136-18.05 (establishing a DOT report program) to require the DOT to post its monthly report on the Department's performance dashboard website (currently report is provided to four separate committees). DOT must institute annual tracking to monitor pricing variances of transportation goods used in highway maintenance and construction projects (currently DOT must institute quarterly tracking).

Repeals GS 136-12.1 (providing for a biennial report on off-premise sign regulatory program).

Amends GS 136-12.3 to require the DOT to provide a report on outsourcing and project delivery annually (currently report is required bi-annually). Reports are required by March 1 of each year.

Repeals GS 136-44.4 (providing for an annual construction program and related reporting).

Amends GS 136-12(a) to require that the annual highway and maintenance report be made to the Joint Legislative Transportation Oversight Committee March 1 of each year. The report must detail how the previous fiscal year's funds for maintenance and construction of highways were allocated and expended. The report must include expenditures of State and Federal funds and must be in sufficient detail that the county can be identified. (Previously required report prior to each regular session of the General Assembly).

Amends GS 18B-108 to allow for the sale of alcoholic beverages on passenger-only ferries. Malt beverages, unfortified wine, and fortified wine may be sold and delivered by any licensed retailer to an agent of the DOT for sale on passenger-only ferries (previously allowed for sale of alcoholic beverages on trains only).

Amends GS 20-302 to require the Commissioner to make dealer manuals containing rules and regulations available on the DOT website 30 days prior to the effective date of such rules and regulations (previously required the Commissioner to mail a copy of the dealer manual to each motor vehicle dealer licensee).

Amends GS 20-37.13 to add new subsection (c3) allowing the Division of Motor Vehicles (DMV) to waive the knowledge and skills test for qualified military applicants when the applicant has a military license to operate a vehicle of representative class and endorsements. The applicant must provide evidence that: (1) the applicant is a current or former member of an active or reserve component of the Armed Forces and holds a military vehicle license eligible for waiver as allowed by the Federal Motor Carrier Safety Administration, (2) the applicant is or was regularly employed in a military position requiring operation of a vehicle representative of the license being sought, and (3) the applicant meets the qualifications listed in subdivision (2) of subsection (c1) of this section (requiring that the applicant has not, in the two years preceding the date of the application, had their license suspended or had any criminal convictions for motor vehicle offenses). Effective October 1, 2018.

Amends GS 20-7(e) to allow for release of a certificate signed by a medical authority regarding a driver's ability to drive despite a disability or disease subject to GS 20-9(g)(4)h (making records and evidence collected by the DMV confidential and available to the public only upon court order).

Amends GS 20-9(g)(4)h to allow the DMV to release otherwise confidential records and evidence pertaining to drivers to any other state or federal government agency for the purposes of determining an individual's ability to safely operate a commercial vehicle.

Amends GS 20-27.13A(a) to make conforming changes.

Effective July 1, 2018, unless otherwise provided.

**Intro. by Torbett, Iler.**

[GS 18B](#), [GS 20](#), [GS 93E](#), [GS 136](#)

[View summary](#)

**Alcoholic Beverage Control, Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation**

H 1030 (2017-2018) [UNC-CHAPEL HILL/MONUMENT RELOCATION](#). Filed May 29 2018, *AN ACT TO AUTHORIZE THE CHANCELLOR OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO MOVE A CERTAIN MONUMENT ON THE CAMPUS TO A PERMANENT INDOOR LOCATION FOR PUBLIC VIEWING AND TO APPROPRIATE FUNDS TO DEVELOP PLANS FOR RELOCATION AND TO MOVE THE MONUMENT TO A NEW SITE.*

Identical to [S 764](#) filed on 5/29/18.

Includes General Assembly findings and intent.

Directs the chancellor of the University of North Carolina at Chapel Hill (chancellor) to identify a new site for the permanent relocation of the confederate soldier monument located at the center of McCorkle Place on the University of North Carolina (UNC) Chapel Hill campus. The confederate monument must be relocated to an indoor site that is readily accessible to the

public for viewing at no cost on a convenient and regularly scheduled basis. The confederate monument must be moved no later than April 1, 2020. The confederate monument may be moved despite the restrictions generally imposed by GS 100-2.1 (protection of monuments).

Directs the chancellor to report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Joint Legislative Education Oversight Committee by April 1, 2019, on the identification of the new site and progress on relocating the confederate monument, including the process used to identify the site and the costs associated with relocating and preserving the confederate monument.

Appropriates \$10,000 in nonrecurring funds from the General Fund to the Board of Governors of UNC for the 2018-19 fiscal year to be allocated to UNC Chapel Hill to identify a site and develop plans for the permanent relocation and preservation of the confederate monument. Unexpended funds at the end of the 2018-19 fiscal year will not revert to the General Fund and will remain available until the end of the 2019-20 fiscal year. UNC Chapel Hill is to use non-State funds to move the confederate monument to the new site and for any additional associated costs. Effective July 1, 2018.

**Intro. by Insko, Meyer.**

**APPROP, UNCODIFIED**

[View summary](#)

**Government, Cultural Resources and Museums, State Agencies, UNC System**

H 1031 (2017-2018) **LOCAL ED. FUNDING DISPUTE PROCESS**. Filed May 29 2018, *AN ACT REPEALING THE STATUTORY AUTHORITY FOR A LOCAL BOARD OF EDUCATION TO FILE A LEGAL ACTION CHALLENGING THE SUFFICIENCY OF THE FUNDS APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS, PROVIDING A FORMULA FOR DETERMINING THE AMOUNT OF FUNDS TO BE APPROPRIATED IN THE EVENT A BUDGET DISPUTE CANNOT BE RESOLVED BY MEDIATION, AND ESTABLISHING A WORKING GROUP TO ADDRESS FUND BALANCES MAINTAINED BY LOCAL BOARDS OF EDUCATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Amends GS 115C-431, providing the procedure for resolving a funding dispute between a local board of education and its respective board of county commissioners. Eliminates the existing provisions set out in subsections (c), (d), and (e) that authorized the local board of education to file a legal action challenging the amount of money appropriated to the local current expense fund and/or the capital outlay fund by the board of county commissioners is not sufficient to support a system of free public schools when mediation fails to resolve the dispute. Also eliminates the appeal procedure set out for judgments rendered on actions authorized by the statute. Instead adds new subsections (f) and (g), establishing two formulas for determining the amount of funds to be appropriated for the budget year in dispute in the event an agreement is not reached in mediation. Provides that the formula in subsection (g) is to be used when the amount to be appropriated has not been calculated pursuant to the formula in subsection (f) for longer than the prior year, while the formula in subsection (f) is to be used when the amount to be appropriated has been calculated pursuant to the formula in subsection (f) for the prior two years. Directs the board of county commissioners to appropriate the sum determined by the appropriate formula to the local board of education for the budget year in dispute. Prohibits the local board of education and the board of county commissioners from filing any legal action challenging the determination as to the funds to be appropriated by the board of county commissioners to the local current expense fund and/or the capital outlay fund in accordance with the formulas set out in new subsections (f) and (g).

Makes conforming change to GS 115C-432, removing the reference to the appeal procedure eliminated from GS 115C-431 described above.

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

Directs the Local Government Commission and the School of Government at UNC-Chapel Hill to convene a working group to develop and recommend statutory parameters for fund balances maintained by local boards of education. Provides for membership of the working group to include representatives from the NC Association of County Commissioners, the NC School Boards Association, and the NC Association of School Business Officers. Requires the working group to produce findings and recommendations on: (1) the minimum and maximum fund balances, with a focus on unencumbered funds; (2) appropriate uses of fund balances; (3) annual reporting requirements for fund balances; (4) a process for factoring fund



balances into annual local education budgets; and (5) the role of boards of county commissioners, if any, in determining the use of fund balances. Directs the working group to report its findings and recommendations to the Joint Legislative Oversight Committee no later than March 30, 2019.

**Intro. by Horn, Hurley, Lucas.**

[STUDY, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, UNC System, Local Government](#)

H 1032 (2017-2018) ["ALPHA PHI ALPHA FRATERNITY" SPECIAL PLATE](#). Filed May 29 2018, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN "ALPHA PHI ALPHA FRATERNITY" SPECIAL REGISTRATION PLATE*.

Reenacts GS 20-63(b1)(47) and GS 20-79.4(b)(g) as they existed immediately before their expiration to authorize the Division of Motor Vehicles (Division) to produce and issue an Alpha Phi Alpha Fraternity special registration plate. Reenacts and modifies the expired provisions regarding the Alpha Phi Alpha Fraternity special registration plate set out in subsections (a1) and (b) of GS 20-79.7 and subsection (b39) of GS 20-81.12, establishing a special plate fee of \$30 and requiring that \$20 of that amount be transferred quarterly to the Education Consortium of North Carolina, Inc., for the benefit of scholarships for students attending accredited colleges and universities (previously, to the Association of North Carolina Alphas Educational Foundation for scholarships for the benefit of African American males in the Association attending accredited North Carolina colleges and universities). Further amends GS 20-81.12(b39), as reenacted, eliminating the requirement that the Division must receive at least 300 applications for the special plate before it can be developed. Effective July 1, 2018.

**Intro. by Pierce, L. Bell, Quick.**

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Transportation](#)

H 1033 (2017-2018) [MONITOR STATE AGENCY SPANS OF CONTROL/PED](#). Filed May 29 2018, *AN ACT TO ESTABLISH A PROCESS FOR MONITORING SPANS OF CONTROL AND ORGANIZATIONAL LAYERS WITHIN STATE AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE*.

Identical to [S 774](#), filed 5/29/18.

Section 1

Amends GS Chapter 126, adding new Article 4A, Spans of Control. This Article applies to State agencies employing nonexempt employees subject to the provisions of GS Chapter 126 (Human Resources Act).

Directs the Office of State Human Resources (Office) to incorporate spans of control and organizational layers as components of position and job classification analyses conducted after January 1, 2019. The Office must document circumstances of the Office's actions that allow positions within agencies to fail to meet minimum span of control ratios for the position's job classification as established under GS 126-12.3(8) and the justification for approving such an action.

Requires each State agency to publish an accurate organizational chart that meets or exceeds the requirements of the Office on the State agency's website, to be updated at least quarterly. Directs the Office to collect the standardized organization charts of State agencies at least semiannually and display them on the Office's website. Directs the Office to monitor compliance with this section.

Directs the Office of State Budget and Management to report on State agency spans of control and organizational layers to the Joint Legislative Commission on Governmental Operations, the Senate Appropriations Committee on General Government and Information Technology, the House Appropriations Committee on General Government, and the Fiscal Research Division by October 1, 2020, and every two years thereafter. The report must include at a minimum 10 items including the following: span of control and number of organizational layers for each agency; number and percentage of supervisors with spans of

control at a ratio of 1:3 or fewer for each agency; historical analyses from 2018 onward of each agency's average span of control and number of organizational layers; and a recommended benchmark span of control for each job classification.

## Section 2

Directs the Office to complete the following actions and report on these actions to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by December 1, 2018: (1) develop a standard organizational layer nomenclature for use by State agencies, building on the nomenclature specified in GS 143B-11; (2) adopt a policy to require State agencies to submit any changes in supervisory reporting structures to the Office of the State Controller within five days of the effective date of the change; (3) adopt a standardized format for organizational charts for State agencies subject to this article; (4) develop criteria-based technical leadership tracks as an alternative way to reward and retain employees, as an alternative to supervisory promotions, and provide a plan for implementing these tracks and any necessary legislative action.

**Intro. by Horn, Farmer-Butterfield.**

GS 126

[View summary](#)

**Government, State Agencies, Office of State Human Resources  
(formerly Office of State Personnel)**

H 1034 (2017-2018) **FUNDS FOR SMART START HEALTHY DEV. INITIATIVE**. Filed May 29 2018, *AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., FOR AN INITIATIVE TO PROMOTE YOUNG CHILDREN'S HEALTHY DEVELOPMENT*.

Identical to [S 747](#), filed 5/24/18.

Includes whereas clauses regarding healthy development in children and programs administered by the North Carolina Partnership for Children Inc. (Partnership, also known as Smart Start) through local partnerships.

Appropriates \$10 million from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education, for the 2018-19 fiscal year to be allocated to the Partnership. Directs that the funds be used for (1) evidence-based parent education programs that give parents tools to increase their knowledge of early childhood development and positive parenting practices and (2) evidence-based home visiting programs that help parents by providing education, information, and resources. Permits the Partnership to use up to 2% of the funds for statewide program management and evaluation.

Specifies that the funds appropriated by the act are not subject to administrative cost requirements under Section 11B.8(b) of SL 2017-57 (Section in the Appropriations Act of 2017 concerning Smart Start initiatives), child care services funding requirements under GS 143B-168.15(b), child care subsidy expansion requirements under GS 143B-168.75(g), or the match requirements under Section 11B.8(d) of SL 2017-57 (concerning Smart Start initiatives).

Directs the Partnership to report to the Joint Legislative Oversight Committee on Health and Human Services on the healthy development initiative by March 1, 2019, including reporting preliminary outcomes.

Effective July 1, 2018.

**Intro. by Dobson, Malone, White, Potts.**

APPROP

[View summary](#)

**Government, Budget/Appropriations, State Agencies,  
Department of Health and Human Services, Health and  
Human Services, Health, Social Services, Child Welfare**

## PUBLIC/SENATE BILLS

S 99 (2017-2018) [REPORT CERTAIN CTR DATA/AUTO INS. ACCURACY. \(NEW\)](#) Filed Feb 15 2017, *AN ACT TO PROVIDE FOR THE REPORTING BY THE DEPARTMENT OF INSURANCE OF CERTAIN AGGREGATE PROPERTY INSURANCE CONSENT TO RATE DATA, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON REGULATORY AND RATE ISSUES IN INSURANCE, AND TO REQUIRE MEMBER COMPANIES OF THE RATE BUREAU TO OBTAIN AN INDIVIDUAL'S RECORDS OF TRAFFIC CONVICTIONS PRIOR TO THE SALE OF A NEW POLICY OF MOTOR VEHICLE INSURANCE; AND TO PROVIDE ADDITIONAL METHODS OF PROVING ELIGIBLE RISK STATUS OR NORTH CAROLINA RESIDENCY UNDER NORTH CAROLINA'S RATE EVASION FRAUD STATUTES.*

Conference report deletes the contents of the previous edition and replaces it with the Appropriations Act of 2018. We will not be including a summary of the Appropriations Act. For the content of the bill, please follow the View NCGA Bill Details link. Further information on the budget, including the committee report, can be found on the “News” section of the General Assembly’s website at: <http://www.ncleg.net/gascripts/News/NewsArchive.pl>.

**Intro. by Lee, Meredith, Ford.**

APPROP, STUDY, GS 7A, GS 15A, GS 17C, GS 17E, GS 18C, GS 20, GS 58, GS 74E, GS 89C, GS 90, GS 97, GS 105, GS 106, GS 108A, GS 108C, GS 110, GS 115C, GS 115D, GS 116, GS 120, GS 122C, GS 126, GS 130A, GS 131D, GS 135, GS 136, GS 143, GS 143B, GS 143C, GS 146, GS 147, GS 150B, GS 159, GS 160A, GS 164

**Agriculture, Business and Commerce, Courts/Judiciary, Juvenile Law, Delinquency, Motor Vehicle, Court System, Criminal Justice, Corrections (Sentencing/Probation), Development, Land Use and Housing, Community and Economic Development, Land Use, Planning and Zoning, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Employment and Retirement, Environment, Aquaculture and Fisheries, Environment/Natural Resources, Government, Budget/Appropriations, Ethics and Lobbying, General Assembly, Public Safety, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Agriculture and Consumer Services, 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 Information Technology, Department of Insurance, Department of Justice, Department of Military & Veterans Affairs, Department of Public Instruction, Department of Public Safety, Department of Revenue, Department of State Treasurer, Department of Transportation, Office of State Budget and Management, State Board of Education, Office of State Human Resources (formerly Office of State Personnel), State Government, Executive, State Personnel, State Property, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance, Lottery and Gaming, Military and Veteran's Affairs, Transportation**

[View summary](#)

S 757 (2017-2018) [MECKLENBURG COURT DISTRICTS FAIRNESS ACT.](#) Filed May 28 2018, *AN ACT TO ALIGN THE SUPERIOR AND DISTRICT COURT DISTRICTS IN MECKLENBURG COUNTY.*

Amends GS 7A-41 by reducing the number of superior court judges in superior court districts 26A, 26B, and 26C, all of which consist of parts of Mecklenburg County. Creates new superior court districts 26D, 26E, 26F, 26G, and 26H, each including one judge and consisting of parts of Mecklenburg County. Changes the composition of districts 26A, 26B, and 26C and establishes the boundaries of districts 26D, 26E, 26F, 26G, and 26H. Requires that the judge in district 26A, as established in the act, take office on January 1, 2021, with an election in 2020 to be held accordingly. Requires that in 2018 and every eight years thereafter, elections be conducted in districts 26C, 26E, 26F, and 26H; in 2020 and every eight years thereafter in district 26A; and in 2022 and every eight years thereafter in districts 26B, 26D, and 26G.

Amends GS 7A-133 by eliminating district court district 26, consisting of Mecklenburg County, and instead establishes the following districts consisting of parts of Mecklenburg County: 26A, consisting of three judges; 26B, consisting of three judges; 26C consisting of two judges; 26D, consisting of two judges; 26E, consisting of three judges; 26F, consisting of three judges; 26G, consisting of two judges; and 26H, consisting of three judges. Establishes the composition of these new districts.

Effective January 1, 2019, excepts as otherwise provided, with elections in 2018 and thereafter held accordingly.

**Intro. by Bishop, Tarte.**

[Mecklenburg, GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

S 757 (2017-2018) [MECKLENBURG COURT DISTRICTS FAIRNESS ACT](#). Filed May 28 2018, *AN ACT TO ALIGN THE SUPERIOR AND DISTRICT COURT DISTRICTS IN MECKLENBURG COUNTY*.

Senate Committee Substitute makes the following changes to 1st edition. Adds Section 2.(b), directing that judges in the following district court districts will take office on January 1, 2019, with elections in 2018 and every four years thereafter, to be held accordingly: District 26A, three judges; District 26B, one judge; District 26E, two judges; District 26F, two judges; District 26G, one judge.

Directs that judges in the following district court districts will take office on January 1, 2021, with elections in 2020 and every four years thereafter, to be held accordingly: District 26B, two judges; District 26C, two judges; District 26D, two judges; District 26E, one judge; District 26F, one judge; District 26G, one judge; District 26H, three judges.

**Intro. by Bishop, Tarte.**

[Mecklenburg, GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

S 758 (2017-2018) [BUILD NC BOND ACT OF 2018](#). Filed May 29 2018, *AN ACT TO ENACT THE BUILD NC BOND ACT OF 2018*.

Establishes the intent of the act, titled the "Build NC Bond Act of 2018," is to maintain the integrity of the Strategic Transportation Investments Act. Sets out six parameters concerning bond proceeds, debt service, and fund distribution to carry out this legislative intent. Includes requiring that funds distributed under the act used for the Regional Impact Projects tier must be allocated within 2% by population of Distribution Regions pursuant to the criteria set out in GS 136-189.11(d)(2)(a), and funds used for the Division Need Projects tier must be allocated within 2% of an equal share to each of the Department divisions pursuant to the criteria in GS 136-189.11(d)(3)(a).

Amends GS 142-82 to add new subsections (2a), (2b), and (2c), defining terms related to the issuance of Build NC Bonds (bonds), a special indebtedness issued to finance Build NC Projects. Defines a *Build NC Project* as a capital facility selected for financing using Build NC Bonds. Directs that 2% to 50% of the proceeds from the bonds will be used for Division Need Projects in accordance with GS Chapter 136, Article 14B (defining *division needs projects*). The remainder of the proceeds are to be used for *regional impact projects* as defined by GS Chapter 136, Article 14B.

Amends GS Chapter 142, Article 9, State Capital Facilities Finance Act, to enact new GS 142-97. Designates the Highway Trust Fund as the source of repayment for Build NC Bonds. Directs that the State Treasurer may not issue Build NC Bonds unless the State Treasurer recommends issuing them, and the State Treasurer determines that the following requirements have

been met: (1) the Department of Transportation's average month-end cash balance for the first three months of the calendar year prior to the date of determination is equal to or less than \$1 billion; (2) the total amount of Build NC Bonds outstanding after issuance will not cause the recommended transportation debt target to be exceeded; and (3) at least six months prior to the expected date of the issuance, the Department of Transportation consulted with the State Treasurer, the Joint Legislative Transportation Oversight Committee, and the Joint Legislative Commission on Governmental Operations.

Directs that the total amount of special indebtedness from the issuance of Build NC Bonds does not exceed \$3 billion. Limits each individual issuance of the bonds to \$300 million each fiscal year. Forbids the Department of Transportation from using proceeds from the bonds for a non-highway project or a project using tolling.

Amends GS 142-89(a) (defining limits of bonds and notes) to require that the maturity date for Build NC Bonds may not exceed 15 years.

Directs the State Treasurer, in consultation with the Department of Transportation, to implement a debt management policy for Build NC Bonds. Requires the Treasurer to report, by July 1, 2019, to the Joint Legislative Transportation Oversight Committee on the plan.

Effective January 1, 2019, and expires December 31, 2028.

**Intro. by Rabon, Harrington, J. Davis.**

[GS 142](#)

[View summary](#)

**[Government, State Agencies, Department of State Treasurer, Department of Transportation](#)**

**S 759 (2017-2018) [DOA EFFICIENCY/PED](#).** Filed May 29 2018, *AN ACT RECOMMENDING IMPROVED EFFICIENCIES OF THE STATE'S ADMINISTRATIVE SERVICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Directs the Department of Administration (Department) to do the following: (1) report to the Joint Legislative Oversight Committee on General Government (Committee) on the status of the Department's procurement of a contract management system for State agency-administered contracted services by December 1, 2018; (2) implement a new requirement for State agencies to obtain a 10% reduction from the annual value of each contract as a condition of awarding an amendment that extends the length of the contract by December 1, 2018; (3) reduce by 5% the June 30, 2018, inventory of State-owned passenger motor vehicles that are under the management of the Department by June 30, 2019; (4) report to the Committee and the Fiscal Research Division on prior fiscal year results for each identified performance measure set out in Program Evaluation Division Report No. 2018-04 (Report), and on the performance targets for the upcoming fiscal year, by December 1, 2018, and each December 1 thereafter.

Directs the Legislative Services Office to assign an appropriate division of the General Assembly or contract with a vendor to do the following: (1) in consultation with the Department, propose guidelines for determining employee office space usage requirements for each State-owned and leased office facility and make recommendations to ensure that the Department has reliable information to enforce the space usage requirements. In making these recommendations, the assigned division or contracted vendor is required to consider the feasibility of requiring each State agency to enter the office space requirements and facility location of each of its employees into the Integrated HR/Payroll System, or the State's payroll system that supersedes the current system. (2) Conduct a business case analysis to evaluate alternatives to reduce facility management costs and generate additional revenue through the sale or lease of the Old Revenue Building located in Raleigh. (3) Conduct a business case analysis of facility management services performed by the Department, including consideration of expanded use of contracted facility management services. (4) Conduct a business case analysis that uses the results from the document scanning pilot study performed by the Department of Revenue to explore potential savings through increased utilization of e-mail scanning for incoming mail to State agencies. (5) Conduct a business case analysis on opportunities to increase revenue receipts from State-owned parking facilities, including consideration of increasing utilization of unreserved employee spaces and leasing underutilized employee spaces and visitor spaces to public and private entities. (6) Ensure that each of the above business case analyses includes each of the factors identified in the report, and that the assigned division or contracted vendor reports on any recommendations for proposed legislation to the Committee by December 1, 2019.

Directs the Office of the State Auditor to conduct a performance audit to identify alternatives to reduce outgoing mail service costs and report its findings to the Committee by June 30, 2019.

Amends GS 143-55 (requisitioning by agencies) to require that all departments, institutions, and agencies make requisitions only through NC E-Procurement for required purchases through sources certified by the Secretary of Administration (Secretary). Purchases using other methods such as purchase cards or purchase orders are not allowed unless specifically authorized by the Secretary. Previously the law required that requisition orders be made on forms provided by the Secretary, with a copy of the form provided to the Secretary.

**Intro. by Wells, Tarte, Edwards.**

GS 143

[View summary](#)

**Government, State Agencies, Department of Administration, Office of State Auditor, State Government, State Property**

S 760 (2017-2018) **IDD DATA SHARING/LONGITUDINAL DATA SYSTEM**. Filed May 29 2018, *AN ACT TO DIRECT THE GOVERNMENT DATA ANALYTICS CENTER TO ESTABLISH A TASK FORCE TO STUDY THE COLLECTION AND USE OF DATA ON EDUCATION AND EMPLOYMENT OUTCOMES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THROUGH THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.*

Identical to [H 982](#), filed 5/22/18.

Requires Government Data Analytics (GDAC) to establish a task force to study the collection and use of data among State agencies and stakeholders to evaluate education and employment programs and services for individuals with intellectual and developmental disabilities as part of the North Carolina Longitudinal Data System (System). Requires that the task force include representatives from at least the 11 listed agencies and stakeholders.

Requires the task force to study issues related to collecting and sharing individual-level data through the System in order to evaluate and report on whether federal and State-supported education and employment programs and services for individuals with intellectual and developmental disabilities are effective in providing education and employment opportunities resulting in positive outcomes for those individuals. Sets out seven issues that the task force must consider.

Requires GDAC, by October 1, 2018, to report to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on the results of the study and on any legislative recommendations from the task force.

**Intro. by Lee, Edwards, Chaudhuri.**

STUDY

[View summary](#)

**Education, Employment and Retirement, Health and Human Services, Health**

S 761 (2017-2018) **OVERSIGHT IDD EMPLOYMENT/EDUC. PROGRAMS**. Filed May 29 2018, *AN ACT TO CREATE A POSITION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OVERSEE ADMINISTRATION AND COORDINATION OF EDUCATION AND EMPLOYMENT PROGRAMS FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.*

Identical to [H 984](#), filed 5/22/18.

Enacts GS 143B-179.1, establishing the position of Director of Education and Employment Opportunities for Individuals with Intellectual and Developmental Disabilities (Director) within the Department of Health and Human Services (DHHS) with the responsibility of overseeing the interagency coordination of education and employment programs and services for individuals with intellectual and developmental disabilities. Establishes that the DHHS Secretary must appoint the Director and establish

the Director's salary, and has the authority to remove the Director. Provides for the Director to appoint and supervise staff pursuant to GS Chapter 126 (the NC Human Resources Act).

Provides that the Director is to be the coordinator and point of contact for access to education and employment programs and services for individuals with intellectual and developmental disabilities, with 14 delineated duties and responsibilities specified, including: (1) developing strategies to increase employer awareness and incentives to support competitive integrated employment, (2) working with universities and colleges to coordinate higher education disability services with State agencies and community organizations to increase access for students with intellectual and developmental disabilities to personal assistance and residential services and supports in an academic setting, and (3) serving as an ex officio member on the Council on Developmental Disabilities of DHHS and the Council on Educational Services for Exceptional Children. Requires an annual report from the Director by March 1.

Amends the composition of the Council on Developmental Disabilities of DHHS set forth in GS 143B-179, decreasing the number of appointed members from 32 to 31, making the DHHS Secretary or the Secretary's designee an ex officio member (currently, the DHHS Secretary or the Secretary's designee is included in the required DHHS representative members of the Council). Makes conforming changes to add the Director as an ex officio member. Modifies the language requiring one third of the 16 members designated as consumers of service for the developmentally disabled that must be the immediate relatives or guardians "of persons with mentally impairing developmental disabilities," to instead refer to these members as immediate relatives or guardians "of persons with developmental disabilities that impair their intellectual functioning." Establishes that the Governor has the power to remove any appointed member of the Council, excluding the DHHS Secretary or the Secretary's designee and the Director (previously, the Governor's removal power extended to any member, as they were previously all appointed members).

Amends GS 126-5, adding the Director to those exempt from the provisions of Articles 6 (Equal Employment and Compensation Opportunity; Assisting in Obtaining State Employment) and 7 (The Privacy of State Employee Personnel Records) of GS Chapter 126.

Amends the composition of the Council on Educational Services for Exceptional Children set forth in GS 115C-112.1, increasing the number of minimum appointed members from 24 to 25. Makes conforming changes to add the Director as an ex officio member, increasing the number of ex officio members from four to five. Adds the Deputy Commissioner for the Division of Adult Correction and Juvenile Justice or the Deputy Commissioner's designee as an ex officio member, replacing the Secretary of Public Safety as an ex officio member. Specifies that no person appointed by the State Board of Education can serve more than two consecutive four-year terms (previously, prohibited all persons from serving more than two consecutive four-year terms).

Requires the DHHS Secretary to appoint a Director by October 1, 2018.

Directs the Director, after consultation with other DHHS divisions and the Department of Public Instruction, to submit an initial report to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by March 1, 2019. Specifies information the report must contain, including strategies to improve the coordination of funding, data collection, evaluation and reporting, and operational efficiencies with the goal of allowing the fair assessment of outcomes, use of funds, gaps and overlaps in services and supports related to the preparation for and support of postsecondary education and employment for individuals with intellectual and developmental disabilities.

Appropriates \$150,000 in recurring funds from the General Fund to DHHS for the 2018-19 fiscal year for the salary and benefits of the Director and any necessary staff and for the Director's operating costs. Additionally appropriates \$18,000 in nonrecurring funds for furniture and equipment costs in establishing the Director's position.

Effective July 1, 2018.

**Intro. by Lee, Edwards, Chaudhuri.**

[APPROP, GS 115C, GS 126, GS 143B](#)

[View summary](#)

**[Education, Employment and Retirement, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health](#)**

S 762 (2017-2018) [STATE AS A MODEL EMPLOYER/IDD](#). Filed May 29 2018, *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN CONSULTATION WITH THE OFFICE OF STATE HUMAN RESOURCES, TO STUDY THE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM TO ENCOURAGE THE EMPLOYMENT BY STATE AGENCIES OF INDIVIDUALS WITH DISABILITIES, INCLUDING TARGETING EMPLOYMENT OF INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.*

Identical to [H 981](#), filed 5/22/18.

Directs the Department of Health and Human Services (DHHS) to study the development and implementation of a statewide program that establishes the State as a model employer in the employment of individuals with disabilities. Sets three goals of the program: (1) increase disability inclusion and access to State agency employment, (2) specifically target an increase in employment of individuals with intellectual and developmental disabilities by state agencies, and (3) demonstrate to local government and private sector employers the viability and effectiveness of employing individuals with disabilities. Requires DHHS to consult with the Office of State Human Resources (OSHR) and solicit the input of key stakeholders in developing and implementing the program.

Requires DHHS, in consultation with the OSHR, to examine existing programs in other states and consider the feasibility of implementing a comprehensive program in North Carolina that contains one or more of seven specified components, including developing explicit reasonable workplace accommodation guidelines that include managing costs and providing a request process that encourages individuals with disabilities to apply for State employment and enabling data collection for evaluation and oversight of the State's employment practices for hiring individuals with disabilities.

Requires DHHS, in consultation with the OSHR, to report to the Joint Legislative Oversight Committee on Health and Human Services on the results of the study and any legislative recommendations by December 1, 2018.

**Intro. by Lee, Barringer, Edwards.**

[STUDY](#)

[Employment and Retirement, Government, State Agencies, Department of Health and Human Services, Office of State Human Resources \(formerly Office of State Personnel\), State Government, State Personnel](#)

[View summary](#)

S 763 (2017-2018) [ABLE ACT CHANGES/STUDY](#). Filed May 29 2018, *AN ACT TO ALLOW FOR FUNDS FROM THE PARENTAL SAVINGS TRUST FUND TO ROLLOVER TO AN ABLE ACCOUNT WITHOUT THE FUNDS BEING CONSIDERED AS INCOME AND TO DIRECT THE ABLE PROGRAM BOARD OF TRUSTEES TO REPORT ON ANY LEGISLATIVE RECOMMENDATIONS FOR MODIFICATIONS TO THE STATE ABLE ACT, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.*

Identical to [H 983](#), filed 5/22/18.

Amends GS 105-153.5(c)(7) to exclude from the calculation of an individual taxpayer's adjusted gross income funds withdrawn from the Parental Savings Trust Fund of the State Education Assistance Authority that were rolled over to an Achieving a Better Life Experience (ABLE) account. Effective for taxable years beginning on or after January 1, 2018.

Requires the ABLE Program Board of Trustees to report by December 1, 2018, to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on General Government on recommendations for changes to the ABLE Program Trust and its related statutes.

**Intro. by Lee, Barringer, Edwards.**

[GS 105](#)

[Government, Tax, Health and Human Services, Health](#)

[View summary](#)



S 764 (2017-2018) [UNC-CHAPEL HILL/MONUMENT RELOCATION](#). Filed May 29 2018, *AN ACT TO AUTHORIZE THE CHANCELLOR OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO MOVE A CERTAIN MONUMENT ON THE CAMPUS TO A PERMANENT INDOOR LOCATION FOR PUBLIC VIEWING AND TO APPROPRIATE FUNDS TO DEVELOP PLANS FOR RELOCATION AND TO MOVE THE MONUMENT TO A NEW SITE.*

Includes General Assembly findings and intent.

Directs the chancellor of the University of North Carolina at Chapel Hill (chancellor) to identify a new site for the permanent relocation of the confederate soldier monument located at the center of McCorkle Place on the University of North Carolina (UNC) Chapel Hill campus. The confederate monument must be relocated to an indoor site that is readily accessible to the public for viewing at no cost on a convenient and regularly scheduled basis. The confederate monument must be moved no later than April 1, 2020. The confederate monument may be moved despite the restrictions generally imposed by GS 100-2.1 (protection of monuments).

Directs the chancellor to report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Joint Legislative Education Oversight Committee by April 1, 2019, on the identification of the new site and progress on relocating the confederate monument, including the process used to identify the site and the costs associated with relocating and preserving the confederate monument.

Appropriates \$10,000 in nonrecurring funds from the General Fund to the Board of Governors of UNC for the 2018-19 fiscal year to be allocated to UNC Chapel Hill to identify a site and develop plans for the permanent relocation and preservation of the confederate monument. Unexpended funds at the end of the 2018-19 fiscal year will not revert to the General Fund and will remain available until the end of the 2019-20 fiscal year. UNC Chapel Hill is to use non-State funds to move the confederate monument to the new site and for any additional associated costs. Effective July 1, 2018.

**Intro. by Foushee, Woodard.**

[APPROP, UNCODIFIED](#)

[View summary](#)

[Government, Cultural Resources and Museums, State Agencies, UNC System](#)

S 767 (2017-2018) [MEDICAID EXPANSION/HEALTHCARE JOBS INITIATIVE](#). Filed May 29 2018, *AN ACT TO EXPAND ELIGIBILITY FOR THE MEDICAID PROGRAM TO INCLUDE ALL PEOPLE UNDER AGE SIXTY-FIVE WHO HAVE INCOMES EQUAL TO OR BELOW ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LEVEL, TO APPROPRIATE FUNDS FOR COSTS ASSOCIATED WITH THE EXPANSION, TO ACCOUNT FOR THE SAVINGS TO OTHER STATE PROGRAMS AS A RESULT OF THE EXPANSION, AND TO HAVE THE STATE SHARE OF COSTS OF THE EXPANSION FUNDED BY HOSPITAL PROVIDERS.*

Includes whereas clauses.

Repeals Section 3 of SL 2013-5, which prohibited the expansion of the State's Medicaid eligibility.

Requires the Department of Health and Human Services (DHHS), Division of Medical Assistance (Division), to, beginning January 1, 2019, provide Medicaid coverage to all people under age 65 who have incomes equal to or less than 133% of the federal poverty guidelines. Specifies that the medical assistance provided to persons in this Affordable Care Act expansion group is to consist of the coverage described in 42 USC § 1396a(k)(1).

States the General Assembly's intent to utilize the Medicaid Expansion Assessment under new GS 108A-131, as well as savings to other State programs as reflected in this act to pay for the State share of costs associated with Medicaid expansion.

Appropriates \$17,395,164 in recurring funds for the 2018-19 fiscal year from the General Fund to the Division to pay for administrative costs associated with Medicaid expansion. Specifies that these funds provide a State match for the specified amount in federal funds and provides that those federal funds are appropriated to pay for administrative costs associated with

Medicaid expansion. Provides that if the amount of federal funds available to pay for administrative costs associated with Medicaid expansion exceeds the amounts set out in the act, then the expenditure of State funds must be reduced by an amount equal to the amount of available excess federal funds, and appropriates those excess federal funds for the described purposes.

Appropriates \$143,504,770 in recurring funds for 2018-19 from the Division to pay for service costs associated with Medicaid expansion. Appropriates \$10,170,992 in recurring funds for 2018-19 from the General Fund to the Division to pay for service costs associated with Medicaid expansion. Specifies that these funds provide a State match for the specified amount in federal funds and provides that those federal funds are appropriated to pay for service costs associated with Medicaid expansion.

Provides that if the amount of federal funds available to pay for service costs associated with Medicaid expansion exceeds the amounts set out in the act, then the expenditure of State funds must be reduced by an amount equal to the amount of available excess federal funds, and appropriates those excess federal funds for the described purposes.

Reduces the appropriation to DHHS, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, by \$10,170,992 in recurring funds for 2018-19 because of the savings generated by the expansion.

Reorganizes the statutes in the Hospital Assessment Act (GS Chapter 108A, Article 7) under specified parts.

Enacts new GS 108A-131 to make each hospital that is not fully exempt from both the equity assessment and UPL assessment under GS 108A-122(c) subject to an additional assessment. Requires the Secretary of Health and Human Services (Secretary) to calculate the assessment amount for a hospital annually by multiplying the total state share of service and administrative costs, net of savings to other state programs, of Medicaid expansion by the hospital provider's percentage of all Medicaid services billed by all hospitals subject to the statute. Requires the Secretary to notify each hospital that is assessed of the: (1) total State share of service and administrative costs of Medicaid expansion for the applicable time period, (2) hospital's share of all Medicaid services billed, and (3) amount assessed to the hospital. Specifies that the assessment is in addition to and has greater priority than any assessment that might be collected from a hospital provider under Part 2 (UPL and Equity Assessments) of this Article and sets out requirements for when federal limitations on the total amount of Medicaid assessments that may be collected require the State to reduce the amount of assessments collected. Allows a hospital to appeal an assessment determination through a reconsideration review.

Amends GS 108A-124 to make conforming changes.

Effective July 1, 2018.

**Intro. by Clark.**

**APPROP, GS 108A**

[View summary](#)

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

S 768 (2017-2018) **PEOPLE FIRST LANGUAGE 2018**. Filed May 29 2018, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA WITH PEOPLE FIRST LANGUAGE BY CHANGING THE PHRASE "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY" IN CERTAIN SECTIONS AND TO MAKE OTHER PEOPLE FIRST LANGUAGE AMENDMENTS AND TECHNICAL AMENDMENTS IN THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to [H 1021](#), filed 5/24/18.

Amends GS 1-301.2, GS 35A-1101, GS 35A-1202, GS 35A-1241, GS 35A-1245, GS 90-275, and GS 7B-111 by changing the the phrase "mental retardation" to "intellectual disability" and making additional clarifying changes. Effective October 1, 2018, and applies to proceedings commenced on or after that date.

Amends GS 8C-1 (Rule 616) and GS 15A-1225.2 by changing the the phrase "mental retardation" to "intellectual disability" and making additional clarifying changes. Effective December 1, 2018, and applies to hearings or trials commenced on or after that date.

Amends GS 14-27.20, GS 14-27.22, GS 14-27.27, GS 14-27.33, GS 14-205.1, GS 14-205.2, GS 14-205.3, GS 14-208.6, GS 15-144.1, GS 15-144.2, GS 15A-290, GS 115C-270.35, GS 14-32.1, GS 15A-266.3A, and GS 15A-266.4 by changing the phrase "mental retardation" to "intellectual disability," referring to disabilities that individuals have instead of referring to individuals as disabled, replacing "handicapped person" with "an individual with a disability," and making additional clarifying changes. Makes language gender-neutral. Makes additional technical and organizational changes. Effective December 1, 2018, and applies to hearings or trials commenced on or after that date.

Amends GS 15A-2000, by replacing "mental retardation" with "intellectual disability," making language gender-neutral and making additional clarifying changes. Effective December 1, 2018, and applies to hearings or trials commenced on or after that date.

Amends GS 58-32-10, GS 62-289.3, GS 143B-152.14, and GS 153A-247 by replacing the term "mental retardation" with "developmental disabilities." Makes language gender-neutral. Makes additional clarifying changes.

Amends GS 58-51-25, GS 58-51-35, GS 58-51-40, GS 58-65-2, GS 58-65-65, and GS 58-67-171 by replacing the term "mental retardation or physical handicap" with "intellectual or physical disability." Makes language gender-neutral and makes additional technical and clarifying changes.

Amends GS 110-20.1 by replacing the term "mentally ill or mentally retarded" with "having a mental illness or intellectual disability." Makes additional clarifying and technical changes. Effective December 1, 2018, and applies to offenses committed on or after that date.

Amends GS 115C-106.3 to replace the term "mental retardation" with "intellectual disability" and make additional clarifying, technical, and organizational changes.

Amends GS 130A-399 and GS 130A-415 by referring to disabilities that individuals have instead of referring to individuals as disabled and to make other clarifying changes.

Amends GS 143-282, GS 159-40, GS 168-21, and GS 168A-3 by referring to disabilities that individuals have instead of referring to individuals as disabled and replacing "feeble-minded" and "mental retardation" with "intellectual disability." Makes additional clarifying and organizational changes.

**Intro. by Barringer, Harrington, Krawiec.**

[GS 1](#), [GS 7B](#), [GS 8C](#), [GS 14](#), [GS 15](#), [GS 15A](#), [GS 35A](#), [GS 58](#), [GS 62](#), [GS 90](#), [GS 110](#), [GS 115C](#), [GS 130A](#), [GS 143](#), [GS 143B](#), [GS 153A](#), [GS 159](#), [GS 168](#), [GS 168A](#)

[Courts/Judiciary](#), [Civil](#), [Civil Procedure](#), [Evidence](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Education](#), [Elementary and Secondary Education](#), [Government](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Mental Health](#), [Social Services](#), [Child Welfare](#)

[View summary](#)

S 770 (2017-2018) [ADJUST GSC MEMBERSHIP](#). Filed May 29 2018, *AN ACT TO AMEND THE MEMBERSHIP OF THE GENERAL STATUTES COMMISSION TO REPEAL THE APPOINTING AUTHORITY OF THE CHARLOTTE SCHOOL OF LAW, WHICH HAS CLOSED, TO PROVIDE FOR THE TERMS OF MEMBERS TO BEGIN ON SEPTEMBER 1 RATHER THAN JUNE 1, AND TO HARMONIZE TWO PROVISIONS DEALING WITH VACANCIES AND HOLDOVER MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends GS 164-14 to decrease the membership of the General Statutes Commission (Commission) from 14 to 13 members, eliminating one member appointed by the dean of the Charlotte School of Law, effective August 31, 2019. Makes technical changes to eliminate provisions providing for the terms of original members. Provides that member appointments are for two-year terms beginning September 1 of the year when the appointments are to become effective and expiring August 31 two years thereafter (currently, terms begin June 1 of the year when the appointments are to become effective and expire May 31 two years thereafter). Eliminates the requirements that appointment must be made no later than May 31 of the year when appointments are to become effective. Eliminates existing language concerning vacancies and instead provides that the original

appointing authority must appoint a new member to fill a vacancy for the duration of the unexpired term when a vacancy occurs for any reason (currently, provides for the Governor to appoint new members in cases where original appointments or subsequent vacancies were not timely filled). Adds new provision to specify that the new vacancy provisions do not apply when a member is continuing to serve until the appointment of a successor has been made and reported to the secretary of the Commission, despite the expiration of their term. Makes conforming changes. Extends the terms of current members of the Commission to August 31 of the year in which they would otherwise expire.

**Intro. by Barringer.**

[GS 164](#)

[View summary](#)

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

S 771 (2017-2018) [GSC TECHNICAL CORRECTIONS 2018](#). Filed May 29 2018, *AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to [H 1025](#), filed 5/29/18.

Makes technical and clarifying changes to GS 14-151, concerning interference with gas, electric, and steam appliances or meters. Makes language gender-neutral. Applies to violations committed on or after the effective date of the act.

Makes technical and clarifying changes to GS 20-9, concerning persons who cannot be licensed to drive by the Division of Motor Vehicles (DMV). Makes language gender-neutral.

Makes technical and clarifying changes to GS 20-37.7, concerning the issuance of special identification cards by the DMV.

Repeals Section 4 of SL 1989-168, which modifies the statutory reference regarding hazardous waste in GS 20-111(c)(10) (intended to amend GS 20-118(c)(10)). Makes technical, clarifying, and organizational changes to GS 20-118, concerning weight limitations of vehicles and loads on state highways. Further amends the statute to correct the statutory reference in subsection (c)(10) to refer to vehicles transporting hazardous waste as defined in GS 130A-290(a)(8) instead of GS 130A-290(4). Also, makes language gender-neutral.

Makes technical and clarifying changes to GS 39-23.1, which sets forth defined terms applicable to Article 3A of GS Chapter 39 (the Uniform Voidable Transactions Act). Removes the term "voidable transaction" from the statute.

Makes technical and clarifying changes to GS 39-23.8, concerning driving while license revoked or while disqualified.

Amends GS 44A-11.2, concerning identification of and notices to lien agents, by making technical and clarifying changes. Changes to the portion of the statute that goes into effect on October 1, 2018, also do not go into effect until that date.

Amends GS 48-3-303, concerning the content and timing of preplacement assessments, to require that the preplacement (was, replacement) assessment state concerns that support the determination that an individual is not suitable to be an adoptive parent.

Amends GS 59-32, which contains the definition of terms used in Chapter 59, concerning partnerships, to make organizational, technical, and clarifying changes.

Amends Article 7B of GS Chapter 120 to change the name of the Research Division to the Legislative Analysis Division.

Repeals Article 18A of GS Chapter 136, which was the North Carolina and South Carolina Rail Compact Act.

Amends GS 150B-1, concerning exemptions from rule making by deleting extraneous language.

Amends GS 150B-21.11, concerning procedure when a permanent rule is approved, by deleting extraneous language.

Amends Section 16D.4 of SL 2017-57, Appropriations Act of 2017, by correcting cross references to other provisions in the section, thereby correctly referring to sections concerning the development and implementation of education and training.

Amends Section 16D.4(tt) of SL 2017-57 by amending the effective date provision to clarify that it refers only to the section and not the act itself.

Repeals SL 2017-206, Section 7(b), which amended Section 31.7(b) of SL 2015-241 to change the due dates of reports on the status of agency capital projects from October 1, 2015, to October 15, 2017.

Amends Section 36.7(b) of SL 2017-57 to delay the due dates of reports on the status of agency capital projects from October 1, 2017, to October 15, 2017.

Amends GS 32C-1-108 to provide that the power of attorney executed by a principal is not terminated and the agent's authority continues unless suspended or terminated by the clerk of superior court pursuant to GS 32C-1-116(a)(2) or terminated by the guardian of the principal's estate or general guardian pursuant to GS 32C-1-110(a)(7) or GS 32C-1-110(b)(5) (was, the power of attorney is not terminated and the agent's authority continues unless limited, suspended, or terminated by the court in accordance with GS Chapter 32C). Amends GS 32C-1-116 by making clarifying changes and removing references to a clerk of superior court limiting an agent's authority over a power of attorney when a guardian of the estate or a general guardian has been appointed.

Amends GS 32C-1-109, concerning when power of attorney is effective, to change statutory cross references from GS 32C-1-105(5)a and b to GS 32C-1-106(6)a and b. Amends GS 32C-1-116, concerning judicial relief, to correct the statutory cross reference from GS 32C-1-102(5) to GS 32C-1-102(6).

Amends GS 32C-1-110, concerning the termination of power to attorney, to add references to a subsequent power of attorney revoking a previous power of attorney. Makes conforming changes.

Amends GS 32C-1-112 to specify that an agent is entitled to reimbursement of expenses incurred on behalf of the principal, upon request to the clerk of superior court.

Amends GS 32C-1-114, concerning an agent's duties, to no longer require accounting to the principal or a designated person. Also adds that a designated person, in addition to the principal, may request that an agent disclose receipts, disbursements, or transactions conducted on behalf of the principal. Amends GS 32C-3-301, containing the statutory form power of attorney, by making conforming changes.

Amends GS 32C-4-403 to provide that the rule of GS 32C-1-104 regarding durability of a power of attorney applies to powers of attorney executed before January 1, 2018, unless there is a clear indication of a contrary intent or if application of the rule of construction or presumption would substantially impair rights of a party created under state law in effect before January 1, 2018.

Amends GS 90-21.13, concerning informed consent to health care treatment or procedure, and GS 90-322, concerning procedures for natural death in the absence of a declaration, to no longer require agents to have been appointed pursuant to GS Chapter 32C.

Requires the Revisor of Statutes to print, as annotations to the published General Statutes, all explanatory comments of the drafters, as the Revisor deems appropriate.

**Intro. by Barringer, Bishop, Edwards.**

GS 14, GS 20, GS 32C, GS 39, GS 44A, GS 59, GS 90, GS 120, GS 136, GS 150B

[View summary](#)

**Banking and Finance, Business and Commerce, Corporation and Partnerships, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Government, APA/Rule Making, General Assembly, Public Safety, Health and Human Services, Social Services, Adult Services, Transportation**

S 772 (2017-2018) [VIPER - SURVEY/OUTREACH/IN-KIND CONTRIBUTIONS](#). Filed May 29 2018, *AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONDUCT AN ANNUAL SURVEY OF VIPER USERS, TO INCREASE OUTREACH TO STAKEHOLDERS, AND TO DETERMINE THE VALUE OF IN-KIND CONTRIBUTIONS SUPPORTING THE VIPER SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Directs the Department of Public Safety (Department) to conduct an annual survey of local, State, and federal users of North Carolina's Voice Interoperability Plan for Emergency Responders (VIPER) to track and measure user satisfaction and feedback. Requires the Department to submit the survey results to the Joint Legislative Oversight Committee on Justice and Public Safety beginning on November 1, 2019, and annually thereafter.

Directs the Department to increase outreach to VIPER stakeholders beyond those that participate in the State Interoperability Executive Committee. Outreach may include zone or regional meetings conducted by the State Highway Patrol with local police chiefs, sheriffs, fire chiefs, and representatives of emergency medical services.

Directs the Department to determine the value of all in-kind contributions made by units of local government, the federal government, and nongovernmental entities to support the VIPER system. In-kind contributions are defined as cash, land, buildings, towers, and equipment for VIPER sites. Directs the Department to report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety by July 1, 2019.

**Intro. by Edwards, Foushee.**

UNCODIFIED

[View summary](#)

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

S 773 (2017-2018) [APPROPRIATE FUNDS FOR VIPER BUILD-OUT](#). Filed May 29 2018, *AN ACT TO APPROPRIATE FUNDS TO UPGRADE VIPER BASE STATIONS AND TO PURCHASE ASSOCIATED SOFTWARE UPDATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Appropriates from the General Fund to the Department of Public Safety (DPI): (1) \$20,550,265 in nonrecurring funds for the 2018-19 fiscal year to be used to purchase VIPER (Voice Interoperability Plan for Emergency Responders) base stations, base station upgrades, catch-up service upgrades, and security monitoring; and (2) \$2,250,000 in recurring funds for the 2018-19 fiscal year to be used to purchase VIPER service upgrade assurance updates.

Appropriates from the General Fund to DPI \$14,250,265 in nonrecurring funds for the 2019-20 fiscal year to be used to purchase VIPER base stations.

Effective July 1, 2018.

**Intro. by Edwards, Foushee, Waddell.**

APPROP

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**Government, Budget/Appropriations, Public Safety, State Agencies, Department of Public Safety**

S 774 (2017-2018) [MONITOR STATE AGENCY SPANS OF CONTROL/PED](#). Filed May 29 2018, *AN ACT TO ESTABLISH A PROCESS FOR MONITORING SPANS OF CONTROL AND ORGANIZATIONAL LAYERS WITHIN STATE AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Section 1

Amends GS Chapter 126, adding new Article 4A, Spans of Control. This Article applies to State agencies employing nonexempt employees subject to the provisions of GS Chapter 126 (Human Resources Act).

Directs the Office of State Human Resources (Office) to incorporate spans of control and organizational layers as components of position and job classification analyses conducted after January 1, 2019. The Office must document circumstances of the Office's actions that allow positions within agencies to fail to meet minimum span of control ratios for the position's job classification as established under GS 126-12.3(8) and the justification for approving such an action.

Requires each State agency to publish an accurate organizational chart that meets or exceeds the requirements of the Office on the State agency's website, to be updated at least quarterly. Directs the Office to collect the standardized organization charts of

State agencies at least semiannually and display them on the Office's website. Directs the Office to monitor compliance with this section.

Directs the Office of State Budget and Management to report on State agency spans of control and organizational layers to the Joint Legislative Commission on Governmental Operations, the Senate Appropriations Committee on General Government and Information Technology, the House Appropriations Committee on General Government, and the Fiscal Research Division by October 1, 2020, and every two years thereafter. The report must include at a minimum 10 items including the following: span of control and number of organizational layers for each agency; number and percentage of supervisors with spans of control at a ratio of 1:3 or fewer for each agency; historical analyses from 2018 onward of each agency's average span of control and number of organizational layers; and a recommended benchmark span of control for each job classification.

## Section 2

Directs the Office to complete the following actions and report on these actions to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by December 1, 2018: (1) develop a standard organizational layer nomenclature for use by State agencies, building on the nomenclature specified in GS 143B-11; (2) adopt a policy to require State agencies to submit any changes in supervisory reporting structures to the Office of the State Controller within five days of the effective date of the change; (3) adopt a standardized format for organizational charts for State agencies subject to this article; (4) develop criteria-based technical leadership tracks as an alternative way to reward and retain employees, as an alternative to supervisory promotions, and provide a plan for implementing these tracks and any necessary legislative action.

**Intro. by Edwards, Wells, Waddell.**

GS 126

[View summary](#)

**Government, State Agencies, Office of State Human Resources  
(formerly Office of State Personnel)**

## LOCAL/HOUSE BILLS

H 1023 (2017-2018) **SPOUSE EMP. & LOC. SALES TAX/CERTAIN COUNTIES**. Filed May 29 2018, *AN ACT TO PERMIT SPOUSES OF THE SUPERINTENDENTS TO BE EMPLOYED BY A LOCAL BOARD OF EDUCATION LOCATED IN SWAIN COUNTY OR JACKSON COUNTY AND TO MODIFY THE QUARTER CENT LOCAL OPTION SALES TAX FOR SWAIN COUNTY*.

Applicable only to Swain and Jackson County Schools, amends GS 14-234, which prohibits public officers and employees from benefiting from public contracts, to except from the prohibition employment contracts between a local board of education of a local school administrative unit and the spouse of the superintendent of the local school administrative unit.

Applicable to Swain County only, amends GS 105-537 to limit the use of the one-quarter percent local option sales tax to funding public school capital outlays for construction, repair, renovation, and safety and security purposes, providing for the limited use in the ballot language. Makes conforming changes to GS 105-538, and clarifies that the county is to use funds collected from local sales tax to supplement and not supplant or replace existing funds or other resources for public school construction.

**Intro. by Clampitt.**

Jackson, Swain

[View summary](#)

**Education, Employment and Retirement, Government, Tax**

H 1027 (2017-2018) **BALD HEAD ISLAND/VILLAGE DEPT. PUBLIC SAFETY**. Filed May 29 2018, *AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY OF THE VILLAGE OF BALD HEAD ISLAND TO ENFORCE THE VILLAGE'S "NO-WAKE" SPEED ZONE FOR MOTORBOATS*.

Current law establishes a no-wake speed zone for motorboats within the community of Sunset Harbor and the Village of Bald Head Island, making a violation of the law a misdemeanor punishable by a fine not to exceed \$250. Currently the law is

enforceable by the Wildlife Resources Commission and the Brunswick County Sheriff. This act amends SL 1987-688, authorizing enforcement of the no-wake speed zone by the Department of Public Safety of the Village of Bald Head Island within the corporate limits of the Village and within one mile of the Village's corporate limits, in accordance with the provisions of GS 160A-285 and GS 160A-286 concerning the powers, duties, and extraterritorial jurisdiction of policemen.

**Intro. by Iler.**

[Brunswick](#)

[View summary](#)

[Government, Public Safety](#)

H 1028 (2017-2018) [OAK ISLAND CHARTER AMENDMENT](#). Filed May 29 2018, *AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND RELATED TO THE CALLING OF SPECIAL COUNCIL MEETINGS AND THE AUTHORITY OF THE TOWN MANAGER*.

Makes the following changes to the charter of the Town of Oak Island (Town) set out in SL 1999-66.

Amends Section 4.6, authorizing the Mayor Pro Tempore to call a special meeting of the town council (currently, only the mayor or the majority of council members have the authority to call a special meeting). Qualifies the provision permitting any business to be transacted at a special meeting that can be transacted at a regular meeting by limiting special meeting business as prescribed by prohibitions set out by the rules of procedure adopted by the town council pursuant to authority granted in GS 160A-71(c).

Amends Section 6.1, providing that the town manager is not required to be a resident of the Town during the town manager's tenure (currently, the town manager is not required to be a resident at the time of appointment but is required to be a resident during tenure of office).

Amends Section 8.1, requiring the town manager to appoint a town clerk to perform duties required by law or as directed by the town manager or town council (currently, the town manager may appoint a town clerk to perform duties as required by law or as directed by the town manager only).

Amends Section 8.2, requiring the town manager to appoint a tax collector as provided in GS 105-439 (provides for the appointment, term, qualifications, and bond of tax collectors) to collect all taxes owed to the Town and to perform the general duties of tax collectors set out in GS 105-350 and any other duties prescribed by general or local law (currently, the town manager may appoint a tax collector).

Amends Section 8.3, eliminating existing language authorizing the town manager to consolidate the offices of town clerk and town tax collector, delegate the functions of either office to the other, or perform part or all of the functions of any of the offices himself. Instead, adds new language requiring the town manager to appoint a finance director to perform the duties of the finance director as prescribed by the Local Government Budget and Fiscal Control Act (Article 3 of GS Chapter 159).

**Intro. by Iler.**

[Brunswick](#)

[View summary](#)

## LOCAL/SENATE BILLS

S 765 (2017-2018) [NO CLASS RANK COMPUTATION/CHAPEL HILL](#). Filed May 29 2018, *AN ACT TO EXEMPT THE CHAPEL HILL-CARRBORO CITY SCHOOLS FROM THE REQUIREMENT THAT CLASS RANK BE RECORDED ON THE TRANSCRIPTS OF HIGH SCHOOL STUDENTS*.

Exempts Chapel Hill-Carrboro City Schools from the requirement to record or report class rank on the transcript of high school students. Effective notwithstanding GS 116-11(10a) (generally requiring standardized transcripts to include class rank).

**Intro. by Foushee.**

[Orange](#)



[View summary](#)**Education, Elementary and Secondary Education**

S 766 (2017-2018) **ABSENTEE BALLOTS/REGISTERED VOTERS/GREENE CO.** Filed May 29 2018, *AN ACT AUTHORIZING THE GREENE COUNTY BOARD OF ELECTIONS TO MAIL ABSENTEE BALLOTS TO ALL REGISTERED VOTERS IN A MUNICIPALITY OR SANITARY DISTRICT IN GREENE COUNTY UPON ADOPTION OF A RESOLUTION BY THE MUNICIPALITY OR SANITARY DISTRICT AND TO CENTRALIZE POLLING LOCATIONS FOR ELECTIONS HELD ON ELECTION DAY IN 2019 AND PROVIDING FOR THE SUBMISSION OF VOTED ABSENTEE BALLOTS BY PREADDRESSED ENVELOPES, POSTAGE PAID UPON RETURN, IN GREENE COUNTY.*

Directs the Greene County Board of Elections (Board) to conduct a pilot program whereby absentee ballots are mailed to all properly registered voters in a municipality or sanitary district in the county for elections held on November 5, 2019, upon adoption of a resolution by the municipality or sanitary district.

Directs municipalities or sanitary districts in Greene County to adopt a resolution requesting that absentee ballots be mailed to registered voters in that municipality or district and submit the resolution to the Board. Requires the Board to compile a list of qualified voters in the respective municipality or district and send notifications to each regarding the absentee ballot pilot program and to verify the voter's address. Directs the Board to mail absentee ballots to a registered voter only if the notification was not returned as undeliverable. Requires absentee ballots to otherwise comply with the requirements and procedures for absentee ballots under Article 21 of GS Chapter 163A.

Directs the Board to make reasonable efforts to educate Greene County residents about the pilot program.

Authorizes the Board to establish a centralized voting place for election day, November 5, 2019, upon mailing absentee ballots to registered voters of municipalities or sanitary districts pursuant to the act. Requires the Board to otherwise comply with the requirements for precincts and voting places under Part 1 of Article 20 of GS Chapter 163A.

Applicable only to Greene County, amends GS 163A-1310(b)(1), providing that absentee ballots are to be transmitted to the Board by mail in the preaddressed envelope, postage paid upon return, or by commercial courier service (currently, by mail or commercial carrier at the voter's expense).

**Intro. by D. Davis.**

Greene

[View summary](#)**Government, Elections**

S 769 (2017-2018) **APEX ANNEXATION.** Filed May 29 2018, *AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF APEX.*

Identical to [H 930](#) filed on 5/16/18.

Adds described property to the Apex corporate limits. Effective June 30, 2018. Makes the described property subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

**Intro. by Barringer, Foushee.**

Wake

[View summary](#)

S 775 (2017-2018) **BLACK MOUNTAIN/MONTREAT CORPORATE LIMITS.** Filed May 29 2018, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BLACK MOUNTAIN AND ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MONTREAT.*

Identical to [H 1015](#) filed on 5/24/18.

Removes specified properties from the corporate limits of the Town of Black Mountain. This act has no effect on the validity of any liens of the town of Black Mountain for ad valorem taxes or special assessments outstanding before the effective date of this act, and such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the town's corporate limits. Effective June 30, 2018. Properties in the described territory as of January 1, 2018, are no longer subject to municipal taxes for taxes imposed on taxable years beginning on or after July 1, 2018.

Adds specified properties, including those removed from Black Mountain above, to the corporate limits of the Town of Montreat. Effective June 30, 2018. Properties in the described territory as of January 1, 2018, are subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

**Intro. by Edwards, Van Duyn.**

[Buncombe](#)

[View summary](#)

S 776 (2017-2018) [HENDERSONVILLE DEANNEXATION](#). Filed May 29 2018, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE*.

Removes the described property from the corporate limits of the City of Hendersonville (City). Clarifies that the act has no effect upon the validity of any liens of the City for ad valorem taxes or special assessments outstanding before the effective date of the act, and that those liens can be collected or foreclosed upon after the effective date of the act as though the property were still within the corporate limits of the City. Effective June 30, 2018. Provides that property in the described territory as of January, 1, 2018, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

**Intro. by Edwards.**

[Henderson](#)

[View summary](#)

## **ACTIONS ON BILLS**

**No public actions on bills**

**No local actions on bills**

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